

5 December 2019

Mr. Keith Drazek
Chair, GNSO Council

RE: Request for Clarification on Data Accuracy and Phase-2 of the Expedited Policy Development (EPDP) on the Temporary Specification for gTLD Registration Data

Dear Keith,

Thank you for your response to our [21 June 2019](#) letter. Your letter has been [posted](#) to the ICANN Correspondence page.

I appreciate the GNSO Council taking the time to consider ICANN organization's questions regarding data accuracy as it relates to the Expedited Policy Development Process (EPDP).

In your response, the Council has asked for "additional clarity around the current challenges and obstacles ICANN Org faces in collecting and publishing the ARS reports and enforcing other accuracy requirements." ICANN org's main obstacle in continuing the WHOIS Accuracy Reporting System (ARS) is the availability of registration data. To date, ARS has relied on collecting publicly available registration data to determine the accuracy of registrant contact information as specified in the 2013 Registrar Accreditation Agreement. If the required registration data is not available for collection (e.g., registrant's name, email address, and telephone number), the ARS will be unable to perform its fundamental function of analyzing and measuring the accuracy of registration data. Further, as a result, ICANN Contractual Compliance is unable to investigate inaccuracies that were previously measured and reported by the ARS.

In addition to the measurement challenges related to the availability of registration data described above, ICANN org notes that the EPDP Team's Phase 2 work will affect access to non-public data and expects to take into account these recommendations, as well as applicable laws such as the European Union's General Data Protection Regulation, when considering what steps may be taken with regard to the ARS. For this reason, ICANN org remains interested in the EPDP team's plans to consider the subject of data accuracy as it relates to gTLD registration data and related services, such as the ARS.

It is also important to note that accuracy reporting is only one such topic. As noted in your letter, "it is important to treat the issues of data accuracy and the ARS separately as we chart our path forward on resolving these open questions." Other important policy considerations around data accuracy include, for example: requirements relating to verification, accuracy standards, mechanisms for update and correction of data, and actions to be taken when registration data is identified as inaccurate.

Your letter also notes: “Following receipt of the necessary legal analysis from ICANN Org on data accuracy requirements and data processing, the Council would welcome an update from ICANN org on its views toward developing an update to the ARS for cases where ICANN itself is asserting its own purposes for processing data which is non-public and disclosed upon request.” To be clear, ICANN org is continuing its work to implement the EPDP Team’s Phase 1 Recommendation 27, as it relates to updating existing policies and procedures to ensure consistency with the EPDP’s recommendations, including the ARS as one of the procedures to be reviewed. Further, we note that the EPDP Phase 2 Legal Subteam is working to finalize additional questions for Bird & Bird, which [may include questions related to the topic of data accuracy](#). Any additional legal analysis from Bird & Bird on this topic could potentially inform ICANN org’s efforts related to the ARS or assertion of purposes by ICANN org.

Finally, the GNSO Council has also asked for an update regarding the RDS Review Team Final Report. The report was issued for [public comment](#) on 8 October 2019. It is expected that the Board will take action on the final report by March 2020.

I would like to thank the GNSO Council and the EPDP team for their review of this issue, and I look forward to engaging with you on this topic in the near future.

Sincerely,



Göran Marby
President and Chief Executive Officer
Internet Corporation for Assigned Names and Numbers (ICANN)