

Motions 24 September 2020

Adoption of the Expedited Policy Development Process (EPDP) on the Temporary Specification Phase 2 Final Report and Recommendations

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Seconded by Michele Neylon

WHEREAS

1. On **17 May 2018**, the ICANN Board adopted the [Temporary Specification for gTLD Registration Data](#) ("Temporary Specification") pursuant to the procedures in the Registry Agreement and Registrar Accreditation Agreement concerning the establishment of Temporary Policies;
2. Following the adoption of the Temporary Specification, and per the procedure for Temporary Policies as outlined in the Registry Agreement and Registrar Accreditation Agreement, a Consensus Policy development process as set forth in ICANN's Bylaws needs to be initiated immediately and completed within a one-year time period from the implementation effective date (25 May 2018) of the Temporary Specification;
3. The GNSO Council has had a number of discussions about next steps to clarify issues around scope, timing and expectations, including a meeting between the GNSO Stakeholder Group and Constituency Chairs on **21 May 2018**, the Council meeting on **24 May 2018**, a meeting between the ICANN Board and the GNSO Council on **5 June 2018** and an extraordinary GNSO Council meeting on **12 June 2018**;
4. Subsequently, the GNSO Council agreed to form a drafting team, consisting of Council leadership and interested Council members, to develop the EPDP Initiation Request and EPDP Team Charter. The drafting team submitted the proposed EPDP Initiation Request and EPDP Team Charter to the GNSO Council on 19 July 2018;
5. The GNSO Council approved the EPDP Initiation Request (<https://gns0.icann.org/sites/default/files/file/field-file-attach/temp-spec-gtld-rd-epdp-initiation-request-19jul18-en.pdf>) and the EPDP Team Charter (<https://gns0.icann.org/sites/default/files/file/field-file-attach/temp-spec-gtld-rd-epdp-19jul18-en.pdf>) on 19 July 2018;
6. The EPDP Team divided the work in two phases; Phase 1 completed with the adoption of the EPDP Phase 1 Final Report on 4 March 2019, at which point the GNSO Council indicated its non-objection, as required per the EPDP Team Charter, for the EPDP Team to commence work on a System for Standardized Access/Disclosure to Non-Public Registration Data ("SSAD") as well as other topics identified in Phase 2 of the Charter and/or carried over from Phase 1 (priority 2 items);
7. The EPDP Team commenced its deliberations on Phase 2 on 2 May 2019 with the development of its workplan (see <https://community.icann.org/x/6BdlBg>);
8. The EPDP has followed the prescribed EPDP steps as stated in the Bylaws, including the publication of an Initial Report on 7 February 2020 for public comment (see <https://www.icann.org/public-comments/epdp-phase-2-initial-2020-02-07-en>) as well as an addendum to the Initial Report on 26 March 2020 (<https://www.icann.org/public-comments/epdp-phase-2-addendum-2020-03-26-en>), resulting in a Final Report delivered on 31 July 2020 with an [updated version](#) containing all minority statements [submitted](#) on 26 August 2020;
9. Eleven (11) recommendations obtained a full consensus designation (#1, 2, 3, 4, 11, 13, 15, 16, 17, 19 and 21); Three (3) recommendations obtained a consensus designation (#7, 20 and 21); Six (6) recommendations obtained a strong support but significant opposition designation (#5, 8, 9, 10, 12 and 18), and; Two (2) recommendations obtained a divergence designation (#6 & 14);
10. The EPDP Team has indicated that it considers all SSAD-related recommendations interdependent, and, as a result, recommends SSAD-related recommendations (Recommendations #1 – 18) be considered as one package by the GNSO Council and subsequently the ICANN Board;
11. The GNSO Council has reviewed and discussed the [Final Report](#) and its recommendations, including during a [dedicated webinar](#) on the topic.

RESOLVED

1. The GNSO Council:

a. Adopts and recommends to the ICANN Board of Directors the adoption of recommendations #1 – 18 that establish a System for Standardized Access /Disclosure to Non-Public Registration Data;

b. *[if 1a. is adopted]* Noting some of the questions surrounding the financial sustainability of SSAD and some of the concerns expressed within the different minority statements, the GNSO Council requests a consultation with the ICANN Board as part of the delivery of the GNSO Council Recommendations Report to the ICANN Board to discuss these issues, including whether a further cost-benefit analysis should be conducted before the ICANN Board considers all SSAD-related recommendations for adoption.

2. The GNSO Council adopts and recommends to the ICANN Board of Directors the adoption of recommendations #19 – 22 that address a number of priority 2 topics.

3. The GNSO Council directs ICANN org to convene an Implementation Review Team to work on the implementation of these recommendations. If acceptable to the IRT as well as ICANN org, the GNSO Council has no objection if the existing EPDP Phase 1 Implementation Review Team would take on this task, recognizing that there may be a need to refresh membership as well as align the implementation with any work that may remain from the Phase 1 implementation. The Implementation Review Team will be tasked with assisting ICANN org in developing the implementation details for the EPDP recommendations, evaluating the proposed implementation of the recommendations as approved by the Board, and working with ICANN staff to ensure that the resultant implementation conforms to the intent of the approved recommendations. The Implementation Review Team shall operate in accordance with the Implementation Review Team Principles and Guidance approved by the GNSO Council in June 2015.

4. The GNSO Council extends its sincere appreciation to the Chair, Janis Karklins, Vice Chair, Rafik Dammak, EPDP Team members, alternates and support staff of the EPDP Team for their tireless efforts to deliver this Final Report, recognizing that the Council may direct that some further work is undertaken on a number of priority 2 items that were not addressed in the Phase 2 Final Report.