**BUSINESS CONSTITUENCY AND INTELLECTUAL PROPERTY CONSTITUENCY CONSENSUS STATEMENT ON EPDP PHASE 1 FINAL REPORT DATED FEBRUARY 20**

We note with gratitude the progress made since the issuance of the Draft Phase 1 Final Report, dated February 11, and the Phase 1 Final Report, dated February 20. Progress was made on a number of the issues outlined in our prior Consensus Statement submitted on February 17, and we are deeply appreciative of all our fellow members of the EPDP Team who sought to work with us and engaged constructively to address those concerns.

One fundamental issue remains, however, that prevents us from supporting the Final Report overall. This issue goes to critical principles of the balance of public interest and privacy rights, and the need for specificity, as required under the GDPR. Our hope is that by further clarifying our position, consistent with numerous BC and IPC statements on WHOIS, GDPR, the Interim Report, and the Draft Phase 1 Final Report, the EPDP team will redouble its efforts to achieve full consensus as we move into Phase 2. We remain committed to working with the community and the EPDP team to develop policy that meets the needs of the entire community and honors ICANN's commitment to ensure GDPR compliance while maintaining the existing WHOIS system to the greatest extent possible.

**Purpose 2 of Recommendation 1** is insufficient under the GDPR due to lack of specificity, and is inadequate to support Phase 2 work on the Uniform Access Model (UAM). Specifically, Purpose 2 of Recommendation 1 must be revised as follows to resolve these objections:

*“Contributing to the maintenance of the security, stability, and resiliency of the Domain Name system in accordance with ICANN’s mission through enabling lawful responses to reasonable disclosure requests related to consumer protection, cybersecurity, intellectual property, or law enforcement.”*

**Additional Concerns:**

We have additional concerns, as described below and in our prior statements. Note, however, that these concerns do not rise to the level that would cause us to dissent from the Final Report overall. We are looking forward to discussing them with our colleagues on the EPDP Team in Phase 2.

1. **Geographic Distinction:** We note the lack of consensus on this Recommendation in the Final Report. Therefore, we believe it would benefit from additional study about the feasibility and risks of making geographic distinctions among registrations in order to accord with the proper scope and application of the GDPR.
2. **Thick WHOIS**: We agree with the concerns expressed by ALAC regarding Thick WHOIS.
3. **Data Accuracy**: As noted by the GAC in its statement to the EPDP, there are no assurances of verification for data accuracy in non-redacted WHOIS fields or improvements to the accuracy levels of WHOIS, even though accuracy is a key concern of both the GDPR and WHOIS policy.