

14 October 2019

Keith Drazek, Chair  
Generic Names Supporting Organization (GNSO) Council

Dear Keith and GNSO Council,

Thank you for the update provided on the EPDP Phase 1 consultation process in your [letter of 9 September 2019](#). The ICANN Board appreciates the opportunity to provide feedback on the Council's current thinking. Our current thinking and understanding follows. We remain available to further clarify our views and discuss the next steps in the consultation process.

### **Recommendation 1, Purpose 2**

In relation to Recommendation #1, Purpose 2 (enabling responses to lawful data disclosure requests), we appreciate the Council's likely acceptance of the Board's non-adoption and the expected follow-up with the EPDP Team to ensure that the Board's rationale is considered as part of the EPDP Team's phase 2 deliberations.

### **Recommendation 12**

In relation to Recommendation #12 (deletion of organization field data if the registrant doesn't respond to a confirmation request), the Board welcomes the rationale that was provided during the Board-GNSO Council meeting at ICANN65 and included in your letter. We understand that the Contracted Parties have identified potential issues associated with retaining data that a Registered Name Holder has not expressly confirmed even if that data is not displayed in the publicly available registration data. However, we are also examining this issue from the perspective of protecting the Registered Name Holder from inadvertent consequences of the deletion of their organization field data.

For example: in the case of the domain name `icann.org`, the domain name registration currently lists "ICANN" in the Registrant Organization field. Should ICANN overlook the registrar's request for confirmation that the organization field is to continue being published, and the registrar as a result decides to delete (as opposed to merely redact) the Organization field data, it would mean that the registration would appear to be reassigned to the person listed in the "Registrant Name" field. In this specific case, the registration would appear to be assigned to "Domain Administrator." As this by itself could be considered to be inaccurate or incomplete registration data, this might result in suspension and even subsequent deletion of the domain name. Some registrars might have additional information on their "customer" that they could use to establish/re-establish an organization's rights to a domain name even if the Registrant Organization field is permanently deleted and entirely removed from a registrar's records, but that might not be true for all registrars.

We appreciate that this scenario may apply only in a limited number of cases, but the implications could be significant. Registration data, including registrant organization field data, serves security and stability purposes, as recognized by the EPDP Phase 1 team. Thus, deletion of registrant organization field data might have security and stability implications and could cause concrete harms.

The Board observed that, in the case of administrative contact, the GNSO Council recommended a safeguard to avoid unintended consequences. Specifically, Recommendation #29 provides, “Recognizing that in the case of some existing registrations, there may be an Administrative Contact but no or incomplete Registered Name Holder contact information, the EPDP team recommends that prior to eliminating Administrative Contact fields, all Registrars must ensure that each registration contains Registered Name Holder contact information.” The Board would be interested to learn why it was decided that such a safeguard was not necessary in relation to the deletion of Organization field.

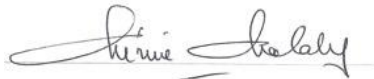
We believe that we ultimately have the same goal in mind, which is ensuring there are no inadvertent consequences of the deletion of data while ensuring compliance with applicable laws. The Board acknowledges the reasons identified during the Board-GNSO Council session in Marrakech for deleting such data, including the “cleanup” of outdated or inaccurate information, but we believe that the risks to deleting such data with no other safeguards in place outweigh the proffered benefits.

### **Global Public Interest**

In relation to the reference to the Global Public Interest, we appreciate the GNSO Council’s interest in this topic and would like to refer you to the consultation that has recently been kicked off on this topic (see <https://community.icann.org/x/wxCAAw>). We would like to point out that in the context of the scorecard, the following reference to public interest was included (not as a reason for non-adoption): “The Board requests that as part of Phase 2, the EPDP team considers the extent to which deletion (as opposed to redaction) that results in loss of or changes to the name of the registrant is in the public interest and consistent with ICANN’s mission”.

Again, the ICANN Board appreciates this opportunity to engage with the GNSO Council on these topics and we remain available should there be any further questions or desire to engage.

Sincerely,



Cherine Chalaby  
Chair, ICANN Board of Directors