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AL-ALAC-ST-0522-02-00 EN
ORIGINAL: English
DATE: 31 May 2022
STATUS: Ratified

AT-LARGE ADVISORY COMMITTEE

**EPDP 2 (SSAD) ALAC Response to the Board's Understanding of the ALAC's Response to the Board's
Clarifying Questions on the ALAC Advice
(RE: AL-ALAC-ST-0821-01-00-EN)**

Introduction

On 12 May 2022, the ALAC received the Board's understanding of the ALAC's response to the Board's Clarifying questions on the ALAC advice on EPDP 2.

On 23 May 2022, Alan Greenberg presented Maureen Hilyard, ALAC Chair, with his draft responses to the latest round of Board queries. The ALAC was asked to confirm their interpretation at the Consolidated Policy Working Group (CPWG) Call on 18 May 2022.

On 24 May 2022, Alan Greenberg presented his revised responses to the ALAC Monthly call and it was agreed to have a BigPulse vote.

On 26 May 2022, Big Pulse was launched for a 3 day vote.

On 31 May 2022, given that the BigPulse poll closed before quorum was reached, Maureen Hilyard, ALAC Chair, wrote to the remaining ALAC members who had not voted on this advice to the Board, asking them to respond to her email with their vote. By the end of 31 May the remaining ALAC members had emailed their vote response.

The ALAC endorsed the statement with 15 votes in favor, 0 votes against, and 0 abstentions. Please note 7 ALAC members participated in the BigPulse vote and the remaining 8 ALAC members sent their 'yes' vote via email.

Understanding of Advice

Item #1 - The ALAC confirms this understanding

Item #2 - The ALAC confirms this understanding

Item #3 - 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.

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.

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.

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.