**Motion -** **Registration Data Accuracy Scoping Team recommendations for assignment #1 and #2**

WHEREAS,

1. The GNSO Council adopted [a proposal](https://gnso.icann.org/sites/default/files/file/field-file-attach/epdp-2-priority-2-items-10sep20-en.pdf) on 21 October 2020 which recommended that a Scoping Team addresses the effects of GDPR on Registration Data accuracy requirements and the Whois Accuracy Reporting System (ARS), stating, "a scoping team would be tasked to, 'facilitate community understanding of the issue; assist in scoping and defining the issue; gather support for the request of an Issue Report, and/or; serve as a means to gather additional data and/or information before a request [for an Issue Report] is submitted'.
2. On 4 November 2020, GNSO SG/Cs as well as ICANN SO/ACs were informed of the Council's intent to form a Registration Data Accuracy Scoping Team and were requested to indicate if they would be interested in sending representatives to this effort.
3. At the same time, the GNSO Council also requested that ICANN org develop a briefing document that outlines both (i) existing accuracy requirements and programs and (ii) the corresponding impact that GDPR has had on implementing / enforcing these requirements and programs. This [briefing paper](https://www.icann.org/en/system/files/correspondence/swinehart-to-fouquart-26feb21-en.pdf) was delivered to the Council in February 2021.
4. Following the Council discussion of the ICANN org briefing paper in April 2021, Council leadership put together a first proposal outlining possible instructions to the Registration Data Accuracy Scoping Team.
5. As a result of input that was provided by different Council members on the first proposal, the Council decided at its May 2021 meeting to form a small team to further review and revise the instructions to the scoping team.
6. The small team, consisting of one Council member from each GNSO Stakeholder Group or Constituency, two NomCom appointed Council members and the GNSO Liaison to the GAC (as an observer), submitted its recommendations in relation to the formation as well as the instructions for the Registration Data Accuracy Scoping Team to the Council on[9 July 2021](https://mm.icann.org/pipermail/council/2021-July/024851.html) for Council's consideration.
7. The GNSO Council confirmed the formation of the Registration Data Accuracy Scoping Team and its instructions during its meeting on 22 July 2021.
8. The GNSO Council confirmed the Chair for the Scoping Team during its meeting on 23 September 2021.
9. The Scoping Team started its deliberations on 5 October 2022 focusing its efforts on assignments #1 (enforcement and reporting) and #2 (measurement of accuracy).
10. The Scoping Team delivered its [write up](https://gnso.icann.org/sites/default/files/policy/2022/correspondence/palage-et-al-to-gnso-council-rda-assignments-et-al-05sep22-en..pdf) for assignments #1 and #2 to the GNSO Council on 5 September 2022.
11. The GNSO Council was briefed on the write up and its recommendations during the [Council meeting](https://icann.zoom.us/rec/share/BYAKGwD2U4PMV6RsM7XkxW4B4BSKRquymXb8C1Kb_Z5Ox7BetNW9Z7oLKSH52s7T.qltuaG2HYbxQBzvj?startTime=1663737330000) at ICANN75 and continued its deliberations during its [October Council meeting](https://icann.zoom.us/rec/share/y26ROY5NZSLyfZj1-Nc4ntlPQgP_Ro9J5FcfR--6B_GREw60hsV_g44rx6S1iuGp.3E9_ysndnNH5SzRf?startTime=1666296086000).

RESOLVED,

1. The GNSO Council adopts recommendation #3 of the write up which recommends 1) pausing the work in relation to proposals that require access to registration data, 2) encouraging ICANN org to proceed with their outreach to the EDPB as well as the Data Protection Impact Assessment in connection with the scenario(s) in which the request and processing of registration data takes place as a matter of urgency, and 3) requests that ICANN org and Contracted Parties finalize the negotiations on the Data Processing Agreement (DPA) as soon as practicable as the absence of a completed DPA may act as a roadblock for policy work before Council.
2. The GNSO Council defers consideration of recommendations #1 and #2 until such time the DPA negotiations between ICANN org and Contracted Parties have completed and there is feedback from ICANN org on if/how it anticipates the requesting and processing of registration data to be undertaken in the context of measuring accuracy.
3. Once this feedback is received from ICANN org, the GNSO Council will review the [formation and instructions](https://community.icann.org/x/QoFaCg) to the Scoping Team to ensure these are still fit for purpose and request the Scoping Team to further consider potential proposals that require access to registration data as well as how these impact the existing recommendations #1 and #2 (e.g. should these still be considered by the GNSO Council for adoption, or in the context of proposals that require access to registration data these may no longer be relevant or a priority?).
4. Taking into account the delay with which the write up was delivered, as well as some of the challenges that were shared with the Scoping Team’s Chair during his briefing to the Council, Council leadership will reach out informally to Scoping Team members to better understand the issues encountered to help inform the Council’s review of the formation and instructions.
5. Council leadership is requested to send a communication to ICANN org in relation to recommendation #3 (as well as Contracted Parties in relation to the DPA) as well as communicate the Council’s decision to non-GNSO groups participating in this effort (ALAC, GAC and SSAC) as well as the Scoping Team.
6. The GNSO Council thanks Michael Palage, outgoing Chair, and Olga Cavalli, outgoing Council liaison, for their efforts. As part of its review of the formation and instructions to the Scoping Team, the Council will consider next steps for finding new leadership for this effort.