

5 September 2019

**RE: Implementation of PPSAI Working Group Recommendations**

Mr. Keith Drazek, GNSO Council Chair  
Ms. Pam Little, GNSO Council Vice Chair  
Mr. Rafik Dammak, GNSO Council Vice Chair

Dear Keith, Rafik, and Pam,

Thank you for your [30 April 2019 letter](#).

The ICANN org appreciates your review and consideration of the current status of implementation work on the Privacy and Proxy Services Accreditation Policy.

Please find below responses to the two issues considered:

- 1. Whether ICANN org should continue to delay public comment and implementation of PPSAI or take additional steps pending completion of the EPDP in consultation with the PPSAI Implementation Review Team (IRT).**

As noted in your letter, in light of the many issues surrounding the European Union General Data Protection Regulation (GDPR) and ongoing efforts of the Expedited Policy Development Process on the Temporary Specification for gTLD Registration Data (EPDP), views within the Council, and indeed the community, are decidedly mixed with respect to the best path to implementation of the Privacy and Proxy Services Accreditation Policy. We therefore appreciate your direction to defer judgment to the ICANN org and the PPSAI IRT, taking into account the views of the SOs, ACs, and other related work.

ICANN org continues to believe that the PPSAI implementation work should remain on hold pending the implementation of the forthcoming EPDP Phase 2 recommendations. There are important and overlapping issues to Privacy & Proxy Service Accreditation being analyzed within the context of the EPDP.

Several aspects of the EPDP Team's work, including the EPDP Phase 1 policy development and the current implementation of EPDP Phase 1 recommendations, are critical to the implementation of a comprehensive policy for the treatment of Privacy and Proxy (PP) services. These include defining the relevant set of data for contracted parties to collect, transfer, retain, and escrow, as well as creating necessary data protection arrangements between and among ICANN org, the contracted parties, and other ecosystem partners (data escrow agents, dispute

resolution service providers, etc.). The EPDP Phase 2 Team, per its Charter, is considering whether to recommend a policy governing disclosure of redacted data elements to authorized users.

As such, we maintain that it is necessary to establish a baseline approach for data disclosure through the EPDP Phase 2 Team’s efforts, and then assess, in consultation with the PP IRT, whether any modifications are necessary to address the specifics of PP registrations.

Therefore, following the completion of relevant EPDP work, ICANN org will reassess the existing draft PP materials in consultation with the PPSAI IRT and determine how to proceed with implementation of the Privacy and Proxy Services Accreditation Program.

## **2. Next steps for ICANN org related to the Transfer Policy issues that the GNSO Council referred to the PPSAI IRT in November 2017.**

Thank you for pointing out the concerns about potential scoping issues with the referral of certain matters surrounding the Transfer Policy Part C to the PPSAI IRT in November 2016 ([Resolution 20171130-2](#)). We agree that there are adjacent questions around change of registrant and PP registrations that may need clarification.

In April 2019, ICANN org provided the [Revised Inter-Registrar Transfer Policy \(IRTP\) Status Report](#) to the GNSO Council. This report detailed several outstanding issues related to the Transfer Policy. Included in this report is a reference to one of the previously unaddressed use-case concerns that was highlighted by the RrSG and included in [GNSO Council correspondence to the ICANN Board](#) on the matter, namely, whether the change of PP customer data should trigger a 60-day lock when masked by a PP provider. The Status Report also identified several potential “next step” mechanisms for the resolution of Transfer Policy questions.

With that in mind and following the Council’s recommendation, the ICANN org has reviewed the relevant documents and submissions and will work with the RrSG to determine the potentially appropriate scoping of the issue and provide back to the Council for further consideration.

With regard to potential deferrals of Compliance enforcement, we recommend that any deferral request be clearly scoped and directed to the ICANN Board in order to enable Org implementation.

We appreciate your continued attention to these matters and look forward to working with the GNSO Council, RrSG and the broader ICANN community to move forward on this important work.

Sincerely,



Cyrus K. Namazi  
Senior Vice President  
Global Domains Division