



UNITED STATES DEPARTMENT OF COMMERCE
The Assistant Secretary for Communications
and Information
Washington, D.C. 20230

APR 4 2019

Mr. Cherine Chalaby
Chair, ICANN Board of Directors
Internet Corporation for Assigned Names and Numbers (ICANN)
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094-2536, USA

Dear Chairman Chalaby:

I am writing regarding the ongoing Expedited Policy Development Process (EPDP) on the Temporary Specification for GTLD Registration Data happening at the Internet Corporation for Assigned Names and Numbers (ICANN). Given the impact that the entry into force of the European General Data Protection Regulation (GDPR) has had on WHOIS, the timely completion of this work is imperative. The WHOIS information is a critical tool that helps keep people accountable for what they do and put online. Law enforcement uses WHOIS to shut down criminal enterprises and malicious websites. Cybersecurity researchers use it to track bad actors. And it is a first line in the defense of intellectual property protection.

I was pleased to see that the first phase of the EPDP finished in March, and want to congratulate the people who have worked tirelessly to develop the associated policy recommendations. This was the first step we needed to ensure that the WHOIS system is preserved. I encourage the ICANN Board to expeditiously adopt the recommendations of the group.

However, it must be noted, issues remain. Yet to be addressed is the development of a technical solution, and policies associated with disclosure and access to non-public WHOIS information. Now it is time to deliberately and *swiftly* create a system that allows for third parties with legitimate interests, like law enforcement, IP rights holders, and cybersecurity researchers to access non-public data critical to fulfilling their missions. NTIA is expecting this second phase of the EPDP discussion to kick off in earnest in the coming weeks, and to achieve substantial progress, if not completion, in advance of ICANN's meeting in Montreal in November. Without clear and meaningful progress, alternative solutions such as calls for domestic legislation will only intensify and be considered.

Thank you for your consideration of these issues. Please feel free to contact Fiona Alexander, Associate Administrator for NTIA's Office of International Affairs, at (202) 482- 1866 if you have any questions.

Sincerely,

David J. Redl

Cc: Göran Marby, CEO and President, ICANN