

11 December 2020

Philippe Fouquart
Chair, GNSO Council

RE: Supplemental Recommendation on EPDP Phase 1, Recommendation 12

Dear Mr. Philippe Fouquart:

I am writing to follow up on our conversations regarding the GNSO Supplemental Recommendation on the Expedited Policy Development Process on the Temporary Specification for gTLD Registration Data (EPDP) Phase 1, Recommendation 12, concerning the organization field.

The original [EPDP Phase 1 Recommendation 12](#) provided in part that: “The Organization field will be published if that publication is acknowledged or confirmed by the registrant via a process that can be determined by each registrar. If the registered name holder does not confirm the publication, the Organization field can be redacted or the field contents deleted at the option of the registrar.”

The ICANN Board, when considering the EPDP Phase 1 recommendations, did not accept the portion of Recommendation 12 allowing deletion of data in the organization field. The Board expressed concern that deletion of the contents in the organization field might result in the loss of identifying information about who the registrant is and might not be consistent with ICANN's mission or in the global public interest.

Following the consultations provided for in the ICANN Bylaws, the Board provided a [letter](#) noting that “including additional implementation guidance similar to that which the administrative field was treated in a supplemental recommendation might be a path forward to essentially reaffirm the recommendation,” and that “we believe that the risks to deleting such data with no other safeguards in place outweigh the proffered benefits.”

On 19 December 2019, the Council [adopted](#) a Supplemental Recommendation, with a supermajority vote, amending the text of Recommendation 12 to state that "prior to eliminating Organization Contact fields, all Registrars MUST ensure that each registration contains Registered Name Holder contact information."

The Board has subsequently discussed the Supplemental Recommendation and has identified some questions for clarification to share with the GNSO Council. During our [engagement](#) in the ICANN69 virtual meeting, the Board noted the example of “a situation where for some reason, the registrant is listed as domain administrator and the organization is listed as ICANN, but you can't confirm the organization. So that field drops away and the registrar has the ability to actually delete that information entirely.”

For example, in a case like the below, deletion of the organization field data would result in the loss of such identifying information:

Domain name: icann.org

Registrant: Domain Administrator

Organization: ICANN

In this case, the Board posed the question: “Even if you can contact the domain administrator, how do you avoid a situation where essentially the registration has been transferred or on paper it looks like it's been transferred from ICANN, the organization, to an individual?”

This example also points up an area of clarification concerning the deletion of data. The Supplemental Recommendation provides that a registrar must first “ensure that each registration contains Registered Name Holder contact information” before “eliminating the Organization contact fields.” Given the Board’s understanding that the data need not be published in this instance, the concern is that the data be retained in some manner rather than deleted. That is, a registrar may delete data in organization fields from its registration data records (WHOIS records), but must retain it elsewhere, e.g., in a separate customer database. The Board’s concern is not that the data be retained as part of the registrar’s registration data records, but that it is being retained someplace, as a safeguard in the event of disputes or other issues, rather than deleted. The Board is seeking clarification on whether this understanding is consistent with the Supplemental Recommendation.

We would appreciate clarification on this topic, so that the Board may take action on the Supplemental Recommendation. We are also available for additional dialogue at the Council’s request.

Sincerely,



Maarten Botterman
Chair, ICANN Board of Directors