

2 August 2018

Cherine Chalaby, Chair, ICANN Board of Directors
Göran Marby, CEO, ICANN

Dear Cherine, Göran,

We write on behalf of the GNSO Council in response to our conversation during the ICANN62 joint Board-GNSO Council session on Monday 25 June 2018 concerning EPDP Team resources. The GNSO Council very much appreciates the Board's commitment to provide the support required for a timely completion of the EPDP. With prudence and fiscal responsibility in mind, the GNSO Council has specified the expected resources needed by the EPDP Team to meet its milestones in a timely and effective manner. These resources, also listed in the EPDP Team Charter, are in addition to the standard services already being provided by the policy team similar to other policy development efforts. Additional resources required by the EPDP include the following:

- Recording and transcription of all EPDP Team calls, which are to be made publicly available;
- Conducting up to three face-to-face meetings in a cost-efficient manner. Based on the timeline it is the expectation that the EPDP Team might need face-to-face time to:
 - a. develop its draft Initial Report (estimated to take place in mid-September 2018); and
 - b. additional meetings thereafter to complete the EPDP Final Report (which is the final required deliverable of the EPDP pursuant to its charter) or work on the "access" model (this could potentially take the form of an additional day appended to an ICANN meeting).
- The EPDP's deliberations would benefit from the use of mediation techniques. It has been urged by the GNSO Council and the broader community that the members of the EPDP Team engage in discussion and compromise throughout their work. Mediation techniques facilitate compromise. An additional facilitator could also be employed to moderate the EPDP Team's discussion in certain areas. Such services could be provided by a member of our community or an external expert, depending upon the skills and knowledge required.
- External legal counsel/advice when deemed necessary, i.e., when members of the EPDP Team do not accept the opinions or credentials of the legal expertise on hand. We consider that external legal counsel/advice should only be sought if adequate support cannot be provided through existing resources and available Data Protection Authority guidance.
- External experts and advisors, such as a data protection/GDPR expert, to complement expertise within the EPDP Team and other sources available.

A review (cost/benefit) methodology will be put in place by the EPDP Team leadership to test requests for assistance before any request is made to ICANN. Expenditures will be metered and reported regularly.

In its decision to request any of these additional services, the EPDP Team has been directed to act in a fiscally prudent manner and ensure cost efficient use of any additional resources that are provided. As the EPDP Team commences its deliberations this week, we wish to highlight that specific requests for additional support are expected in the very near future, especially in relation to the organization of a face-to-face meeting and mediation/facilitation services to ensure that the policy development effort starts in the most effective possible manner. We ask that ICANN please consider any requests for additional resources as a matter of urgency as they are received so that the work of the EPDP Team is not delayed. We are all mindful of the critically short timeframe in which the EPDP Team must complete its work, and any delay could prove costly to the end result.

If you have additional guidance for the EPDP Team, and especially its leadership, regarding requests for support and how best to justify and make these, we would be grateful to receive this at your earliest convenience. Through the GNSO Council appointed liaison, the GNSO Council expects to follow the EPDP Team deliberations closely and be able, if needed, to remind the EPDP Team of the expectation that it will act in a fiscally prudent and cost-efficient manner while ensuring that it delivers on the requirements in its charter.

Should you have any further questions, please do not hesitate to contact us. We look forward to hearing from you.

Best regards,

On behalf of the GNSO Council

Heather Forrest, GNSO Chair
Donna Austin, GNSO Council Vice Chair
Rafik Dammak, GNSO Council Vice Chair