

The Business Constituency would like to provide the following statement:

At the outset of its work, the working group was tasked to “preserve the WHOIS database to the greatest extent possible” while complying with privacy law – however, the working group, yet again and this time during Phase 2A of this EPDP, did not reach that objective. The resulting Phase 2A policy proposal exceeds what is necessary to protect registrant data.

As we documented in our minority statement to the final report, the BC strongly believes that *optional* differentiation between legal and natural persons is inadequate, and that ICANN policy must require such differentiation if the working group’s objective were to be reached, and thus contribute to preservation of DNS security and stability. Phase 2A recommendations, by *not* making the distinction between legal and natural, result in a significant number of records being needlessly redacted or otherwise made unavailable. This is unacceptable, in light of the increasing prevalence of online harms and our continually reduced capacity to address them expeditiously.

The EPDP Phase 2A Final Report contains no real policy and places no enforceable obligations on contracted parties. The only substantive recommendation (Rec 1) requests that ICANN Org work with the IETF to develop a standard for RDAP to facilitate differentiation, but there is no corresponding policy requiring its use by registries or registrars.

For this reason, the BC must vote “no” on the policy recommendation, and must object to designation of GNSO support as one of “consensus.” Thank you.

**Marie Pattullo**

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