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# ICANN
# Transcription
# EPDP Team F2F Meeting
# Wednesday, 26 September 2018 at 19:00 UTC

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Man: There were three small groups. There were - there's a small group and a big group. So I think it'd be best for the small group to inform the big group as to what their discussion was. That group was moderated by (Thomas) and the rapporteur was (Kate) - is Caitlin. So I think Caitlin will take us through our discussion and results. And, then, we'll melt that - I think, then, the right way is to melt that into the discussion that happened here.

So if it's okay with everybody - to the kids on the back bench ready? Okay. Yes.

Caitlin Tubergen: This is Caitlin Tubergen for the record. So our group reformulated the purpose slightly based on our discussions about the processing activity in the responsible parties. So the purpose is - oh, yes. Well, I have to - I'm sorry, one - I'll read and then I'll put this on the screen.

Man: Okay.

Caitlin Tubergen: So the purpose is providing lawful disclosure of registration data to third parties with legitimate interests to data that is already collected in order to ensure the resilience, security, and/or stability of the DNS. There are two processing activities that the ...

(Crosstalk)

Caitlin Tubergen:   ... okay, let me put it on the screen.

Man:   Yes.

Caitlin Tubergen:   So Smarika is going to put this up while I'm speaking.  So, again, the purpose that the group converged on was providing lawful disclosure of registration data to third parties with legitimate interests to data that is already collected in order to ensure the resilience, security, and/or stability of the DNS.  There were two associated processing activities that the group identified and those were collection of registrant data, and disclosure, and/or transmission of registrant data.

For the collection of registration data, the responsible parties are ICANN, registries, and registrars as joint controllers.  And for the disclosure and/or transmission of registrant data, again, that would be ICANN, registries, and registrars are the responsible parties and they act as joint controllers.  The legal basis identified was identified in the abstract and that would be (61F) legitimate interest.  However, because the required balancing test can't be performed in the abstract, the actual - the balancing touch would be performed later in the discussion during the access discussion.  Correct.  Once - that coincide once the legitimate interests are identified.

Man:   Before we jump in to, is there any clarifying question and then the other group can say what their conversation was like, okay?  So any clarifying questions to this group, not to rebut or to challenge, just - if there's - you're confused about anything.  Anything, Benedict?

Benedict Addis:   Why did you leave in the already collected phrase when we talk collection in the body?  Could that be dropped?

Woman:                This was to address two concerns.  The one concern being that this was somehow providing the grounds to increase the amount of data collected, but it was to address the second concern as well that we didn't want this effort to be a basis for reducing the amount of data, so that's why it refers to the existing data collated.

Man:                  Other clarifying questions for this?  Yes, please, go ahead.  Don't forget to state your name.

Elizabeth Bacon:  This is Beth speaking.  So you've added at the end and I'm not looking at you, I'm reading, to insure the resilience, security, and/or stability of the DNS. So that makes it a very - it makes it more specific and targeted.  Was there any - I think that I just want to understand that was that on purpose?

Man:                  Yes.

Elizabeth Bacon:  And is there any - was there any discussion of resilient, security, and stability and what that would encompass?  Was that a question that we could talk about later?  I just want to put it on the table.

Man:                  So I'll - oh, do you want answer it?  Oh, so, first we recognize that the way it was written was remarkably similar to 4.4.2 that we - 86 earlier because it was so general, and we actually looked at the letter from the EP - EDPB, then that recommended some wording that included this hook that made it specific enough.  And so this is - so, then, this is more narrow.  This purpose is more narrow than 4.4.2 because it's limited to the data that's already collected and it's for more specific purpose that the EDPB agreed to.  So that was it that I'll shoot.  I wanted to make a second point but I forgot.

                     (Crosstalk)

Man:                  Yes.

Man: Okay.

Woman: I might just add that it does - firmly rooted, grounded in ICANN's mission as well, so that seems to kind of limit it. That way we would maybe prevent the conflation of interest that the letter from the EPDB highlighted. Yes.

Man: I don't know what I want to say, I'm really sorry. And so, yes, and the rest of it is for later. So that's the big access discussion under what conditions are these met is the access discussion which happens later.

Man: We got a bunch of folks in the queue. We've got Rahul, and then I'll go to Margie, and then (Alan), and Stephanie, I see that's a hand. So, Rahul?

Rahul Gosain: Yes. So I would just be interested in knowing what was the line of argument or reasoning followed when people arrived at the conclusion that the legal basis is (61F)?

Man: We didn't see any route to justify that. It would be required to perform the contract with the customer to disclose data to third parties. So that's why the (61B) was ruled out, but there's - there's might be a legitimate interest.

Rahul Gosain: Is that the line of reasoning?

Man: Pardon?

Rahul Gosain: Is that the line of reasoning?

Man: Yes. So let's put a pause then, because the other group had other considerations. I don't want to go into details, but let's note Rahul that you want to talk about that, I bet. Yes, okay. So let's talk about that in a sec, we're just clarifying questions here. Margie?

Margie Milam: Well, the questions I have is in order to ensure the resilience, security, and stability of the DNS, that seems to possibly limit access for, say, IP interests. Can I understand whether that was discussed or if that would be helpful to understand the perceptive?

Man: Ashley?

Ashley: So in the spirit of compromise, this is what we agreed to because there's still some lingering disagreement with respect to what - whether the bylaws themselves as a whole or if it's just ICANN's mission that we're referring to here. So we felt that security, stability, and resiliency of the DNS captured since the more detailed ones actually refer back to that statement that we feel that that sufficiently covered it and made everyone collectively comfortable with this text. We're not - it's not perfect, but we were all sufficiently comfortable.

Man: Great, thanks. (Alan)?

(Alan): I think Ashley just answered my question also, but I'll be more explicit. The original items that we merged together yesterday or two days ago, whenever it was, included reference to consumer protection. And is this one of the ones that we left out and we'll think about later or is that implied in those three words?

Man: Ashley?

Ashley: I think my past response kind of goes to that. Because, again, it's not called out specifically in the mission, yet those details do point back to that text, the security, stability, and resiliency. So, again, for this - in the spirit of compromise and getting to a point where we're - we can live with it, that's where we are.

Man: Stephanie?

Stephanie Perrin: Stephanie Perrin for the record.  I just wanted to make a point.  It's (hypothetical) here that ICANN does not need to address the matter of access, whatsoever, unless it was just to develop a policy.  So my hypothetical and I'm going to pick on (Mikaela Nalin) because he's not here as if I were a scholar wanting to do an ethnographic study of Irish women who registered a domain name personally from Blacknight, that doesn't seem to be encompassed by any of this language.  It has absolutely nothing to do with the security and stability of the internet.

It is academic research and nothing precludes me going to the registrar, and proposing my study, and getting access to the data.  That is allowed under GDPR.  So we have to sit whatever we're recommending here into the realities of GDPR.  We don't need this for access to continue.  Thanks.

Man: Great.  And that's a good segue if there's no other clarifying questions on this group's work.  It's a segue to the other group, right, because the other group did something a little different and I'm happy to turn the floor over to someone from that group who would like to explain what you did and what your product was or if you want to delegate that to me, I'm happy to do that too.  So the other group wanted we just take two minutes and explain what the product was from that group or Benedict, did you want to jump in here first?  I'm sorry.  I didn't see your card.

Benedict Addis: Thanks, guys.  As we're back to talking about more specific purposes, that - it's brilliant.  I think it's in line with what we're asked to do for this group.  SSR to abbreviate it, is a team within ICANN as well.  This wording would seem to exclude them.  So three hypotheses, should it - should we put a term in here for them so they can do their jobs with registration data?  Should we exclude them completely which seems extreme or should we have a separate purpose that bundles up ICANN's internal use of registration data?  So questions for the people that drafted this thought.  Did you - to discuss this.

Man:                Responses anybody from this group?  Milton, yes.

Milton Mueller:    I think the intent was that law enforcement was a third party with a legitimate interest and that in - even regardless of what ICANN does, that within their jurisdiction, they will have lawful basis for accessing data.  As I've said, regardless of what ICANN does.

Benedict Addis:    So I didn't ask about law enforcement.

Milton Mueller:    Oh, I'm sorry.

Benedict Addis:    ICANN SSR internal team.

Milton Mueller:    SSR?  What is this SSR?  Security Stability Resilience team, you mean, researchers essentially, right?

Benedict Addis:    Different research.  So just as we've created, we've created a specific compliance purpose ...

Milton Mueller:    Okay.

Benedict Addis:    ... to reflect that internal need.

Milton Mueller:    Right.  Right.  Yes.

Benedict Addis:    Do we need to make a special purpose for them or do we bundle that in here or do we ignore it?

Milton Mueller:    It's not contemplated in here.  So if you want that, you would need a separate purpose.  Yes.

Man:                Okay.  Other clarifying questions on this, Hadia, clarifying on this, and then we need the other group to explain where they're at.

Hadia Elminiawi: Okay, so - I'm afraid that was ...

((Crosstalk))

Hadia Elminiawi: No, I'm not asking. I'm responding and I'm just posing something out there, but maybe I can do that later.

Man: Great. Okay, fantastic. So do I have a volunteer from the other group to say what happened and what the product was from that conversation? Anybody want to volunteer on that?

(Crosstalk)

Man: Okay. All right, well done Kristina. Okay. So what was the product. Do you want any visual aids on that or you - I have this flip ...

Woman: I'll go from that. So I think at the outset, we discussed the possibility of revising the statement of purpose. There was a fairly strong view that facilitating is not necessary because GDPR already allows - provides for the disclosure of personal data to legitimate third-party interests under certain circumstances. So we didn't reach any conclusions as to whether or not we would - how we would change that statement. But I think we are - there definitely was agreement that it needed to be changed, whether it's to enabling lawful access, providing lawful access, that's something that we didn't quite get to.

There was also a disagreement within the group as to whether or not this was actually an ICANN purpose or not. There was clear agreement that it's definitely a registry and registrar purpose. And so in order to really, I think, get greater clarity for both the folks who did think it was an ICANN purpose and those who did not, what we did was to go through the sets of questions base from - on the perspective of was it an ICANN purpose and was it not.

And so the sheet that's over - that's currently out is for - was the outcome of the discussion from the perspective of it, was an ICANN purpose, and I guess at this point I'll stop. So I don't know if Alex or Rahul you all want to walk briefly through that, and then that we can go to the - it was not an ICANN purpose.

Alex Deacon: Yes, hi. It's Alex. I think where I ended up in that debate, just to kind of focus on, I think the key point is - and it's not up there, is we need to do some homework on answering question number three, okay? And find out which was - yes, necessary to perform the registration contract, the contract with the registrant. And that's kind of where I think where more additional work and thought is needed, because Kristina, if I'm correct, I think that's where there was - the most disagreement that there was, I guess, evidence to convince you guys that - there wasn't enough evidence at least given at the - given during our breakout that would convince you that this - that it was in fact an ICANN purpose.

`           So I think that's really where I believe we ended up. I'd like a little more time to go back and just think about that and to have some more data to - in time and gather more data to see if we could come up with a convincing argument that - if that's in fact the case, whether we could do that or not, I don't know. And Margie I don't know if you have any thoughts there, but that's kind of where I think we ended up.

Margie Milam: Yes. And then maybe Rahul probably wants to talk about the - his perspective on them and then I can follow on.

(David): Could I just, for one second, this is (David). If I can do like a super high level overview and then you can provide some of that more specifics. But if I look at a super high level overview where you got to as a group, you fundamentally had two ideas in that group. One was, yes, it's an ICANN purpose and you went through, and you talked about it, and there are some

discussion as Alex was saying where there's a basis or not for this being a (61B) versus a (61F).

But there's a group of folks that did that analysis and it felt comfortable, and it felt like, yes, this is an ICANN purpose and this make sense, so we can make that argument. On the other hand, there was another group of folks in the meeting, in the group, who are saying, "You know what? This is just not convincing to me that this is an ICANN purpose. It's a registrar/registry purpose and therefore our job as a PDP is to take it out of the purpose section of ICANN and make a policy recommendation that we can talk about the importance of providing third-party access for ICANN."

But it becomes a policy recommendation and there should be a drafting committee that works up that policy recommendation, but strip it out of the purposes section of ICANN purposes. Okay. So that's my high-level summary of what I heard. And Rahul and others can provide some detail particularly for instance Rahul was particularly interested in this idea that (61B) could be a legal basis for this ICANN purpose and the tasks involved.

So others in the group, Rahul and others that want to chime in and help explain a little bit better where this group was headed. Rahul?

Rahul Gosain:     Well, I don't know if I made myself adequately clear at that point of time whether this was - I mean, I believe that it's - this is an ICANN purpose and I also believe that (61B) would be a legal basis as opposed to (61F). And I would be very surprised or I would also wish to be informed that if ICANN is not the - if it is not an ICANN purpose, then why are we all sitting here in ICANN? I mean, why are we sitting here in the ICANN building if this is not ICANN's purpose?

I mean, if this work doesn't fall under the purview Then why are we all assembled here today? I would want to be informed, I want to be enlightened about that.

Man:         Before we answer that question, I just want to see if there's people who are in that group that want to provide others who are not in that group some clarity about what happened.  (Alan)?

(Alan):      Thank you very much.  I want to talk a little bit about why some of us believe it is ICANN's purpose.  If it is - if it relies solely on a ICANN policy in a contractual term, obviously, contracted parties cannot be obliged to do what they believe is in violation of the GDPR which essentially creates a Wild West where each of them may set their own rules.  I believe as the other group does that this is driven by the ICANN bylaws and therefore it is an ICANN purpose to - and as (unintelligible) at least a conjoined controller if not the controller of the - some of this data.  I believe we have an obligation to have - to take responsibility for this.  Thank you.

Man:         The whole conversation, right, right now, it's about, "Is this an ICANN purpose?  Is it not an ICANN purpose?"  Depending on how you answer that, what are you doing, you all see it works.  Before we jump into that conversation, I want to test something for the folks who are deeply concerned in this group here that this is not on ICANN purpose, we got to strip it out of the purpose section, put it as a policy statement.  When you look at the work of the other groups as the way that other group addressed this issue, they're leaving it as an ICANN purpose, the way that group work in their output, does it address your core concerns?

             And let's say for a moment that you can argue it either way that it's an ICANN purpose or not.  Let's say for a moment that everybody is right just for a second.  Everybody has an argument to make whether it's an ICANN purpose or not.  And fundamentally you might be right, but let's put that aside for a second who's right or wrong on whether this is an ICANN purpose and let's see does, for instance, the output of group, this other smaller group address your concerns.  Typically asking folks that had the concern that this is not an ICANN purpose.  (Robyn), yes.

(Robyn):  So I actually - I mean, I - like the other language I think it narrows it to the point where it becomes less of a concern and I think that there are more clear circumstances and actions, processing actions where ICANN would disclose based on SSR, but the other was so broad that it simply said, you must provide - facilitate access.  And our point was that the GDPR already set - makes that - affords that opportunity, so we would - we said - perhaps we just say, you know, "Provide lawful access and then describe in - as a - describe in a policy recommendation what a predictable process for access."  Simply because we did not think that that broader purpose was an ICANN purpose.

This makes more sense to me.  It's much more clearer because they did a delightful job of parsing the language.  So I would say they're apples and oranges.

Man:  Great.  Okay, others that had that concern because you can see where we're going now here, right?  Can we live with this other version of it?  Can we leave aside this argument of who's right whether it's an ICANN purpose or not and can we live with the way it's been phrased here as a pathway for this group.  Others that had that concern in the group, I'm just checking in with you.  Yes.

Lindsay Hamilton-Reid:  Lindsay Hamilton-Reid, I'm sorry - yes, it looks like nice language, but sorry I don't think it's applicable for disclosure.  It is not an ICANN - I won't change my mind on that.  Maybe for collection, yes, but it is not.  Closure, it's not an ICANN purpose.

Man:  Let me try to go back a little bit what the underlying concern is in naming that, right, because maybe we can solve for that concern a little bit better.  So what's the underlying concern, right, that having disclosure listed as an ICANN processing activity under this purpose?  Where does that create concern for you and where you're sitting?

Lindsay Hamilton-Reid: Okay. So the contracted parties, we're the ones that would actually be doing the disclosing. We're the ones that hold all of the liability if there is a purpose from ICANN where they can basically tell us what we can and cannot disclose, we're going to end up reaching that. But it should be up to the parties disclosing whether or not they are in a position to do so in accordance with applicable law.

Man: Okay. So the underlying concern is that ICANN somehow is going to be so prescriptive in saying what you can and cannot disclose, you're always going to be out of alignment with ICANN policy, is that the concern?

Lindsay Hamilton-Reid: Not always of alignment.

Man: Yes.

Lindsay Hamilton-Reid: But the point is I don't see why it's an ICANN purpose. We can as a group agree to some sort of policy on this, which will probably make the contracted parties more comfortable. However I still don't see why it's an I can purpose.

Man: Great. Okay. (Unintelligible) on the - again, I'm probing with people who are fundamentally concerned this is about including this as ICANN purpose, whether this language (solves) for it. Beth, you want to jump back in? Ashley, is your hand up? Okay. Again, folks we're still checking in with folks who are fundamentally concerned, right? We're trying to lift up those concerns and then we're going to see if we can solve for them, okay?

Woman: So I actually had a question, speaking in the abstract a little bit we're saying, you know, it's an ICANN purpose, this is ICANN purpose, can we get some information from ICANN under, you know, with security, stability, and resiliency, what disclosures are they doing? And that would provide a little bit of clarity for us if we understood more what they were doing for that. So I

think that we all want to get to a good place where we address this issue and - but it's just figuring out what the best way to get there is.

Man: Okay. And just be clear who's they? What are they doing?

Woman: ICANN.

Woman: ICANN Org.

Woman: ICANN Org, yes.

Man: What does ICANN Org doing in terms of asking for - requiring this disclosure?

Woman: So what - so when we're talking about the purpose as Lindsay described it, the disclosure, you know, a third party makes is allowed to make a request under the legitimate interest to - or disclosure of personal data. They do that often to registries and registrars so the disclosure under this would be for security, stability, and resiliency. If it's an ICANN purpose, I would also be curious as to what ICANN is disclosing and to whom so that we can then understand and craft the purpose correctly.

Man: So can anybody answer that quick question and then we'll circle back? Do you want to answer that, Ashley? No, you don't? Okay, but hand with it ...

Ashley: No, I do. I just ...

Man: Okay.

Ashley: ... I was kidding. Sorry, no jokes. So I want to clarify and perhaps that's something we need to also clarify here. The intent here is to enable this and we see that very clearly tied to ICANN's mission. We see that also at - from the European Data Protection Board that they have an expectation that

ICANN to whatever process they do is going to enable, we're not - through this language, the intention is not to require disclosure.

We see that as these two, three, four - I mean, when we get to the conversation of a unified access model where all of the details with respect to what is lawful disclosure, that's all going to be dealt with there. This - and perhaps we need to include the word enable here, because that is the intention. This is not to provide the framework in which you all are - you all meaning the contracted parties are expected to provide disclosure. It's just recognition that it's part of ICANN's purposes to enable ultimately that. Thank you.

Man:            Great. Thanks. So I've got some hands and I want to make sure I'm using those hands. Is this on the same thread folks? Yes? Okay. Let me start over here with Hadia and then I'll go here and then I'll jump up and …

                (Crosstalk)

Hadia Elminiawi: So, basically, I had my card up because I thought that the new proposed language does actually answer to the concerns of the - of your party. And I would say that maybe as Ashley mentioned maybe providing could be changed to enabling, but - and then - and this actually ties really two ICANN's mission. And then with regard to Lindsay's concerns, I think that all of your concerns are related to the access itself and those will be tackled when we start speaking about the access. And, so, actually it's not part of this and your concerns are legitimate and are going to be addressed, I think.

Man:            Great. Thank you. Okay. Right. (Mark), you want to jump in on that or ...

(Mark):         Well, yes, very similar to the last comment. If access is phase two, if we can't come to an access model then there will be no access. But for - right now we're just defining ICANN's purposes and we think this is - that perhaps changing the word to enabling rather than providing, because the access

model would define whether they're actually providing or not literally providing. But that is a separate phase and I'd rather not bring it into this right now. I think focusing on the purposes is the best way to go.

Man: Right. Thanks. Diane?

Diane Plaut: In line with what Ashley said and to address any concerns as a contracted parties, I see this is a phenomenal step forward for the contracted parties because this is identifying that as an ICANN purpose and - but this is solidifying for the contracted parties during controllership, which means joint liability. And so this - by specifically calling out as an ICANN purpose peaks that full responsibility away from the contracted parties, makes it a joint liability platform and therefore splits the liability and even could create indemnification. So I see this is just a great compromise and step forward for everybody.

Man: Thanks, Diane. (Mark)?

Marc Anderson: Thanks. Marc Anderson. Just a quick comment here. I'm not sure - we're using ICANN and I'm not sure everybody is always using it the same way. I think from the conversation sometimes people mean ICANN Org and sometimes people mean, you know, the royal ICANN, meaning all of us. You know, I'm just not - you know, I think maybe we just need to be a little more precise to make sure when we're saying ICANN were clear on which ICANN we mean.

Man: Can we bring it back to this? Can we bring it back, because we're in the final throes right now, I've seen ...

Man: This is this, we're talking about ICANN purpose do mean ICANN Org's purpose or ICANN - the community who defines consensus policy.

Man: Okay. And that would apply both ...

Man:            It is about this.

Man:            ... in every single purpose, right?  Every single purpose that we've written as that same dilemma baked in, right?  Okay.  So maybe, Chris, you can help us with that.

Chris:          Just a little - I don't know if it's going to be - of any help or not.  So ICANN as the organization, ICANN Org has its own purposes and requirements as ICANN organization, as a California-based corporation.  What we're talking about is ICANN Org doing what needs to be done pursuant to the policy that you guys create.

                So it's not ICANN Org doing it because it wants - because it decides to do it off its own bat.  That's the stuff ICANN Org does legally because it has to as a corporation nothing to do with this.  This is about you saying as a policy the following things and ICANN Org will then do that stuff.

Man:            Carry out.

Chris:          To carry out what the policy is.  So you need an arm to do the thing and that's ICANN Org but the policy itself is a matter for the GNSO to recommend.  That's the distinction that I would make.  So I don't think it matters whether you say ICANN Org or ICANN, as long as you understand that the essence of it is you create the policy and then ICANN Org carries that out.

Man:            Matt, do you something on that?

Matt:           I'm sorry, Chris.  So if part of the policy recommendation was ICANN Org to take on the - to indemnify contracted parties with respect to disclosure of data, and that went up to the GNSO and ultimately to the Board, that would ...

Chris:      I think if though - I mean, to a degree, I mean, I think if there were a - if you build a proper policy that's built around a principle of the following things happening and here's why, et cetera, et cetera, then the answer is, yes, it provided that, and everybody understands within budgets what we put in place for with that stuff.  But I don't think anyone sitting around going, "There is no way that ICANN is going to take the responsibility for anything."  That's certainly not the case.

And I think we'd be perfectly flexible.  I think, frankly, if you guys reach consensus on something, I mean reach out, you know, let us go back and say, "The group is coming to agreement on painting everything green.  Do we have any real problems with that?"  And then, we can come back and say, "Actually, yes law - legal says this," or whatever it might be.

Man:        So in the spirit of trying to see if we're finding someplace that we can agree even though we may have sort of a philosophical disagreement about some key issue, but we could agree on some text as the product of this workforce, (Thomas), what are you going to say?

(Thomas):   I think we should try to get the common understanding of the complexity of this matter.  What we're discussing here is what's relevant to the ICANN world, right?  And only what's within the ICANN world should be dealt with - in this EPDB.  All of the contracted parties are subject to disclosure a request according to their national laws, right, and they will have to respond to local law enforcement, they can respond to IP requests.  They have to do their own legal determination as to what they can disclose and what not.

So we're just talking about the extra layer of what processing activity should be governed by ICANN on top of that.  And therefore, if - and I'm making no value judgment here, if we came to the conclusion that it is within ICANN's mission to require certain disclosures for the sake of SSR, then I think it would be a logical next step for ICANN to indemnify the contracted parties if they have to do something that otherwise they wouldn't.  That's one.

Second point I want to make is that what we're discussing here and I guess that's a level of abstraction that's hard to follow for me, and probably I'm not the only one in this room. We're talking about collection for the purpose of potential disclosure at the later stage. And what, at least, we've tried to do and we've had our problems with that when we're sitting upstairs is how do you really make a demarcation between the access part, and the collection for the purpose of granting access, right?

So we wanted basically to put a stake in the ground and say that any disclosure that the access framework might come up with can't go further than what the collection side is authorizing, right? So we want to sort of make sure that each and every access proposal that will need further analysis can't go further than what we've put up here as a purpose of the collection in the first place. Does that make sense? Not for you, Chris, but you might want to let it sink in sometimes.

Chris:          No. No. I'm not - I think it does make - can I respond though?

(Thomas):    Yes, please.

Chris:          I think it does make sense. I'm just not sure I get the distinction. It seems to me that what I think I'm hearing are people - because they're worried about the access side of it, trying to limit what's collected, because then - when we get to the access discussion it's moot because if we haven't collected it we can't give access to it. What I'm saying is and what I think you're saying is that you want to make sure that you don't ever exceed what we agree should be collected. Whereas what I think I'm - my - and it's just a suggestion, would be if you just agree the purpose for which it's collected isn't the - what is actually collected where you sit - where you have your access discussion, because it doesn't - in order for it to be meaningful, you have to know what the access is and why the access is happening to know what needs to be collected, don't you or am I missing the point?

(Thomas):      Yes, you're getting there. The - I guess one thing is that we want to avoid that in the course of the access discussion some - you know, somebody gets to the conclusion that we want to collect color of the eye or other data elements from the registrar. So we limit that, right, we say nothing more than currently - than is currently correct - collected. And also we're establishing a direct link that any access related to discussion must not go further than what we try to link to the ICANN bylaws.

Chris:         Great.

(Thomas):      Right? And then, for - when it comes to access, the legality of all of those disclosure requests will need to be looked at very specifically, IP requests have different parameters than law enforcement requests or consumer protection related requests, but we know that they can't go further than this. And I guess that's the only ...

Chris:         Great.

Man:           Awesome. Folks, we got to make sure that we're fully engaged in this conversation. I think, Beth, is your - what your comment there? That's for later, okay. (Alan), Margie, Diane is that new or old? Okay. And then we're going to do a really important thing. So (Alan) and Margie?

(Alan):        I just want a clarification. I completely support that we don't want the access discussion to be able to say, "Oh, but we need some more data that we didn't think about." I assume this is not precluding some day in the future as the world unfolds we believe we need to collect some new data element, and justify it, and that goes forward in its own right. I'm assuming that's the case.

Margie Milam:  (Thomas), I have a question for you. As you read that language, how do you see - just a simple cybersquatting case, not one that involves phishing or DNS abuse? So it's a simple, you know, a trademark in a domain name

where we would want to investigate it, does it fall under the purpose up there?

(Thomas): The trademark infringement?

Margie Milam: Yes.

(Thomas): I think we've covered that under M with URS and UDRP, so that wouldn't be in the purview of this purpose, wouldn't it?

Margie Milam: No. Because that's not the only reason you would be accessing the data. There are UDRPs and - but there's also legal claims in federal court that - under the anti-cybersquatting consumer protection act that you might want to pursue and so you need to be able to get that data to pursue your legal remedies for trademark infringement. So that's what I'm talking about.

(Thomas): Okay. I think that's a discussion that we didn't yet have. But my instant reaction would be that this is something where you can go to the contracted party directly, but that doesn't have to be mandated by ICANN. Because we have provisions in GDP - in the GDPR whereby you can ask for data to pursue civil claims and IP protection.

Margie Milam: Oh, okay. So I think I would disagree strongly with that statement. Yes, so I will - we'll have to figure out whether we need a separate purpose then for that. Thank you.

Man: Without a reason we can't go to compliance.

Man: Ashley and then Rahul, you - Ashley?

Ashley: Ashley, GAC, just to respond to what this conversation was, I would argue that it does. Because, again, this is a language that's - it's in ICANN's bylaws that is further delineated further down in the bylaws. So I'd be interested in

discussion from the rest of the group, perhaps from the contracted parties, I mean, I think - I mean, to my understanding, but I guess at the end of the day it comes down to the contracted parties. But, again, I don't want to get us sucked into that rat hole of are we talking about access and how you're going to be given access and I'm very sensitive to that.

Man: Rahul?

Rahul Gosain: I don't know if we have got around discussing to the extent that we are discussing legal basis on this aspect and you asked the - only those who had concerns with whether this was ICANN or not, so I will automatically - assuming that you would - at the next stage possibly ask some of the others who had - who already believed that this was ICANN purpose. So just to flag that, I think, (61b) especially since it's already mentioned here that this - whether this requires a balancing test or it cannot be performed, this is - because it is abstract right now. So I don't know why (61B) has not been considered as a legitimate - as one of the lawful basis. So possibly I would want the others to chime in on that aspect also.

Man: Could I - I'm just going to do a little thing here where I'm going to suggest that that question of whether (61B) is possible that Rahul that you sit down with (Thomas) and somebody else who have done a lot of thinking on it and then you guys hash it out, and you see where you can get to, all right? But I don't think I want to use the group time right now on that particular issue. I want to note. It's an issue that's not resolved, because - yes, you want to talk about it?

Diane Plaut: I like to quickly ask a question. I mean, fundamentally I think that the reason that people push back from being that a possibility is because the data subject is in a party to that contract, the registry/registrar/registrant contract. If we're talking about an ICANN purpose, then how could we fundamentally be able to address (6B) as the basis if the data is subject is (unintelligible). If the - if we go under (61F) as a - we were talking in our group as an overriding

principle basis, it makes the most sense because we're talking about legitimate interest for your third parties with legitimate interest, and that's where we would make that immediate analysis.

And then if any other additional bases needed to be relied upon, whether it'd be we were discussing E for the vital interests of party, compliance purposes or otherwise then those bases could then be, you know, considered.

Man: Diane, thank you for that comment. And, again, I don't really want to go there right now because we got a really fundamental issue to deal with that's not about the legal basis here. And I'd love that conversation to happen, but not right now. Collin, do you want it to happen right now? Okay.

Collin Kurre: Yes, I just have - this is Collin Kurre. I have a bit of a clarification question, because I don't know if I wasn't paying attention or if I was out of the room, I'm sorry. But if we determine that this isn't an ICANN purpose, then what would that look like? Like how would that translate into the second phase of our - or the third phase of our work when we're looking at access models. I'm just trying to think would that result in some sort of - in differentiated access models, like what would that look like and I'm sorry if you guys already spelled this out. I just didn't …\

(Crosstalk)

Man: Okay. So there's a specific question there. Stephanie do you mind if that answers it or Stephanie - all right.

Stephanie Perrin: I'm sorry. Stephanie Perrin for the record and I am going to be a bit pedantic once again. Diane just gave us an excellent explanation of why (61B) doesn't work. And we - I appreciate you're trying to get progress here, but if we don't understand the legal implications of these choices in a really well-informed way, we're doing legal drafting, and people don't understand the terms yet, so we're just going in circles.

We have to take time to explain to people that by not having this a purpose of ICANN, it doesn't remove it from the goals of their mission. They're all about security, and stability, and fighting cybercrime. It just means it's not a purpose for their collection use and disclosure as a controller. It means that's one of the purposes of the registrars and the registries who have the nexus with the individual and it's why they have to absent a change in these relationships, in these fundamental relationships why they have to control access, because there's a whole suite of registrant rights of individual rights that come in the nexus of that contract, and that have to be explained.

And by ICANN controlling the contract at one step removed, you - it doesn't work. So, honestly, folks we have to go back to basics because we just spent three days chasing our tails again because not everybody is on the same plane in terms of knowing what we're doing. Thank you.

Man:    So, Stephanie, thanks for that and I would say that people have different interpretations. Not always that people don't understand (unintelligible) and in that spirit I'd love to figure out where are we right now in terms of who had concerns if this is not an ICANN purpose, they recognize that others make a different argument around that. How well could we live with something like what this other group came up with maybe changing them (unintelligible). So this is like a really important moment for us to say we recognize there's different interests at the table, we recognize there's different interpretations of what's happening, and how GDPR makes all this shake out, and can we live with things like this because at the end of the day it solves for our key interests.

So that's where we're at right now is seeing if we can live with this as a pathway forward, because we may never agree on, you know, the fundamental details like is it an ICANN purposes or not an ICANN purpose because you probably can argue it in many ways. So my question to the group and this is, I think, probably one of the most important moments we're

going to have in our three days, so maybe we'll just take a quick pause from the laptops, and everything just for a second folks is are we in a position now to say, "I can live with this as a pathway forward for this group. I have serious doubts in my mind that this is an ICANN purpose. I, you know, I have a different way of looking at this and yet I can live with it because I see it's a pathway forward for this PDP groups."

So I'm asking you guys that question, can you live with it? You need to go huddle for a little bit, maybe with some of your folks in your stakeholder group or something like that. This is a good time to do that huddle and we can make time for it. But I'm asking you, specifically, could we live with this pathway forward knowing that we have differences about how to interpret some of this? This pathway forward, perhaps, changing the word from providing to enabling, okay? So that's what I'm asking.

Beth, do you want to say something about that? Yes.

Man:                    Yes, I think we need to step back and discuss legal concepts for a second. I think we - what's important to remember is that, you know, if we have established or I think that's common sense that for the collection of registrant data by the registrar that would be something where ICANN registries and registrars are joint controllers, right? So they would be jointly responsible for that. Doesn't mean that if one of them messes something up that they don't have to indemnify the others, you know, so there will be mechanics in such joint controlled agreement to make sure that you're not taking hostage for somebody else's wrong doing.

Now, if we're discussing this, I think, there is a lot of hesitation particularly since we think that, you know, if it's an ICANN purpose then that has something to do with ownership of the data or so, but the GDP is clear that the - in its definition of joint controllers, that those are parties that jointly determine the purposes and the means of processing. So maybe you know

answering the - or asking the question in that vein helps us come to a conclusion more easily.

Let's not ask in the first place who is pursuing a certain purpose but can we potentially agree that this purpose is jointly determined by ICANN registries and registrars. Because then we could end up with joint controller situation and that doesn't mean who gets access to what data internally, that would - that'd be a different discussion.

Man: So that's another way of looking at it and arguing it from a certain way. Okay. Again, I'm trying to push given where we are, right, how are we doing in addressing core interests if we move forward with something like this maybe with the first word change to enabling it.

Elizabeth Bacon: Thank you. This is Beth. So I originally put my flag up to respond to Collin but I will respond to Collin late - offline because I don't want to pull us back unless you want to - okay. This short answer kind of refers to what we talked about in our group as option two. But - so my fundamental question now is what does live with it mean. Does that mean we are going to come back and refine? Are we going to still discuss or are we going to wait until we get down to the point of drafting policies?

Because, I mean, I don't - I like this a lot better. I think you guys did an awesome job. I'm still not 100% on the ICANN purpose. I'm still - I really still look forward to creating some sort of predictable process for access. However, when are we going to do that, how are we going to do that, and does that mean that what if we still can't agree on this, because we can't have squish in our consensus policy or it is not actually a consensus policy.

Man: Right.

Elizabeth Bacon: Thanks.

Man:            Great.  So live with is a way of saying this is the best that you are able to come up with as a group right now and you're going to move forward with it and present it.  That you're going to use this as your working draft and you're going to go into Barcelona and you're going to say, "This is what we came up with for a collection of purposes and the logic behind it."  We were deeply concerned, some of us, that maybe this wasn't an ICANN purpose, but we're moving forward with it, because we think we can address those concerns when we talk about that next phase of work which is an access model.  That's what I mean by live with it and so I don't know if that's any clearer or not.

I'm going to jump over just for a second, Kristina because Alex has a thing up beforehand.

Alex Deacon:    Thanks.  It's Alex.  I think, you know, thinking about can I live with this, I mean, I have - this is way better than what we came up here in the large group for, I think, for reasons that are probably pretty obvious.  Can I live with this, let me just express my concern and it's based on a response that (Thomas) gave which is that I'm concerned that this last clause in order to ensure resiliency, security, and stability of the internet does not cover IP interests, trademark or copyright, and that's a concern.  So until there's more clarity there, I'm not too sure I can live with it.

Man:            Got you.  Okay.  So the concerns we're listing up and maybe I can help get some help from someone when the - if we can write up some things on the board or something, but what we're hearing right is the concern like what does it mean for us if we do this when we go start talking about access, right, which is what Beth was trying to articulate.  And help me out, Beth, I'm paraphrasing you incorrectly.  Right.  It's all right.  Okay.  And now what we're hearing from Alex is my concern as I look at this and I'm not seeing IP specifically mentioned, so I'm a little nervous about this if I can't see how IT fits into this path.  Okay.  Where was I?  Kristina?

Kristina Rosette:   I'm Kristina Rosette.  I would like to request that for those of us who were not in the group that came up with this language that we have a chance to huddle with our fellow constituents or ...

Man:   Yes.

Kristina Rosette:   ... stake group representatives to have a chance to just kind of talk through it, because otherwise you're going to have a whole bunch of little side conversations.

Man:   Yes, I see ...

Kristina Rosette:   And I don't think that's helpful to anyone.

Man:   I love it and I think that's a great thing to do.  And just before we do that, I want to put out any other concerns we have on the table and then we'll see in those side conversations how we go about dealing with those.  So is there anything else, Rahul?

Rahul Gosain:   So just to clarify that this is what happens when - in the spirit of compromises although - I mean, it's not something which we cannot live with.  I want to specify that that can be outset.  However, these are four compromises which are being made.  So one instance has, of course, been cited by Alex Deacon. The other one is in regard to the argument which was made regarding the data subject not being party to the agreement ...

Man:   Yes.

Rahul Gosain:   ... and why (61B) doesn't apply.  I think I made my reasoning adequately clear when I made that point that, I mean, for the performance of that contract which the registrar is making with the data - with the with the registrant, I mean, for the performance of that contract, this is an important prerequisite. So, I mean, I don't think that we can discount the applicability of (61B) here.

Man:            Okay.  Let's name that as another thing that is a concern is that if you go with this which only mentioned (61F) that there's ...

Rahul Gosain:   In fact, the language itself is an admission of that.  You know it says it will be discussed later and cannot be performed in the abstract, so those - that language itself in a way discounts that (61F) is for - applicable or not and the other legal basis, the other lawful basis can be applicable.  So, I mean, I firmly believe that (61B) also could be a legal basis or a lawful basis.

Male:           Great.  So let's put that out there as one of the things you would need to resolve and if for whatever reason don't resolve it into Barcelona, you're going to flag it and say, "This is unresolved."  If there's a, you know, at least one person in the group that's feeling this is not - this isn't addressed appropriately, right?  So before we do this huddle, because we're - I'm pushing you right now to reach these preliminary agreements, right, so we can walk out of here instead of it being wishy-washy (unintelligible) what do we do here?

                I'm trying to say really specifically folks, if you can't live with this now is your moment to say what your concern is, then let's huddle, right, figure out how we do it, and then we'll come back.  So is there any other fundamental concern if this was how you move forward that we would have to address if we go with this.  Anything else that needs to get - said right now?  Okay. Okay.

                So folks I'm hearing the need for a quick cut - oh, I'm sorry, Lindsay, you had your hand up?

Lindsay Hamilton-Reid:      Just very quickly, looking at this, there's two processing activities in this, there's the collection and disclosure.  And, frankly, they shouldn't be together.  They are to be in separate ...

Man:                           There should be separate analysis for each ...

Lindsay Hamilton-Reid:          Yes.

Man:                           ... is that you're saying.

Lindsay Hamilton-Reid:          Yes.

Man:                           Okay.  And let me bring us to the point of, you know, let's just quickly how does that affect your ability to live with this as the working draft of this group?

Lindsay Hamilton-Reid:          (I want to cite) my other concerns.  Yes.  Frankly, they should be separate.  I understand why they've done it and as a working model that wouldn't stop me, but my other concerns would.  So as I say, we're going to discuss that further.

Man:                           Right.  Okay.  So folks this is what we're going to do right now, because in the hope and in the spirit of being able, say, we can address the concerns that this creates for people, right?  We're going to have to get a little creative maybe to do it.  I'm not sure what the solution is going to be, but I'm going to say when you all go off and have a quick huddle on this, think about what is really important to me and how do I address it, right?  And let's not make it binary like it's this or nothing, it's this or some version of this or something else, okay?

                              So let's do this and let's take just a 10 to 15-minute break.  I'm not sure what you guys want, but let's take a 10 to 15-minute break and feel free to huddle.  But your mandate is to come back folks and get ready to do a little decision-making, okay?  So let's take that 10 to 15-minute break.  Go huddle where you need to huddle, all right, and come back and let's do some decision-making, all right?  Thanks folks.

((Crosstalk))

Man:                    Okay.  So - and who's owning the screen right now?  Change the word providing to enabling.  All right, folks, so - where's Ayden and where's Stephanie?  Ayden and Stephanie?  Like big smile on his face.  Like your problem not mine.  Right.  It's - I want to start, but I'm a little worried, we're missing Collin and - do you guys mind if I start (unintelligible)?  Okay.  Let's just wait a minute, I'm sorry about that.  Yes.  Were they on the photo?

All right folks, let's get back going here.  All right.  This may be - if I can get your attention, folks - folks, can I get your attention.  Hello?  Okay.  So this might be perhaps the most consequential conversation you have on these three days, just - I want to get people's attention and make sure we're fully engaged in this conversation because there's going to be some important decision making coming out of it, okay?  We went off and we talked amongst ourselves a little bit, right, different stakeholder groups, how are we feeling about this.

And so, let's bring that back in, let's just go around quickly, and make a - make some comments about where we are right now in our ability to address our core concerns, and move forward with this language or others.  So let me start with contracted parties.  I know you were all together.  I don't know if you wanted someone - Beth or somebody else wants to say, "Hey, this is where we got to in our conversation."  Beth, you want to delegate that to somebody else?  You want to take it off?  Yes, sure, unless someone else ...

((Crosstalk))

Man:                    Beth, you go right ahead.

Elizabeth Bacon:  All right.  So, Beth Bacon, thank you.  So I will - this is - we were able to have a chat and I think that we started out with this or when I weighed in, you know, we like this language a lot better.  So I - what we're going to do is saying we're going to - we can accept it or live with it, but we're going to

define live with it a little more specifically.  Because in our view, this is very important when coupled with the - the actual consensus policy and policy recommendations, and that's just a big question mark right now.

So the drafting of that is very important.  So I think when we say we can accept this, we will say that we can live with it, we need to go back to our registry counterparts because there are several of us and that's not just three of us, and this is a big deal for us.  So we like the opportunity to say, "We'll live with this."  Go back and consult with our registries and get some of their views in a constructive nod or nod of being constructive asked them, "Are there certain things when we do draft a policy that you read lines absolutely want in or absolutely don't want in, so then we can start the actual writing of it, this purpose partner.

And then - so we would revisit that and (reserve the right) to revisit it, but then also we had a very specific one thing.  We would want to talk about how collection is characterized here and I'm just looking now and I'm noting that the language has changed from providing I believe to enabling, so ...

Man:                          Yes.  We just made that change.  You guys are not comfortable with that change?

Elizabeth Bacon:  I would - I liked the original language.

Man:                          Providing?

Elizabeth Bacon:  Yes, providing.  But - so those are our thoughts and we really appreciate it, and this is - like the other group did a great job and thank you.

Man:                          Okay.

(Crosstalk)

Elizabeth Bacon:   Well, so - I did - oh, we need to - you know, we need to revisit how collection is characterized here.  That's our only other thing.

Man:   Need to revisit how collection is characterized, okay.  In the purpose or in the - just say - you know, a few more words on what that means so we know what the task is that we're - what does it mean to improve the way to collect collection is characterized.

Elizabeth Bacon:   So as I've said earlier, it's got collect registrant data.

Man:   Yes.

Elizabeth Bacon:   We're talking about data here that's already been collected and you're completing two different purposes.  So what we wanted to do was remove that and then change the wording at the top, so it says, "That data already collected."  We just get rid of collect registrant data.  The other thing we wanted to do in relation to - in order to ensure the resilience, security, and/or stability of the DNS we want to go back and do more research into that.  That's incredibly broad and we're not all comfortable with that.

Man:   And it's about to get broader.  Okay.  So, okay so - okay, great, so - but to be really clear ...

Elizabeth Bacon:   So there's lots of caveats ...

Man:   Yes.

Elizabeth Bacon:   Although we said we'll live with it, there's a lot of things we need to do before we'll fully engage.

Man:   And let's make sure we're noting those caveats very carefully, want to do that, okay?  So I'm going to ask some help from staff here in helping to capture whether on the screen or somewhere else what's being said and live

with it but with some asterisks - an asterisk or two, right, with brackets, okay. One of those is this - is paired later with the policy conversation, right, when we're talking about policy and disclosure and all of that, okay? So they go hand in hand, so when we do that we're going to have to come back, make sure that that pairing worked. Is that an appropriate way to framing it? Okay.

Second, right, there is a concern that when you list selection of data as a data processing activity, it's confusing and probably wrong because we're already talking about data that's already collected. Okay? That was the second point to deal with. And the third point was when we talk about resilience, security, and stability to DNS like what's in that bucket, what's not in that bucket, right? Is that what I'm hearing? Yes? Okay.

So those are the three things that would make you feel more comfortable, you're willing to put brackets around this, and move forward, and you want to be working on those three things as we're moving forward, and you want those noted as we're moving forward so we don't lose those three concerns.

Diane Plaut:     Just to jump in and just to emphasize that it's extraordinarily important to all of the contracted party members and alternates who are here that we have to be able to go back and have this time to consult with our fellow stakeholder group members, because this is such an important issue and we really - yes, anyway ...

Man:     Yes, wonderful, right? So - and that is going to be similar for other people at the table as well, I imagine, right? Great. And when we do that, we need to make sure what we're going back with, right? We're going back with this thing in brackets and we have these three concerns if we want to try to solve them. Okay. So that was that conversation, I'm going to just keep moving forward here and say, "Alex had raised a concern about the fact that IP is not evidently inside of this statement right now." I'm characterizing that concern right.

So you all had a conversation about how to handle that problem, because that is a critical - mission critical issue for you all. So what was the output of that conversation?

Diane Plaut: I'm going to speak on behalf of our group and I think that the timing is perfect because I think I'm going to be able to address some concerns of Lindsay and the contracted parties group. Because the language that I'm going to propose in fact is going to come full circle to satisfy the different multi stakeholder concerns about greater clarity around what DNS means, and that language was taken directly from the ICANN mission. In fact, the exact language is openness, interoperability, resilience, security, and/or stability of the DNS.

So it was taken directly from the ICANN mission, but to provide greater clarity and provide greater assurances with regards to indemnification and liability issues, we would propose adding at the end. So it would say after end or stability of the DNS, it would say, "As consistent with and as specified in ICANN's bylaws."

Man: Okay.

Diane Plaut: This would take us full circle to make everyone feel comfortable that this is not broader, but this is exactly what's stated in the mission, in the bylaws, and that it is exactly an ICANN purpose, and it's not broader, it's not anything else.

Man: Great.

Diane Plaut: That's what it is.

Man: Interesting. So, actually, my interpretation was wrong, you guys are saying, "This is actually tightening it up because we're making reference to where this is coming from." Okay. So if you can say those words one more time and

we're going to put them in little brackets just for a second at the end of this and maybe Smarika you can type it. Can you state it one more time, Diane, please?

Diane Plaut: And as consistent with and specified in ICANN's mission and bylaws.

Man: Get it? Okay. It'll take a second to drop this down, fix this, and bring it back up. So it'll disappear for a moment. Okay. So there's a suggestion trying to address a core concern that's here in this table, right, to add this language which actually may produce more clarity about what we're talking about. That's where those guys came from. Before we quickly react to that which is an interesting idea, I want to go back to other people who met, and spoke, and I know Hadia had had a very similar suggestion, and that's pretty much it or let me know if it's different. She was ready to go there even before the break and I neglected to call on her.

Are there others who had conversations, right, that need to express this now because this is what we're doing folks, we are agreeing to move forward with this with the asterisks, right, with the caveats as stated here, okay? So others that had conversations that directly affect our ability as a group to say, "Yes, let's move forward in this way." Anything else here? You guys want to say anything? Collin, do you want to say something? Your hand is up, Collin or anyone?

Collin Kurre: I think that - well, I'll turn to ...

Man: Yes. Okay, give me one second. I'll come right back.

Woman: So we are - we can live with the original language, but we could - we suggest that we provide this additional changes that instead of enabling or providing we actually add coordinated development and implementation of policies concerning lawful disclosure of registration data, and a language that from

the bylaws that mentions specifically the resiliency, security, stability as it regards to the technical coordination of DNS.

Man: So that's a pretty big change. Did you hear that (unintelligible) hear what that suggested change was?

Woman: So I will send the changes. As I've said, we are fine with the enabling and providing for now, but we would like additional clarifying language to be added that probably gets rid of enabling, providing, and just talk about coordinating development and implementation of policies in the beginning. And also, in the - and in the end, we have to clarify that this is the resilience, security, and stability as it relates to the technical coordination of DNS. And so these are like the limitation. But, as I've said for now we can live with that language. I mean, there are - they also - there are other suggestions, so I'm not stopping anything.

Man: Okay. Okay. So I'm hearing two things and what I need to do is go back to you in just a second to understand the concerns behind that so we can figure out how to solve those concerns. You understand - yes, let's give it one second. Did you want to say this to that? Okay, yes, Benedict.

Benedict Addis: My feeling is that adding extra words doesn't increase safeguards or provide more specificity. We're defining a purpose for processing registration data. Policies did not - does not lead to a purpose of processing registration data. It just helps us to further question - and I think we've all agreed on good faith that we will bind this and create appropriate safeguards through policy. So (Ben) and I, we don't represent (RSAC), we're here as own people. We support the original text as it is and that's not shown on screen. That doesn't add references to bylaws. Again, don't improve or increase specificity here. We're just talking about why - to a normal person, why we're doing this thing. Thank you.

Man: Okay. Great. Okay. (Unintelligible) do you want to jump there real quick?

Woman: I just wanted to underscore the very first thing that Farzaneh had said which was that we could live with the original language as specified, you know, before the break.

Man: Right. Okay. Okay. With the - with what you're saying though is you are interested in exploring this idea of putting language around the development of policy, okay. Right, and tagging on (unintelligible), okay? Okay, so tease out some of these issues. All right, so what do we hear? Let me just do a quick round, what we heard was we can move forward, we've got a couple of caveats around how we are concerned about if this refers to the collection of data and it probably shouldn't, but we need to have a conversation about that, that the further clarification of resilience, security, and stability, and further caucus with stakeholders who aren't here.

Yes, okay. There's one more thing, but I can't remember. Did I missed one thing? You guys were worried about the collection of - I know, and it needs to be done - looked at when we are looking at the policy issues we want to write in - yes, we are (refreshing up counts), okay.

And then from here there was this - they're - in dealing with the fact that IP doesn't see itself represented in this, there was a suggestion to add this tag at the end which allows them to feel that they are represented better in this purpose and their interests are part of this purpose, okay? And then over here we said we could live with this, we have some other ideas about how we'd like to play with this going forward, we can live with it for now, okay? Okay. Those ideas include talking about policy development in this purpose and also putting some language around technical issues at the end, okay. And Benedict is saying, "Please don't have more language to this. I can live with what it was."

Benedict Addis: And I'm really sorry, folks, because it's - this is directed at you Diane and Alex. Security, and stability, resilience are about the internal workings of the

system, everyone here in this community depends upon for their livelihoods, for their - the functioning of the internet. It's an internal purpose and it should be delineated such. Now, with my ex law enforcement hat on, I agree that we should also be talking about third party interests and purposes, because cops just like you need access to data for other purposes to get stuff done.

For example, if I happen to see on the side of a van that is committing a crime a domain name, I can use that - I can, as a cop, use that domain name to look up the registration data and the person who owns, maybe it's a lead, right? That's nothing to do with SSR, with security, stability, and resilience of the system.

So whilst I agree with all love carve-outs, for our individual special interests and purposes, they cannot be sort of crowbarred in here, because this is about the system itself. Thank you.

Diane Plaut: I highly respect that, but at the same time we are identifying the third parties with legitimate interest. That's the bottom-line purpose that were stated in here. So that's a broad universe of people, but yet that we're then narrowing it by saying as supported within the ICANN mission and bylaws. If the ICANN mission and bylaws is very specific to really identifying cyber crime law enforcement IP needs, consumer protection, let's say, these are general principles on which ICANN is based, and how it operates today.

So that is within the RRA, that is within the bylaws, and this is all just making clear of purpose that already exists and that everybody uses every day from a functional standpoint, not just the technical components because ICANN isn't just a technical operability framework, it's a lot more than that.

Man: Isn't that - Benedict, is it okay? Can you live with the fact that we tag onto the back of this, (consistent) and specified in ICANN mission and bylaws, so that they can feel that those core interests are incorporated in it?

Benedict Addis:    Not in this purpose.  I would - we need another purpose if we're talking about third party access for their own needs because that is a fundamentally different purpose to tell the data subject.  We are going to do this for the good of the internet, it's a very different things to - we're going to do it for another specified third party.  It's completely different and whilst that both of you are quite right - mentioned in the mission, there are two fundamentally different uses of that data, and I'm sorry (unintelligible) original use.

Diane Plaut:    But they are both within the broad ...

Man:    Can we go to other people in the table and not have a bilateral discussion?

Diane Plaut:    Wait.  Hold on one second, they're both within the broad scope and mission of ICANN and the only thing that I would say in return to that is it really very much helps contracted parties to have this broad purpose which is then narrowly defined within the bylaws just identified in one scoop.  I don't see the problem with it.

Man:    Great.  I have a queue that's up and we got Marc, we got (Allen), we got Beth, all right?  So Marc why don't you go ahead.

Marc Anderson:    This is Marc, to be clear my original agreement with the change of language that we brought from upstairs was based on the assumption that SSR included all of these other things in the bylaws and mission.  So I apologize for that conflation or expansion, but that was what my original agreement, it was based on Benedict's comment, would you support the creation of two purposes one which is to ensure the resilience, and security, and stability, and another one, you know, to - as far as these comment technical details and another one that says enabling the lawful disclosure blah, blah, blah, as consistent with the remainder of ICANN's mission and bylaws.

Benedict Addis:    Yes.

Man:            Thanks.  (Allen)?

(Allen):        Okay.  The (ALAC) strongly supported the IPC addition for the reasons that's being discussed.  On Monday, we agree to consolidate several different purposes into one.  Today's activity was to refine the wording, now we're being told that as we refine the wording we excluded most of the purposes because most of them were cybersecurity, law enforcement, consumer protection other ones, so now we're told we agree to consolidate the refinement, excluded most of them.  That broke the agreement on Monday.  So we can't go forward with this and pretend it's the only one.  We have a real problem in this case.

Man:            So, okay ...

(Allen):        Now, I can go with the wider definition of SSR.  I can go with the second one, how we're going to come to closure on that second one before we leave here, I don't have a clue.  But I don't see - think we can ignore it.

Man:            I don't think we're very far.

Woman:          And with all due respect if you could, Benedict, could you identify why you think separating it out into two purposes, what that proves, like what that accomplishes?

Man:            Go ahead, explain.

Benedict Addis:  I don't think I'm the only person who feels this way and I think there's a few hands around the room and not agreeing with this. It - let me phrase it another way. Facebook when I - back when I was a cop I'll tell you story quickly to illustrate this. Back when I was a cop Facebook told me we're worried about malware on our platform, on our system like we're worried about the people users falling victim to bad stuff on our platform and we're interested in helping law enforcement with that.

But every time you come to us it's because there's a, you know, a heroin smuggler who is a perfectly blameless user of Facebook with his wife and kids on there who happens to - who has some personal data that you want to get out of us. So they'd say, you know, you're – and they'd say be careful not to conflate these two purposes. And I repeat that to you which is there is - there are purposes that serve the community and improve the quality of the system of identifiers. They build trust in the system and they serve both commercial and noncommercial needs.

There are people who want data and that is totally legitimate which is why I support a separate purpose. There are people who want data to serve some external purpose perhaps to investigate a crime or protect their brand. We're not saying that they – we're not say that they're not saying not legitimate we're saying they don't belong here. And stability, security, resilience means a very specific thing and if we don't believe that then words, you know, then words don't mean anything right?

Man 1: So okay there's a queue. And I know Beth and I know (Colin) is really eager to get in. I know Alan is. It just seems to me that, you know, let's try to solve this thing. I feel like we're so close. Like we're almost saying exactly the same thing it's all inside ICANN's bylaws and mission. So Beth do you have your thing up? Do you want to say something about this?

Elizabeth Bacon: All right sorry I think for the, I didn't mean to get in your space Benedict I'm sorry shouldered him out. So I think for the bylaws the concern there is that it's actually not more - it sound, it's deceptive. It seems more specific because you're citing something but if the bylaws are enormous and they're also quite broad – they have quite broad language. So I mean it's not actually more specific which is concerned with regards to the crafting of a GDPR purpose. And in addition we've already discussed this, you know, just because it's in the contract, a contract or just because it's in the bylaws does

not necessarily mean it's GDPR compliant or GDPR friendly. So I think that's our concern that it's just, it's not more specific in my eyes it's less.

Man 1: Okay. So (Colin) and then I've got Alan, I've got Ashley, someone (Colin) go ahead please.

(Colin): So I think that one of the beauty of this compromise language was that you could read different things into it because you what we didn't want to do after kind of going ring around the rosie a few times and getting into access, and getting into legitimate interests a few times upstairs we took a step back and said okay since we're not trying to determine the legitimacy of interest at this moment we're not trying to get into access we're trying to, you know, move through this exercise and determine the purpose.

And this isn't, you know, is this the language that I would have written by myself? No, no it's absolutely not. Like this is not something that the NCSG would have produced it was language that we came up with an our small group because you could have a different reading whereas, you know, you got - I don't know if it's necessary to add in this additional specification because as Beth said it's a bit - it doesn't necessarily make it more – there's no need for it because if we've got security, if you've got language that already references the bylaws, the mission, you know, then I think that maybe for the purpose of moving on and then deferring as we did in the rest of the sheet defer - having those asterisk and saying fleshing out these legitimate interests or carrying out this balancing act is something that we cannot do until we have the concrete specifics on who is being granted access and for what purpose. So I'm not sure I think that all of these issues that we're grappling with are really valid but I'm not sure if I don't think that we're there yet.

Man 1: Thoughts on this but I'm going to hold back for now. Alan, and then Ashley.

Alan Greenberg: I think what (Colin) just said demonstrates the problem. We saw some words that to be honest, you know, to use Ashley's word in the spirit of compromise we could accept. I thought that the IPC's addendum adds some level of clarity because it says it's not just, you know, that it's SSR in the strictest terms. Benedict comes in and says oh but that is exactly what it means.

And either we need the flexibility that (Colin) was talking about to interpret the words flexibly and I think the phrase adds that or we need a completely separate thing which as I said I think breaks the agreement we had a Monday and I'm not quite sure how we get there quickly. So I think we need to come to closure on either its strict and we need some additional words added on to it if not a completely separate purpose, and I can go either way. I think they added a few words is a little more easier to come to closure on today maybe or I don't know where - how we go.

Man 1: Yes.

Alan Greenberg: There's no way we can accept it just being the technical, you know, technical part of the DNS and not have something else that matched - that the fits the other parts.

Man 1: Right, okay. Ashley and Stephanie has got a card up.

Ashley: Thank you, Ashley representing the GAC. I feel frustration creeping into this conversation and that would be sad at this late state of our conversations. I think we're heading down a good path and I like the fact that people are willing to live with this in kind of a different form. But I think what's also been highlighted here in this conversation is that there's still some concerns with these words. And I would - and that tells me is that there is an issue with these words and that being that, you know, as the GAC representative I have to be faithful and who I'm representing and that includes the rights of the intellectual property rights angle.

That being said we need to keep reminding ourselves what the purpose is attended to do. And remind ourselves that we are committed to not getting into the nitty-gritty of access we are creating a purpose here that's focused largely on enabling something to happen and not lose sight of that because we have this tendency to revert back to our entrenched positions. That being said perhaps the best way forward is we agree in principle to this purpose recognizing that we have some tweaks to make to the language. I think we're all in agreement on that but I would just hate to walk away from these three days and we don't have anything to show for it but recognizing that there could be some tweaks.

Man 1: And being so close -- and I'm just going to jump over to Stephanie now but before I do -- it seems to me guys -- and I'm just going to check in with guys -- it seems to me if I take what Benedict is saying what others are saying Benedict is saying don't confuse FSR with the other piece of the mission right? And you guys are saying but we want to make sure we get the other piece of the mission involved.

You've got two pathways you add the other pieces of the mission into this purpose, you separate them out, you add the RSS stuff and then you say to the other pieces of the mission which is what essentially you guys did with your suggestion or you add another purpose. Whatever reason that feels better for some people feel free right? What I'm not hearing from Benedict is you can't have that broader set of issues that are part of the mission. What I'm hearing from Benedict is you don't – you can't have that broader set of issues that are part of the mission. What I'm hearing from Benedict is just make sure you know what you're talking about with RSS that's specific and let's not use that phrase to mean something okay? So Stephanie if we're going to live with this and move forward was something like that how can we make this work?

Stephanie Perrin: Stephanie Perrin for the record. I'm actually not going to repeat everything I've said before. I can't live with the purpose for a disclosure belonging to

ICANN. That doesn't mean that the contracted parties it isn't their purpose to figure out how to disclose, it doesn't mean ICANN doesn't set some policy. But to me, and I could be misinterpreting this, but to me this is too important to accept.

So I'm going to draft you up a detailed dissent on why I think and I would heartily recommend that people be given the opportunity to take this back to their stakeholder groups and discuss it, and caucus it and figure out whether this works or not. I would just like to give some support to Benedict and his proposal in that I actually do think that if there were any reason for ICANN to have a purpose for disclosure it would be for legitimate law enforcement access. And my colleagues will kill me for that so that's why I'm dissenting. Thank you.

Man 1: Right okay, that's fine. Folks we have a decision point here okay? It feels like we're basically ready to move on. It feels like everybody wants to, almost everybody wants to deal with RSS and other pieces of the mission right and bylaws am I right? Yes okay. So is there a compelling reason why it can't just be put it together in a combined piece right? Is there a compelling reason you can't just do this and tack on what's been tacked on at the end perhaps with a little bit more finesse to signal that you're not inflating resilient, security and stability with other issues that are inside the ICANN mission and bylaws right?

But essentially what you're doing is you're doing this you know what I'm saying? Okay guys solve for, we're going to solve for a particular comment don't confuse resilient security and stability with other components (unintelligible). Very same phrase have it say something like and other components of ICANN missions. Guys all I'm trying to do is manage, you know, Benedict you're the one who brought this where we need to separate this out right, solve it for us so we can move on.

Benedict Addis: To be clear when I say security, stability resilience okay I'm not including law enforcement in that. So I'm not advocating for any position here third-party access is third-party access for their own - to serve their own needs. That includes you guys (Alex) and (Dan) and that includes law enforcement. I'm talking about the internal stability of the network. So we either need a separate - we need a separate process for all of those things to third-party access for the - to get that data for another purpose right which feeds the access model.

Man 1: And so state what that would look like? What that other purpose look like does it look identical to this except it doesn't mention RSS and it mentions ICANN mission and bylaws?

Benedict Addis: Yes, ICANN's mission and bylaws the same language. The purpose is the exposure of registration data to third parties with legitimate interest to data that's already collected in order to ensure third-party - in order to meet third-party needs including law enforcement consumer protection…

Woman: Okay.

Man: Well…

Woman: So we'll separate it out and on that language. That's what we originally had.

(Alex): That's where - yes that's where we were before. If we could solve this…

Benedict Addis: It's in the bylaws.

(Alex): …it's (Alex). If we could solve this by having a second purpose I'm happy to do that.

Benedict Addis:    Sorry happy to – that is already collected in order to -- my I have a got my contact lenses in -- in order to ensure that ICANN's mission and bylaws are met.

Man 1:    Great okay.

Woman:    Break that down Marika for a second?

Man 1:    Well to involve we have one that just ends with resilient, security and stability DNS period you have one that ensures (unintelligible) ever met okay? Are you…

Man:    And just to clarify the fact that we're putting it up there does not mean that we have an agreement to move forward with this language it's just a proposal.

Man 1:    Right, we're putting it up yes.

Man:    Okay.

Man 1:    So what have we done here? Right and can you erase out of the first one as in consistent with the mission and bylaws? Folks what are we trying to do here? We're trying to solve for the various concerns at the table right? And the various concerns of the table we've been working through them one by one trying to see how we address those. We can make asterisks - we can make stars in this. And we can say these are things that when we made a decision to move forward we have to address them as well. That's what we're writing down on a piece of paper here.

Elizabeth Bacon:    So may I make a suggestion we clearly have concerns, there are still questions? I think spit balling and just adding things to the end of the sentence is not helping.

Woman:    Sorry.

Elizabeth Bacon: So I – what I would suggest is just as why do we go back to what we had and then as you said -- with brackets -- and as you say then just put underneath it these are the things we have questions about. If we're just going to live with us to the point where we're going to go then talk about what we're actually going to do I mean in the policy when we – there is a chance that we all end up having an enormous level of comfort with that policy and process that we have, you know, be it NCSG, or IPC, or contracted parties and then we won't - we can refine this based upon that or, you know, it'll show that we still have cracks and work to do. But if we're living with it in the bracketed sense let's just move, let's just go on and actually live with it?

Alan Greenberg: I'm not sure which area we're talking about at this point.

Man 1: Yes. Right because the problem – and thanks for that Beth -- and I think the issue there Beth is we still hadn't addressed some of the other concerns around the table such as IP in the very first version that, you know, you all went down talked about okay? Let me go to (Thomas) real quick and then I'll swing back all right?

(Thomas): Yes just a quick point I've - this idea to just have an opening class for ICANN's mission and bylaws. Let's remember purposes need to be very specific. And just to add a sentence whereby you make a 200 pager part of that might not pass the test of the principles of Article 5. But I think I thought the beauty of having that previous language was to have it sufficiently specified and narrow. Just, you know, I mean if we want to keep it as working language that is fine but I think it can't be the final language.

Man 1: And (Thomas) like when you say that you see that IP's interests are sufficiently addressed in that initial language?

(Thomas): I think that the - it for me it's totally difficult to divorce this part of the discussion from the excess discussion. I think it will be so much easier to look

at the things when we're saying who wants access to what for what purpose and what do they need right? And then you can go into the balancing it's - this is extremely abstract. And there will be some requests that can be made to registries and registrars anyway that doesn't have to be regulated by ICANN at all but yet, you know, we have provisions of the GDPR whereby IP claims and the civil claims can be pursued and data can be asked for and that basis. That doesn't have to be governed by ICANN or enforced by ICANN it's the law.

And then we have – and I think if you map that out and if you look at who has what needs what can you get by law, what can you get…

Man 1:             Yes.

(Thomas):         …by ICANN, what can you get from the registries and registrars directly? Then I think a lot of things will fall into their places and we're talking totally in the hypothetical now and I think that, you know, that is of limited value.

Man 1:             Okay, all right. I've got Alan, I've got Marc, I've got Ashley, I've got (Margie).

Alan Greenberg:  I'd be delighted to accept what (Thomas) said except my understanding is if we don't include the eventual people or entities we want to give access to somewhere implied in the purpose then we can't do that. So although I agree all the details will have to be settled later I thought that the purpose envelope had to cover had to sort of imply them. And as I said I was happy with the wide definition of SSR if indeed -- and I've only heard these words from Benedict -- but if indeed we have to - we are meaning the very narrow definition then I don't think we're going to be able to cover the other ones at the – and the access discussion.

Man 1:             (Margie) then Marc. And then I'm going to swing over Ashley.

(Margie): I think -- this is (Margie) -- I think the problem is that when we entered into the compromise we assumed that the three causes that were applicable would be included in concept. And now I'm hearing that there's a disagreement on whether IP interests should be part of the policy or not. And if that's the understanding from the folks around the table then we have a real problem because it's not acceptable to say that the ICANN policy is not going to attack - include intellectual property infringement purposes.

And so I just want to understand if that's the case. And then if we're only left to remedies outside of the ICANN policy world we have - we've actually made the situation much more dire than I anticipated. So I'd like to hear from my colleagues in the NCSG and in the Contracted Parties House as to whether or not they're willing to consider intellectual property interests as being part of the ICANN policy?

Man 1: Thanks, Marc?

Marc Anderson: Yes I wanted to clarify and reiterate in some degree what (Thomas) was saying. The broader language I've already mentioned how I had interpreted the broader language when we wrote it but also it assumes the preexistence of third parties whose legitimate interests have already been evaluated and balanced in some way to be determined in the future.

So the people who are coming to the door already, it's already been determined by some magic means which, you know, we're based on trust we'll get there someday they already have rights to some subset of the data. And not everyone who comes and has a request will fall into that category. Some people will seek data and be denied or only get part of what they wanted or maybe they'll get what they want whatever.

But that was based on that sort of an assumption understanding as (Thomas) says that, you know, that is based on trust that we will work forward and solve that thorny problem in the future. It is a thorny problem. We're trying to

address this without leaning on the access stuff too much but we always knew that it would complicate parts of the discussion by postponing it.

Man 1:         I got Ashley, I got…

Ashley:        Ashley representing the GAC. Again I would hate to see that we walk away now with nothing because I think we've come a long way. I think there's been a lot of compromise. I think, you know, we started off with what four or five different purposes that are now, you know, we got to a point where it's just as of like 15 minutes ago we were close to agreeing to and now we're dissecting it again. I think people are seeing a lot of ghosts that aren't there. I think, you know, what's intended to be here is, you know, trying to reflect the interest of all the stakeholders who are participating in this process.

I recognize that there are concerns but again I'd like to make the plea that we agree in principle flag that we've got some lingering concerns. But I think we all do ourselves a disservice if we walk away here without having something to work from because I honestly believe and I've said this to many people that if we can hammer this out and reach a point where we can all live with it the rest of this conversation and moving forward on the temp spec is going to just fall into place. That's probably naïve but I think this really - everything hinges on this for a lot of people. Thank you.

Man 1:         (Georgios)?

(Georgios Tselentis):  (Georgios Tselentis) from the GAC. I don't know I think we've been in this exercise now and the result is some fatigue. But I thought there was a clear line when we drive on the purposes now and we did obvious exercise now in the last day we find ourselves now revisiting the purposes, modifying them, cherry picking from here and there. So I think I would go to keep the language as it is in Purpose B1 that's my suggestion.

Ask Benedict if possible to refine the Purpose B2 with the language that makes this not referring to all ICANN mission and bylaws but make specific references to be more - to comply with the GDPR request for specificity. And then we can - and keep the first part the Purpose B1 ask what we have as a key now from this exercise. I think this is one compromise if we want however to reference the bylaws then we as I said we cannot cherry pick here there and say this is good for my community I'll pick it – I'll put it - this is not good for my community I don't want to put it there. We should make – we should not forget that this is a purpose for ICANN therefore it is in the mission statement of ICANN and this is where we get our reference okay?

Man 1:    Okay great. Folks we're getting to the end of the road here. I've got Diane is yours up or is that an old?

Diane Plaut:    In bringing all those comments together and trying to really focus on what everyone has said Ashley, (Georgios) I think that we're really there and it would do us a disservice to not solidify the language here so that we could all move forward because we really are all on the same page. We all really do want and can see the same (basises) here. And if we took the in order to ensure and just simply to overcome the concern about the lack of specificity and just change it to specify in ICANN's mission hopefully that would help. If that's not clear enough we could then cut and paste and take directly out of the main components that are listed in the mission to cover off the main buckets as originally set forth in G1 through L but now could be just in the second B2.

And we could get there because fundamentally Benedict we're all on the same page. Benedict wants to set forth the separation of B1 to have a limited a more limited interpretation then we, Marc, (Margie), myself and everyone in the other group thought that the resilience, security and stability was going to be a broad interpretation not just a technical interpretation. But if the Contracted Parties feel that, that provides greater assurances for them in the processing of data and the collection and processing of data then that

certainly could be agreed upon because then it will cover off on everybody's needs.

And they still have the assurance of the joint controllership liability issue identified and addressed as indemnification tied in there because then under the B1 purpose they would be either collecting and/or disclosing to ICANN under its purpose the resilience, security just types of technical components and they'd have that liability covered separately. And then under the B2 they'd have it also tied up by ICANN. So there are different concerns some liability would be met. There are different concerns would be met I think for everyone and just making it more specific we and could all move on.

Man 1:            Okay great, thanks. I got Kristina, I got Marc, (Kurt) wants to say a few words. And then I think we need to oh sorry and I've got (Raul). Okay and then I think we're going to need to take just a quick break and test where we are and come right back all right guys? But you got the floor.

Kristina Rosette:   Kristina Rosette Registry Stakeholder Group. To answer (Margie)'s question, you know, we said when we came back after consulting we're planning to take this back this language back to the Registry Stakeholder Group. We have to present it. We're going to present the complete discussion and come back. And quite frankly at this point it doesn't matter what the language is we have to take it back. So I'm not sure to be perfectly honest with you all that continuing to try to wordsmith is going to be productive. So...

Man 1:            So thank you. Yes Marc.

Marc Anderson:   Thanks -- Marc for the record -- yes I mean not to disagree with Kristina but, you know, I think at this point, you know, we need, you know, may need a break and we need to take this back to our colleagues. But, you know, from my perspective I want to echo what Ashley said I mean, you know, I think there's general, you know, in principle there are some good things here. The fact that we're, you know, maybe slugging it out over, you know, the more

minutia of the words is maybe a good sign right? We've gotten away from broader principles and we're arguing over the finer details of words.

And I, you know, maybe take that as a sign that we're making some progress. And when you start wordsmithing right your maybe farther along. So, you know, just, you know, echo what Ashley said let's, you know, let's not let where we are right now take away from the fact that we've made, you know, a considerable amount of progress and, you know, sort of, you know, right now we've sort of keenly identified, you know, where there are still issues that need to be closed. And I think we have an opportunity may be to circle back with our groups, talk off line with our colleagues and figure out how to close some of those gaps. But, you know, like I said I think in general once you start arguing over, you know, the finer details of the meaning of words then you're getting closer.

Man 1:          Okay. So Chris do you want to say something?

Chris:          I just have one suggestion which might -  maybe to close it all off which is if you just add to the end of B2 subject to parameters to be agreed then you've got a point where – you've reached the point where you've got the mission and bylaws mentioned but you're saying that you need to do more work on what the specifics are. I could live with that, that might help but I offer it merely as a friendly suggestion and nothing more than that.

Man 1:          Great, okay super. I got (Thomas), sorry I've been missing you (Thomas). And I've got Stephanie and then (Kurt) and then we are going to take a quick break. Oh I'm sorry, sorry I guess I need to keep a better list yes. But (Thomas), go ahead please.

(Thomas):          Okay thank you. Now concrete proposal let's keep the original compromise language and let the two qualifications to it. One is at the Contracted Parties was back with their peers. Second one is that the second qualification would be that the…

Man:            What was the qualification?

(Thomas):       The first qualification is that the Contracted Parties will take that language
                back to their peers to consult because that…

((Crosstalk))

(Thomas):       The original compromise language. No the one that we brought with us which
                we had advanced quite a bit yes. And if we can also say that everyone needs
                to take it back to their people. That's fine as well. I just wanted to pick up
                what Kristina was mentioning. Second point is I think we're getting - we don't
                get closure on the IP question. And I think there might be some confusion
                because I think IP is just too broad of a term. So let's say there was a domain
                name completely innocent domain name just that there's a logo of a
                trademark owner somewhere on the Web site. Then I think we agree…

Man:            A little more significant than that.

(Thomas):       …it's not ICANN's business to take care of that.

                So why don't the IPC as experts in this field describe in more granularity what
                the IP infringements are that would be within ICANN's mission bylaws. And
                then we can, you know, talk and discuss that with more specificity.

Man 1:          I don't want to do that right now but that's an interesting suggestion. And let
                me quick go down (Raul) and then I'm going to go to Stephanie.

(Raul):         Yes so just some comments to what to add for this what this I think that
                Kristina and my colleagues here have said that Marc has also said the same
                thing that we've come a long way in a lot of work has been spent in arriving at
                this position so let's just not throw it away. It is an important point that we
                have all to go back to our constituencies and seek their views and opinions

on the subject but that does not take away from the fact that this is a worthwhile foundation on which we can build upon. The ability of this is undisputed.

I think, you know, to recall what Marc has already said but when we are giving in to wordsmithing then it is an indication of the fact that some of the broader - we have some amount of consensus on some of the broader issues and now it's just about resolving some of those niggling points. However I think we can possibly help the language by, you know, to mirror it exactly with what is included in the ICANN's core mission it is not restricted to the stability of the DNS but the stability of the Internet. It says that resilience, security and/or stability of the Internet and that change I think will be a catch all which will try to cover most of the other terms and try to address them in a possibly a better manner. Thank you.

Man 1:  Before we go to break I've got Stephanie and I don't know Alan is that old? Okay Stephanie on then we're not doing any more we're going to take a quick pause because I think we need to regroup and make sure we don't lose the energy that we had and we were close. We're going to regroup and then come back and see where we are and we're going to do some of the other issues that have been Stephanie, Alan, (Bert) let's make it brief, quick break.

Stephanie Perrin:  Thank you, Stephanie Perrin for the record. I'm picking up on what Diane was saying basically two points. Number one, we're not all on the same page because we're here to protect human rights in the NCSG. So we're not concerned about financial things as much as the rest of you are. Number two, I heard you mention indemnification. And if there is legal analysis somewhere around this table at icann.org that indicates that the Contracted Parties could be indemnified by ICANN taking on purpose of providing access then we'd like to see it.

I don't believe it's possible. I certainly don't believe it would completely indemnify the Contracted Parties. But share with the sugar bear folks. If that's

why we're fighting over getting this thing into ICANN's purposes then we get to see it. Thank you. And if you haven't got it then go out and commission it. It's a critical piece.

Man: Sorry just to say this is precisely what we – what Goran referred to yesterday as a question that we've asked to say is it feasible? And we're working through that so as soon as we get an answer or answers then you can pretty much guarantee you'll get to know. But that's exactly what you just said Stephanie is exactly what Goran referred to yesterday.

Man 1: Great Alan, (Bert)?

Alan Greenberg: Thank you. I strongly support what Ashley said of let's not lose all this. I support most of what Marc said. I well I disagree that if we're at wordsmithing we're almost at the end when some of the wordsmithing adding one or two or changing one or two words changes the complete meaning of the whole thing. So wordsmithing can be a two edged sword. And I just want to make sure in response to (Thomas) that it is not just IP. Now it is law enforcement, it is cyber security, it is potentially other things so let's not try to make it too simple and main substantive issues, thank you. (Kurt) let's get out of here with an agreement.

Man 1: (Kurt) bring us home and then we'll take a quick break.

(Kurt): Thanks. So who here doesn't think that the compromise we arrived at a day or two ago was intended to first constrain the amount of data to be considered for disclosure to what was already collected. And two under the right set of circumstances that data would be disclosed to law enforcement if there's prevention of a crime, to IP if there's rampant or significant IP infringement. That discussion is the access discussion it's the strainer through which all the requests for disclosure of data will be placed.

And so our job is to create this hook in our purposes or in our policy document so that we can actualize that compromise that was made with everybody participating in the room. So I don't think we're wordsmithing because we're using secret ICANN code words about, you know, referring to a different part of the bylaws to completely change things. We need to blatantly find a way to say that, you know, we agree to this compromise. That we will, you know, we will limit the set of data that's accessible and then after this is done we will have an access to discussion to decide under what circumstances if any that data can be accessed and so maybe we need to just blatantly say that rather than discussing the purpose some more.

Man 1: Great okay. So on that note what I'm going to suggest we take a minute break. And during that break what's going to happen is we are going to get to this and figure out exactly what it is we're agreeing to, to match what (Kurt)'s saying was our fundamental agreement okay? And so I'm going to need a couple of people just to come up with me and a laptop and we're going to do a little work very quickly and then we're going to throw it back and we're going to say is this what we're moving forward with under these conditions okay?

So let's take a 15 minute break. I need a handful of people to come up with me rapidly to do a little bit of this drafting piece. Oh yes absolutely. So let's make it a 20 minute break…

Man: Well as a point of order we probably have a hard stop at five because some of us…

Man 1: Yes.

Man: …are leaving in five - not me I'm – I can stay five.

Man 1: Yes okay. So we are tight for time folks. So this is not a time to go chill out but this is a time we need a break, we need to figure out what it is we're

actually saying we're okay with. And then we're going to move on okay? So let's take a 20 minute break and I need a few people to come up here with me to do some work real quick?

Okay folks, oh come on. All right I was going to put something on the screen, it's going to take me a second more to do it. If we can pull in the folks from outside real quick so this is - so we had, you know, a wonderful heated interesting discussion over the break with a number of you who came in and we – I tried to cycle people in from different areas who I thought would be very interested in having this conversation.

Okay I'm going to try to speak for what I heard was where this group of people that cycled in and out sort of where they got to some more convinced than others okay and some maybe not even all that convinced. I've written up on the screen as well and I can make it a little bigger in just a second but I wanted to give it a second to correct my understanding of this.

So if we look at this just for a second what is it everybody here agrees to potentially is that for registries and registrars it is absolutely a purpose to provide for lawful disclosure of registration data and third parties legitimate interest to data that is already collected okay? So for registries and registrars it absolutely is a purpose. And we should do the analysis on the matrix sheet and the data elements sheet which will help inform and make sure we got the right legal basis and all that good stuff.

But we can absolutely all of us agree the registries and registrars have that purpose. Some of us also feel that ICANN has that purpose while others feel very strongly it doesn't, we don't know yet. We don't have this group doesn't have a statement on that just yet. But you're willing to play with that a little bit longer test and see what happens. But you definitely can say everyone here thinks that registries and registrars have this purpose as stated there providing for lawful disclosure registration data to third parties with legitimate interests to data that is already collected okay? So it had some of those

benchmarks and things that (Thomas), and (Kurt) and others explained why that language is the way it is okay?

We also have expressed some degree of agreement that the whole point of this process of having those, you know, consolidating those different purposes into one all of this is about we want to make sure that third parties who have legitimate interests are able to have predictable lawful (unintelligible). And your policy should make that clear and there's different places in your policy that you can make that clear but people want to make sure that is clear. And we talk about that IP is part of that, you know, law enforcement the typical ones that come out DNS abuse consumer protection.

And this something like this is something that we can take back and say you know what this is as far as we got how does this feel? We move forward. Is this the right stuff? What else - how are we going to articulate in the policy the pieces that we want to put in there? So for people who are involved in this group or part of this conversation could you - would you want to make any amendments to how I've captured this conversation we had up in the front of the room? Is that good? Yes it's good. (Alex), was up there too for a while others were up there too okay? Great so I see a bunch of hands going up I am very tempted to not do a big round here right in the interest of time.

I'm extremely tempted to just test the temperature of the room okay? So let's test if this is an accurate reflection of what we were talking about in the front of the room before we go have a conversation this is not a consensus policy, this is nothing formal, this is taking the temperature of the room right now right? Everybody check out the screen, take a look at it, take a good look at it right? Let me get the voting thing going so we can take the temperature of the room here yes and no A and B right? Hang on one second let's see if I can make this thing work.

Okay it should be working. So can you live with this is what is coming out of this meeting a statement coming out of this meeting for ourselves right and

taking back to our constituencies, a note to this meeting are going to say something like what's on the screen here okay? So before we talk about it no it's a package. This is the suite of things that would come out of this meeting as a, you know, in the meeting notes on this particular sticky issue okay?

So all we're doing is we're saying could we live with this as the notes the come out of this meeting? I know we don't have a conversation yet I want to do this exercise and then have a conversation okay? It's not formal. We are not setting policy. We are taking the temperature okay? I only see nine responses guys. You can - it only takes a last one. Okay I see 21 we're getting closer. This is just an anonymous taking the temperature of the room that this feels we're in the right space to move forward. We're the right space to say this is how far we got in this meeting.

Okay 23 anybody else want to express? More than 23 aren't you? Yes, yes we're going to do this more than once guys okay? We're going to do it more than once. Great so we got 78% taking the temperature of the room that said yes to this okay? So there's a high bar in terms of making modifications but it's important to list up what the concerns are that would make people not be comfortable with this okay? So let's go around I'm just going to swing this way this time Marc, and then (Raul), and then (Alex), and Stephanie and then yes as it goes okay, Marc? Oh great even better (Raul)?

(Raul):          Yes.

Man 1:          You have your thing up. Do you want to say anything? Oh with the microphone on please.

(Raul):          If we could just change it slightly to that we don't agree if ICANN doesn't have the same purpose we will analyze that more. That's all.

Man 1:          I didn't follow that. But I look well let's - yes okay. Yes okay I get it. Are you trying to send a signal that there's more people who agree then more then

disagree okay. Yes well maybe. Maybe we can make it super neutral okay? Great (Alex)?

(Alex):     I'll just say for transparency that I voted yes for this. But I'll note that there is one bullet point missing I think it's important and what we agreed to is that we would spend the time to go through the worksheets for the registry and registrar purposes and kind of understand where things are. And based on that I think we'll have a better understanding of a potential ICANN purpose.

Man 1:     Great. So we'll add that bullet in. Excellent and that was I said it verbally but it's not written down yes great. Everybody's hand went down, interesting okay. Okay and yours went up. Yes fire way please.

Woman:     I just want to say I think that it's -- this seems very formal and very, you know, votey but, you know, newsflash this isn't our last meeting. I think that all this is going to end up doing is saying we're just going to keep working on it but here's where our starting point for working on it. And I think it's a good one. And if we need to stay after or spend more time so we can flush out and provide you something within the registries on the sheet if that's helpful because I think (Alex)'s point is an excellent one.

Man 1:     Okay all right. And else want to say anything on this we vote again on? Yes go ahead.

(Ayden):     Hi. This is (Ayden). If we could just in the third bullet point it says predictable. If there was an explanation as to what was meant by that that would be helpful. Thanks.

Man 1:     Oh great because that's kind of my word. So can anybody make a better - not to follow on the wordsmithing thing but the whole - what are we actually trying to say? We want to make sure that there is systematized something I'm not going to use the word standardized because that brings a whole bunch of

stuff. But we're trying to say that there's a way to make it happen. (Alex) I'll just point you real quick for that.

(Alex): Yes. It just means that when we use whatever process we come up with it works the way we expect it to work. And it's consistent, and it's reliable and it's predictable if it's not then we haven't - we've failed.

Man 1: Just real quick then can I ask does that answer your question?

(Ayden): Yes> I understand the intent now thanks.

Man 1: Okay great. Anything else that will be helpful here? Beth?

Elizabeth Bacon: I think if - I mean if you seem like uncomfortable. So I mean we could just say provide access. But I think I 100% agree with (Alex) it was it's just not to yes we're going to actually just make a system.

Man 1: Great okay going to make a system okay. Is there anything else we want to say here because we're not going to go further on this now folks this is the end of the road for this meeting. Now's a great time if there's something else to say particularly if you're in that 22% if you want to say I really would like to include X in the summary of this meeting like now is a really good time to do that on this issue, okay?

(Ayden) Hi. This is (Ayden). Did the language that Beth just put forward provide lawful access? I would be more comfortable with that but equally I'm not fixated on this. Thanks.

Man 1: Okay, okay. I'm scared of chasing but hang on a second I want to jump over to part - did you want to say something, just let it go okay.

Kristina Rosette: This is Kristina. I just wanted to note that when we were talking about this in the break we were referring to the compromise B language that we all started

discussing at 10:00 am. The language that's up there is not identical to this compromise language but...

Man 1: Oh wait I wanted to make it identical. What did I do? Sorry.

Kristina Rosette: But for purposes of this exercise -- for the objective of this exercise sorry -- it's close enough.

Man 1: So I meant to make it identical and I'm, okay. Oaky all right guys anything else you want to say because this is the meeting summary we're writing right now all right? This is our meeting summary about how far you all got and how you can take that back to your respective constituents yes?

Marc Anderson: This is Marc. So this is our full meeting summary I guess the fourth bullet point says we all, all going to bring so got a typo there.

Man 1: Thank you.

Marc Anderson: And then I'll say we had another agreement, you know, it was just seemed a lifetime ago was it Monday or Tuesday I don't remember but we agreed to a policy recommendation that nothing in our policy…

Woman: Yes.

Man 1: Yes.

Woman: On the same sheet.

Marc Anderson: …would in any way - on the same sheet? Policy recommendations related to accuracy of registration data under current contracts would - which will not be affected by this policy. All right so...

Man 1: So those policy recommendations that were sent previously are also part okay? Those haven't gone away. Nothing and the same way nothing in this agreement takes away from the - but yes those policy recommendations have been made over the time are still there right in the summary of key ideas. I'm saying the summary for this messy issue of what we've been previously calling Purpose B fails to say as round this out okay?

All right so it's 4:15 almost. We can go until about 5:00 right? So it will be a shame to not take advantage of these last moments okay? It would be a shame not to dig a little bit into some stuff that we'd already done right and make sure that have a chance to take advantage of each other's time. For instance we haven't really done anything around N right? I think Kristina you were working on it overnight right?

Kristina Rosette: Yes I…

Man 1: And we haven't looked at C. And there's a group that worked on C and we have it all written up right? Yes so we have the possibility right now to look at C, see how far we get on that, to look at N right and take advantage of our time so we can have more content that we've put in the bag so to speak on this okay? So how do we feel about going in to C first yes, yes? Marc, do you have a comment on that?

Marc Anderson: Yes I think we're - I think there's a little bit of discussion that maybe our, you know, given the short amount of time spent or left our time might be better spent the more logistical matters talking about, you know, how like how are we going to spend our meeting going forward, what we're going to focus on, you know, where, you know, things we're going to draft.

Man 1: Okay.

Marc Anderson: Yes do we need to be more, do we need to be less, how do we get to done what do we need to do between now and Barcelona? So I applaud and

appreciate your energy and wanted to tackle another subject but there's not a lot of time here and I think, you know, there's some logistic matters that might be a better use of time.

Man 1: Great. Well it will be a crying shame to end this meeting and not of all that clear what Marc is saying right? So let's do that so that we don't inadvertently squeeze that out and see how that gets.

(Thomas): Yes just in response to that what do you guys think of rearranging our meeting schedule slightly? I think…

((Crosstalk))

Man: How so?

(Thomas): ...that - I'm not suggesting that we get away with less meetings but I think that the two times two hours plenary discussions might not be the most efficient way to make progress. I think that we might want to consider giving tasks to sub teams yes and then maybe have one plenary where we report the outcome of work by sub teams. And the sub teams could then meet on the second day and have individual AC rooms to do some prep work for the plenary.

Man 1: Great. So that sounds very specific and operational and super interesting. I'm wondering if we need to back it up just one level.

(Thomas): I think super interesting is the word that you used when you put something on the (unintelligible) right?

Man:: Right it's brave and courageous that's great.

Man: Or what Microsoft people say about anything it's super interesting.

Man:              Okay.

((Crosstalk))

Man:              Hey.

Man:              It only took us three days.

Man 1:            Yes I can't believe I made it this far. Yes okay so I think my point perhaps
                  more appropriately phrased would be great suggestion…

((Crosstalk))

Man 1:            No, no, no I think it's a great suggestion full stop. I would like to maybe back it
                  up one piece which is to say what's actually in front of us and what do we
                  need to have before we show up in the room together or you all show up in
                  the room together in Barcelona right and have to present something a few
                  days later right because you meet on a Sunday or something like that and
                  present something on a Tuesday right?

                  So maybe someone from staff or someone could remind us just quickly like
                  what is the ambition for the next well how many weeks, three weeks or four
                  weeks whatever it is? Okay right so what is that ambition? Do you want to
                  speak to that Beth? Great, why don't you - dive in there?

Elizabeth Bacon:  So I think perhaps we say, you know, what is the actual end date? And we
                  had November 5 up there third I…

Man:              Fifth.

Elizabeth Bacon:  And I thought it was before Barcelona that we had to have that. So I just want
                  to clarify. Marika is like I got you.

Marika Konings: Yes. So this is Marika. So I think what was envisioned indeed and I think the charter reference or a timeline to draft initial report. But I don't think there necessarily means to be, this is completely written up and final. We just need to kind of, you know, print it and then it's final. I think at least I think where we're at the hope is that again and I think we outlined a different chapters that report needs to contain and staff or work on - start working on that the background that probably the focus will be on that chapter that talks about the preliminary recommendations or your - and your response to the charter questions or the response of the charter questions and how they have then informed your recommendations.

So again I think what we'll do as well start kind of building that out. And then kind of bracket where, you know, work is ongoing or where they may already be preliminary agreements or recommendations. So that will be at least I think from a staff perspective probably the product that you want to share and discuss with the community. And of course noting the limited time that is available it's not unlikely that you'll only build and produce that maybe on the Sunday as a kind of, you know, this is what we're going to present to you on Monday because again I think there's still quite a bit of work to do.

Of course, you know, whatever we distribute to you is always publicly accessible so anyone that wants to see where work is at and how it's progressing they can already do that. And then the idea is of course to, you know, bring that all together in a document that has all those aspects that need to be covered. But again my understanding is or I guess the interest of the community is mainly on the part of, you know, what are your response to the charter questions and as a result of that what are you planning on recommending?

Woman: So I think that's - I'm sorry Berry we're –okay. So I appreciate that and I think that's good clarification as long as we're on the same page. To the end of what you're saying, you know, your staff will start drafting that out. Is it helpful to say we need this amount of work done, these other work areas and then

start assigning, you know, either drafters or and just work back from that end?

And I do think that maybe we need to add a meeting. And I know that everyone is just going to beat me up in the parking lot but maybe do a shorter meeting two hour shorter meeting or like 90 minutes or something like that. And I know it's very interestingly operational but and specific but I do think that maybe working backwards from the product we need on Sunday and then marking those deadlines so that as you say if there's a subgroup or someone else or we can start drafting.

Man:        So I think that's interesting. I really like (Thomas)'s suggestion starting with what we need and working backwards and having our meetings be a combination of small groups and plenary session in a way to be figured out based on what the actual work product and the actual writing needs to be.

Man 1:        Berry yes. And then…

Berry Cobb:        So since the -- this is Berry – since the word operational was mentioned so once we all get home we have exactly 2-1/2 weeks before people traveled to Barcelona. Under our old meeting schedule that's basically five meetings if we were to do the Tuesday Thursday rotation so just kind of keep that in mind as well.

Man 1:        Thanks Barry. Yes it's pretty harsh. Diane is that a new card?

Diane Plaut:        I'm thinking that, you know, we've made such progress here that we're feeling, you know, did we in fact make such progress? And so to be able to try to realize that progress maybe what we could do between now and Barcelona is to try to cut the time in the middle, set a deadline that enables everyone to go back to their different constituencies, get feedback on this B1 and B2 and then come to the table and let's say whatever that, you know, deadline is splitting the time between now and Barcelona with this deadline to

be able to say we could then have a discussion on clarity so that in fact we feel the work we've done here is in fact productive and that we've made significant progress because then we'll have than that other chunk of time before Barcelona to maybe then solidify on that.

So that we go to Barcelona feeling that we are really on the road to then build upon that because also we don't want to get into a situation that if we don't set those short milestones and goals people are then going to take these issues that they now see as this ICANN purpose, et cetera, and they're going to start doing sort of very theoretical papers and positions, et cetera, et cetera. And maybe that's just going to further separate the parties rather than taking what we've done here and actually bringing it forward in decision making capability?

Man:               Okay are there other hands up? I'd like to build on something Ashley said earlier and that is that, you know, if we have - if we finish what we've started here with respect to these worksheets that we started that covers the purposes for processing data and the data elements themselves which are redacted and how they're processed and have agreement on those we will have sort of broken the back on this and the rest of the elements will follow.

We've all discussed them and they don't seem terribly problematic. And so I'd rather go into Barcelona with these things done, done, done, done, done rather than try to cover the whole field. And without, you know, giving away the family store I almost see a bifurcated delivery of an initial report where we start public comment on these really important set of issues and then while that's going on we could wrap up, you know, the easier set of issues. So I just want to focus on what we've done and try to make that complete kind of finishing what Dianedone.

Man 1:             Great, I see Stephanie, I see Kristina. Is that old or new? Stephanie, go ahead please.

Stephanie Perrin: Thanks Stephanie Perrin. I was going to reiterate my long standing recommendation for the parking lot. And maybe we could use square brackets a little more in this process? I know we always try to get consensus but with what is it 2-1/2 weeks a few square brackets would be in order I think. I'd rather put something out for consultation with that language in brackets and at least get a feel. And then the other thing is I think we need to compile lists of questions and include that in our evaluation of the next harder bits. Thanks.

Man 1: Thanks. And just to be clear Stephanie the questions you're thinking of how are they different from for instance the guide, the charter questions?

Stephanie Perrin: There's a lot of questions about the details of these things that are going to come up as we discussed the charter questions. We haven't even got to the charter questions. So we need to, you know, make note of them and do the research on them and, you know, get those answers or we won't ever finish the second half of this.

Man 1: Great thanks. Kristina?

Kristina Rosette: Kristina Rosette, I really like the idea of having a well with the caveat that I don't have a very good sense sitting here of how much of the charter questions we've actually answered at this point. If it turns out once we see that list that it's fairly significant percentage of it in terms of substance I would definitely support Diane's idea of, you know, let's focus on making sure that we have a really solid report that we're in a position to, you know, review carefully at or before Barcelona and then we leave. The big caveat obviously is if, you know, if we come back and take a look at here's what we did and here are the charter questions. And we haven't - there's still some very significant ones we haven't touched on then I think we need to at least to avoid any kind of anxiety or concern by the rest of the community I think we need to at least try and put in on those.

Finally too I'm not really quite sure who said it and I can't believe going to say it but I actually think we may want to think about having shortening our Tuesday, Thursday meetings to 90 minutes and then actually adding a longer meeting on Wednesday so we can get a substantial amount of work done because we're all going to have to do a lot of work to get to where we need to be by Barcelona.

Man 1: Great. Okay so I wonder if you want to give a little flexibility to (Kurt) on the leadership team to make a plan of about how you're actually going to be working. What's loud and clear here is there's a desire to create spaces for you to work as a plenary and desire to create teams that go off and do things and report back to the plenary right? And so you're going to need to make some kind of adjustment so that you're able to have that time to do that smaller group work and report back okay?

I want to just quick look at a timeline to say, you know, there's a commitment of everybody here to go back to their constituents and probably to do that you're going to need some documentation right? You're going to need the meeting notes which are going to take a little bit of time right? It's not like tonight they'll be ready unless these are miracle workers which they sometimes are right? So my question is if we did a sketch out of what we actually as a group agreed to tentatively sometimes but agree to move on how long would it take to get just a real good summary not with a ton of detail with a real good summary of what those points are through the matrix sheets or whatever?

Marika Konings: Yes this is Marika. So I think the transcripts and recordings are, you know, already being posted as they come in. So the records of the meeting are already available for those that want to read back. From the staff side I think we've mainly focused on, you know, taking action items and working through the documents. So I think from our perspective of course we can, you know, go back and derive from that note and summaries but we may want to spend our time and starting on initial reports.

So what we can do is indeed pull all the documents that we've worked on in their latest version in one place on the wiki so it's very clear for everyone to see what is there. We're also working on a blog post that will come from leadership kind of reporting on the outcome of the meeting so it will also capture some of the goals that we have achieved. And then of course, you know, all the teams have worked here as well so I'm sure that or hope that they've been sharing that as well with their respective groups. So hopefully that combination of information will allow for everyone to consult with their respective groups but of course if something else is needed, you know, we're happy to work on that. But I said, you know, we're assuming that the priority at this stage is to start an initial report and pull what we have into there.

Man 1: Yes, okay great. So is it fair to say that by the end of this week you could have those documents posted and you could have a blog post that really captures some of these key issues like this kind of thing that's on the screen and that kind of stuff that's fair by the end of this week? Okay so if this week…

Marika Konings: Yes this is Marika. I think that was part of the communications plan to make sure that the community as well knows, you know, what happened here and at a very high level. They're able to say this is what we discussed, you know, this is where we're going next so at least I don't think there was any objections when at least when we released that plan so that's (unintelligible) of course. Leadership signs off on that, you know, we'll help with preparing the first draft it's not, you know, staff deciding a what eventually goes in there.

Man 1: Got it. Okay great. Okay so if that happened – Marc yes please.

Marc Anderson: Marc Anderson, you know, to (David)'s point, you know, I'm supportive of giving the leadership team a chance to, you know, go back and sort of regroup recover from these last couple of days and come up with a work plan that will get us to Barcelona and good luck. But yes but I do want to, you

know, my ask is, you know, please, you know, (Kurt) you sort of, you know, hinted that, you know, you had some ideas of what would go into that, you know, initial, you know, it was November 5 or third? So it was November 3, November 5, you know, you hinted that you had some ideas on what would go into that November 5 draft.

You know, my ask is that, you know, let's all be super clear with each other what is, you know, what do we intend to put in that draft. So let's, you know, to the extent, you know, I'm not asking you to spit it all out for us right here and now but to the extent you're able to lets communicate that and be - so we can be super clear with each other and our stakeholder groups, you know, what is the scope of that initial document?

Man:            You guys have this mind map it's at least orange - or the sets of charter questions that reflect what (unintelligible) okay?

Man 1:          Yes, no it's in your computer.

Man:            (Unintelligible) object to this one or this one?

Man 1:          Yes, yes, yes okay great absolutely. I think the more clarity you can say on the substantive pieces that absolutely going to be part of that report and the other pieces you might be punting on for a little bit later that will be great. (Fiona)?

(Fiona):        This is (Fiona) for the record. I have a unique request and I know that you've had a lot of conversations on how the alternates should play in this whole set up. But I think in view of the amount of work that needs to be done and having now met some of the alternates I'm sure you will agree that it would be useful and resourceful to the group to make use of them. That means what I'm suggesting is if possible if you the team agrees you can use the alternate also as part of the smaller groups and with mix in the smaller groups

for the main guys and the alternates that you can spread across and get as much work done as possible.

However when it comes to the main plenary we continue as has been the case where we are in as observers and the reporting is done by the main members of a group if just something to - I'm they have to be considered. Doesn't have to be agreed on now but can be thought about and discussed and firmed up during one of their upcoming meetings. Thank you.

Man 1: Great okay. (Aidan), did you want to chime in there?

(Ayden): Please, this is (Ayden). And thanks (Fiona) for the suggestion. I know that we had previously debated what the role of the alternates was for this face to face meeting for instance and also in - whether they can join the Adobe Connect room or not. I would just say that I think we should keep to the consensus that we previously reached the reason why we have a distinction between the alternates of the members is because of the carefully constructed membership composition that we have for this working group. And I think that we can work a little bit more agile if we have less people involved easier to reach consensus. Thanks.

Man 1: Okay, okay great folks. I want to just double check on timing and what's a reasonable request of all of you because if you're able to have something to go back like some content the materials or some high level summary, we have a blog post or some other format how - is it a reasonable request that over the next week you're able to do that work of doing the check-in's right because if you take multiple weeks then you're right up to the week of Barcelona to do that. So I think what we all need to do is some level of commitment to each other the moment we have stuff to share that we do that.

So that by the end of the beginning of week two of what's, you know, starting now we're back on the phone really trying to nail down these pieces that are the critical building blocks of an agreement. Does that make sense that by the

beginning of week two, you know, not next week but the beginning of the following week we've already done the work internally that you need to do all right? So which means signaling now with those folks listen I'm going to be coming to you in a few days with the stuff we need to create a space to have that conversation. Diane, do you want to jump in on that with a microphone.

Diane Plaut:    I'm thinking - looking at the calls that we normally have. So the middle framework would be October 9. So maybe we could all set that date as the date that we would then provide those deliverables on the phone to each other and that feedback.

Man 1:    Right. So I think in that zone is the right place right that would be right here right?

Diane Plaut:    Yes.

Man 1:    Yes so yes I think that's the right zone. I think let the leadership team figure out if the call schedule is going to be a little bit different one way or the other based on the suggestions from (Thomas) and others but yes that seems like it's right on the money. Okay all right do we need to say anything else about this yes? Yes Alan sorry?

Alan Greenberg:    Yes thank you. All right this is Alan Greenberg. I think the target of getting any feedback from us by end of next week is quite reasonable. That presumes of course we're going to get the information to feed our people that is uniform, you know, hopefully by the end of this week certainly no later by the end of the weekend. So…

Man 1:    Yes. And that's what was the commitment up here at front of the room, yes. Okay all right are we feeling comfortable we have a pathway despite how compressed it is, despite how daunting it is there's a pathway here where there's information going back to you in the next 48 hours you're taking a week to check in with your folks. We're scheduling up, you're scheduling up a

series of calls and probably some smaller groups or teams that are going out and solving some particular problems and coming back right? And then the big goal for Barcelona is on your daylong meeting to make sure you know what you're going to transmit a few days later and get some greater clarity about what's going to be inside that November 5 report was not okay? Anything else? Okay (Kurt) I feel like we're getting to the end of the road and…

(Kurt):           (Unintelligible).

Alan Greenberg:  …yes that's just me. You know, I'm the one to be like let's do C. But I'm feeling like yes I'm feeling like we are in a place where we've achieved a lot around purposes. If you think about what we have we have a refined set of purposes right where there's one, you know, flag which is this which is on the board behind us.

There's data, there's these data element matrices that's been developed for several of those and there's a pathway towards doing more right? And those provide, you know, several of those points on the data, on the charter questions okay? So I'm feeling like a ton was accomplished. And we've got all these things in the parking lot and all kinds of stuff going on but a ton was accomplished. And I wonder if we (Kurt) if it's time to sort of declare victory on this. And then have some people want to stick around and do some work, you know, you're welcome to do that right but (Kurt) what would you like to do? I'll leave it in your hands.

(Kurt):           First we've sought to adjust our process almost after every meeting trying to keep up with changing approaches and ideas for approaching this. So I would sincerely appreciate one on one or however you want to deliver it feedback on this meeting, feedback on how to conduct our next steps and what your ideas are. So in any way you want to communicate with me that's at arm's length I would really appreciate any additional communication or conversations we might have so I think that would be great.

And, you know, second there's really no way for me to thank the constructive tone of the conversations despite many setbacks to our sense of team and many iterations or, you know, do overs that we've had to take. Everybody came back really constructively and so that, you know, that demonstrates to me that this whole process is a viable process for developing, you know, developing complex policies in a really complex environment. And I think this approach of bringing a lot of different tools to our conversation and a lot of different approaches and trying different things is a way that, you know, the whole I think we've developed some things where the whole ICANN policy development process might benefit from.

So, you know, there's really no way for me to thank (David) and (Gina) for being here. And the ICANN staff is, you know, here every morning before we get here and here every afternoon after we leave and on the phone with me throughout the week and then working before and after that so that's fantastic too. And then, you know, I know specific instances of great personal sacrifice for you to be here and everybody has sacrificed in some way.

People came halfway across the world and I came, you know, down the LA freeway which is pretty close. So I want to yes, yes it took about the same amount of time. So I want to thank you for that. But any words other than that I have are pretty adequate. So thanks for being here and I'll see you in a few weeks and we'll work hard to come back with a plan that's responsive to what we're trying to get done and with the least amount of pain for you so thanks.

Man 1:     Okay. And I think just to end I'd like to do like a little evaluation question at the end. It's anonymous with the keypads again voting is open. How would you evaluate this meeting, you know, very good…

Man:       At what time and on what day.

Man 1:     Right now, right now.

((Crosstalk))

Man 1:          Right now folks.

Man:            Do we have to include the part where Goran was here? Can we I mean and when we rate it can we leave that part out or do we have to include that?

Man 1:          Well if you're able to, great. No I think it's just how would you evaluate this meeting right? And then I think there's a - we should create actually ways to communicate that with (Kurt), with me if there's specific reasons if you put it for very good, or so-so or terrible whatever your choice is right? But let's do it. Let's all vote just quickly. We're up to 18 votes or 19 I know there's a few more of you.

Marika Konings:  And this is Marika. In the meantime can I remind everyone to please leave your badges in the room? We'll pick them all up. Please don't take them home.

Man 1:          All right guys we avoided terrible. That's very, very great okay all right so well done to that.

Man:            Avoid terrible.

Man 1:          Yes. We avoided terrible. Yes

((Crosstalk))

Man 1:          Avoiding terrible. And I will say that 84% of you said it was very good or good okay? So whatever it is that you did, whatever it is that staff did, whatever it is other people did to make a good or very good let's try to keep doing that all right? So it's up to each of us on that. All right so we're done. Feel free if people want to come up and try to do things and, you know, bang on some

additional work awesome or alternatively go away, enjoy your success yes all right.

Woman: I just wanted to say thank you very much. I was personally a little skeptical what your role is going to be but you were, you and (Gina) were amazing in facilitating. And I think you are a big part of - I called this meeting a success.

Alan Greenberg: Thank you, thank you guys.

Woman: And it helps that you look like Paul Newman in a way.

Man 1: What am I going to say?

Man: Okay so Paul Newman is 85 years old. So…

Man 1: Bye guy's. Thanks we're done, we're done thanks everybody.

END