6 March 2023

RE: GNSO Council decision on WHOIS Disclosure System Design Paper

Sebastien Ducos, Chair, ICANN Generic Names Supporting Organization (GNSO)

Dear Sebastien,

On behalf of the ICANN Board, I would like to thank the Generic Names Supporting Organization (GNSO) Council for its 17 November 2022 letter alerting the Board of the Council's recommendations for how to proceed with the WHOIS Disclosure System ("System"). The Board acknowledges the Council's expectation that the System's name be changed before it is operational, as well as the concerns noted in the letter and the GNSO Council Phase 2 Small Team's addendum.

In light of the clear indication of community support for this work to proceed, demonstrated by the Council's 17 November 2022 resolution, the Board adopted a resolution on 27 February 2023 directing ICANN org proceed to develop and launch the System as soon as possible. The Board also authorized the use of the Supplemental Fund for the Implementation of Community Recommendations to support this work. In addition, the Board has directed ICANN org to continue to engage with the Phase 2 Small Team throughout the development and operation of the System, and ensure periodic publication of the collected usage data, once operational.
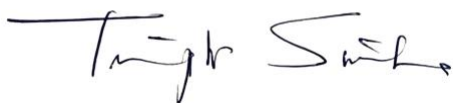
Additionally, the Board has directed ICANN org to work with the Small Team and the Council to encourage comprehensive System usage by data requestors and ICANN-accredited registrars throughout the development and operation of the System; as well as to address the important topics outlined in the Council's letter and addendum. In this regard the Council will note that the resolution urges the Council to consider a Policy Development Process or other means to require registrars to use the System, as previously recommended by the Small Team. Finally, the ICANN Board will engage with the GNSO Council together with the Small Team and ICANN org to establish success criteria for this System, which should include analysis of relevant usage data.

The Board understands that it is the Council's recommendation that, pending the implementation and subsequent running of the System for a period of up to two years, the ICANN Board's consideration of recommendations 1 through 18 of the EPDP Phase 2 Final Report related to the System for Standardized Access/Disclosure (SSAD) should remain paused, unless the data resulting from the implementation of the System allows the Council or the Board to take action at an earlier stage.

Implementation of this System does not supplant or undermine the bottom-up, consensus-based, multistakeholder policy development process. The Board emphasizes that this work has a limited duration and purpose; namely, to deliver the information needed to inform future Council and Board consultations on the next steps for the SSAD-related recommendations.

We look forward to continued consultation with the GNSO Council concerning this effort and the paused SSAD recommendations.

Best regards,

Tripti Sinha
Chair, ICANN Board of Directors