Data and Metrics for Policy Making Working Group Meeting
TRANSCRIPTION
Tuesday 19 August 2014 at 2000 UTC

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On page:http://gnso.icann.org/calendar#aug
(transcripts and recordings are found on the calendar page)

Attendees:
Cheryl Langdon-Orr – ALAC
Jonathan Zuck – IPC
Graeme Bunton – RrSG
Marinel Rosca – Individual
Andrew Merriam – RySG
Pam Little – RySG
Tony Onorato - Individual

Apologies:
none

ICANN staff:
Berry Cobb
Steve Chan
Nathalie Peregrine

Coordinator: Excuse me, at this time we are recording the conference. Thank you.

Nathalie Peregrine: Thank you very much (Jean). Good morning, good afternoon and good evening everybody. Welcome to the DMPM Working Group call on the 19th of August, 2014.

On the call today we have Cheryl Langdon-Orr, Tony Onorato, Andrew Merriam, Jonathan Zuck, Graeme Bunton, Marinel Rosca and Pam Littke. We have received no apologies for today's call.

From staff we have Berry Cobb, Steve Chan and myself, Nathalie Peregrine. I'd like to remind you all to please state your name before speaking for transcription purposes. Thank you very much and over to you Jonathan.

Jonathan Zuck: Thank you. Thank you. So I think we're just starting to hone in on the best way to look at this use case and how we can derive scenarios from it that we can then begin to apply to the various documents which are created by a working group.

Berry has obviously done a lot of work and answered the call to colorize it. So I will let Berry take it away and explain his complex system of organization.

Berry Cobb: Thank you Jonathan. This is Berry for the record. I would not necessarily call this complex. So before I get into the last call on what I'll describe the method to my madness here is the way the summary questions are defined based on the work products over on the left-hand side, and depending on what occurred as a result of that particular working group when we reviewed each of the use cases.

In some regards a particular question could be a yes and a green color coded, meaning signifying positive. Or in other cases where analysis wasn't performed, and a no answer was the result, as highlighted in red. However, based on the wording of some of the other questions, in some cases a no was not necessarily always a red.

And most importantly, a yes was not always a green, as you'll see in the chart. So what I wound up doing was going through each use case again just to validate that, you know, we had the correct outcome that we identified for each one of the questions per work product.

And then highlighted whether it seemed like it was a positive indication or a negative indication. And then as you'll see, the yellow is that, you know, it's trying to signify neutral. And I couldn't necessarily find the middle ground between yes and no. So you'll see on one of the rows in the final report I used sort of, which we can reclassify as we talk about that.

Lastly, you'll see some that are no color at all, or listed as white. And that typically signifies that were it's predominantly highlighted is where we're asking about the excessive data from third parties. And one thing that is consistent across all of the use cases that we reviewed is that there was no data collected or ask for/requested from third parties.

In a few cases there was external data that was supplied, but they were from working group members. And there was certainly no budgetary impacts to that. So that's pretty much why they're all highlighted in white.

And then of course along the last row, for instance under (fast plucks), which has a not applicable there. That's white because it didn't actually have any consensus recommendations that came out of it.

And then the ones to the right is that the IRTPBC and C are still pending complete implementation. And IRTBD of course is still in the working group stage, but it's likely there will be several consensus policies that come out of that particular working group.

So I think that pretty much encapsulates the new color coding. I hope it's - it's probably still difficult on the eyes. But at the end of the day, it kind of does still require you to read it the question and understand the context of the use case. And then make a, you know, and then try to drive the determination of whether it was a positive or a negative outcome.

But in general, red is negative, green is positive, yellow neutral. And what I mean by yellow in the case of (Pedner) for example, there were several other exercises in acquiring data to facilitate the policy development process. But not necessarily in the method that the working group had hoped, such as trying to access particular data on the expiration of names.

But what classified it as a sort of in this example is that they did create survey instruments to solicit community input about the expiration process at that time, domain names.

And just to kind of close out (Pedner) for example, in the last row is a green yes. And the reason why that is classified as yes, so the ERRP policy was approved. Our (Pedner) consensus recommendations were approved by the board. It was implemented by ICANN staff. The policy effective date for the ERRP policy was the 31st of August of last year.

And we are in the process of acquiring pre-and post-metrics of the implementation of that policy. And per one of the resolutions approved by the council is to report back to the council as to the effectiveness of that policy, which is actually some pretty positive news based on initial findings.

The last change to this matrix, which I think was the more important components that we discussed at our last meeting is the last call on for possible solutions. Again, this is still kind of a divided by the three primary work products that are produced through the PDP process.

Again, the top being the final issue report developed by staff after it's approved by the GNSO Council to investigate the issue further. The secondary work product is the chartering exercise and the charter that's developed by the drafting team that guides that future working group and PDP.

And then lastly, of course I think the more substantial of the possible solutions is within the final report and the activities of that working group leading up to the final report.

So to kind of a deep dive just real quickly into these possible solutions, we're turning back up into the issue report where the top right most cell is (that) and part of our - this call is we'll kind of have a burning storming discussion exercise about trying to develop a guide that will request the types of metrics, both quantitative and qualitative in a series of questions. I'm not really sure what it looks like or how we're going to call it.

But again, the idea is to create some sort of tool or guide that will assist in developing and utilizing metrics and the analysis behind those metrics to help further classify and quantify the issue that's being reviewed.

Secondarily, within the charter document is creating a section within that template that will basically allow the drafting team to ask a series of questions of perhaps what could be some critical success factors as a result of addressing the issue that the working - the future working group will be deliberating on.

And then lastly is the final report and a series of things here. So very similar to the issue report is to create another guide or toolset that will help guide the working group and trying to utilize more quantitative elements of the metrics.

The secondary possible solution, which we discussed on the list briefly several meetings ago, and which is - falls around the request for input from SOs and ACs. And there were a couple of recommendations that were formulated that one is to try to also include a quantitative component in that request for input, as well as broaden the scope, and not just necessarily to SOs and ACs depending on the issue.

Thirdly is essentially trying to define a framework or another guide were possibly and future working groups may need to seek third party data. And understand what the process may be and any budget implementation - implications associated with that.

Fourthly is, which we've mentioned several times is also defining a framework and kind of a boundary by which working groups can request and to engage with contracted parties about registration related data, which hopefully we'll be discussing here in the next couple of three meetings or so.

And then lastly is to also maybe discuss or brainstorm about what kinds of standard recommendations can be applied up to a point when a working group is clear that they're going to be submitting consensus recommendations to the GNSO Council for their consideration.

And trying to again, create a culture whereby that a recommendation as attached to a series of possible consensus policy changes that make it standardized that this policy is supposed to be reviewed X number of timeframe post-implementation so that we can better derive the effectiveness of that policy.

So that's pretty much it, the summary chart in a nutshell.

((Crosstalk))

Jonathan Zuck: Berry?

Berry Cobb: Yes go ahead.

Jonathan Zuck: It's Jonathan for the transcript. So what we have here is a case study analysis. And so the question I have for the group, and maybe a way to start this conversation is whether or not it resulted in a sufficiently granular use case analysis.

And by that I mean the scenarios that we might encounter. So there are some red boxes were things didn't turn out and green boxes that did. What are the characteristics that surfaced of the examples that did not turn out?

And I'm wondering if we have enough? So for example, you know, we wanted data, but it wasn't available. We wanted data. It was available, but it - there was not a sufficient staff allocated to the workgroup to do analysis of the data.

We wanted data, but it costs money. And there wasn't budget do it. We want data from the contracted parties, but it contains competitive information. We want data from the contracted parties, but it's a high overhead for them to deliver it. We want it in a form or something that they don't store it in or it's not normalized very well across parties. We've heard that come up, you know, in the last meeting.

And I'm wondering if we need to now take this and make it a little more granular in terms of what we as programmers would call use cases or scenarios that are very specific in nature and how we deal with each of those. Does that make sense to folks? Is there anybody out there? Late-night radio DJ syndrome.

Berry Cobb: This is Berry. Yes and I thought that we more or less tried to capture this in the chart here. You know, again I don't know if this is necessarily all-inclusive.

Jonathan Zuck: Well I mean this is the question I'm asking the group is that does this need to be more granular than this? I mean this is a great effort. But wanting data from contracted parties, I can see there being more than one reason that they're reticence to give the data to the working group.

So even though I'm not one, but I can just guess at some of the reasons. Does anybody have any thoughts on that? Do the things I just threw out there make sense? Or are there other things that you can think of that we ought to just list in a brainstorming forum of scenarios we might encounter going forward or that we have encountered in these case studies that we need to put out there in granular form so that we have a strategy for each of them?

(Pam) I agree that we can't anticipate every scenario. I guess the questions is have we captured all of the scenarios that surfaced from the case studies that we looked at? And the answer may be yes. I'm not trying to lead the conversation. Graeme go ahead.

Graeme Bunton: You know, I think you captured from a, you know, a contracted party perspective, I think you captured - sorry, this is Graeme Bunton for the transcript.

I think you captured that reasonably well that there's a number of scenarios that it's going to be challenging to get data from because it's a competitive environment and it's proprietary data. And we need to be very careful with that. And maybe that costs money to get it.

It's certainly never stored in a standard way across registrars. All of those things are true. It would be extremely difficult I think to elaborate on all of those scenarios or those sort of high level. We'll probably have to do. Thanks.

Jonathan Zuck: So I guess I see there's probably a difference. And I don't - in part in this if it sounds crass. I'm just trying to get to - we'll come up with diplomatic language later. I can see where there is instances where the data is hard to give to the working group. And there is instances in which you don't want to give it to the working group, right.

And so those are two different kinds of problems. One might be a resource allocation problem that it costs you money to give the data, or that we need to allocate resources to do data cleanup or something like that. It just it has to do with not wanting to incur the cost of sharing the data.

And did the other is more political and more competitive. That is that unless we have assurances about security of the data, anonymosation (sic) of the data, et cetera, there's a reticence to share the data regardless of how difficult it is. Does that distinction makes sense, Graeme, without sounding too...

Graeme Bunton: No, I think that's probably - no, I mean realistically that's a good way to put it. I think you will encounter both of those scenarios. And certainly within the registrar community there is not a lot of trust in ICANN to deal with data, you know, given the recent incidences with radar and dead locks on the, you know, ICANN Website.

So yes, you're going to find that we're, you know, not willing to for political reasons, as well as practical reasons. So those, though how we address those two things is an interesting question. But I feel like you frame that quite well that we need to tackle both of those.

Man: (Unintelligible).

Jonathan Zuck: Tony do you want to - are you - is Tony not avail - not on the audio? I'm trying to understand what he wrote. To an extent this might be dealt with by having both a quantitative and qualitative section with a survey.

So maybe Tony, if I understand you correctly, it might help us to understand the problem. But we still need to solve it when it comes up. In other words, you know, the qualitative issues might be at the heart of the distinction between not wanting to share the data and it being practically difficult to share the data.

But I think what we're going to want to do as we create this framework is come up with a strategy for each of those things probably, at least as gross categories. Cheryl go ahead.

Cheryl Langdon-Orr: Thanks, Cheryl for the record. As you saw, I was busy agreeing with much of what you guys are saying. But I think we could, as a working group, also make some specific recommendations that would be asking GNSO to ensure that ICANN the entity and the board in particular recognizes the needs to invest, and I'm using the term specifically, in making sure the trust is greater.

And that third party, regardless of the inconvenience of affecting a line item in somebody's budget, a third party use for an (organization) or to use a trust relationship where one may not exist in - directly with ICANN.

Or indeed whether the commercial confidences are such that you've got to come up with several ideas. We've got to give it a cultural change, which by the way, I recognize is already happening, just in the difficulties of getting any fund.

Where we've had to have staff generously learn the (unintelligible) using a free form of Survey Monkey. And this is what's happening in properly planned exercises of getting data and data analysis such as this (thing) recently in Whois, et cetera.

So I mean the changes are happening. But I think it needs to be baked into the concept. That if something is important enough to be a working group focus, it should also be important enough to have whatever is necessary.

Or if it's unable to be made available, a good reason why necessary staff cannot be secured in a way that meets clearly identified (barn mark) consensus built community desires to have as part of a working group process.

And I'm prattling on. But I'm only up to my first cup of coffee. But I think we need to take a (Pincer) approach. Not only say how can we hypothetically and in principle deal with this, but also make sure this is a helpful changes which actually sees it valued because there is only such a limited amount of resources.

It may mean, of course, that things might need to be prioritized. And you don't have concurrently running in the same quarter, particularly expensive exercises. Or you might need to have the more expensive aspects of exercises preloaded, you know, proper project planning so that you know a particular pathway is going to take some energy, effort of income to meet a need.

But that that's able to be done in, you know, 2015 because that's where your budget is. Then you don't start the workgroup until then. We don't start the voluntary part of the workgroup until then because after all there's a bit of, you know, value in the (human) hours put in from workgroup members as well.

Jonathan Zuck: Sure. Cheryl a couple things jumped out that you said. This is Jonathan again for the record. The first I guess it's just kind of funny is that we would/could accept an explanation of why we can't to get something that's necessary. So that - if it's necessary, there isn't actually a valid reason that we can't get it or you need to disband the working group obviously, if it's necessary.

But I think that what you said about resource allocation and cultural change, I think this entire exercise is about cultural change for sure. But one of the things, Berry, that jumped out at me from Cheryl's discussion there is that maybe one of the things that goes in the far right column under the issue report is actually some analysis as to the level of staff involvement that might be necessary, or the budget that might be necessary, et cetera.

You know, what the logistical challenges of that working group are likely to be based on whatever data analysis got done. That that might be an interesting exercise for the issue report is to kind of project what level of staff support, what level of budget, et cetera might be necessary for that working group. Does that make sense?

Berry Cobb: This is Berry. Yes it does. And, you know, I would say that that goes on to a certain degree. You know, when the GNSO Council approves for an issue report to be created, part of what happens is not only availability of staff to start that.

As you know, there is that 45 day kind of deadline to produce an issue report. But, you know, depending on the complexity of the issue, sometimes that's very difficult to meet.

But then also depending on the type of issue being explored, that's often married with the staff member that has more expertise in that particular topic or issue. For example, the IGO INGO, (Perative) rights protection mechanism, it would be - it would take me two years and a dissertation to get up to speed about understanding the realm of UDRPs and how that would be applied to IGOs and INGOs versus Mary Wong that has much more legal background and RPM type experience to write that.

From a budgetary perspective, there, you know, in general I don't - I can't speak for staff specifically, but, you know, I know that there are small, very small buckets in regards to if there is a need for external data. I don't know how often that's been invoked or utilized in previous efforts. But in several ways, you know, again it's very limited.

And as well, you know, the same kind of issues - the irony of the same kind of issue and trying to write an issue report is still relevant in preparing that documentation if for example it is about the expiration of domain names such as the (Pedner) case.

You know, access to that kind of data is only as far as ICANN contractual compliance in terms of what they would see. So that's where kind of a lot of the breakdown starts to happen.

And then I should just close out with and in some cases staff may not particularly have a particular expertise about a particular issue. And I shouldn't just limit it to just the policy team.

Once a draft has been formulated, we do circulate it with other members within ICANN such as the GDD team that may have more direct experience about a particular issue as it relates to the registry level or the registrar level. Certainly compliance will review an issue report before it gets finalized as well. So their input is taken.

But as far as I know, in terms of acquiring data external to ICANN is much more difficult. But hopefully that's something that we can try to address here.

Jonathan Zuck: That makes sense. Does anybody else have any other comments about this document or anything we might want to add to it or that might be mis-recollected it or anything like that? Because I think this is the basis for us to move forward and begin to brainstorm on how to build out some of these tool sets. All right, so let's move on to metrics requirements for issue reports.

Berry Cobb: Thank you Jonathan. This is Berry. So in terms of this part of the agenda item, you know, this is really meant to be a brainstorming session. What I posted up into the Adobe Connect room is the issue report that was created for post-expiration of domain name recovery.

That did center in around the expiration of domain names. There's not necessarily a need for us, or I didn't intend for us to read through this document and all of the major sections, but more as a reference if we needed it.

But what's intended with this agenda item again is to brainstorm. And everybody pretend that you're wearing an ICANN staff hat or pretending that...

((Crosstalk))

Berry Cobb: Those got stricken out of the budget, so a dignitary hat. At any rate, or pretended that it's an issue that you're trying to deep dive with in your own particular organization.

What I was kind of hoping to accomplish here is that, you know, again we can just kind of brainstorm about well, what are the types of questions that I would start to ask myself when I'm trying to solve or at least deep dive on Issue X.

You know, I think we've touched on several times, you know, what are some of the qualitative components that I can go seek information on to further define the issue? What are some of the quantitative components, if any that I can help further define the issue? What are some possible data sources? Can the data the captured internally? Is that sufficient enough? Or does it require me to go to a third party? Or is that data only held, at least in this case, with contracted parties and not visible to ICANN?

You know, those are kind of some of the very high level generic questions. But what I was hoping for is that we could have a discussion here about more specific types of questions that should be asked when an issue report is being developed.

And it's not the intent of this agenda item to walk away today with a solid draft, but really again more just throw a bunch of different ideas up onto the wall and see which ones stick, which ones make sense, which ones don't.

And as we progress through the other work products and the other possible solutions that were identified in that summary chart, you know, these will start to may be evolve and mature through our own process as we get closer to developing our initial report and any possible recommendations that the working group may come up with.

So that's kind of really all I had from an introductory standpoint. And certainly I'd be interested in hearing anybody's experience of, you know, what tools they've used in the past to, you know, define issues. What questions do you ask yourself and those kinds of things? And I guess I'll follow up with...

((Crosstalk))

Jonathan Zuck: I guess I can start. I mean most of my experience is in the corporate world. And so the two areas that you see a lot of metrics based management is in sales/business development and in customer service, right, which is, you know, where there's a lot of sort of a numeric goals.

And the, you know, that people are managed to. So, you know, very often I guess the initial question is, you know, when looking at - to put it in the context of this, when looking at a problem, what are the ways in which that problem could be defined quantitatively? That's the first question that you would ask. What - I mean what data could be used as a mechanism to define the problem?

And then you - when you identify that data, you do the analysis to make your quantitative analysis of the problem. And you look at quantifying the problem. And, you know, you want to have a very good definition of the problem very often in order to quantify it so that you can look at instances of it. And that's why you look for those data sets.

So then in definition of the problem, you want to look at the timeframe or units of the measurements for the problem. Is it a monthly thing? Is it a year - annual thing, et cetera? What is kind of the cyclical nature of the problem that you are looking at? And then try to quantify the problem within that.

And then I think the next question is, is there a problem? Right, in other words are those numbers worthy of concern? Or is the problem we're facing one of perception? And I think that's the next question you ask yourself after you do your quantitative analysis is whether or not it does in fact seem to be the problem that everybody thinks it is. Or is it more of a perception problem.

You know, right now we have an issue happening in (Ferguson) here in the US. And there's a lot of talk about violence against police officers. And yet, when you look at the data the injury numbers can be counted on one hand. And so it's a perception or rhetorical problem and not an actual problem.

So I think that's the next question is does this quantification exercise reveal that this is a problem that needs solving? And then the next exercise after that would be to - and I see your hand Cheryl. I'm just sort of brainstorming. So I'll finish my thing and then lets you come in, okay. I see you there though.

I think the next step and then is to identify what the target values for this quantitative analysis would be. And then set an objective, in other words a goal, timeframe for reaching those target numbers. Like what realistically could be done and in what timeframe?

And then when you're done with that, you begin - well even before that you begin to do an analysis of more hard-core statistical analysis of what the underlying causes or conditions are that are causing the problem so that you can address.

You know, you could potentially use numbers to identify not only that there is a problem and the scale of it, but also the causes of it in some instances I guess. So that's an interim step that Tony would have brought up had I not thought of it.

And then you would define targets and eight timeframe for achieving those targets. And then steps to try and test to see whether or not your recommended solutions have a desired outcome. So that's just off the top of my head. And thank you Tony. Cheryl go ahead.

Cheryl Langdon-Orr: Thanks very much. Cheryl for the record. I put my hand up early on and then I kept wanting to put up my little check box to say yes I agree with you, but I left my hand up. Not that I didn't think you'd notice because you know I'll jump in if you move on to someone else and I'm desperate anyway.

But what I wanted to say was from an issue report point of view, what strikes me is of course, you know, 20/20 hindsight that we have here looking back. And thank you for this blast from the past. I'm wondering why you just keep on picking on (Pedner). But I do actually appreciate the fact that I'm less familiar with it.

What would have been nice in the issue report, if we were doing it in 2014 or for 2015 or '16 is to have a 1.5 in the beginning section. And that 1.5 should be titled, Metrics and Measures. Do you know what I mean?

So you've gone through and you established that it is or is not within the scope of the GNSO policy making. On the assumption that it is, then the next part which can be, you know, brass plate templated into issue reports, should be the part that looks at metrics and measures.

Now when you continued on with your stream of consciousness, and I operate that way. And I was very comfortable with everything you said Jonathan. It seemed to me you were giving us sub-points or sections. Some of it was methodology that really belongs in a design part in the issues report. Some of that belongs in the actual actions and probably outcomes of the working group itself.

Jonathan Zuck: Right.

Cheryl Langdon-Orr: And so I thought maybe a set of sub-points under my hypothetical 1.5 that would have the ability to say not known at this time but will be pursued by the workgroup is okay.

And that will actually help a chartering team frame the steps that they have to go through somewhat more effectively. And that list of major points you went through, and we've got this recorded so let's just go back and get them, and maybe try and build my hypothetical 1.5 and see what the rest of the workgroup thinks about it.

Would have sometimes there may be things where it isn't going to get a yes or no answer. Sometimes the issues report may say the staff predicts this will require third-party blah, blah, blah and therefore, you know.

And then just say that so you can actually get to some of the resource allocation. So it might be it will cost of this much and that this many humans of this many types. Staff allocations, et cetera, may be required. And it is available now and it will be available in Q1 20 whatever, right.

(Can) actually leaving that issues report. And that would mean that's an issue report doesn't have so much of a drop dead affect if it doesn't get actively picked up and effectively work through by a workgroup. A workgroup can be formed later on after chartering, knowing it's ICANN staff, the chartering could have happened, but its work couldn't have started until certain resources or metrics baseline fundamental staff was (thought).

You know, it's a really valuable thing to have in an issues report, in my (unintelligible) view anyway. And particularly when they're looking specifically at this (Pedner) exercise where we had (schools) of thought which were not quite (bipolar), but pretty much at (farish in the defectrum) that thought it was or it was not a real issue.

In other words, that there would be hard and measurable justification before change or not because...

((Crosstalk))

Jonathan Zuck: Cheryl and this is Jonathan for the record. And this is the question I have for you as for the whole group. Do we think that the job of determining whether or not there is in fact a scope, if you will, of the problem, or the fact that there is in fact - the fact that there is a problem to be solved rather than a problem of perception?

I mean do we want that to be staff responsibility as far as issue reports? Or are you saying that that's maybe going too far?

Cheryl Langdon-Orr: I think that's going too far. I think the proof belongs to the working group.

Jonathan Zuck: Should be in the working group?

Cheryl Langdon-Orr: The proof belongs to the working group. The fact that it's easily not a problem of sufficient import and is within the scope of the GNSO and what the objective is and how it should be addressed belongs in the issues report.

Not - when I said (and helped) to be addressed, I don't mean, and this Cheryl for the record, I don't mean the solution to the problem. I mean the methodology to test the various hypotheses should be in the method as best as possible in a templated issue report.

In other words that we will need qualitative and quantitative analysis of this. Or we've identified that only qualitative analysis and qualitative information exists in the following ways. And (unintelligible) staff desirable for quantitative analysis to happen before the following data sets may be required by a working group.

Just a little prior planning to prevent - to prevent to the working group that it doesn't feel it has to fight for these things. Rather more, it's got to look at an issues report and say the expectations are that we can work in this size playing field with this type of equipment.

Jonathan Zuck: So if I took a practical example, this is Jonathan again. And it was a - there was a complaint that compliance took too long to bring issues to resolution, you know, complete that were raised.

And we need to have a working group to look at ways to improve on that. And maybe this isn't even in the scope of GNSO, but I'm trying to come up with an easily - a quantifiable thing.

So at some point someone's got to figure out what the average time is for the resolution of a complaint. And so - because that will be the basis of understanding the problem, deciding whether it is a problem and provide a path for improvement of the situation.

So that bit of research about what is in fact the average time to process a complaint, would that be part of the issue report? Or would the issue report simply say the working group will have to begin by determining what the average time is for the resolution of the complaint? Does that make sense?

I'm trying to get at the conversation and they hypothetical way. Part of me thinks that that kind of raw statistical analysis is something that would make sense in an issue report. But it could be that people don't agree or that it's not appropriate there. So I'm looking for feedback.

Cheryl Langdon-Orr: Yes I agree. But Jonathan that's exactly what should be at a staff level because particularly that example, it would be far easier and far more effective and work in a timeframe more suitable to staff and staff resources for staff to ascertain that by asking the question of the department in question.

And it may be, as I think we'll find in the (Pedner) experience, it was the answer we got from compliance a couple of times was that the current data that they collect could not answer our questions. That's changed since then.

And that's what I meant about sometimes material that is essential simply not being available at that time. So yes, I think it does belong in the issues report. But if it isn't something that is deemed to belong in an issues report at a particular time, a template approach simply says not applicable or not applicable at this time or not available at this time.

It's domain for the template should have the questions asked. I'm going to shut up again now.

Jonathan Zuck: Right. And so I guess the question I'm asking, and I think (Pam) has expressed some agreement, is if in fact there is some objective analysis to be done, something about which the working group would not argue, right, and which opinions are not a part, but some objective.

And I realize that can be difficult to define sometimes. But if there's some objective analysis to be done to help define the scope of the problem, should that be part of the issue report that staff does before the work group even begin? So that they know what problem it is they're solving in a quantitative way. Cheryl says yes. (Pam) says yes.

I mean I'm interested in actually hearing from staff two. Is this an appropriate - is this your perception of an appropriate role for staff in the issue report?

Berry Cobb: This is Berry. I would definitely agree. The practical example you used, well I couldn't actually foresee an actual working group being spun on that particular example, but let's assume that it did.

((Crosstalk))

Berry Cobb: That would absolutely be within the realm of staff to be able to acquire that data. You know, it's basically right across the hallway. But where it gets sticky though is when data doesn't reside within staff's realm of control.

And so, you know, and that's why I keep kind of referring back to the expiration of names. That is a true consensus policy by which PDPs are initiated, or UDRP review that's going to be happening starts, you know, spinning up early next year or the transfer of domain names.

You know, in the realm of expiration outside of complaints that are submitted to ICANN, ICANN doesn't have visibility there. In the realm of transfers for example, which wasn't used in the past and had I maybe been a part of those issue reports, I would have at least sought out macro level data that is submitted by registries to ICANN to understand, you know, how many transfers are actually occurring, but you can only go so far.

And then of course then like in a UDRP example, you know, getting access to data from (WIPO) and (NAF) is doable. And so in some senses, absolutely I agree. You know, from my corporate days I remember that you can't properly define an issue unless you've got supporting data that says that it is an issue.

And then you ask well, is this really a problem or not. You know, so I guess the consultants answer is it depends on the issue being discussed. And I do like Cheryl's response. In some cases there isn't a possibility to either get to data or to review it in an objective way.

And so in some ways it does have to be punted to the working group because it's almost kind of outside of scope for staff to be able to complete that analysis.

Jonathan Zuck: So I mean, and (Pam) I see you there. So I just want to answer the question back quickly though. You think it's outside of scope for staff to ask for money to go by a data set, for example, in order to help define the problem. You think that has to be bunted to the working group?

Berry Cobb: Negative. This is Berry. No. You know, if - let's say for example there was an issue submitted to the GNSO Council about the quantity of spam that exists within the generic namespace.

And we needed to go to Spamhaus. And Spamhaus decided to charge ICANN X amount of dollars. That is still within scope for ICANN to go do that. Now how easy it is, I can't say because I don't have visibility into the budget aspects to this.

Jonathan Zuck: But is it within the scope of the staff to do it in the issue report? That's my question. Can they do it be for the workgroup even convenes?

Berry Cobb: I would say so, absolutely yes.

Jonathan Zuck: Okay.

Berry Cobb: But that's in that example. And that example works, but there are some examples where acquiring the data, again dependent on the issue is not within the reach of ICANN. And it may not have anything to do with budget aspects.

Again it's, you know, the expiration of names is not visible to staff in terms of trying to quan - like how Cheryl mentioned, if we could do (Pedner) in 2014 and staff was assigned to write an issue report, I'm not so sure that it would be easy or within scope of staff to be able to go ask registrars, well how many domains expired that didn't get renewed by registrants. I don't believe that that's possible.

Jonathan Zuck: And why do you believe that would be the case?

((Crosstalk))

Jonathan Zuck: Why would that be out of scope?

Berry Cobb: I think it mostly settles around the contractual nature between the two parties because there's only, you know, contracted parties were both parties live by these contracts that define the relationship between them.

You know, and this is absent of any trust issues or budgetary issues. And typically, you know, I think anyone, even not this industry live and die by the contract. And going inside or outside of a contract is a difficult situation and not one that everybody...

((Crosstalk))

Jonathan Zuck: Sure. But I guess that's a relationship between ICANN and that company. And that's not really changed if they workgroup is making the request rather than staff making that request. The workgroup is still in essence operating as a kind of agent to the corporation.

I don't know. I guess I want us to sort that out further. But (Pam) go ahead. You've had your hand up for a while.

(Pamela Gold): No problem. Thank you Jonathan. Can you hear me?

Jonathan Zuck: Yes.

(Pamela Gold): Okay. So I was just going to add about the point about whether the data - there should be some data in the issue report to support whether there is an issue or not. Whether it's worthwhile going on to the next step.

And the point I wanted to raise is I think three years ago or four years ago there was a lot less data available from ICANN compliance. So some of you probably have seen the email I sent out to the group. Compliance has made a presentation to the GNSO in London.

And subsequently there was another presentation to the GNSO as a group about what they have accomplished. What the tools now are capable of and data available. So I think we should not lose sight of the data source from compliance and the availability. I think it's a very different today to that of say three or four years ago. Does that make sense?

Jonathan Zuck: Yes. No, certainly there is more - I mean there is an enormously expanded amounts of data coming out of compliance. And my desire was not to pick on compliance. It just felt like something that I could very easily come up with a single statistic to simplify the hypothetical question, that's all.

((Crosstalk))

(Pamela Gold): Sorry Jonathan. That wasn't - I wasn't taking your comment as a criticism about compliance. What I'm actually trying to reinforce the idea that the data that wasn't available four years ago, it's probably very likely to be available today from compliance or the staff.

ICANN staff who is doing these issue reports could actually coordinate with compliance staff or some - to get that data without going to a third party.

Jonathan Zuck: Agreed. But I guess what - I'm trying to take a step back from that question and simply say is there any - can we in any way define where that line, or help define where the line is where staff should get the data.

And what are the conditions under which they should try to define the quantitative nature of the problem? And to what extent they need to punt to the workgroup? And what are the conditions under which they need to punt? Because absent those conditions, it would be my strong preference that the issue report actually contains some basic analysis of the problem that needed solving.

That's my personal position, but that's what we're trying to discuss. So the fact that the exception will come up less frequently is a good thing. But what is the nature of that exception? And that's the question I'm asking. Berry go ahead.

Berry Cobb: Thank you Jonathan. Yes, I'm glad that that this is recorded so that I can extract a lot of this out. I think we've had a very good dialogue in the 20 minutes that we've talked about this. And the way you framed it is, I think again it circles back to what Cheryl was talking about.

And at the issue report stage there are certain boundaries out there. We need to help identify what those are. And to Jonathan as you mentioned, understand what the conditions are that lead up to that boundary. And then what happens when we can't cross that boundary and when stuff gets punted to the working group or not or however else.

And Cheryl had raised a couple of good points in the chat that I'll be appending to kind of at this first draft that I'll compile together to send out to the working group to kind of have a good working draft at least within the issue report work product itself.

Jonathan Zuck: Okay. Does anybody else have anything they want to raise? Or else we should probably move on to when our next meeting is. And then keep this conversation going. And hopefully Berry you can circulate that and we can have some of this conversation off-line.

But, you know, trying to define what those conditions are. What those exception criteria are. So do we have some broad consensus among us that barring exceptional circumstances of the issue report should play a major role in that definition of the problem quantitatively? It seems like we do, but I don't want to steamroll the group.

Okay. So Berry how do we want to determine the next meeting?

Berry Cobb: Thank you Jonathan. This is Berry. So just there's two quick points. Our next scheduled meeting would be Tuesday, September 2. However, I'm likely not going to be available on that day. I think the IGF is going on that week as well.

So if I may propose that we skip to the 9th to have our next meeting. Or we could try to go for the 26th of next week. And then skip to the 9th. Either way that we go we have about three meetings that will lead us up into Los Angeles. And so I just wanted to make a note to the working group that later today I'll be submitting a general request to have a face-to-face session in LA. And so I just...

Jonathan Zuck: The morning after the gala?

Berry Cobb: Well I would say it's more likely than not likely unfortunately. But I will lobby to try to find a better time. And I believe that this could be a good opportunity to have a discussion with the community about, you know, the more interesting part of our discussion is how do we get past this boundary that we've essentially talk about today.

Jonathan Zuck: Right. Well and the meeting is probably a good time to get Graeme and others to expand the presence to the contracted parties to talk about some of those scenarios as well. I mean that's probably - it's probably easier to get them into a face-to-face down on the phone I imagine. I don't know.

But that might be something we set as an objective too is to get them involved in the brainstorming on the framework for requesting and ensuring the security of requested data.

Berry Cobb: Yes.

Jonathan Zuck: It seems like there's a consensus on the call right now to go ahead to the 9th because of IGF. But let's actually try to have some conversation take place on the list as well in the interim.

Berry Cobb: Okay yes, we'll schedule it for the 9th at 2000 hours. And I'll send out a couple of the items after I get the transcripts and MP3 to put a graph together so we can deliberate on the list.

Jonathan Zuck: Perfect. Thank you very much. Graeme did you have something else? I saw that you were typing.

Graeme Bunton: What was I going to say very briefly? The - sort of on the contracted parties and registrars. We'll be more responsive when they have something direct to chew over, like a proposal or, you know, they're not going to - something more concrete for them to look at and respond to will get more response. That's all.

Jonathan Zuck: So, and Graeme that's great feedback. So what do you think is the best way to get them involved? Should - and is it through pieces of paper flying to them offline where there's not a meeting to deal with?

Or should we try to prioritize having that conversation with you helping us to formulate an outline or something that we pre-circulate. And then try to recruit people to get to the face-to-face meeting in LA?

Graeme Bunton: That sounds like a pretty good idea. If we can do that we can get a piece of, you know, like a one pager out there. These are the things we're thinking about. We'd love to have a broader discussion with you. Show up here and that might work.

Jonathan Zuck: So I'm going to suggest Berry that for the agenda for the 9th that we actually skip ahead and focus on our internal brainstorming on, you know, what requesting data from contracted parties might look like. So that the week prior to LA we actually have something to send around to people. And then maybe try to get them in a room together to brainstorm around it. Does that make sense?

Berry Cobb: It does. And so I'll make sure that that's part of the agenda. As well as around that timeframe after we have a decent draft, we can also communicate to the RYSG as well as the registrar stakeholder group as well.

Jonathan Zuck: Right. Perfect. All right guys, thank you so much for all your work.

Woman: Thank you. Bye.

END