

**COUNCIL VOTE – Initiation of Expedited Policy Development Process on the ICANN Board
Temporary Specification on gTLD Registration Data – GNSO Council meeting 19 July 2018**

Ayden Férdeline: NCSG Councilor. Statement of abstention

It is with great reluctance that I must abstain from voting on this motion.

I appreciate the work that everyone has done in drafting this charter, however I have deep concerns about the charter that is before us today in the second Resolved clause.

I believe that Section J includes, first and foremost, questions that unnecessarily expand the scope of this EPDP and put perceived answers – rather than genuine, open ended questions – into this important document. Overall I think this section of the charter’s scope is unnecessary and will not allow the EPDP team to complete their work in a timely manner.

There was never a consensus that Section J should be in the scope, and the NCSG has made our objections to it clear for three weeks now.

Even if we were to accept that the questions in Section J in Part 2 should form a part of the EPDP’s work, these questions are not in the correct location in the scope, as surely the questions that follow it in Section K in Part 3 would need to be discussed before Section J could reasonably be answered.

I think we are doing a disservice to the members of the EPDP by burdening them with a scope that is not clear, not sufficiently focused, and which will require that questions to do with access be litigated in Part 2, and then again in Part 4, where these questions actually belong. This is not efficient.

In addition, we know that ICANN org is engaged in a parallel process seeking “clarity” from the Data Protection Authorities to receive their advice on how to proceed in relation to access. I think it would be a more effective use of the EPDP team’s time and resources to not address this question until such time as ICANN org has received and shared with the EPDP team the advice it has received from the Data Protection Authorities, as their recommendations, as the enforcement bodies, are what will be followed by ICANN anyway.

Finally, I am troubled by the volume of participation in this EPDP by the other Supporting Organisations and Advisory Committees. While I see a clear role for the GAC to participate here, I do not agree with permitting such significant participation from other parts of the ICANN community. In extending invitations to so many others, we are weakening the GNSO’s balance and our role in the broader ICANN ecosystem. This is not a Cross-Community Working Group; this is a GNSO-initiated Policy Development Process.

For these reasons, I am abstaining from voting today.