**Draft motion – Adoption of the charter for the ICANN Procedure For Handling WHOIS Conflicts with Privacy Law Implementation Advisory Group (WHOIS Procedure IAG)**

Whereas,

1. In November 2005, the Generic Names Supporting Organization (GNSO) concluded a policy development process (PDP) on WHOIS conflicts with privacy law, which recommended the creation of a procedure to address conflicts between a contracted party's WHOIS obligations and local/national privacy laws or regulations.
2. The ICANN Board of Directors adopted the recommendations in May 2006 and the final procedure was made effective in January 2008.
3. As noted in the GNSO Operating Procedures, “Periodic assessment of PDP recommendations and policies is an important tool to guard against unexpected results or inefficient processes arising from GNSO policies”. As called for in Step 6 of the [ICANN Procedure For Handling WHOIS Conflicts with Privacy Law](https://www.icann.org/resources/pages/whois-privacy-conflicts-procedure-2008-01-17-en), “ICANN will review the effectiveness of the process annually”.
4. Following a a review of the procedure in May 2014 and the submission of the Final Report of the Implementation Advisory Group (IAG) in May 2016, the GNSO Council concluded that the proposed modification to the procedure with the alternative trigger as outlined in Appendix I of the [IAG Final Report](http://gnso.icann.org/en/drafts/iag-review-whois-conflicts-procedure-appendix-1-23may16-en.pdf) conforms to the intent of the original policy recommendations and confirmed its non-objection to the modification being implemented by Global Domains Division staff.
5. In conjunction, the GNSO Council requested that ICANN staff, based on their experience of administering the modification, assess the practicality and feasibility of this new trigger in comparison to the existing trigger as well as the other triggers discussed in the IAG Final Report, and report back accordingly to the GNSO Council.
6. Review of the WHOIS Procedure commenced on 3 May 2017 by [publishing for public comment](https://www.icann.org/public-comments/whois-privacy-law-2017-05-03-en) a paper outlining the new Alternative Trigger and soliciting public feedback on its implementation.
7. On 1 August 2017, Akram Atallah, President, ICANN Global Domains Division, [wrote](https://gnso.icann.org/en/correspondence/atallah-to-bladel-et-al-01aug17-en.pdf) to the GNSO Council to provide an update on the comments received and outlining possible next steps for the GNSO Council to consider.
8. The GNSO Council reviewed the available materials, including the GDD’s possible next steps, and agreed to form a drafting team to develop a charter for a new implementation advisory group to review the public comments in order to assess whether modifications to the Revised ICANN Procedure for Handling WHOIS Conflicts with Privacy Law are necessary and to make recommendations to the GNSO Council accordingly.
9. The drafting team submitted the proposed charter for the ICANN Procedure For Handling WHOIS Conflicts with Privacy Law Implementation Advisory Group (WHOIS Procedure IAG) to the GNSO Council on [20 January 2018].
10. The GNSO Council has reviewed and discussed the proposed charter.

Resolved,

1. The GNSO Council adopts the proposed charter for the ICANN Procedure For Handling WHOIS Conflicts with Privacy Law Implementation Advisory Group (WHOIS Procedure IAG).
2. The GNSO Council appoints [NAME] as the GNSO Council Liaison to the Implementation Advisory Group. Until such time the IAG has appointed a Chair, the GNSO Council Liaison will serve as the interim Chair.
3. The GNSO Council request staff to circulate the call for volunteers to the GNSO Stakeholder Holder Groups with the request for each Stakeholder Group to appoint up to 3 members to the IAG as soon as possible. Further, staff are requested to circulate through the normal communication channels a call to the wider ICANN community for volunteers for interested participants and observers to join the IAG.
4. The GNSO Council thanks the drafting team for its efforts.