

ARTICLE 29 Data Protection Working Party



Brussels, 24/10/2007
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Mr. Vinton G. Cerf
Chairman of the Board of Directors
Internet Corporation for Assigned
Names and Numbers (ICANN)
4676 Admiralty Way, Suite 330
Marina del Rey
California 90292

Subject: ICANN Procedure for Handling WHOIS Conflicts with Privacy Law

Dear Mr. Cerf,

Thank you for your letter of 15th March concerning WHOIS services and the draft procedures for handling WHOIS conflicts with privacy laws. I appreciate your assurance that the input of the Article 29 Working Party will be given careful consideration by the appropriate committees within ICANN.

I also note that in your letter of 15th March 2007, you indicated that a revised and finalised version of the "*Draft procedure for handling potential conflicts between WHOIS requirements and privacy laws*" will be made available in due course and I would like to confirm that the members of the Article 29 Working Party will be happy to review the draft finalised text when it is available. I also appreciate your offer to direct the relevant ICANN staff to take contact with the Article 29 Working Party to ensure that ICANN has a full understanding of the concerns we have expressed and to ensure that the Article 29 Working Party are kept apprised of developments in the broader policy process for WHOIS. We look forward to such contact when ICANN feel it would be timely.

Once again, let me take the opportunity to confirm that we are ready to discuss any issue that ICANN feels would be useful in relation to the application of EU and national data protection legislation in respect of WHOIS services.

Yours sincerely,

Peter Schar
Chairman

Cc: Governmental Advisory Committee (GAC), Chair Mr. Janis Karklins

This Working Party was set up under Article 29 of Directive 95/46/EC. It is an independent European advisory body on data protection and privacy. Its tasks are described in Article 30 of Directive 95/46/EC and Article 15 of Directive 2002/58/EC.

The secretariat is provided by Directorate C (Civil Justice, Rights and Citizenship) of the European Commission, Directorate General Justice, Freedom and Security, B-1049 Brussels, Belgium, Office No LX-46 06/80.

Website: http://ec.europa.eu/justice_home/fsj/privacy/index_en.htm