IGF 2017: ICANN OPEN FORUM - LOOKING AHEAD, CHALLENGES AND OPPORTUNITIES (OF50)

Summary

During this open and interactive Forum, there was an excellent exchange of views on a number of interesting issues, not least the work ICANN[1] was taking forward on GDPR, the uniqueness of the ICANN multistakeholder model, and the continuing work in the Community to enhance ICANN's accountability. Both the CEO of ICANN (Göran Marby) and the Chair of the ICANN Board (Cherine Chalaby) were open to comments and suggestions about ICANN both in the Session and subsequently.

Detail

1. Opening Remarks

The Chairman (Chris Disspain**,** Vice-Chair of the ICANN Board) welcomed participants to the Forum noting that the session would be open and interactive, and would also answer, in particular, questions related to the General Data Protection Regulation (GDPR).

In his opening remarks, Cherine Chalaby, Chair of the ICANN Board also welcomed participants and noted that the 2017 IGF was his first as Board Chair. He mentioned that ICANN is a keen supporter and participant in the IGF (both today and in the past) at national, regional and global levels as the issues discussed, such as privacy, cybersecurity, and intellectual property, have an impact on ICANN's mandate. He concluded that ICANN itself has a technical mandate, in relation to names and numbers (IP address) but the DNS as such is affected by external Internet policies.

Göran Marby, President and CEO of ICANN, mentioned that ICANN has a unique and specific multistakeholder way of handling issues and developing policy related to the Domain Name System (DNS). He reminded participants that ICANN is not the "Internet", but interconnectivity of devices makes the Internet. We, effectively, allow 3.5 to 4 billion have access to the Internet, for all they do.

2. General Discussion

On a question of "who holds power in ICANN", Cherine Chalaby responded that ICANN has a model of governance that is unique – the multistakeholder model – which is also of course also used at the IGF. At ICANN, stakeholders create policies in a complex bottom-up process, which are sent to the Board for review and approval. Policies mainly originate in ICANN's Supporting Organisations (SOs), with comments sought from Advisory Committees (ACs) such as the Government Advisory Committee. He added that the new ICANN by-laws,

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[1] The Internet Corporation for Assigned Names and Numbers (ICANN) is a not-for profit organisation that promotes competition and develops policy on the Internet's unique identifiers (domain names and Internet Protocol (IP)) addresses.

adopted after the IANA Stewardship Transition (in September 2016), gave new powers of accountability to the ICANN Community, including powers to seek modifications, or to reject, the financial and strategic plans or to remove Board members, who perhaps make decisions that are not consistent with ICANN's mission.

On a question, as to whether ICANN (as an Organisation) is following discussions on new technologies and identifiers such as Blockchain and Radio-frequency identification (RFID), Cherine Chalaby confirmed that indeed we do, mentioning that a new Committee of the Board had been created to keep track of technologies. Goran Marby added that if someone comes up with a better solution or technology solution for naming and addressing than the DNS, then that is fine; ICANN is open to making changes.

3. ICANN and GDPR

Becky Burr, ICANN Board of Directors, gave an overview on the work ICANN were taking forward in light of the GDPR[2] which was designed to harmonise data privacy laws across Europe, and comes into effect in May 2018. She informed participants that while this Regulation built on *existing* law it did introduce new obligations on member States and data controllers; such as new arrangements for consent and new (and stiff) penalties. ICANN is getting ready for the GDPR in light of their contracts with Registries and Registrars who may fall under GDPR scope when handling personal data from EU data subjects. The goal is for ICANN to ensure compliance with the GDPR, ahead of May 2018, while still respecting the importance of the ongoing policy development processes in the Community to the maximum extent possible.

Göran Marby added that this is the first time that European legislation directly impacted the Community based policy making process of ICANN. He confirmed that ICANN is working hard with the contracted parties and external legal advisers to be ready and compliant for the new laws. He mentioned that ICANN had received several "models" (for compliance with the GDPR) that are currently being evaluated. He also mentioned that three of the evaluated models have now been published for comment[3]

On a question of whether ICANN is expecting a *waiver* from the European Union (ie for DNS process re WHOIS), Goran Marby responded in the negative.

On a question about the possibility of WHOIS being *separated* from ICANN, Goran Marby responded in the affirmative (though not for ICANN to determine). Becky Burr confirmed that the concept of the WHOIS service involves more than processing of personal data, and registrars may not accept handing out of data to third parties. Chris Disspain also added that a lot of policy development work was happening within the ICANN Community in that regard.

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[2] https://www.eugdpr.org/

[3] https://www.icann.org/news/announcement-2017-12-18-en

There was also a question on whether ICANN could give *assurances* to contracted Registrars and registries about support from ICANN, Becky Burr responded that Registries and Registrars (and any other DNS players whether linked to ICANN or not) have to ensure that they are compliant with GDPR, obligations are wider, of course, that WHOIS.

Göran Marby responded to a question about teaching students about the DNS, he agreed that it is important for people / students to understand *how* the Internet works. He noted ICANN contributed to a number of initiatives in this regard. Becky Burr added that many technology companies and technical bodies are already working on initiatives that support Science, Technology, Engineering and Mathematics (STEM). Chris Disspain added that it is really beneficial for students and others to lean about the DNS, and also about ICANN and how it is run.

4. Closing

Chris Disspain, in closing the Open Forum, thanked the contributors, and also, in particular, those that had asked questions and had entered into this dialogue. He noted that ICANN, the Board Members, the CEO and staff attending the IGF were open for further dialogue and discussion. He urged all those interested in ICANN to join in, in any way appropriate.

GE, ICANN; January 2018