ICANN | GAC
Governmental Advisory Committee

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Governmental Advisory Committee Early Input into Phase 2 of the Expedited Policy Development Process (EPDP) on gTLD Registration Data

The GAC supports the efforts to informally develop working definitions whenever possible, as it is clear that there are recurring instances where terms are used and understood differently by individual members and stakeholder groups. Attempting to define terms, even in an informal manner, helps level set discussions and intentions. To contribute towards this, the GAC offers the following terms and how we could define and use them as a guidance in the course of these discussions. We hope that by including them in our input, our positions and intentions are made more clear.

Access vs. Disclosure - the GAC has historically used the word "access" versus "disclosure" simply because that is a term that has been used when third parties want to "access" information. Even more plainly, when a party wants something, they will use the term that most accurately reflects *their* need (ie: getting access to information) and not the action taken by another party (disclosing the information). There is no other meaning or motivation behind the GAC's use of the word "access." Specifically, using the term "access" is not intended to presume access to a complete data set or to data for a period of time beyond that of the associated specific legitimate request. However, in recognition of others concerns around the use of "access," the GAC may consider using the term "disclosure" for the sake of broader discussions moving forward provided that making such request is understood as a privilege of the requesting third party even though actual disclosure is subject to adherence to GDPR .

Unified Access Model (UAM) - the GAC does not attribute this term to any specific model, but rather views it as a catch all term for any model that is streamlined, standardized, and unified. The GAC's already stated support and expectation for a UAM is based on our assumption that it would be the most efficient approach.

Centralized - the GAC uses this term to denote a single access point for directing and receiving responses to information requests. However, should that centralized access point be ICANN Org, there needs to be appropriate accountability measures put in place for ICANN Org to the ICANN Community.

User Group(s) - a user group or user groups represent a collection of entities/individuals that logically have common cause. To date, the GAC has identified, inter alia, law enforcement, cybersecurity

practitioners, and intellectual property rights holders as obvious user groups that could collectively be represented by a known and eligible/recognized third party for purposes such as accreditation, developing agreements for terms of use and other vehicles that work to bring accountability and credibility to an access/disclosure system. Simply being represented in a user group does not equate to a presumption of obtaining information.

Accreditation - the GAC views this as a critical component to an access/disclosure model whereby parties linked by common cause can be "accredited" by a known and eligible/recognized third party. The accreditation provider would be responsible for managing and policing the groups of entities/individuals it accredits for purposes of providing rigor and accountability on the requestor side of the house. By no means does the GAC equate accreditation with automatic or assumed access to disclosed information.

The GAC is of the view that there remain a number of outstanding policy issues regarding user groups, purposes, and legitimate interests - including making sure we are as the EPDP being consistent in how we use these terms and discuss them.   Further, it is worth noting here that the GAC has on numerous occasions recognized law enforcement, cybersecurity and intellectual property rights enforcement as legitimate interests and we hope these will be quickly and effectively be recognized in the work of the EPDP. The GAC emphasizes that any kind of misuse of a UAM shall be prevented by inclusion of necessary safeguards in the system.

The GAC would like to consider the views of all the stakeholders before committing to the best way forward for all the further questions.