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Transcription ICANN Kobe
GNSO EPDP Team Meeting Part 3
Saturday, 09 March 2019 at 15:15 JST

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Rafik Dammak: Okay. So let's start on time and I think is the recording started too or not? Terri, can you confirm? Okay.

So again, thanks everyone for participating in this exercise and giving comments and input for - what we are trying to do now is to first we will hear from each rapporteur kind of to summarize or consolidate all the comments and I think we will see - we will start to see the area of agreements or where we have some convergence.

So we will stay with the order and I think it workstation one. That will be Marika.

Marika Konings: Thanks, Rafik. So this is Marika. So I'm reporting on some of the feedback that was received in relation to the discussion around working method so I'll try my best to capture the different ideas and suggestions that were made, as well as kind of to track where, you know, there seems to be a lot of support.

So the first question related to, you know, how many hours a week are you willing to or able to dedicate to phase two. So a lot of plus ones for the suggestion of three hours a week. There were also a couple of suggestions on how to use those three hours. One specific suggestion was to have, you know, two weekly 90-minute meetings but have them focused on different tracks so that you in effect have at least seven days between, you know, the same track to keep kind of the cadence but, you know, you allow for seven days to, you know, review and digest topics, you know, both on the community side but also on the staff support side.

Another suggestion was to maybe break that out in one weekly plenary meeting, plus one or more small team meetings per week and someone also noted that, you know, the legal committee meeting may need to factor - may need to be factored in if that group is to continue and see how that fits into the cadence of meetings.

There was also a question added on there where should the group restart. There was one suggestion that maybe beginning of April would be a good moment. That got some, you know, some pluses as well as some minuses. Another suggestion was early May and that similarly got some pluses and some minuses. Another specific suggestion was that maybe the group should restart when - once a new chair is in place and I added a date because I think the council is currently expecting this to confirm at the latest by the 22nd of April.

I don't know if you want to pause here for a second, Rafik, and see if there are any reactions or you want me to go through all of them because I have a couple of slides with the different responses. So I don't know if it's easier to focus on this one first to see if this aligns with, you know, the views of people. Maybe on the restarting I guess we do need to have a conversation at some point and then a decision on, you know, when the group recommences as, you know, we do need to of course schedule meetings. So do you want to pause here for a minute maybe?

Rafik Dammak: Yes, sure, if we have comments now, yes. Okay. Ayden?

Ayden Férdeline: Thanks. This is Ayden. Maybe I would just clarify the intent. Is it just - are we just questions about is this an accurate summary of the discussion or questions about debating the actual bullet points and the merits of them? What is the purpose of this particular activity? Thanks.

Marika Konings: Yes this is Marika. I think it's a dual purpose. We want to of course make sure that we have, you know, captured accurately here, you know, what was discussed and what was suggested but I think the hope is also to get to preliminary agreements around, you know, the responses to these questions. So again, that will then help us to, you know, develop either a potential work plan or a schedule as a next step. So I think it's a dual purpose.

Rafik Dammak: Okay. Thanks, Marika. I think with this we'll start to think where things are starting to get shaped and we will continue the discussion on that. Okay is there any question or comment? Who? Okay. Ayden?

Ayden Férdeline: Thanks, Rafik. So I was someone that fell within the category of thinking it made sense for phase two to begin in early May. However, seeing the other bullet point that once a new chair is in place, I think that would seem reasonable - a reasonable compromise to beginning the second phase once we actually have a chair who can take this work forward. Thanks.

Volker Greimann: I agree in principle; however, I would qualify that that the new chair might need to ramp up time to bring himself up to speed on the topics that have been discussed and the workload and the expectations of him. So I wouldn't say once the new chair is actually in place but rather once the new chair has been given also enough time to prepare himself and to acquaint himself with the actual work that he's expected to be doing, which means probably that he will have to do a lot of reading of materials -- he or she -- well, the person will have to do a lot of reading of materials that we have read over the course of

our work in the past and that means once the new chair is in place and prepared for - to do the actual work.

Rafik Dammak: Okay. Thanks Volker. I'm not sure but I think when we did the expression of interest we said that we expect that the chair knows about already phase one so I mean in terms to catch up quickly, but point taken here. We have Marc and then I think Alex, yes. Marc?

Marc Anderson: Thanks. Marc Anderson. I guess, Marika, do you have more, or? I'm wondering. I have a question on small teams so should I - okay. I'll come back later.

Alex Deacon: Yes. Hi. It's Alex. Just two quick comments. One, I think I'd rather see us start before the new chair is in place, especially if we decide, as Volker suggested, that this individual comes fully up to speed. I would hope that there's a transition period where what Kurt or Rafik or someone is working in parallel with the new chair to make that transition smooth and quick.

The second is more of a question. So a lot of support for three hours a week to - I was thinking about the comment that Alan Greenberg made earlier which is are we - we're focusing solely on meeting time, so three hours of calls per week. Is that correct? Okay. Thanks.

Rafik Dammak: Okay. Thanks, Alex. I don't see anyone in the queue. And, yes, as to comment what you said in the beginning, there will be a transition and I think the expectation that we will help and then we will hand over to the next chair. So. Yes, Marika?

Marika Konings: Yes. And this is Marika. Maybe one thing to clarify as well, like, the formal confirmation is expected by the 22nd of April because I think that's the next council meeting if I'm not mistaken, but the deadline for applications is the 22nd of March, so there's of course also a scenario that, you know, depending on the number of applications and the time that it requires council

leadership and SSC leadership to review those applications and make a determination that the communication on, you know, a proposed chair could potentially precede that date and, you know, it could also allow for, you know, a request to the council if there are no objections, could the council or could the chair already be instructed to kind of start preparations , and.

So the 22nd of April is the formal confirmation but that doesn't necessarily preclude that someone might already be announced or proposed at least by council leadership before that date and then I guess an assessment could be made on whether there's any concern from the council side with that nomination. And if there are none, there's a potential as well that that, you know, could be before the 22nd of April that someone might be able to step in and start.

Rafik Dammak: Okay. Thanks, Marika. I guess we can move to the next slide, yes.

Marika Konings: So the next question specifically focused on the time necessary between meetings to asses results and prepare for the next meeting on the same topic, you actually had a variety of responses and not a clear answer: three, four and five days were mentioned, but obviously it's also linked to kind of the calls of hours a week so I think we're - at least what we're currently looking at is three hours and I think most seem to agree that that should be split out in two meetings, whether that's, you know, plenary in a small meeting or two plenaries but focused on different tracks.

So at least that seemed to comply with, you know, the three, four and five days to give sufficient time for consultation. So I don't know if there's any specific perspectives on this topic or it's kind of addressed I think by the previous conversation around, you know, meeting cadence. And again, that's obviously one where we may need to come back to as well what the preference is. Does that idea of tracks potentially work?

And again, that may need some further consideration and looking at the topics and see how that works or the, you know, plenary and small team, you know, some kind of agreement on what those small teams would focus on. But again, that's maybe what we can look at at a later space.

Rafik Dammak: Okay. Thanks, Marika. Yes, so Alan, but when we talk about this we are talking about the calendar days. Okay. Yes, Alan, please go ahead.

Alan Woods: Thank you. Alan Woods for the record. One thing I would add to that and of course we all know how much work that staff have put into phase one and I would be exceptionally mindful of when we're talking about things such as this that we have the input of the staff as well and what they can do and what they can achieve, knowing that they will of course also have other work that they will need to do.

So I would be interested as well in getting your own specific input on this because, again, you are the work horses of this and without you we would be lost. So I just want to make sure that we as a team ensure that we take that into account when making these timelines as well.

Rafik Dammak: Okay. Thanks, Alan. Okay. No further questions so, Marika, next slide. Okay. Yes, Marc?

Marc Anderson: Sorry. Late hand. Marc Anderson for the transcript. I think also a component of this that's missing from the question is perhaps how much lead time you get on a topic, right? And so if we have a topic, if we know what the topics are well enough in advance, right, we have a better ability to prep them and prepare for the discussion at the meeting, right?

And so there's sort of, you know, how much time before a meeting and then how much time after a meeting to assess the results. So this question seems focused on sort of after a meeting how much turnover time do you need but, you know, I think also it's useful to have a little prep time as well.

Rafik Dammak: Okay. Thanks, Marc. Let me check. Marika, was this kind of (unintelligible) as - no. Okay. That's good. I guess when we talk about it, it's not about the agenda in itself but giving a heads up what is coming and, like, what's in the pipeline. Okay. I think as we tried to do maybe previously to have, like, the work plan and suggest which topic we are - but, okay. That's something we need to discuss further. Sure.

Okay. I don't see anyone in the queue so there is another slide, or?

Marika Konings: Yes, yes. I have a couple more. You know, of course this question does ask about prepare for the next meeting on the same topic but I think Marc was referring more like advance - in advance of starting a conversation on a topic, how much lead time there. Just to say we appreciate Alan's consideration of staff workload because, yes, I think we do need to think about how, depending on where the group ends on the cadence, you know, how staff can best support that.

And it may also be a question that goes to the resource conversation because we may also need to go back to the council and say, "If you want us to support this effort, you know, it may mean that some other things need to be frozen or you need to give us some additional hands so we can also continue on the same pace in supporting other topics that are ongoing."

So the next one goes to the question of how to best tackle the different topic, parallel, consecutively, you know, are there any topics that should be prioritized over others? And here there are I think some maybe contradictory responses and no, you know, clear view of, you know, what might be the best approach here.

You know, some noted that too much parallel work can get counterproductive. Others suggested that, you know, different work tracks in parallel would be helpful. Here already one mention of small teams came up

but it also - I think the next slide also talks about the small groups in the context of working methods. The comment here: No small groups, only if practical.

There was also a suggestion of actually the different discussions for work streams should really happen on the mailing list and some suggested that, you know, in the context of prioritizations, you know, some topic may logically need to be discussed before others. And an example that was provided that, you know, you need to consider lawful basis before you actually go into disclosure criteria. I think those were the main items flagged and raised.

Rafik Dammak: Okay. Thanks, Marika. Let's see if there's any comment. Okay. So for the last - oh, Alex. Okay, so let's - after him I will make my comment later. Yes?

Alex Deacon: Sorry. I'll be quick. I'm the fan of the parallel work tracks. I think the work that we have in front of us lends itself quite well to kind of being sliced and diced into two, maybe three kind of large work streams and I think they're different enough that it will allow us to make progress on these important topics in parallel and at the same time and it'll also allow us, and this is something Thomas said earlier when we were at the - putting our sticky notes on the board, it also allows us to have different cadences and different timelines for each of those work tracks, and I think that would work quite well.

Rafik Dammak: Okay. Thanks, Alex. Farzaneh?

Farzaneh Badii: Farzaneh Badii speaking, NCSG. So I personally want to disagree that - with parallel groups because that's not - that puts us at a disadvantage because we are under-resourced and it's also, like, re-litigate all the issues and I don't think it'll work for this group. I think we need to find out priorities and just work on those and then work on the rest of the issues when we come up with, like, a more relaxed timeline for the issues that we do categorize as priority. So I disagree with Thomas's method.

Rafik Dammak: Okay. Thanks, Farzaneh, for the preemptive action I guess. So Alan and then Thomas.

Alan Greenberg: Maybe I misunderstood Thomas but I thought we were discussing when we talked with two parallel tracks not that we're going to go off in little teams but that on for instance Tuesdays we would do track one and Thursdays we'd do track two so that'd we have a full week between each meeting on the same subject, and I don't see how any of the points you, Farzi, was raising are relevant in that case because it's not about sub-teams having to - their whole group renegotiating. It's the whole group talking, but simply taking two topics in parallel so we don't have a meeting two days apart on the same topic.

Thomas Rickert: I'm not going to start a vendetta with Farzaneh. Maybe just to explain the rationale which I think has been described accurately by Alan. I think that we could have two or three different work streams, one with the left over questions from phase one, one with let's say civil requestors and one with public authority requestors. And the beauty of that would be that we could have different completion dates for the work tracks.

So while we are - if we pursue that path, if we actually reach out to the European Data Protection Board or government, we could have a work product for them ready, ship that off and wait for their feedback and in the meantime work on another parallel work track. So it's actually not an idea to have different teams working on different things but the same team working on different tasks in parallel.

And I guess the biggest beauty, as described by Alex, I think was that we would avoid crunch times for the members of this team to get feedback from their respective constituents. So you would always have at least one week between meetings on an individual topic.

Rafik Dammak: Okay. Thanks, Thomas. So we have Brian, Farzaneh and then Amr. Brian?

Brian King: Thanks, Rafik. Brian King. I think I would like for us to decide this week that we're not going to be married to the concept of just doing one thing at a time in one work track. I think the chair and the team can assess on an ongoing basis how it makes sense to divide the work as we go and not to get married to doing two work tracks or three at the same time. But I'd like for us to decide that we will consider doing multiple work tracks where it makes sense for us to do that. I'd like for us to agree on that this week so that we can start thinking about how to divide those up at the beginning and then asses that on an ongoing basis.

Rafik Dammak: Thanks, Brian. Farzaneh?

Farzaneh Badii: Farzaneh speaking. I just wanted to clarify because Alan is implying that my comment's irrelevant because I did not understand what Thomas was actually saying. I totally understood and I believe that this parallelism is going to kind of lead us to having these small teams because we might not have the time, some of our members might not have the time.

But I do think that this is going to affect our work and also we are going to in parallel work on issues that might not be priority and some - maybe we should put our energy on one and just get rid of what is prioritized and then start working on issues that need, like, a longer timeline. And I just wanted to say this method, these parallel groups is not very beautiful, Thomas.

Rafik Dammak: Okay. I'm not sure that we are looking for a beautiful solution but just something that works. Okay. So we have Amr and then Alan. I'm not sure if it's an old card there. Okay. So, Amr, please go ahead.

Amr Elsadr: Thanks. This is Amr. I'm not a big fan of parallel work tracks either but I think Brian's suggestion might be an elegant solution where we can, you know, deal with these as come up and determine on a case-by-case basis what the capacities of the different representatives of the different groups can handle.

However, I think that splitting these two days per week might prove confusing and disruptive.

If I recall correctly, we did actually suggest this previously in phase one. We tried to do it. We tried to sort of like leapfrog topics where we would have one topic discussed on Tuesdays and another one on Thursdays. It didn't last very long. It didn't work very well. Speaking for myself, I think it might be a better idea to hold one plenary call per week, which might be an extended or a longer call, and, you know, determine whether we want to deal with one topic on that call or more than one topic and have an entire week to work on it.

I think this might also give us more flexibility in scheduling additional calls as needed. You know, if we do determine that we need small teams to handle issues, it would give us more days per week to have those small team calls. And we don't know to what extent we're also going to need the legal committee to continue a meeting so we might have some members who might potentially have to hold three calls per week again in phase two.

So I just wanted to throw the idea out of there of having one extended call and, as Brian suggested, maybe, you know, determine it on a case-by-case basis whether we want to deal with one topic or two. And this might change from time to time, depending on what we're doing. Thanks.

Rafik Dammak: Okay. Thanks, Amr. Alan?

Alan Woods: Thank you. Alan Woods for the record. I'm in a weird position after Amr's intervention because now I both agree and disagree with him on the same thing, which is weird. I just would caution, I understand where Thomas is coming from and I absolutely appreciate him.

One of the stumbling blocks that we found again within phase one, again, we are representing, we are all representing a large group of people at times and

we need that time to go back to get that clarity so that we can move forward I suppose concertedly and without any ambiguity and making sure that our representations are best representing - representations, you know what I mean, that our SG is being best represented is what I'm trying to say.

But then extending the - a single call in a week, I mean we all remember, you know, once you get to hour 1.5 the energy level and the brain power starts slipping very rapidly, and I do think that a lot of confusion and issues and the rehashing of issues. If you look back in the record, a lot of that occurred in those last hours where we were all so tired that we just mixed ourselves up in that. And I would really caution against an extended meeting.

I mean we all - I think it was Alan, other Alan, that stated when we were at this board, you were, like, you know, at the beginning we said two hours with an aim for 1.5 hours and, you know, we never really did that either. So I mean I think we should be very clear from the very beginning that we need to be effective in the time that we are presenting. If we go too long we just beat ourselves basically. So I would be - I would caution that. So I agree that, you know, one a week but I don't think it should be longer but I don't know how to get around that.

Rafik Dammak: Okay. Thanks, Alan. Okay so I think we heard different point of view here. Okay. I'm not just saying it should be parallel or not but I think maybe also there is something that can be possible exactly to be sure about the order and the priority of the topics to be covered, so it can be in sequence or in parallel. That's the discussion that we're having now.

But I think we need to define the priority and so having that kind of to maybe listed to give heads up for the members to prepare and that comes back to the comment from Marc. So that's something that's kind of the condition of the requirement that need to be done regardless of which approach we follow. And okay. So that's one point.

I also see - I heard like maybe small discretion so we are not rigid in the approach we can follow. So we can adjust or tweak so it can be a continuous improvement and so that's another possible way. So it can be a dynamic approach so it can maybe sometimes go in parallel or not, depending on how much about the capacity and also depending on the topic.

So I guess we still have some discussion here but let's see how we will move on. Marika, is there another slide or that…? Two more. Okay. Just because drink time check, we still have for this 30 minute or - 30 minutes. Okay. Let's try to be more kind of more efficient.

Marika Konings: Thanks, Rafik. And just to note, I don't want everyone to run away at the same time but they have brought in some coffee and snacks in room and will be here for the next 30 minutes. So if you want to get some, discreetly get up and help yourselves.

So the other question related to time needed to develop the initial report, you know, factoring in how much time was spent on phase one as a kind of reference point, some suggestions were, you know, one, two, or one and a half years that might be needed. Some pointed out as well that there's a need to agree on a realistic target delivery date but others pointed out as well that, you know, we shouldn't be setting an artificial deadline.

There was one suggestion that it should be completed before or on February 29, 2020 and one suggestion that was also put forward is whether, you know, there could be -- and I think it also aligns with what Thomas has been describing -- that there could potential be separate initial reports that would be prepared for separate tracks so that items could more forward as soon as ready so you would have, you know, different timelines, depending on the topic or work track you're looking at. Do you want me to maybe go straight to the next one and see if that answers any questions?

And the last one dealt with working method should the EPDP team consider changing? Here was one where there were a lot of different opinions on small teams. You know, some suggested that small teams actually lead to re-litigation and while others pointed out that, you know, small teams can be productive but they shouldn't rehash small team outcomes in the larger group as that is not efficient.

Some suggested that, you know, small teams should only happen at face-to-face meeting. Someone suggested that maybe there should be intense phases plus relaxed phases, though I'm not exactly sure what that means. Someone also pointed out when an issue is closed, it's closed and shouldn't be reopened. There were several people supporting that intervention should be limited to two minutes and one person per AC, SG, or C per ten minutes.

Some pointed out, you know, important to follow the charter. Be smart when choosing which topics can reasonably be settled in a small group. There was also a suggestion that the group should consider pursuing the initial report in the form of a DPIA as that would trigger a review by the EDPB instead of, you know, asking them nicely to review. And someone pointed out as well that conference calls and face-to-face time are both necessary. And that's it.

Rafik Dammak: Okay. Thanks, Marika. Yes, Marc?

Marc Anderson: Thanks. Marc Anderson for the transcript. So my group hit station one last and when we got there I was kind of surprised to see a whole bunch of sort of plus ones for small teams and a whole bunch of plus ones against small teams. So clearly this was a pretty divided topic. So I'm curious to get other people's thoughts on this but in my group one of the things we talked about was how we had the small team A and B that were used leading up to the Toronto meeting.

And I thought small team A and B were really very effective actually in that those, you know, those two teams met -- I'm getting agreement from

Benedict, thank you -- you know, those two teams met in parallel and sort of had, you know, both teams I think individually reached the sort of conclusion that they would, you know, they would recommend, you know, in places where there was agreement within those groups, they would recommend those up to the plenary and in places where there was not agreement, they, you know, they said they would just send those, you know, send it to the plenary.

Those were decisions that couldn't be decided in the small group and had to be decided in the plenary. And I thought that ended up being very effective because the recommendations that came out of those small groups were largely accepted in Toronto with very few changes. So I thought that was a great example of where small teams were used effectively and something we could maybe try and leverage more in phase two. But considering all the, you know, the pluses and minuses I guess on small teams I'd love to get other people's thoughts on that.

Rafik Dammak: Okay. Thanks, Marc. So I'm not sure if it's Matt or - oh. Okay. Please go ahead.

James Bladel: Hey, thanks. James speaking. So I agree with Marc that if we're going to employ small groups we have to make sure that we're not doubling back every time they come back with recommendations for the larger group. I think that it's part of the ICANN culture that folks want to delegate work to be taken offline to a small group and then argue against it when it produces something.

So understanding which small groups are decisional versus which ones are just producing or exploring an issue and uncovering information to inform the larger group would be helpful. I see face to face coming up a couple of times on this slide and it goes to - also to station three when we talk about resources is the face-to-face meetings I felt were more effective because they were structured and moderated or operated by the mediator service.

And they kept the conversation and the work proceeding in a straight line and they kept us from circling back a lot, which I think we tend to do as a group. And so I don't know if we can capture that here or capture that in, you know, if it's captured in station three or if we want to remark on station two that it's a dependency but I don't think we should consider face-to-face meetings without having those facilitators. Thanks.

Rafik Dammak: Okay. Thanks, James. I think the notes are taken so it'll be considered later on. Okay. I have Ayden and then Amr.

Ayden Férdeline: Thanks, Rafik. This is Ayden. So I agree with many of the points that I - if an issue was being closed, it should be closed and I certainly support capping interventions at two minutes. One question I did have was on the second to last bullet point and I'm hoping that whoever proposed the idea might be able to speak further to what they had in mind.

                  I'm not sure that it is true that the completion of the data protection impact assessment would automatically trigger a review by the EDPB but I could be mistaken so I'd just like to learn a bit more about the idea there. Thanks.

Alan Woods: (Unintelligible) Alan Woods for the record. So, yes, that was mine, surprisingly. So it's not - again I would always and I have always advocated using the methods and the means of engaging the European Data Protection Board as are written within the GDPR itself. And one of the - it's not an automatic trigger, no. You're absolutely right on that. It is that we can provide for a prior assessment by the European Data Protection Board of the processing of personal data. And of course this is going to be a major processing of personal data. It's the full intent of this.

                  And if we create a data protection impact assessment as per the requirements that under - I could be wrong on this. I think it might be Article 32. I could be very wrong. Maybe Thomas knows - has more encyclopedic knowledge of it than I do.

But it - there is a statement of things that could be presented to the data protection impact - to the Data Protection Board where they can create an assessment and give us a formal assessment as to where we are in our thoughts and whether or not the impact is properly assessed and whether or not they would likely be to not green light it per se but that they would be comfortable with the processing of data as is presented.

So again, instead of just the begging roll approach, to use a bad term, of going to them and saying, hey, look at this. This something, you know, I made this. This is wonderful, isn't it? Actually present to them through the formal process that is within the GDPR itself and get a proper assessment. That will be a comfort to all parties involved is my thought.

Rafik Dammak: Okay. Thanks, Alan. So we have Amr and Alex. So just about time, okay, so let's say time management here, we still have two rapporteurs. I'm just thinking, let me check with Marika here, I guess maybe after this we can continue the, like, sharing the findings and we will still have a session on Thursday or Wednesday to continue the brainstorming. But beforehand we can share kind of the report on the mailing list so maybe people can also continue their feedback and so that is my thinking for now. But let's see how things will go. Yes, Amr and then Alex.

Amr Elsadr: Thanks. On the use of small teams I believe we need to sort of manage our expectations on what we would achieve with those. You know, there are points I think are all valid that were shared during the exercise we performed. Small teams lead to re-litigation. That's true. You know, we - two of the very earliest small teams we held were on geographic differentiate and natural versus legal.

You know, we went through the entire work through phase one and we ended up with divergence on recommendations to those - to the outcomes of those two small teams and the relitigation that persisted beyond that persisted

beyond them, but then you have another bullet that says the small teams are productive.

I believe this to be as true. Just because the outcomes of the small team led to relitigation doesn't mean that they didn't perform their function. They did. I think the small teams were productive and the fact that they led to relitigation doesn't necessarily mean that, you know, they were necessarily a bad thing.

I just think we need to sort of manage our expectations in terms of what would the outcomes of these small teams be and, you know, just because we might not reach consensus on the outputs doesn't mean that they weren't helpful and they didn't help us reach a conclusion of divergence. But - so I wouldn't say that these two bullets that are sort of conflicting necessarily are untrue. Just wanted to offer that thought. Thanks.

Rafik Dammak: Okay. Thanks, Amr. Alex?

Alex Deacon: Thanks. So I had a comment -- this is Alex -- I had a comment on the previous slide but I do not remember what it was because of the jet lag. Oh. This last bullet, consider whether separate initial reports could be prepared for separate tracks, would that require a charter change or is this something that we could decide to do if it made sense? I don't have an opinion either way but I was just curious.

Marika Konings: Yes. Thanks, Alex. This is Marika. Yes, that came up as well in the conversation we had. My interpretation would be, you know, the charter I think does talk about initial report and final report for the phase two work but I think the group could go back to the council and basically ask is there an issue or problem if we produce various initial reports in line with the different work tracks? Is there any concern about that?

And the council could then say, "Well, no. We would envision as one initial report or, you know, we are of the view that if you want to do that, we do need

to modify the charter." Or they could just say, "Yes, great idea. If that helps your work progress - progress work quicker, we don't have any concerns about that." So I think it's probably once - and then in any case of course the work plan will need to go to the council so if that is, you know, how the work plan would be structured, it would also be for the council then to review that and indicate if they have any concerns about that.

Rafik Dammak: Okay. Okay, thanks, Marika. I think - yes. Just - okay. So I think we are collecting all these comments and we will hear from Chris. Yes.

Chris Lewis-Evans: Thanks, Rafik. Chris Lewis-Evans. Sorry, Marika, probably not the one for you. A quick question on process. So once we've got the work flow and work plan all sorted out and let's say we chose a date that we want to be finished by, is there any process mechanism that would ensure the group completed the work within that time?

Marika Konings: Well - this is Marika. That's of course really up to the group itself because you set yourself a deadline, so working towards that, you know, you may need to adjust your working methods or spend additional time. You know, we have seen it, you know, it's sometimes challenging because, you know, things come up and it may take longer to get to consensus. You know, sometimes things do more - work quicker. But there's no, you know, you can impose maybe soft punishment in some way if you don't meet the deadline but - yes, exactly.

But there's, you know, nothing that will happen if - of course the council will also oversee your timeline and I think there's - there is a trend towards, as part of the GNSO PDP 3.0 conversation, that, you know, any change to a timeline, and especially milestones, will need to go back to the council with an explanation as to why that's happening and then as well of course it allows the council as the manager of the PDP to say, "Okay, if you're telling us, you know, too few people are showing up, well we can put another call or encourage your groups to send members that can actually participate" or

whatever the issue is. But you're basically setting yourself a deadline so you're the ones responsible for working towards that.

Rafik Dammak: Okay. Thanks, Marika. Yes, Volker? Short comment please.

Volker Greimann: Yes. I'm a bit on the fence on this. On one hand it would be nice to complete this in one or one and a half years. The sooner we can get out of this and go back to our regular lives the better. On the other hand I have a bit of a worry that we - if we set an artificial deadline or a deadline. Sometimes in the past, we'll be working towards that deadline, if we don't manage it then suddenly the rush happens again or certain pressure starts to be articulated by part of the group or leadership or whoever, could the community that we are not meeting the deadline, even though we might have very valid reasons for not meeting the deadline. So I'd rather see this go - taking as long as it takes with the understanding of all members of the group that we'd like to be finished as soon as possible.

Rafik Dammak: Okay. Thanks, Volker. I think it's a good time to move to the next part. I think it's number two and it's (unintelligible) so Caitlin please go ahead.

Caitlin Tubergen: Thanks, Rafik. This is Caitlin Tubergen from ICANN Org for the transcript and I was over at station two, which dealt primarily with dependencies and interactions. There was some divergence in what the group thought so I just included all of the Post-Its on the slides.

So one of the themes that was recurring was this is a tricky topic and the mind map was sent around but people need more time to review that mind map so that they can look at the dependencies we've identified and discuss how best to prioritize them.

Another theme was that contracted parties and ICANN need to enter into the data processing agreements before discussion about standardized disclosure can be finished. We specifically flagged a question within the question at the

top of the slide about the work of the TSG and there was a lot of agreement that the work from the TSG and RDAP pilot should not be driving the policy discussion but it could inform policy implementation.

There was a note that the phase one recommendations need to be adopted by the board first. And then there was some talk about the specificity of disclosure types. It interacts with purpose two, specifically IP disclosures, cyber security disclosure, et cetera. And in line with that that, the group needs to define the different types of requesters prior to defining the disclosure process. And then I believe there was a flag about the survey on natural versus legal from the phase one report. So I'll pause there, Rafik, if anyone has anything to add.

Rafik Dammak: Thanks, Caitlin. Okay we have Hadia. Yes, I'm trying to - I'm - so. We have Hadia, Benedict and Volker. Yes. Hadia, please go ahead.

Hadia Elminiawi: Hadia Elminiawi for the record. So my question is regard - with regard to the comment that says define types of possible requestors prior to defining disclosure process requirements. So maybe whoever wrote this comment could elaborate more on that. Why is it necessary to define the possible requestors before defining disclosure process requirements?

Rafik Dammak: Okay. So it seems you have good timing, Volker. Yes, go ahead.

Volker Greimann: This is not my comment for which I'm in the queue, this is just an answer. I think we need to define the possible kinds of requestors because this is not going to be one size fits all. Even with law enforcement asking for disclosure of data, this may not be one size fits all because law enforcement is not equal to law enforcement. Law enforcement in a certain jurisdiction may have legal rights and interests that legitimize certain requests but law enforcement in another jurisdiction may not have that same rights to request the same data.

So by defining who may ask, who the requestors could be in more detail we can provide answers to what the requestor's processes might be and which requirements or policies need to be in place for such request processes and disclosure processes.

Rafik Dammak: Okay. Thanks, Volker. So that's the response but did you want to add another comment? Otherwise we will go to - move to Benedict.

Volker Greimann: Yes, just one comment that while we may do a lot of work in preparing all kinds of dependencies and interactions in advance and planning out the entire work over the next couple of months, maybe years, that does not mean that we suddenly come to a point where we see that there are certain dependencies and interactions that we have overlooked and that may require a detour or a vision of the work plan because certain aspects of what's scheduled next depends on something that has not been scheduled at that time or has been forgotten or scheduled for a later time, yes.

Rafik Dammak: Okay. Thanks, Volker. Benedict?

Benedict Addis: Hi. I'd like to correct the idea that TSG has sort of any interest in doing policy. It - as a bunch of engineers it's like, "Oh, God, leave that to the policy guys." So basically what the TSG is looking for you guys to do, or us guys to do, in phase two is work out who has access to the data, how long they have it for and what they get, depending - potentially depending on who they are, and that's known as accreditation in the first step and authorization, right?

What's been really useful about sitting on that group and what you too will be able to find out on Monday, and this is a plug, at I think it's 1:30 on Monday, is to find out what I did, which is kind of a framework to hang this policy in. So if you're interested in how this is or a possible way this is going to work out from a technical perspective, then it's defined - it's quite - it serves as some quite useful ways of thinking about a possible disclosure model.

And so I think it's great to be on the TSG because everybody just says, "Oh, well, you know, we just have to work out who gets access" and then that's part - because then we go into discussions about sort of Java web tokens and things like that. So it's all over to you, you know, it's all over to this group to work out actually who gets access and the chewy stuff because engineers don't want to think about that. There may or may not be comments on that. Otherwise see you Monday.

Rafik Dammak: Yes. We have a meeting with the TSG tomorrow. Yes. Someone who overlooked the agenda so you are busted. Okay. We go with James.

James Bladel: Thanks, Rafik. Benedict, you mind a couple of quick questions because I always - I have a little joke which is trying to separate policy from implementation is like trying to apart a peanut butter and jelly sandwich after you've already made it and taken a few bites. They bleed over to each other.

For example, I'd be really interested in the presentation to hear more about, like, how you defined your requirements without, you know, in the absence of a policy or inside of a policy vacuum. But I guess my question is are you the only person that's on both the EPDP and the Technical Study Group that you know of?

Benedict Addis: It's a good idea - yes.

James Bladel: So do we need to formalize some kind of liaison relationship here or something because does there need to be a connection?

Man: Well we talked about that. The TSG is done.

James Bladel: The TSG is - okay.

Benedict Addis: I think the TSG is not far off done with its proposed model so I guess maybe perhaps with a sort of whatever happens in the future. But there is - as far as

I can see all I've been doing on that group is to say I think -- and you can hear the calls yourselves, I believe a number of people listen to them -- is to say I think this is the way that the EPDP is going and so we must remain open to various ways of doing things.

So if you read the report, which came out a couple of days ago, you'll see that it's amazingly policy-agnostic. It proposes I think four models and says, hey, we quite like this but if policy folks decide different, then that's above our pay grade and another model can be chosen. So it's - what's really nice about the TSG's model is that it peels apart these different modules. You've got an authentication module, you've got an accreditation part, you've got an authorization part. So it is remarkably - it is un-stirring the miso from the soup, to be country specific.

Rafik Dammak: Okay. Thanks, Benedict. I don't see anyone in the queue. Okay. So I guess we can move to the last report. Oh, sorry. Okay. Please go.

Caitlin Tubergen: Thanks, Rafik. We had one more slide from the dependencies interactions group. We specifically asked how legal memos received from outside legal counsel should be reviewed going forward and some members seemed to think that what we did in phase one should continue, which is that we have the small team of legal experts that comes from within the EPDP team to continue to review memos and escalate them to the plenary group when necessary, similarly as to how it's done now. All legal memos should be published to the team and on - and posted on the wiki.

Another idea that seemed to get some traction was if (Burt & Bird) or outside legal counsel could please come and present to the team prior to the phase two work to give an overview of the legal guidance received to date and some training on that rather than having members of the legal committee posture their opinions.

And then lastly we asked what dependencies and interactions should be prioritized and, again, the legal foundation was brought up. There was some traction to starting back at the beginning with data maps and data flows and then move on based on what the process requires and then to of course consider the charter and policy recommendation questions and agree together on the right order of how to address them.

For example, do we need to adopt a standardized access system is one of the charter questions. And then someone suggested that we need to get something in front of the DPA or the EDPB to review and give feedback but I would ask whoever wrote that comment to maybe be a bit more specific about what exactly we would give them to review.

Rafik Dammak: Okay. I assume that's Marc. Please go ahead.

Marc Anderson: Thanks. Marc Anderson. I'm guilty on that one. So what I was going for when our group hit that station we talked about how in phase one we initially had this concept that the initial report would go to the EDPB and, you know, when we got the initial report out there, I think we all, you know, sort of recognized that it wasn't necessarily polished enough or that there would be value in getting it to the DPV.

So we scrapped the idea of sending the initial report to the EDPB but we also, you know, we also recognized that it would be good to get something in front of the EDPB and I think we just ran out runway, we ran out of time to do that. And so that bullet point there was just sort of put down a market that, you know, here in phase two we should really put some effort into getting something in front of the EDPB. It was my suggestion, and somebody else in my group pointed out, well does it have to be the EDPB? Could it be a DPA instead? And so I think that's why we put EDPB/DPA or similar. So I think hopefully that helps clarify that bullet point.

Rafik Dammak: Okay. Thanks, Marc. Okay. So we have Amr. Okay, I don't see anybody else. So, Amr, please go ahead.

Amr Elsadr: Thanks. This is Amr. The first bullet I find to be a little - well I don't really agree with it to be honest and I would appreciate clarification from whoever offered it to provide some context on why, you know, why the thought was shared. Generally the EPDP team, like any PDP working group, would review available resources together collectively.

                  And this is the, just to clarify to everyone who wasn't looking at the screen, that this is a bullet on, you know, having the small team of legal experts review the legal memos that come in return to - come in response to questions that were drafted by the legal committee and sent to legal counsel that is retained by ICANN to assist us.

                  And, you know, the EPDP team reviews public comments, for example, collectively. We review the responses from ICANN Org to questions we ask collectively. These are all important resources that help us, you know, make our determinations. When it comes to the legal memos from (Burt & Bird), those are exceptionally important resources at our disposal. It's understandable that the legal committee works to draft the questions and representation from the different groups is present on this committee.

                  When it comes to reviewing the memos that we get in response, I cannot think of any rationale why this should be limited to the legal committee alone and only escalated to the plenary when issues arise. So I would appreciate just to get a little bit of understanding why this thought was offered. Thank you.

Rafik Dammak: Okay. Thanks, Amr. I - oh. It's Marc again.

Marc Anderson: It's actually not mine but I just kind of want to jump in what Amr said. You know, I agree. I think the third bullet point maybe also agrees with that. It

says legal sub-teams review legal advice and provide recommendations to the plenary. You know, I agree. The information we get from our legal counsel's invaluable and everybody, you know, should see that and have a copy of that, absolutely.

You know, if we're not going to share the - what we get from legal counsel with the entire group then we shouldn't get that advice. But I think also in the third bullet point, you know, I think also, you know, I having the legal group craft the questions that go to legal counsel's been effective but I think also it would be a good use of their time to also have them review the, you know, review the answers we get and provide, you know, recommendations to the plenary for, you know, how we action the advice we get. I think that would be a good use of the legal subgroup and, you know, sort of a path forward to actioning the advice we get from our legal counsel.

Amr Elsadr: This is Amr again. Marc, are you suggesting that as a preliminary step to the entire plenary making a decision on the recommendation by the - that would be fine by me, as long as the decision is made by the full EPDP team. Thank you.

Rafik Dammak: Okay. Thanks, Amr. Just a point. Please don't do it like that. We are trying to manage the queue so we can come back and (unintelligible). Margie, please.

Margie Milam: This is Margie. Yes, I think that makes sense, Marc. And I actually agree with Amr that what we did initially was just set up the questions for legal but those are important issues the whole plenary should look at, and certainly taking your approach would work as well. Thank you.

Rafik Dammak: Okay. Any further comments or questions here? Okay. I guess we are done with this part and we can move to the last one with Berry.

Berry Cobb: Thank you, Rafik. Berry Cobb for the record. While the slides are coming up, I think you'll all be shocked to know that there was broad agreement across

the group about having additional resources for phase two. So the first slide just a reiteration of the question. Most notably is that we don't know exactly - we know what, we don't know how much just yet, but that the GNSO Council chair should send a note to the board ASAP to say that we - or that the EPDP does need resources and that we'll get back to board as soon as possible with specific quantities.

There was also I mentioned that, you know, to ensure that the schedule does accommodate, you know, accommodates the resources required, noting that there are other parallel efforts going on in the community and most notably that the group needs a chair immediately.

So with that, essentially the same kind of bucket allocations that we had in phase one were reiterated here, mediation facilitation services, likely from CBI. It was more noted that it would be, you know, ask for the resource now and if the new chair doesn't require it or the group agrees that it's no longer required then you don't have to spend that money but better to ask and not need it than to not request it and then need it later.

Of course continued legal advice ready from day one, you know, continuing on with what (Burt & Bird) had mentioned till now, as well as of course additional face-to-face meetings with travel fund, probably mimicking what we did in phase one, where likely if there is a face-to-face in between ICANN meetings, as well as perhaps like we did I believe at I don't remember the ICANN meeting but we did meet on kind of a day zero of one of those ICANN meetings as well.

I think what was most important was to map out the key dates in the timeline when these face-to-face sessions would occur, if they're occurring outside of ICANN meetings, and that is to mitigate any visa issues. There was a mention about, you know, the study on legal versus natural, which came from a recommendation from the phase one report but noting that that's likely

going to - you know, the resource allocations for that would likely occur outside of the request that we're trying to put together here.

You go on and move to the next slide, please.

There was also a mention about a team-building exercise at the beginning, not necessarily matching some of the initial steps that we took up front but I think several in the group had taken some of the leadership or team-building exercises with (David Cole) and perhaps if that was something that could be useful here. For sure, the continuation of teleconference recording and transcripts.

There was also a note from the GAC about providing more concise summaries on the outcomes of those sessions, as well as, I don't think this was discussed directly but it did wind up as a sticky note, that in terms of resource requests that data protection impact assessment be performed. I'm assuming that that was likely for phase one or the phase one final report. Perhaps that could also mean, you know, an initial report or some deliverable from the phase two. There wasn't much detail there.

And go ahead and move on to the next slide.

So there was a secondary question, you know, what kind of briefings does the group require. And next slide, please. So there was definitely a common agreement that there should be a pure agreement on the phase two scope of the work performed here -- pardon -- and what the expected output of the phase two group will be. You know, certainly more precision about what recommendations or what the initial report would look like, the consensus recommendations in there but more precision around that.

I think it was already mentioned from one of the other groups that to have (Burt & Bird) do a comprehensive briefing on the previous legal advice that the group has received to date in parallel to also educate the members on

how that advice should be received and consumed by the group in its deliberations. It was also widely supported about RDAP education on the protocol, the functions and features of that protocol in terms of having a common understanding about what is capable within that protocol as it relates to our policy discussions.

Somewhat of a repeat from the other groups as well but a briefing from the TSG, noting that, you know, there was discussion about having this liaison but, as Benedict had mentioned, they're targeting to close that group probably mid to end of April so I don't think the liaison role is important but more that there is a common understanding that this group have with the outcome of the TSG report. And, as I noted in our little breakout sessions, having reviewed the report, there are three or four policy flags listed there for us and, as Benedict said, they didn't want to touch it but they raised the flag for us so it would be good to, you know, accurately identify what those are.

There was also a point about developing a comprehensive solution document to try to get the big picture down on one page, you know, what does this really look from the top to bottom? There are several moving points going on out there in terms of, you know, what the TSG is doing, what the IRT will be doing, what does RDAP, you know, look like in terms of this solution and then certainly from, you know, the proposal that the TSG would put together as well and kind of see comprehensively how all of that would fit in together.

And then it was also noted that it would be good for the group to have a very detailed briefing from ICANN Org about their research needs. Example, for, you know, there was several discussions about whether OCTO needed access to data or, you know, redacted data or not and some other tools as well so that, you know, it could put to rest amongst the dissention within the group about what is needed and what isn't needed, and it should be coming from ICANN Org.

So, you know, on a couple of these items there were one or two disagreements. For example, some of the face to face, I think one or two people noted that that's probably not necessary and just leverage ICANN meetings, but for the most part there was broad agreement on all of it except one, kind of going back to the chair role.

There was a notion about a paid chair but I think that was quickly shot down in terms of understanding that that would be quite expensive but more importantly would probably invoke a change to the charter as well. So that one was set aside. So I think that pretty much covers everything that was discussed. Thank you.

Rafik Dammak: Okay. Thanks, Berry, for this. So we have I think it's Marc and then Alan, if I'm not mistaken. Alan, that was you. Okay. Marc? Is it Marc or Margie? I'm not sure. Okay. It's in old - okay, so Alan?

Alan Greenberg: In terms of face-to-face meetings held at ICANN I think I'd like to have a discussion on whether we fund people who are not otherwise going to be at that meeting. I think we have a problem of fairness that if some people are going to be - regular members are going to be excluded because they aren't otherwise funded, and I believe we should follow the model that the CCWG Accountability did that if we're going to hold face-to-face meetings at ICANN meetings, that we fund those who are not otherwise here.

Rafik Dammak: Okay. Thanks, Alan. Yes, Marika?

Marika Konings: Yes, this is Marika. And I think it's also an important conversation to have with the council because of course that is not a practice that's currently applied to other PDP working groups and it could set, you know, a precedent or impact, you know, other groups that have face-to-face meetings here as well so I think it's - if that is indeed a request from the group it's probably something for the council to consider and also the impact that it may have on other PDP working groups that are also meeting at ICANN meetings.

Rafik Dammak: Okay. Thanks, Marika. Yes, Alan?

Alan Woods: Thank you. Alan Woods for the record. I just wanted to go back to the one about the team-building exercise and I just wanted to actually point out that this was actually Laureen's idea and I put it up on the board but I wanted to give her full credit, and I think it is really good, just point out that, you know, I helped with the leadership program this year and I was an alumnus of it and there are elements of that which are very, very worthwhile, breaking down the barriers between the different stakeholder groups, so I just wanted to put an extra verbal on the record support of something like that because I think we can - we all need a little bit of a reset and, you know, maybe a Kumbaya moment, but we just - we can have that with something such as that and the (David Cole) method, shall I say, is very effective.

Rafik Dammak: Okay. Thanks, Alan. We need a Kumbaya, so. Okay. I don't see anybody in the queue so, okay that's good. We are not that late in terms of time. Just checking here with Marika. So we'll send maybe some - you'll add those comments and we will send to the list so everyone has a chance maybe to review and we continue the discussion till Thursday, if I'm not mistaken. Yes, Amr. It should be a short comment, please.

Amr Elsadr: Very sorry for the late comment and I'll keep it brief. On number six, I think, you know, we, as an EPDP team, we've persistently had a conflicted understanding of what both the scope of what OCTO needs, the Office of the Chief Technology Officer, or the scope of what they actually do in terms of research and what their needs are in terms of data.

                  We did send them a question and they sent a response via email and we have a recommendation resulting from this in the phase one final report. It's recommendation number two. And part of the recommendation is to consider their needs in phase two. I think it would be really helpful to settle the differences we have on this recommendation, or at least the understanding

that the conflicting understanding we have on these issues by just having someone from OCTO either join us at a face-to-face meeting or during a call, just to get us all on the same page, and then we can make informed decision together as a team. Thank you.

Rafik Dammak: Okay. Thanks, Amr. So I think we are done with this part of the meeting and we need to move to our guest from GDD. So who's going to join us? Yes. GDD, the - yes.

Dennis Chang: Hello everyone. My name is Dennis Chang. I am GDD Services and Engagement Program Director and happy to be assigned as the program director for this implementation of the EPDP.

So as you all know, I normally get started after the board resolution where the board charters the CEO and directs the CEO to start working on the implementation. That's when I start the implementation work in earnest and that's all defined by the consensus policy implementation framework, referred to as CPIF.

So it is my intention to follow that as much as possible, however, recognizing that this is an unusual policy development and I'm aware -- is that funny? Unusual is a good word, no? Okay. And I'm aware of the request that has been made on the recommendation of doing things earlier, so that's why I'm here.

So I started looking at the requirements last week and actually in earnest and read your recommendation final report, and thank you for that. Apparent that there has been a lot of work put into it and I know about the timeframe that you have devoted to it. And what I intend to do is try as my best to honor your request as sort of anticipating that the board will adopt the recommendation as you have proposed.

But I just want to make it clear that I do have to wait for the board to charter us officially. In any case, with the help of our policy team here, they have given me insight into the background and your desired outcome and deliverable from the implementation team and it is that that we're dealing with right now.

So, so far I have assembled what I call an IPT. So we call this team an implementation project team and what implementation project team is is a group of ICANN Org members, a cross-functional team, that we work together to design, plan and execute on the implementation. So this of course as opposed to the IRT who helps us review our plan and ensures that we are going about it in the right why.

But to give you a very brief overview, normally what happens is that after the board resolution, the IPT spends some time in developing that implementation plan, and that implementation plan is put through a public comment with the help of the IRT having reviewed it, and after that public comment we collect the comments from various community members and groups such as GNSO and Registry Stakeholder Group and all of you and then incorporate that into our final implementation team.

And then we publish what we call a final policy language and with a policy effective date, which is at minimum six months from the announcement date to allow the contracted parties to implement that policy that we published. That's what normally happens but, as this team well knows, this is not a normal process and we have to do something differently. And that's what we're trying to figure out how to do right now.

And we are trying to define our deliverables clearly so that we don't waste time and we don't waste resources and so what we deliver is useful is intended. Now I recognize and have heard there're many issues or many items that the working group has not had a resolution on, if you will, and you are depending on the implementation team to perhaps resolve them and I

don't know whether we're going to be able to do all of that. But I know that May time comes and the temp spec expires, and I know the date is the 20th of May of 2019 just because that's when the legal notice of 90-day time period ends.

So we have to publish something by then so that you all have, or we all have, something to work to or work against. And then I'm also aware of another due date that I found on the recommendation 29 February of 2020. Very interesting date in my mind and would love to have been in that discussion when you all came up with that Leap Year date.

So regardless, I think we'll have time for us to have more discussion on that and that's something else that's in our planning and therefore it looks like what your expectation is that we immediately publish a policy in May of 2019 so that we have something to look forward to and you may consider that an interim policy until we come up with something more permanent next year.

And that's my understanding so far and I would love to hear from you all. And I know that there is a brainstorming session that's scheduled for Wednesday morning and I hope to learn a lot more from you and then, you know, we'll have further detailed discussions.

Rafik Dammak: Yes. Thanks, Dennis. Okay. So I see we have James. I thought Volker was in the queue but - so let's start with James first.

James Bladel: Thanks and thank you, Dennis. And I know that some other contracted parties are scratching their heads as well. Did you - just, I want to make sure I'm very clear here on what you're proposing is that there would be some kind of an interim policy between May 29 and February 29 of 2020 and that the IPT would operate in between those dates to develop the permanent language of the persist policy? What - am I not understanding this correctly or maybe I missed something.

Dennis Chang: No, let me see if I can repeat it. And what I'm saying right now is what I'm reading from the recommendations within the final report, so please forgive me if I am misunderstanding what you had intended, and what I understand is that temp spec is going to expire in May, right? We all know that. So what do we do when it expires?

We have to have some vehicle for all of us to work against, right, work to. So what I call that is a policy or interim policy. We have to publish something. We'll come up with something. We'll have to publish something. And that policy will live on until we replace that policy with something else, having considered everything that we find in your final report. And within that time there will be IRT engaged and public comment process that we will utilize.

James Bladel: So I think there may be some confusion there. Yes. I think what we were trying to communicate, and some of this was my doing so I'll take the blame for this, is that the temporary specification will expire in May of 2019. That's correct.

That even if we have a new permanent policy in place on paper ready to go that from a compliance and enforcement perspective, we would give the contracted parties that essentially grace period by which they could either comply with the new permanent policy or continue to comply with the requirements under the temp spec, although we can't call it that anymore because it expired, so it would be the document formerly known as the temp space, for a period.

Now smaller registrars may be ready to go on day one and other larger registrars may take more time. It's really a question of how they're situated but I don't think that we thought that there would be two policies, a temporary and a permanent. I think what we anticipated is that there would be this overlap to allow time to shift from the status quo today, the temporary spec, to the new permanent policy and that would be the only document that would

be put out there. I don't think we envisioned an IRT with public comments and all that other stuff. Am I missing something?

Marika Konings: This is Marika. If I can try, and I think Dennis already said it very well, but in order to continue to comply, there needs to be a policy because a temporary specification will no longer be there. So I think what Dennis is saying is that, you know, there needs to be something published by the moment the temporary spec expires in order for ICANN to enforce those requirements. And I think that is what - and the recommendation also refers to implement measures consistent with the temporary specification.

So I think there also needs to be consideration as what is intended or what is expected to be consistent with the temporary specification. So I think that is what, Dennis, if I'm phrasing you correctly, I think that is what Dennis is referring to when he mentions the interim policy which then would be replaced by, you know, at the latest by that February date with, you know, the policy as, you know, developed and adopted by the EPDP team.

James Bladel: So just one more comment then I'm going to lower my card here because there's lots of folks, lots of comments flying around. I always pictured that there would be one policy, a permanent policy, and then somewhere tacked on to it, as an appendix for example, would say this policy will come into effect on February 29, 2020 and before then, you know, in the intervening time, you know, it was basically just a one a paragraph reference to the expired temporary specification, not that it would be two separate policies. I think that's overkill in my opinion. But I'm lowering my hand and my card. Thanks.

Marika Konings: Yes. So this is Marika. I do understand that of course is the ideal scenario but how, as I think there are - some questions identified even by the EPDP team on what needs to be addressed or developed in implementation phase, how is that supposed to be done by the time of the expiration of the temp spec? Or was it always envisioned that that - those conversations could be done in

that timeframe so you could publish by the 30th of May. Okay, good luck, Dennis.

Rafik Dammak: Okay. Thanks, Marika. So let's hear from the three in the queue and see if, Dennis, you can respond. So we have Marc, Margie and then I'm not sure - it's Alan. Please, go ahead.

Marc Anderson: Thanks, Marika. Marc Anderson for the transcript. I have a couple reactions to what Dennis said. I think one of the things I heard from you is you're absorbing the language in the policy recommendations and trying to identify what the deliverables are.

And, you know, I think from my perspective that's probably the first thing any IRT would like to see or - and weigh in on. You know, so I - you know, whenever that's available, you know, I think probably also us as a new PDP kicking off phase two I think we would also be very interested in seeing that list of deliverables and providing input on that. So I'd ask to see that as soon as that's available.

The second thing, similar to that, you know, I recognize that the recommendations that we provided fall into a couple of different categories and some of the recommendations are recommendations that will become consensus policy in sort of the traditional sense, whereas other recommendations are, you know, action items such as, you know, ICANN must enter into GDPR-compliant data processing agreements, just as an example. That's not necessarily something that will become consensus policy. That's an action that comes out of our recommendations.

So that puts sort of an IRT or, you know, an implementation team in an interesting situation to try and navigate through different types of recommendations as well. And there again I think I would, you know, I would offer that, you know, we would like to, you know, I think we would like to, you

know, provide input and help out, you know, figuring out what goes into what bucket and how those things need to be implemented.

Rafik Dammak: Thanks, Marc. Margie?

Margie Milam: This is Margie. I agree with what James said and I would encourage ICANN to take a really light touch to what they need to do in the interim period because it just seems like we're going to waste a lot of time on this temporary period when we all, at least I understood exactly what James had mentioned and that's how I understood the recommendation to be. So I don't know, when you take it back and you think about it, think about making the simplest possible way of dealing with this interim period between now and February 2020. Thank you.

Rafik Dammak: Thanks, Margie. Alan?

Alan Greenberg: Yes. Thank you. I think there's a real potential for getting hung up on nomenclature here and I don't think the nomenclature is all that important. I believe what we did propose was call it an interim policy, which essentially is identical to what the temporary spec was. The implementation of that is zip because we just keep on doing what we're doing today. So maybe there's an implementation of the temporary policy but it should take four minutes.

The implementation of the real policy is more interesting because it consists of a number of different parts. One is we have to actually write some consensus policy. You know, we have to write words which translate what we said into a formal consensus policy. That's got to be done pretty quickly. There are probably other things that have to do with making sure the contracted parties understand how they are going to do certain things.

If there are processes that have to be built, that I would think is a major part of the IRT, and that's got to be done really quickly because you have to tell them how to do it in enough time for them to implement it prior to the 29th of

February. So the windows are really, really tight. By the 29th of February, you know, everything has to be not only told - everyone has to be told how to do things. The consensus policy has to be there and it all has to be implemented. So we're talking about some really, really tight deadlines and we're going to have to do this lean and mean to get it done at all.

And remember, the 29th of February is the latest date by which a contracted party can implement. They can do it earlier so if there are things that you have to tell them for how to do it or what the format of some data is or whatever, we're going to have to do that really quickly. So I think we have to make sure that we're not spending time idling and doing things which we don't need to spend time doing. Thank you.

Rafik Dammak: Okay. Thanks, Alan. So I assume all those are an old card so we nobody in the queue so, Dennis, can you - maybe you want to comment or respond to this.

Dennis Chang: Yes. Thank you for your comments. I'm getting a better understanding of your expectation. Deliverable for May needs to be defined and I've heard a couple of things. Do the same thing you have been doing on temp spec. I agree that's very easy to write and publish.

For the February 2020 version we have to write the policy language as you suggested. When do we need to be done with that policy language and do you propose that we do a public comment or are you suggesting that we skip the public comment? If so, how do we rationalize a consensus policy that not all contracted parties were given the opportunity to review and comment on?

Rafik Dammak: Thanks, Dennis. I think we have Brian. I'm not sure, is it an old card for Marc? Brian, please go ahead.

Brian King: I think I can help with your first question. I think the answer is there is no deliverable for May.

Marika Konings: This is Marika. So, Brian, a question. So if there's no deliverable for May there's no enforcement of anything if the temporary specification expires.

Rafik Dammak: Okay. So we have Alan and then Volker. Please go ahead.

Alan Greenberg: I guess I'm getting more confused. For May there is nothing that we need to do other than tell everyone to keep on doing the same thing. Now that may have some formal language associated with it but that's it. You know? Rename the temporary spec an interim spec and we're done. The difficult part is you ask when does the contract language have to be written? Well, the sooner the better I would think, number one.

Every contracted party had an opportunity to comment during the current public comment period that's going on right now before the board approves it. If you look historically, I think I was the member of the first implementation review team on a PDP many years ago, we didn't have a public comment on it. You know, some language was written, we had some to and fro going back to make it was finalized and then it was a done deal because it was the policy that was commented on, not the contract language. So I'm not sure I see the problem you're raising but maybe I'm missing something.

Marika Konings: Thanks. Alan, maybe that predated the IRT guidelines but at least all recent implementations, you know, from I think the IRT to transfers, they've all gone out for public comment because it's a required step in the CPIF.

Alan Greenberg: If I may, yes, it did precede because we invented the concept but I think we're going to have to look fast-pathing things and if it requires the GNSO to take action or the board to take action to make that happen, so be it. I don't think we have the luxury of the timing that we're talking about.

Rafik Dammak: Okay. Thanks, Alan. So let's hear from (Matthew). He was waiting for a while and then you can respond, Dennis.

(Matt):   Thanks, Rafik. This is (Matt) for the record. Yes, just to pick up on what Alan said, I mean I think we all understand that this is a unique situation so when we talk this through I don't know how many times we talked it through about the vehicle with which we needed to essentially extend the temporary spec into a temporary temporary spec or whatever we want to call it. But yes, I mean as Alan said, it's as simple as a copy, paste.

I mean that's what we ultimately had envisioned is the obligations and the requirements under the temporary spec continue to live on until that February 29 date, which is the latest time in which contracted parties can move over to the policy.

In terms of whether or not we envisioned having a public comment on the actual language, I don't think we even talked about that. I would say whatever your normal policy would be, that's what we would follow for that. So if it's generally a six-month timeframe from when contracted parties get language until it becomes effective, then it becomes August, right? Is that what we said? So really that would be the latest time that contracted parties would expect that language so that they could meet that February timeframe.

But to Alan's point, contracted parties could have a choice to move over so if we could do it earlier that would be great, but in terms of the latest, I would say it would be that February - or that August 29 time. Thanks.

Rafik Dammak: Thanks, (Matt). I think Volker so please, short. Then we will go to Dennis who will have the last word on this.

Volker Greimann: Yes, very short. I hope - while I absolutely agree that will be the most sensible solution, I'm a bit worried about the precedent it sets. I mean temporary specifications under the contracts that we have with ICANN, registries and registrars the same, have a maximum limited timeframe until they must be replaced by actual policy and if we now say in this case, "Well

that's not so bad and we'll just do a temporary spec," we create the precedent where this definitely limited timeframe is suddenly no longer in play.

And I would much more like to see a voluntary commitment by contracted parties. Call it a commitment or what's the word that you don't like, James? Best practice document or something that we agree to follow on a voluntary basis because no one is going to change the implementations anyway. So I'm very worried about the precedent we are setting with extending the temporary spec into the future.

Rafik Dammak: Okay. Thanks, Volker. I think the point was made. So, Dennis, I think you want to respond.

Dennis Chang: Yes. Very clearly I want to point out and especially for those who are not contracted parties receiving what we call a legal notice, it's this legal notice that we must send contractually to all of your lawyers that requires you to perform the requirements spelled out in the consensus policy language that we have to develop and publish. We consider those a contractual requirement.

Please keep in mind the PDP working group provides recommendations. Recommendations language are not policy language. So this needs to be clear and I think we - I hope that everybody understands that we can't just point to the final report by a working group and do what it says. That does not work.

Rafik Dammak: Okay. Thanks, Dennis. So just as a reminder, we still have a session on Wednesday and we will continue this discussion so I don't want that we try like here to cram so and I mean I don't have feeling that we are going anywhere. So. I see that two people raised their card. I would really ask that you if you are going to make a comment, make it really short. We are still going to discuss this on Wednesday. So, Hadia and Alan.

Hadia Elminiawi: Hadia Elminiawi for the record. So actually I do have a question. So we have a recommendation, number 27, which actually addresses this issue and says that after the temp spec expires the contracted parties can either go with the temp spec or adopt the new - start implementing the new - or adopting the new policy.

And my question is do you - is it required to have a public comment period for that as well because I think that people or public has already commented on that and this is something that's to be implemented really soon, which is in May. And I thought - I was under the impression, and I guess all of us, that this did not require a public comment period but then you're saying otherwise. So my question is it necessary? Does it - couldn't it work otherwise?

And as for the other part, which is the policy which is to be adopted by the - by February 2020, yes, we do understand that this would require a public comment period. So yes, we have two different issues on hand.

Rafik Dammak: Okay. So let's hear from Alan, then from Dennis if you want to respond.

Alan Greenberg: Yes. With regard to the fact that contracted parties have to be given contract language and they can't just be told to point to some recommendations and do what you think it means, that's why (Matt) said that if it has to be live by the 29th of February, then we have to have the contract language to the contracted parties, assuming we cannot shorten the six-month period, then it has to be there by the end of August.

Now if there has to be a comment period prior to that then back up by that comment period for when the contract language has to be written. I personally think that we should find a way to waive that because otherwise you're going to have deadlines that just you cannot meet at all. I would like to hope that people are already writing the contract language as we speak on the hope that the board will approve it. If they're not, they should - someone should ask why they're not.

So the more difficult part is how do we get the contracted parties the six months' timeline for what kicks in on the 29th of May. We don't have six months. Somehow we have to get around that part.

Rafik Dammak: Okay. Thanks, Alan. Sorry, Margie. I think we need to continue the discussion on Wednesday. But I think in order to be quite efficient we need maybe to clarify. I mean we heard many I would say many comments so we need to kind of make up our mind beforehand on Wednesday in order that we make progress. That's my feeling, but I'm not sure for others. So we heard several comments and you too, Dennis. If you want to add some comment now, but…

Dennis Chang: I'll wait till Wednesday.

Rafik Dammak: Okay. So we are setting a lot of hope for that meeting. So sorry for I mean that - for those who wanted to speak but there is some time that we need wrap. Okay. Marika, do you want to kind of housekeeping or - okay. So I wanted at the end of this meeting to ask Kurt if he want to say something maybe before or - no, for the next - the social gathering. Yes.

Kurt Pritz: So we consulted with ICANN on a possible social gathering team-building exercise after this and we couldn't plan something. We were told to do something spontaneous so Rafik and I combined to bring some sake and some snacks into the room so we'll devote the last 45 minutes or an hour or so in this meeting to having a toast among us. So if you can stay for that, that would be great.

Rafik Dammak: Okay. Thanks, Kurt.

Man: And I think Caitlin had some - do you have housekeeping exercises or housekeeping items, or?

Marika Konings: This is Marika. Maybe we can just mention that the next meeting is tomorrow I believe at 5 to 6:30, the engagement session with the TSG following your calendar, Benedict.

Rafik Dammak: Okay. Thanks, Marika. So okay, I think we can stop the recording and let's enjoy the rest of the day. Thank you everyone.

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