

At-Large Advisory Committee Statement on the Whois policy-making process

Mar del Plata, 7 April 2005

The At Large Advisory Committee would like to reiterate the concerns over the current and proposed policies relating to the Whois databases, already expressed over two years ago in our "Comments on the WHOIS Task Force's Final Report on Accuracy and Bulk Access" (posted at http://alac.icann.org/whois/whois_final_report_accuracy-20feb03.htm).

The At Large Advisory Committee is also concerned that the *process* for addressing the numerous Whois issues now under review by the GNSO is flawed. In November, 2003, the GNSO created three task forces to address various aspects of Whois, and the participants in those task forces, and the single task force into which they merged, have yet to reach consensus on the major issues before them.

As a consequence of these process issues, we see that after years of work ICANN still seems unable to accommodate the requests of the users community, particularly with regards to measures to protect the privacy of individual registrants, notwithstanding the fact that such measures are actually compulsory by law for registrants and registrars, and deeply embedded in common practice and customer expectations, in many parts of the world. Thus, we think that this process failed to accomplish its duty to the general public of balanced, global policy-making in the interest of all Internet communities around the world.

The ALAC acknowledges that the various Whois task forces have worked hard on some of the most difficult and divisive issues facing the GNSO and, importantly, have made progress in some areas. At the same time, the ALAC believes that reaching a consensus on other Whois-related issues may not be possible in either the near or long term if the GNSO continues to follow its present course of discussions, consultations and debate.

The ALAC encourages the GNSO, with appropriate support from the ICANN Staff and/or professional mediation services, to explore new methods of brokering compromises by all the GNSO stakeholders in order to reach a resolution of the ongoing Whois work. At the same time, we remind ICANN as a whole, and especially its Board and management, of their duty to ensure that the public policy issues such as the implementation of basic rights recognized by the Universal Declaration of Human Rights (i.e. privacy) are addressed promptly, in the direction of the global public interest, and in harmony with broader public policy trends and frameworks.