

18 September 2018

Rahul Gosain
Director, Ministry of Electronics & Information Technology
Government of India
Alternate GAC Representative

RE: Comments on ICANN's proposed Framework Elements of a Unified Access Model for continued access to non-public WHOIS data in compliance with GDPR

Dear Mr. Gosain,

Thank you for your letter dated 3 August 2018.

Regarding the [Framework Elements for a Unified Access Model for Continued Access to Full WHOIS Data](#), we note the Government of India's concerns. As you may be aware, this proposal is a working draft intended to facilitate further discussions between the ICANN community and relevant data protection authorities. On 20 August 2018, based on earlier community inputs, an updated new [Draft Framework](#) was published. We are continuing to seek inputs, and welcome your comments on the updated document.

As outlined by my CEO Göran Marby's [blog](#), the aforementioned draft proposal outlines basic parameters based on ICANN Org's current understanding of the GDPR, so that we can continue to seek input from the European Data Protection Board (EDPB). Having clear guidance may increase legal certainty for data controllers about whether a unified access model could be implemented, as well as assist the community in the Expedited Policy Development Process (EPDP) to consider the [Temporary Specification for gTLD Registration Data](#) (Temp Spec). In this regard, ICANN's work on a possible unified access model does not replace the bottom-up, multistakeholder policy development process.

We also note your concerns regarding the EPDP. As with all GNSO PDPs, the EPDP is a community-led effort for which ICANN Organization provides facilitative, subject matter expertise, and secretariat support via the Policy Department staff. The GNSO Council and the EPDP Working Group determine the group's milestones and timelines, and under the ICANN Bylaws it is the GNSO Council that has to approve (or not) the outcomes of the EPDP (as with all PDPs). Should the GNSO Council approve a PDP/EPDP's recommendations, those approved policies are then sent up to the ICANN Board for its review and action. Throughout the policy deliberations, ICANN Org provides advice, guidance and support; however, ICANN Org cannot mandate or otherwise determine the scope of the community's work.

In this regard, it is critical that you remain engaged in the process. I understand that you are a member of the EPDP team, and also thank you for your commitment to stay engaged in the bottom-up community-led policy making process at ICANN. As mentioned above, we hope that ICANN Org's engagement with the EDPB will assist the EPDP to also address your issues of concern.

I thank you for placing importance in these areas, and with your continued engagement and participation, I trust that the multistakeholder process will be able to address your issues of concern.

Thank you.

Yours sincerely,



Tarek Kamel
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