

**Director Voting Statement for Resolution 2019.05.15.04  
Vote on Consideration of GNSO EPDP Recommendations on the  
Temporary Specification for gTLD Registration Data**

**15 May 2019 Board of Directors Meeting**

Avri Doria

I vote against the resolution of non-approval on Recommendation 1, Purpose 2 [Resolution 2019.05.15.04].

As the Bylaws mandate, the only time that a Director can vote against a GNSO consensus resolution is when she determines after doing due diligence that such policy is not in the best interest of the ICANN community or ICANN. I also note that according to ICANN Articles of Incorporation, questions of public interest upon which we rest the best interest of ICANN need to be the result of ICANN's bottom-up, multistakeholder processes. I interpret this as meaning the Board should pay deference to GNSO consensus policy recommendations unless we can show that it is not in the public interest as expressed in ICANN's mission. I do not believe we can definitely show that in this case.

As I understand them, among the reasons given by my colleagues for not supporting Recommendation 1, Purpose 2, is the recent letter from the European Commission can be interpreted to mean that Purpose 2, as defined in the Recommendation, may not adequately serve ICANN's needs in terms of creating a consistent user experience for access or disclosure, and, thus, not be in ICANN's best interest. On checking the community discussion since the letter from the European Commission was received, the interpretations of the letter seem to be mixed in a similar pattern as was evident during the discussions before reaching consensus.

I do not believe, we, the Board, should be substituting our interpretation for the consensus conclusion sent forward by the GNSO Council, especially when interpretations are still in flux and are a work item in the next phase of the PDP. Additionally, it has been argued that since Recommendation 1, Purpose 2 is just a placeholder, it is omittable.

Given that the EPDP is continuing its work and that while subject to additional work, the use of Purpose 2 to meet ICANN's mission is a building block of the continuing process, I believe it is better that EPDP Phase 2 start its work from the consensus basis; that is, including the Purpose 2 placeholder to build upon.

I have every hope that the Board and the GNSO Council will be able to find an accommodation that will allow for new consensus wording for Purpose 2 to be found without delay or disruption to the EPDP Phase 2 process.