



The Internet Corporation for Assigned Names and Numbers

March 15, 2007

Peter Schaar
Chairman, Article 29 Data Protection Working Party
Directorate-General - Justice, Freedom and Security,
European Commission
LX46 01/131
Brussels 1049

Dear Mr. Schaar,

Thank you very much for the detailed and thoughtful comments regarding Whois which you sent to ICANN on 12 March, 2007, on behalf of the Article 29 Working Party. With permission from your staff, I have asked for your letter to be published on the ICANN website on our correspondence page. I can assure you that the views of the Article 29 Working Party will be carefully considered as ICANN's policy-making committees continue to work on the issue of Whois.

You kindly provided ICANN with the views of the Article 29 Working Party on two separate processes. Your comments on the 'Draft Procedure for Handling Potential Conflicts between Whois Requirements and Privacy Laws' has been forwarded to the ICANN staff members responsible for finalising and implementing that procedure. In due course, a revised and finalised version of that procedure will be published on the ICANN website at www.icann.org/. I have directed ICANN staff to follow-up with the officers of the Working Party to ensure that ICANN has a full understanding of the concerns you have expressed.

You also provided the views of the Working Party on the 'Preliminary Task Force Report on Whois Services.' While the 'Final Task Force Report on Whois Services' has just recently been concluded, this issue will be the subject of ongoing policy development work amongst the ICANN stakeholders. I have directed staff to bring the views of the Working Party to the attention of the Generic Names Supporting Organisation (GNSO) Council, which is responsible for this issue and will be working on it in the coming months. The input you have provided is highly valuable to Council members and other ICANN stakeholders, and I am confident that it will be considered seriously and at some length. Additional input from the Article 29 Working Party on the 'Final Task Force Report on Whois Services' would be most welcome.

I wish to outline for you the current status and next steps for ICANN policy work on Whois Services. The Whois Task Force appointed by the GNSO Council concluded its work on 12 March, 2007, and submitted its 'Final Task Force Report' to the GNSO Council. This report recommended, by a narrow margin, the Operational Point of

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Contact (OPoC) proposal which you had considered somewhat favourably. The GNSO Council is expected to undertake significant work on this issue -- considering the Task Force Report, and deliberating on making a policy recommendation to the ICANN Board. Should the ICANN Board receive a recommendation from the GNSO Council, it must then consider whether to accept it.

To assist the GNSO deliberations, and to support the work of the community, the ICANN staff has prepared 'Staff Notes on Potential Implementation Issues' of the two proposals considered by the Whois Task Force (these also can be found at www.icann.org/). Staff has raised implementation issues regarding each proposal that would need to be further considered and addressed by the GNSO. I anticipate that significant work will be required before any recommendation on Whois policy comes to the attention of the ICANN Board.

ICANN policy staff will continue to keep the staff supporting the Article 29 Working Party apprised of developments in this policy process as it continues. Please do not hesitate to contact ICANN should the Working Party require any additional information or assistance, or if you have further comments on Whois.

Sincerely,

Vinton G. Cerf
Vinton G. Cerf (DRB)
Chairman of the Board
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