

Understanding of Request	ALAC Approves Understanding? If No, provide clarifying comments in Column I	Additional Clarifying Comments
<p>The Board understands that the ALAC believes the Board should either reject the SSAD recommendations or request that the GNSO Council reconsider them, perhaps with a suitable delay to fully understand the potential changes to data protection-related legislation in Europe, including the proposed NIS2 Directive. The Board also understands that the ALAC does not believe that implementation of the SSAD, as recommended, is in the best interests of ICANN or the ICANN community, nor does the ALAC believe the SSAD will be compatible with the NIS2 Directive when adopted.</p>	<p>The ALAC confirms this understanding</p>	

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<p>The Board understands the ALAC's suggestion for ICANN org to design and implement a no-charge ticketing/tracking system to track requests for disclosure of non-public gTLD registration information. The Board has received additional information from ICANN org's recently completed ODP assessment of the recommendations. The Board looks forward to continued dialogue with the GNSO Council and the entire ICANN community with regard to the next steps as it considers the SSAD recommendations.</p>	<p>The ALAC confirms this understanding.</p>	

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<p>The Board understands that the ALAC is recommending that the Board request an Issue Report. The intention is to require all ICANN-accredited registrars to follow an ICANN policy containing requirements similar to the final NIS2 Directive, whatever its requirements are when NIS2 is finalized. The Board notes that the ALAC is also able to request an Issue Report. Like others in the community, the Board is looking at the potential implications of the proposed NIS2 Directive, which contains text implicating policies, procedures, and obligations relating to domain name registration data. Whether NIS2 will provide the required certainty for all actors involved (registrants, access seekers, and contracted parties) remains unclear; the proposed Directive is being negotiated in line with the EU ordinary legislative procedure. The Board will continue to follow the community's work on these important issues and track legislative and regulatory developments on these topics. The Board also notes that the EPDP Phase 2A recommended that "Noting the current discussions and expected adoption of the Revised Directive on Security of Network and Information Systems ("NIS2"), the EPDP Team strongly encourages the GNSO Council to follow existing procedures to identify and scope possible future policy work following the adoption of NIS2 to assess whether or not further policy development is deemed desirable and/or necessary."</p>		<p>The ALAC notes that the advice to request a GNSO Issue Report was not for immediate action, but at a future date should specific things happen.</p> <p>The ALAC is aware of its ability to request an Issue Report and in fact has done so twice. The difference is that such a request does not provide certainty that a PDP will be initiated while a comparable Board request does provide such certainty.</p> <p>In light of the Board's noting its ongoing focus on NIS2 issues and the EPEP Phases 2A recommendation, the ALAC is prepared to withdraw this item of advice and re-issue it should the situation warrant it in the future.</p> <p>This withdrawal notwithstanding, the ALAC reminds the Board of the original ICANN intent to keep WHOIS/RDDS as open as possible while in compliance with GDPR, and that should it prove that factoring in NIS2, GDPR in fact allows more publication than we currently see in the RDDS, policy may well be needed to ensure that such openness is not restricted to contracted parties subject to NIS2.</p>