

9 November 2020

Re: WHOIS Conflicts Procedure

Theresa Swinehart
Senior Vice President, Global Domains and Strategy

Dear Theresa:

On behalf of the GNSO Council, we would like to bring to your attention an action item, specifically directed at ICANN org, which came out the recent GNSO Council meeting.

During our meeting of October 21, 2020, the GNSO Council voted, as part of its [consent agenda](#), on the following proposal for the WHOIS Conflicts Procedure (excerpted below):

Specifically, the GNSO Council requests:

- 1. ICANN org, in consultation with contracted parties, to draft a proposal for a modification to the existing Procedure based on its past experience with both the WHOIS Conflicts Procedure and the registrar data retention waiver process. In formulating the draft proposal, the GNSO Council recommends that ICANN org consider changes to data protection law that may have affected the previous implementation of this Procedure in light of the contractual requirements, e.g., the General Data Protection Regulation. For example, should the identification of a new trigger to activate the procedure be considered given potential financial penalties under GDPR?*
- 2. Following receipt of the proposal from ICANN org, the GNSO Council will consider the proposal and assess next steps, including seeking input from the community, if appropriate, given the substance of the proposal. Following the GNSO Council's consideration, the GNSO Council may choose to adopt the proposal.*

For more information, please refer to the minutes and materials from the [21 October 2020 GNSO Council meeting](#).

Please let us know an estimated timeline for ICANN org's delivery of the proposal, as described in paragraph 1 above.

Thank you for your attention to this matter.

Best regards,

Philippe Fouquart, GNSO Council Chair