ICANN
Transcription
GNSO Temp Spec gTLD RD EPDP call
Wednesday, 20 February 2019 at 14:00 UTC
Note: Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at: https://audio.icann.org/gnso/gnso-epdp-gtld-registration-data-specs-20feb19-en.mp3

AC Recording: https://participate.icann.org/p8l3knhesg9/

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The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page https://community.icann.org/x/FoU2Bg

Coordinator: Recordings have started.

Terri Agnew: Thank you. Good morning, good afternoon and good evening and welcome to the 47th GNSO EPDP Team meeting taking place on the 20th of February 2019 at 1400 UTC.

In the interest of time, there will be no roll call. Attendance will be taken via the Adobe Connect room. If you're only on the telephone bridge could you please let yourself be known now? Hearing no one, we have listed apologies from Kavouss Arasteh of GAC, and Emily Taylor of the RrSG. They have formally assigned Rahul Gosain and Theo Geurts as their alternate for this call and any remaining days of absence.

During this period, the members will have only read-only rights and no access to conference calls. Their alternates will have posting rights and access to conference calls until the member's return date. As a reminder, the alternate assignment form must be formalized by the way the Google assignment link; the link is available in the agenda pod to your right as well as the meeting invite email.

Statements of interest must be kept up to date. If anyone has any updates to share, please raise your hand or speak up now. Seeing or hearing no one, if you need assistance updating your statement of interest please email the GNSO Secretariat.

All documentation and information can be found on the EPDP wiki space. There is an audio cast for nonmembers to follow the call so please remember to state your name before speaking. Recordings will be circulated on the mailing list and posted on the public wiki space shortly after the end of the call. Thank you and with this I'll turn it back over to our chair, Kurt Pritz. Please begin.

Kurt Pritz: Thanks, Terri. Welcome, everybody. Welcome to the last meeting, so if past is (unintelligible) there won't be any time or any stomach for any speeches at the end so I just want to say thanks for letting me lead you in this part of the work. I learned a lot, sadly at your expense. I worked as hard as I could which doesn't necessarily mean I worked hard, it's just as hard as I could.

And so for today's meeting I want to get into the substance as quickly as we can. We have a few items to address. I think some of them will be much shorter than the time allotted, that's my hope. I want to point out that - and we'll go through in a little more detail at the end of the meeting but almost immediately after the end of the meeting the support team will bottle up any changes explicitly agreed to in this meeting and send off to the GNSO for at least preliminary consideration during their 21 February meeting. And Marika will give us some more detail about that going forward.

So messages are pouring in here. So with that, I just want to note on the agenda we've added Recommendation 14 and that's because Marika recalled that I think it was BC had a clarification to the privacy proxy registration that seemed like a good correction to me so we want to talk about that. And then what we've omitted on this, and I want to save some time for,

is that Alan Greenberg brought up an issue about data retention on the last call that we omitted. So while that's not on the agenda, I haven't forgotten so we'll include it here.

And, you know, the conversation in the last meeting went on a little bit too long. I think you know, we're at a point where we're not really considering substantive changes to recommendations so that these that we're presenting here were termed to be clarifications or something to make something clear that was not understandable or something like that. So in certain cases though substantive changes do appear in these things.

So, you know, I kind of want to quickly assess whether there's support for the changes presented here or not. And if there's not, you know, broad support for it then we're just going to let go so we don't need to I don't think debate it in detail. This is something that you know, we've - these are things that we've already debated, so I want to try to drive the conversation that way and get started. And I'll get started as soon as Thomas has his say, so go ahead, Thomas.

Thomas Rickert: Thanks very much, Kurt. Hi, everyone. Kurt, following up on the conversation that we had on the mailing list, you know, as time permits, and certainly it's up to you to do that, but I think it - we're very close to reaching consensus or at least rough consensus on the (unintelligible) response period for disclosure requests. And I think that everything we can settle now and don't need to push to Phase 2 I think we should embrace. I think we might have a good chance if you ask for objections to establish rough consensus for that. Thank you, Kurt. Thanks for considering it.

Kurt Pritz: Yes, thanks Thomas. Margie, please go ahead.

Margie Milam: Sure. This is Margie. Regarding the 30 day notion, I think the problem we have with it is that when you look at the language for the urgent request, that just seems very, very long as the outside framework. So what if we did

something like we did in our original request which was a substantially shorter timeline as it relates to the urgent disclosure request as opposed to having to go through some negotiated timeline later on for that? Would that be something that could suffice to address this issue?

Kurt Pritz: Thanks, Margie. Could you send those words over to - over in the chat to Marika? Marika, could you or Caitlin or anybody, could you sort of write up what that would look like and we'll look at towards the end of this. James Bladel, welcome.

James Bladel: Hi, Kurt. Thanks. James speaking for the record. And thanks, everybody. I note that I missed the last two calls so the train is a little bit further down the road than it was when I was here last. I just wanted to note for the record, and I don't know how we kind of come back (unintelligible) time period here, I just want to note for the record that it makes, from my position, makes absolutely no sense to make a contractual commitment for something without knowing what the volume of requests is going to look like. I mean, is this going to be 100 requests a week, 10,000, a million?

You know, I think this PDP is asking registrars to drink the Nile River through a straw potentially and that's not something I can promise. So I understand that it's pretty late in the game and you guys have had a number of conversations on this in my absence, and I will of course respect the position of the group, but I want to note for the record that, you know, that's not something that we can promise. Thanks.

Kurt Pritz: Thanks, James. So if it's all right with you I'll try to deal with this one now. So I'm going to - for James's benefit I'll recall some of the discussion we had in the last meeting but I really want to, let's see, I want to repeat what Ben Butler said about, you know, the difficulty about attaching metrics to something at this stage of the game. And Stephanie made the same point.

And although there wasn't agreement with the way she put it, you know, I also came to the conclusion that, one, 30 days is probably too long especially for many requests and that - some requests 30 days would be fine. And so 30 days is almost certainly the wrong number. Any number we pick now without some work, and without the registrar consulting among themselves, is going to be the wrong number. It's either going to be too long to satisfy the IP and BC needs, or too short to enforce on registrars.

And if I can just repeat what I said last time, I think a single number is also probably a bad number because some requests have much greater urgency than others as far as similar to what Margie just said. And so, you know, I think this is a great opportunity for, you know, the multistakeholder model to work, for registrars to collaborate with IP and the Business Constituency and determine a methodology for handling these requests.

It's something they haven't had to do before because the Whois has been public, and develop a scheme where, you know, requests are handled in the right way. And it's something that can be developed and then actually honed over time as we learn how to do these things and what's effective and what's not, what's cost effective and what's not and what's, you know, where we attack the most meaningful issues.

And so, you know, to me to attach a number at this stage of the game, you know, it's great to be able to finish something but it's premature because I think whatever number we pick is wrong. So, you know, I'm for leaving the wording the way it is about that right now. Margie, is that a new hand?

Margie Milam: Yes. I think if you take a look at what I put in the chat, I also in the BC IPC comments we allowed for ability to go back and update the timelines based on volumes. So we thought about that when we submitted our request last weekend.

Kurt Pritz: Right, I remember that. Before I comment on that, please Alan.

Alan Greenberg: Thank you very much. Kurt, you're right, there is no single number that's going to work which is why some of us have been talking about, you know, some measure of distribution or a norm and a far out one. But James is correct; if the number is huge we're not going to be able to handle it with this thing which is why we're going to be talking about an access model where hopefully some of them would not require manual intervention.

You know, there's going to be a lot of requests that become norm, you know, one doesn't have to debate whether a UDRP request is lawful or not. So, you know, ultimately we're going to need something - we're going to see an expectation hopefully of a norm and an outer limit and even the outer limit will have exceptions.

The real problem with saying let's work cooperatively together is that doesn't address the outliers who are not necessarily interested in being cooperative. And that's, you know, that's the reason some of us are harping on numbers. Thank you.

Kurt Pritz: Thanks, Alan. James, please go ahead.

James Bladel: Thanks. Yes, and I understand Alan's point exactly about wanting to pin down the bad actors. But, you know, I think one thing that would help me get comfortable with having some sort of a date would be to either have some language to capture extremely high volume.

And I'd also like to see some - something here, and maybe this is additional work for Phase 2 or implementation that does not prohibit or restrict registry or registrar's abilities to rate limit or to block excessive requests or individual users who are either abusing or effectively DDoS-ing that request channel because I could see that being a tact to essentially shut it down or to send an otherwise, you know, good actor into breach of that 30-day window if they're

just flooded with requests or if requests are stored up and then dumped on them all at once. Thanks.

Kurt Pritz: Thanks, James. Go ahead, Milton. Good morning.

Milton Mueller: Good morning. Yes, I think we have again because of a small minority we have dragged ourselves into implementation details when this is a policy determination. Am I the only one that sees this as an implementation detail that, you know, can be worked out when you're doing the implementation team?

I thought that the 30 day was a good, you know, compromise for those who wanted something more specific because those outliers, those bad actors that Alan is talking about, it would impose a hard limit on them but it wouldn't - it would be such a flexible limit that, you know, most registrars would do better than that and almost all of the time anyway so it wouldn't be artificially constraining.

So I'm not sure why we can't just go with what we all thought was pretty much the preponderance of opinion yesterday. And I just see us getting dragged into, you know, okay contingencies and details that really are implementation and not policy. And I hope we can avoid that and move on expeditiously.

Kurt Pritz: Thanks, Milton. And thanks for dropping your hand, Ayden. So my reading of what - so here's the closure to this I think. So my reading to this is (unintelligible) of the current wording was especially with the wording we added yesterday that registrars must react reasonably.

To me that addresses at least at a high policy level, that addresses Alan Greenberg's concern that there's this set of registrars or registries that will not respond in a timely manner and they should be identified. Reasonable can be identified by, you know, measuring the response time of registrars and saying

hey, you guys are outliers, you know, what's going on? So I think that's addressed there.

I also think that we're in a much better position to discuss this as an implementation exercise. And, you know, I see this as an ongoing exercise over time, continue to improve this. And then finally, you know, Thomas started the conversation with I think we have agreement amongst us that 30 days is okay, but then James raised his hand first and said, you know, it's hard for us to agree with that. And I'll leave the wording the way it is.

But that - the intent of that is not to provide lapse times for registrars to respond but rather to be more aspirational about it and seek a much higher goal than 30 days and by "much higher" I say more precise.

Mark, I thought I closed this one off so - but go ahead.

Mark Svancarek: Oh yes, I'm sorry. This is Mark. We've been discussing this for a while and discussing it more this morning and stuff like that, and I think Thomas's language is where we should probably land. So I thought we would try to close it off with, you know, let's support one of these suggestions and be done. So if Thomas's language is okay, I mean, nobody's actually voted on it and nobody's actually weighed in on it but I think it would be prudent. Thanks.

Kurt Pritz: I'm not - so I see some thank yous to Mark in the chat so I'm going to move on to the next item in the agenda. Recommendation 9, so remember our very, very first meeting we had our copy of the temp spec in one hand and something else in the other. So this is from the memo that we sent around the other day but if you wanted to pull up your own copy of it, that'd be good.

And for Recommendation 9 if we scan down to the proposed action, you know, I'll give you a minute to pull that up. I'm going to pull up my copy. The issue here that was raised by the Registries offered a correction here that our recommendation, our recommendation recommended that updates are made

to the contractual requirements for - to address compliance needs. And a later reading of those contractual requirements indicated they're probably not needed; that the way the contract is written sort of appropriately provides flexibility to provide data to compliance in a GDPR-compliant style.

But I think the Registry comment also called out that at some future time we may, you know, this issue may come up. So the way we - we kind of struggled with how to do this in a really simple way for this group. And so if you look at the bottom - well the bottom of my Page 7 but whatever you're looking at, "The EPDP team recommends that updates," and then we added, "if needed are made to contractual requirements," kind of signaling that they might not be.

And then down below added a note that the current language within the contracts currently provides the appropriate scope for contractual compliance requests. And I left a comma off the "for example" there, but there you go. And then to then we also as part of another issue eliminated the reference to the workbook that we thought by calling out for illustrative purposes and look at Annex D, but that's not the definition.

So the recommendation here is to add "if needed" to the recommendation and then note below that the current language in the contracts addresses this already. So that's the proposed amendment to this. I see everybody's in agreement so we'll go onto the next thing. No, so any comments? Marc Anderson. Let's see if I captured your comment to the recommendation. Go ahead.

Marc Anderson: Hey Kurt. Can you hear me okay?

Kurt Pritz: Yes.

Marc Anderson: Great. So I'm looking at this and this - so there's two parts to Recommendation 9, right, there's a Part 1 and a Part 2. And am I reading that right? And you're proposing new language for Part 1 but leaving Part 2 as-is?

Kurt Pritz: Yes, as a - and we could - yes.

Marc Anderson: Okay. And I think I, you know, I'm looking at that compared to the version of the final report and I'm not sure that does completely address the Registry Stakeholder comments. I think I'd - I'd need a chance to review this maybe in its entirety and discuss with my colleagues.

But I don't think that does; I think that still leaves the same problem, you know, because it still has Section 2 in there which I think is, you know, is not needed. I think the proposed text is a step in the right direction. I think you know, I appreciate that you took in the comments and tried to come up with a new proposal. I'm not sure, you know, once you get to that point where we just, you know, we're essentially saying, you know, if changes to the contracts are needed we should make the changes, I think, you know, we already have a recommendation to update the contracts as needed.

And I think one of the things that caught, you know, from a Registry perspective, one of the things that caught our attention when we were going through this was the charter question on this one. And the charter question, you know, is sort of (EU1), "Should there be any changes made to the policy requiring registries and registrars" - it says "policy" I think really, you know, there isn't a policy here so I think it maybe means the contract.

But it says, "Should there be any changes made to the policy requiring registries and registrars to transfer the domain name registration data that they processed to ICANN Compliance when required and requested?"

And there I think when this recommendation was first drafted, you know, it was intended as sort of a practical, you know, sort of a practical suggestion

that, you know, hey, we got rid of the admin contact so in any places where we're requiring processing of the admin contact we need to update the contract language. But the contract language around compliance doesn't get into that level of specificity; it doesn't get to the level of details of enumerating all the different fields.

So when registries were reviewing this I think, you know, we, you know, (unintelligible) maybe this is well intended but if you go back and look at the contract I think the contract language or at least our feeling is that the contract language was fine as-is and actually it doesn't require any changes. I guess I'll stop talking there but I think that's basically my take on this.

Kurt Pritz: So I have a question, so the Part 2 that we're leaving the same, that list of data elements that Compliance can collect and that includes a fairly important note about that the request - I forget what it says - but, you know, to the effect that the request has to be narrowly tailored to - the data process has to be narrowly tailored to the purpose of the request, so not all the data is transferred or disclosed to Compliance at its request, it's just the data elements that are required. And I think that's an important - I think that's an important aspect of the recommendation.

And then second was the thought that there should be an illustrative data set that's included, so I found at to be useful. So first I think that footnote needs to be included in the recommendation. Second, if you could explain why you don't think we'd need the data set that's included. We started in our Los Angeles by asking Compliance, okay, what data do you need? And this is what they told us. And so I thought it was important to keep that data set in the report in some way.

So I think after all that, my question is, why do you think we don't need the list of - the data set that Compliance told us they need, you know, I want to understand why it's okay to eliminate that from the report and see what other people think. Yes, go ahead Marc.

Marc Anderson: Thanks, Kurt. I guess I'll bite on that one. I guess I'll turn it right back around on you and say why do you think it's needed? The existing contracts don't have that enumerated and this works fine. You know, ICANN Compliance identifies a need or, you know, they have information or a case that they need to process and are able to go to the contracted parties and request it. It doesn't need to be enumerated in the contract. And I'm not sure why we're trying to enumerate it here.

You know, I think you know, I guess, you know, the level of, you know, getting to the level of detail where we're getting to exactly what fields can be requested here and you know, and just I'm looking through it now. I mean, it has, you know, it has last update of the Whois database. And that's not a domain attribute; that's generated at the time of a Whois request. And so I'm quite certain this is not the list of data fields that we got from Compliance in the first place. You know, I think this is just a, you know, the list of fields we were working from, you know, pasted in here.

And, you know, I'm just not sure it's needed for the purpose here. You know, your list - your note on the footer I guess I'm reading through footer - it says (unintelligible) at 39 I think is the one you were trying to reference to clarify the data elements listed here are the aggregate of data elements that ICANN Compliance may request as noted in the summary of ICANN's organizational compliance (unintelligible) processing activities.

If the Contractual Compliance is unable to develop the issues outlined here in a complaint because the publicly available Whois database is redacted or masks it requests the redacted masked data - so I think, you know, this is - I think this creates one, you know, it unnecessarily constrains, you know, what we're recommending.

I think you know, I think what ICANN Compliance can and can't do is sufficiently defined in the contract already and that this is adding, you know,

this is actually distracting a little bit from the existing contractual activities. And I guess maybe, you know, my take as well is that that's kind of what ICANN Org was getting at in their response. And maybe we can ask Trang or Dan to jump in here where they're asking for, you know, ICANN's asking for clarification on why this is necessary.

I honestly I think, you know, their comment that you have up in the window there is getting at the same thing, that these data elements kind of are a little bit out of place. And, you know, and they want to understand the existing contractual language is what governs this. So it might be worth asking Dan or Trang to weigh in there as well.

Kurt Pritz: Yes go ahead Alan.

Alan Greenberg: Thank you. I was trying to do a comparison. What's missing in this list?

Kurt Pritz: Nothing.

Alan Greenberg: Then why don't we simply say that, you know, registries are required - registries and registrars are required to transmit to ICANN any Whois fields that are necessary in doing their work? If it's the full list, why do we need to delineate it?

Kurt Pritz: Okay. So is it okay with everyone that we'll delete the fields, keep the footnote as part of the recommendation and say what Alan just said? And I guess Marc asked for ICANN input on this so - well you're always welcome to speak up but if you want to speak up on this issue that's fine. So I'm seeing that Margie's okay with that and ALAC's okay with that and the Registries are okay with that. Is anybody not okay with that? Can I ask staff to write that up and we'll try to come back to it in a little bit?

Alan, do you have the - Alan Greenberg, do you have the memory wherewithal to repeat what you said?

Alan Greenberg: Well I don't think I was trying to provide language for the report; I was simply pointing out that…

Kurt Pritz: Yes.

Alan Greenberg: …maybe I'll try. You know, shall…

Kurt Pritz: Okay.

Alan Greenberg: I'm just looking at it. Give me a moment. Concerning the registry data elements - I'm having trouble on the fly. Essentially it should say that registries and registrars are required to transmit to ICANN Org all - any Whois elements that are consistent with - that are required requested for the purposes of - for Purpose 5, sorry.

Kurt Pritz: Thanks, Alan.

Alan Greenberg: Not sure that's clear but I think the intent is clear. Just, you know…

Kurt Pritz: Yes, I think the intent is clear too. And so one of the points I want to make is that even if the contracts are compliant now we want to ensure, you know, our purpose is to create a policy to make sure that contracts are compliant in the future too which I think is the purpose of this Paragraph 1 here. I would retain Paragraph 1 the way it's written in this proposed action and include the note about Paragraph 2.

And then for Part 2 of this I would substitute what's there with the sentiment that Alan expressed that's going to be magically written up by the support team now. But also include the language in the footnote which tailors the data to each request. The footnote might be shortened but if you guys could generate that, that would be great.

Alan Greenberg: Kurt, that's a new hand.

Kurt Pritz: Oh. Go ahead, Alan.

Alan Greenberg: Okay. You know, I think Note Number 2 disappears completely and Number 1 makes reference instead of to the data elements hereunder or whatever it says, just makes reference to the full set of Whois elements.

Kurt Pritz: Right.

Alan Greenberg: I agree with you, I believe this is needed and the if needed because prior to this, registrars never had to transmit data for this purpose, it was just there, and therefore there may be a contractual requirement that requires them to do it that was not present. So I think just keeping it clean and simple is going to work.

Kurt Pritz: Okay so we'll delete "consistent with the data elements listed hereunder," we'll delete that and replace with another phrase. Take out the Paragraph Number 2.

Alan Greenberg: I think you can just leave it. It says, "Registrars to transfer to ICANN Org the domain name registration data that they process when requested/required for Purpose 5."

Kurt Pritz: Right. That's what I was saying, and delete, "consistent with the data elements listed hereunder."

Alan Greenberg: I think - suspect the rest of the whole sentence can be deleted but maybe there's something of substance.

Kurt Pritz: So Caitlin's drafted some stuff, so Caitlin, we're just going to keep Paragraph 1, delete Paragraph 2 and amend the end of Paragraph 1 to indicate the, you

know, to describe the intent Alan has here. But I also want to keep the footnote. And it shortens the report by a page. Marika.

Marika Konings: Yes thanks, Kurt. This is Marika. I just want to flag that we had a question on this as well from our ICANN Compliance colleagues in relation to the potential limitations of that.

So I was just wondering if - and maybe that doesn't need to be part of the recommendation but if we couldn't add a note below this recommendation something like, you know, this does not preclude ICANN Org from requesting other data such as outlined in the Compliance processing activities to factor in that there may be other data that Compliance requests and that I think James responded to that as well that indeed those requests are received and contracted parties usually evaluate or respond to that either positively or negatively but at least to make sure that, you know, those requests can still be made.

Kurt Pritz: Okay, if you guys could work on that and we'll finish it during the break and then display it after this - after the break, that would be fine. Alan Woods.

Alan Woods: Thank you, all. It would be remiss of me not to point out after Marika's input there that, you know, what the Registries said in our response is all - I think we just need to flag it that the - although again it's in our contract so we will be required to transfer these elements already to Compliance. The list of the data elements and the data processing activities that ICANN Compliance did give us were a good start and it certainly is, you know, we're getting to what would be more necessary for the transparency of it all.

You know, I still would caution ICANN and say, you know, you really need to be far clearer for your own benefit, nothing to do with us in this space, but they need to be far clearer for their benefit if ever they were (hosted) by the DPAs that they need to be clearer as to when and in what instances based on the contracts, because the contracts are effectively the bible here, they

need to be clearer on what they will request, when they request and in what instances. And that should be an internal thing for them.

So I would only, you know, reading Jamie's question and query to us, you know, an awful lot of in my mind was still, well that's really up to you to decide and for you to justify as the controller in that instance. So I just wanted to be clear and get that on the record that we're not saying we won't, I'm just saying that they should, for their own benefit, be really clear what they need.

Kurt Pritz: Thanks, Alan. James had a hand up but it went down. Marika, is that a new hand or old hand? Okay, let's go on to - so we'll have some wording done for right after the break. Following on we're going to go to Recommendation 12, the organization field.

So the clarification offered by the Registrars and Registries would be to add a note to this recommendation, an annotation that clarifies that this organization field phased in approach is a registrar obligation and for now the - for a registry to publish is optional.

The IPC and BC also made a substantive change that during the implementation we'd figure out the dates for this. And what the IP and BC are suggesting is that we create a period of 45 days to determine the implementation plan and then provide registrars 60 days to start the process, which I think would be the initial part of this phased in approach.

So first let's just talk about the - adding a note to the recommendation that clarifies this is a registrar obligation. I thought that was a good clarification but I want to get feedback here and then we'll take up the IP and BC recommendation. Go ahead, Margie.

Margie Milam: Hi. This is Margie. I guess I don't understand why it would be optional at the registry level if the registry is thick.

Kurt Pritz: So I think that - so I think you're posing that to the contracted parties which is good for me. And I wonder if there's a bifurcation here of some sort that there's this phased in time where existing registrants are notified about the organization field and then it's deleted for a time and then it's brought back up and then new registrants are provided the appropriate advice and then after a period of time that - it all becomes steady state again.

So maybe - I don't know if this is your question or not, but maybe the question could be put as, you know, will the registries also publish the organization field after the whole phased in process is complete?

Margie Milam: Right. I think that - yes, that's right.

((Crosstalk))

Kurt Pritz: So could someone from the contracted parties take a shot at that or how do we want to address this issue? Beth, please go ahead.

Beth Bacon: I think it - Beth - I think it might have been a draw because myself and Theo so if he wants to go ahead that's fine too.

Kurt Pritz: Theo, do you want to go ahead?

Theo Geurts: Yes sure, why not? I'm actually reading this and I'm contemplating how this is all going to work. I mean, getting consent, that's one thing; so you need an entire tracking system for consent and withdrawal of consent. That means that you also have in your registrar database certain flags that this domain name has consent and this domain name has no consent. But how bring - how is that being transported to the registry?

The registry has no idea how - if there was consent of - or there was no consent. And if there's withdrawal of consent how would the registry know? We do not really have a mechanism for that. So that sounds pretty

complicated what this language would suggest if a registry would start working on this. But I think I'm going to punt that back to Beth and see if we can get some alignment there. Thank you.

Kurt Pritz: Thanks, Theo. Go ahead, Beth.

Beth Bacon: Hi. Sorry I was fighting with my microphone. So at this point the Registries did submit some comments here and we asked for some clarification in that the language was not super clear. And there is a, as Theo outlined, he kind of made my point for me, the transfer is not a simple issue. So it's more looking at it from the context of each business having an appetite for risk or an assessment perhaps from, you know, differing legal opinions of what that risk is and who it lies with depending upon, you know, the collection of consent, who gave the consent, how it was transferred, all of those things.

And quite frankly it's a technical challenge as well as a GDPR challenge. So I think that we are just not in a place where there is a clear answer or a clear enough one to mitigate the risk to contracted parties here. And so the option is important. Thanks.

Kurt Pritz: Thanks. I'm not looking at the queue but I think Margie was next.

Margie Milam: Sure. I guess the question is Beth, if they decided - so under the - the way I read the policy basically the registry decides whether it wants the data. So if - it already has made that determination based on risk, then it seems to me that at that point, you know, since it's under the new policy it looks like it's optional if you're going to be thick, that that would be part of the calculus when you make the risk, you know, assessment.

And so that's why I guess I'm confused. If you're thick, it seems that it should be addressable and then to address Theo's concern about the, you know, how you transfer the consent, which makes - and that's a good question, Theo. I think that's an implementation detail that could get sorted out later

once, you know, we work on the details. But that - so I think that's something that could be addressed later and I think that the thick issue is one that probably gets assessed at the point of deciding whether you're going to be thick or not.

Beth Bacon: Kurt, can I hop in just to respond?

Kurt Pritz: Yes.

Beth Bacon: Thanks, Margie. So in this particular case I would say, first of all we need to stop talking about thick and thin, we're working on an aggregate minimum data set at this point. So there is not or should not be thick or thin at this point going forward and that's just something where we need to wrap our heads around again. I know that we've covered it many times but we have an aggregate minimum data set at this point and it's all about justifying the transfer.

                In this particular case yes, a registry may have it because they adhere to the full minimum, you know, the aggregate minimum data set. However, having it and using it for an identified defined purpose within the registries for their legitimate interest, legitimate purpose, is different than publishing it. That's a separate purpose and a separate use and it could be considered more risky.

                And in fact is a separate - it would require a separate justification. So the justification to have it is not the same as to publish it because again, it's not our data, it's the data subject's data. So that's why that differs. Thanks, Margie.

Kurt Pritz: You know, I've read - I just read again the - this recommendation and I don't see the word "consent" anywhere so I don't know if consent is implied by this implementation advice or not. And so then I just want to say that, yes, let's get the discussion out of thick or thin but let's have the discussion as, you know, if this is - if data is transferred to a, you know, if data is transferred to a

registry, why wouldn't this - for certain purposes, why, you know, we should maybe not bar the transfer of this data to a registry. I'm not sure. Forget that last thing I said but I want to say that I don't see the word "consent" in the implementation advice anywhere.

Alan, go ahead. Alan Greenberg.

Alan Greenberg: Thank you. Somewhere else in the report, and I don't know where it is, we have a phrase which says, once we understand how to transfer consent then such and such will happen. And I think that needs to be here as well as in the other - it needs to be a general comment for anything where their consent is given that once we figure out how to transfer consent, and that implies we need to try to figure it out, then information will get transmitted to the registries, you know, so…

Kurt Pritz: As required by…

((Crosstalk))

Alan Greenberg: …so somewhere there is a phrase like that, we just need to make it generally apply to all the cases where there's potential for transfer of consent to the registrar - registry.

Kurt Pritz: I think that's really constructive, Alan. Thank you. Go ahead, Theo.

Theo Geurts: Thanks, Kurt. I want to go back to Margie's comment about this is maybe an implementation thing. I'm not 100% sure of it because I think we are at a stage that we are sort of t the defining point here where we are discussing who is being the authoritative source. Is that the registry or the registrar? And that has some implications on current policy if the registry is suddenly no more an authoritative source within the DNS ecosystem.

So it might be an implementation question but I think it goes a little bit beyond that because you are basically touching upon the fact that there might be two different data sets at some place and they might different a little bit when it comes to the organization field whatever somebody does within the ecosystem based on the implementation guidelines that I see here which seems to be somewhat flexible which is always a good thing, but this could have some unwanted discussions or effects that we are not aware of at this time. So implementation is going to be very complex I think. Thank you.

Kurt Pritz: So thanks, Theo. So Alan, I don't know where you saw that but in the proposed action here, in the - after the quiet period memo, it says - add a note that clarifies that. So this is a registrar obligation for a registry to publish is optional until such time that a way has been found that allows the transfer of consent from registrar to registry. So the proposed note says that. So it'll become - so that's the proposed wording that's there. I don't know if we want to cut and paste that into the chat or not. Go ahead, Margie.

Margie Milam: Thank you. Theo, actually you raised an issue I think is really important given how things have shifted on the thick/thin discussion and the comments that we received. I think we need to say that the registries are the authoritative source on this because I think it's unclear, you know, given all the changes that we've made to the Whois policy. And at least that way people will, you know, if there's this possibility that there would be no data at even a thick registry for publication I think it just needs to be a clear part of the policy. Does that make sense?

Kurt Pritz: That make sense to you, Theo? Theo has gone off. So we'll pin that question, Margie. Alan, go ahead.

Alan Greenberg: Yes thank you. With regard to transfer I was suggesting that there be a note saying it applies to all the fields. Remember that in the recommendation that registrants should be able to specify that their contact information be - all

contact information be publicly available we also in that one said only in the registrar. And the transfer consent should apply to that one as well.

So in other words, when we say that something is available only to - only at the registrar and not at the registry, can that be published (unintelligible) once we figure out how to transfer consent it should apply to all those fields. Thank you.

Terri Agnew: And Kurt, this is Terri, you still may be muted.

Kurt Pritz: Yes especially since there's a giant red line across my microphone. So Theo, did you want to make a comment here? I saw your - you said something in chat.

Theo Geurts: Yes just really quickly, and I agree with Margie, and if we are going to assign a authoritative source, and we make that clear within the language that also needs to - that will have implications also on certain other aspects like RDAP, etcetera. But I think that's a good path forward. Thanks.

Kurt Pritz: So I'm not certain where that leaves us. And so somebody, because I've missed a nuance with the - I missed some of the nuance with the argument. And so the proposal is still that, you know, that this is a - add a note that's not part of the recommendation that's note that clarifies that this is a registrar obligation and for the registry to publish is optional until such a time that has been found that allows for the transfer of consent from registrar to registry. And take on board Alan's comment that that needs to be sort of a global - not sort of but it needs to be globally acknowledged in the report, defined where that is.

So I think that - Alan, go ahead.

Alan Greenberg: Yes, part of what's being said here is that if you follow all of our recommendations we will no longer have thick registries, we will only have

thin - thick TLDs, we will only have thin, that's reversing a direction ICANN has taken since about 2001 and reverses the GNSO thick Whois PDP. I think we need to be clear in saying that because as recently as a few days ago some parties in this group did not realize we were actually saying that. So in light of the significant change we are proposing only implicitly I believe somewhere in this report we need to be really, really clear that this is what we're doing. Thank you.

Kurt Pritz: Thanks, Alan. Beth, go ahead.

Beth Bacon: Thanks. This is Beth. To Alan's point, I just wanted to - I think we should be more precise in our statement there. Again, it's not that we're going to have only thin and no longer have thick, it's that we have a new minimum aggregate data set that is GDPR-compliant for registries and registrars. That is the (this) that was the purpose of the temp spec. We're not - I think that if you say oh, we're all going thin you're going to picture, you know, 300 registries with four data elements being displayed and that's absolutely not the case.

So it's a - I'm looking a Thomas's comment, new regime, I really enjoy that. It's just a new aggregate minimum data set that is compliant with the GDPR which fulfills the obligation of this whole entire process. So again, let's just be more precise. Thanks.

Kurt Pritz: All right so let's focus on the organization field. There's a discussion about thick versus thin. There's a question out to legal counsel about that. And that discussion is going to go on someplace else. Alan, go ahead.

Alan Greenberg: Yes thank you. I'm not arguing with what Beth is saying or what Thomas is saying. I'm saying we are implicitly making a decision and it is not clear to many people reading this report, many knowledgeable people, reading this report. So I just think we need to be - using whatever words we want to, but make it really clear that that is the net effect of what we're doing.

Kurt Pritz: Margie.

Margie Milam: Yes, if I could support what Alan is saying. It took us a while to understand that that's where - what the report said and that's after, you know, hours of work on this committee. So I just think we have to be clear in the report as to what's happening so that people understand that we are affecting that.

Kurt Pritz: Thanks, Margie. I'm still - so help me out here. I'm still, you know, at this proposed action where we're going to add this note and I haven't heard anyone - I haven't heard disagreement about that. I think you know, it addresses Margie's initial concern that after this issue is solved that it does become a registry obligation and, you know, it's certainly the obligation would certainly have to be, you know, part of the data set that's, you know, that - for other reasons would have to be transferred to the registry.

                    So I don't - I'm still - somebody say that we should, you know, edit this note or change it or accept it as-is because I don't see it as being fundamentally - or I don't see it as being in disagreement with what we've talked about here. Alan Greenberg.

Alan Greenberg: Kurt, I agree with you. I think - I don't - I haven't heard any objection to putting in the note about transfer consent and having it apply in this particular case. I don't know if you were trying to address the IP BC comments which are completely different direction and I'm not sure we had that discussion. So…

((Crosstalk))

Kurt Pritz: Yes, we have not had that.

Alan Greenberg: Okay so I haven't heard any disagreement about saying the field can be transferred once we figure out how to transfer the field. Maybe Marc disagrees.

Kurt Pritz: Thanks. Go ahead, Marc.

Marc Anderson: Thanks, Kurt and Alan. This is Marc. I'm not necessarily going to agree or disagree. I think you know, we've discussed a lot on this thread and I think it's been good. I think I'm feeling a little nervous about all the things we're trying to do at the last minute. And I think, you know, I think maybe from my perspective I need to see what the proposed, you know, the proposed new language for Recommendation 12 would be.

And I think - I'm reading Sarah's note. Okay with adding the note that this is a registrar obligation transfer (unintelligible) unclear. Yes I think - yes, I think we want to see the, you know, see the language and, you know, and make sure we're not, you know, creating, you know, new problems, you know, we're not, you know, creating a new problem by trying to solve a different problem and just maybe need to see the final language. You know, I'm not sure I followed all that in the thread.

Kurt Pritz: So that would be the language. It would say, "Note colon." All right, let's go onto the second part of this. This is the bottom of Page 2 on the scrollable thing or if you're looking at the memo itself it's at the bottom of Page 8. Alex, please go ahead.

Alex Deacon: Thanks, Kurt. It's Alex for the record. I just wanted to kind of explain kind of the rationale behind this. You know, the use of the phrase "some future date certain" you know, describes something that to me is kind of the opposite of certain. So we wanted to understand the balance of this future date certain. It's necessary to kind of determine our comfort level with this recommendation. So, you know, we put some specific numbers here understanding that there is going to be implementation and some type of procedural setup beforehand.

I think historically at ICANN 180 days has been used. But this is - this was something we were hoping to get more certainty on again with the understanding that a future date certain is not at all certain. Thank you.

Kurt Pritz: Thank you, Alex. Matt. Good morning.

Matt Serlin: Yes thanks, Kurt. It's Matt for the record. Alex, thanks for providing the context there. And I can appreciate that. The - what I was going to suggest is what might be a compromise or a potential path forward. You know, the only sort of implementation date or timeline that we have proposed in the report is the language that the Registrars and the Registries worked on to get us that sort of gap. So I believe we settled on February 29 of 2020, right? That's the period of time where contracted parties can either abide by the temporary spec up until that date but after that date they've got to abide by the new policy.

And I'm wondering if we might be able to tie this particular piece to that so that everything sort of gets wrapped up together and has the same implementation date. I think from a contracted party standpoint that would certainly make a lot more sense. And so I'm just wondering if there'd be support for that and maybe we can move forward with that. Thanks.

Kurt Pritz: So if you think about the implementation team being formally formed around May 25, then 105 days after that is in the middle of September somewhere and you're proposing to make it the end of February. I want to note that end of February date I think was a nice concession on the part of the contracted parties to extend past January 1 for two months because it gives us more time to get done and so less uncertainty about the future.

So I'm not sure, you know, especially for, you know, an issue like the organization field and the whole continuum of space time that a few more months would be harmful, and maybe it's going to be done sooner, I don't know. Theo, go ahead.

Theo Geurts: Thanks, Kurt. I'm actually not sure if we can do this faster or not. That is completely going to depend on the registrar, what decisions they made within the backend, how they are dealing with ccTLD registries. I mean, it's like you have the entire DNS - the Domain Name System, ccTLDs, the gTLDs, you're talking about not - no longer seven gTLDs like in the past, we are now talking about hundreds of gTLDs.

And, you know, the workload has just gotten a lot bigger. And like I said, depending on your setup, you might encounter some really nasty things about how you are dealing with contacts and how they are tied to all these registries. Some registrars have create additional contact for every domain name that's being registered, some registrars just reuse a contact all over the entire system. So you have one contact (handle) ID setup like over 100 registries.

So just going to untangle like okay we're now going to remove that field or make that field no longer available, that could have some consequences on how you're going to set that up. I think it's really hard to say like okay, this is going to be a done deal; this is going to be simple update and the field is gone. I think there's a lot more to it than that. Thanks.

Kurt Pritz: Thanks, Theo. Thanks, Theo. Mark, go ahead please.

Mark Svancarek: Thank you. Mark Svancarek. The BC would like to accept Matt's suggestion of February 2020. Thank you.

Kurt Pritz: All right. Terrific. Thanks for that very much, Mark. Alan Greenberg, please go ahead.

Alan Greenberg: Thank you. I'd like to comment on Theo's last comment. We made the statement that eliminating all of the RDDS fields we're eliminating is going to be a complex problem because of - they're populated because of all the

different issues that Theo mentioned and no one seemed to think that was an issue for those. So I'm just curious why it's not an issue for those. But doesn't have to be answered here. Thank you.

Kurt Pritz: Excellent rhetorical question, Alan. So the support team, can we augment this or edit this to say, "For the period between the adoption of the," I'm just reading for the - okay. So it doesn't fit in exactly but implementation - the implementation should consider the implementation for a period between the adoption of the EPDP policy and the conclusion of the implementation effort set for 29, you know, and for the conclusion of the implementation effort set for on or before 29 February, 2020. God, that makes me feel old.

So why don't we have that line out and ready for the break at that time? We'll put language in during the break and show those two items at that time. Let's go onto - I'm going to say this slowly in case anybody wants to raise their hand - go onto Recommendation 17.

Legal versus natural, so this is where so if you're looking at the memo it's at the bottom of Page 10 and start of Page 11. So the first one I want to talk about is the Registry and Registrar proposed modification. So it's - so I don't know if one of the contracted parties wants to speak up and introduce this one. But you know, the language in the parentheses there is the original recommendation that is just kind of awkwardly worded.

So to my thinking this just tightens up the wording but I don't know if anyone from the contracted parties has a - wants to add something there. Go ahead, Alan.

Alan Woods: Yes, Kurt. That's exactly it. I mean, we were just reading it through and we started reading that recommendation and we were like, okay, (unintelligible) go wait, aren't we trying to say exactly the same as the one above? And it was just to marry the language to help with the clarity of what is being said

there. So it was just proposed in the spirit of clarity but again, you know, not (unintelligible) or anything but we just thought it would be helpful.

Kurt Pritz: So to me they both say exactly the same thing and I can understand them both. I think the wording proposed by Alan just there is more clear, sounds more grownup. Is anybody against that clarification or that rewording of the purpose? And, you know, I'll give you guys a couple minutes to read both. So what I put in the - just to be really clear what's in the (cuff) there is the original language and then the suggested language precedes that.

Go ahead, Alan.

Alan Greenberg: Yes thank you. Just for clarity, there were two points in Recommendation 13, the Registries - or three points rather - the Registries are suggesting we replace Number 1 or that this replaces the entire thing?

Kurt Pritz: So let's talk about - this replaces - we're talking about the Registry recommendation to replace the entire thing with their wording. And then we'll get to the SSAC and IP BC comment.

Alan Greenberg: Yes, but, no, no, for clarity, Kurt, what you have in brackets you said is the current version. The current version of 17 has three different parts.

Kurt Pritz: Oh right, I'm sorry. So the Registry offered version replaces the sentence that follows it after the (cuff) so just that first part.

Alan Greenberg: Okay just Number 1, thank you.

Kurt Pritz: Yes.

Alan Greenberg: So preserving that we are going to still look at this going forward…

Kurt Pritz: Right.

Alan Greenberg: …we're not requiring it at the moment. Thank you.

Kurt Pritz: Okay, so let me - I'm hopping all over the place here. So I'm fore that so we'll make that change. So for the SSAC comment, sorry. So for the - the SSAC comment, you know, I'll allow Ben to comment here, but, you know, I see this as being sort of the opposite of what we decided after deliberation. So for me, and I think for us, we want to indicate in our review of each party's position on this that SSAC, you know, opposes this recommendation, which I think is fine.

But I'll let - yes, so let's take this up and discuss this. So go ahead, Mark.

Mark Svancarek: Mark Svancarek. Yes, just a quick clarification of what we were trying to do with our edit, we thought that "discuss" was very noncommittal and making a commitment to determine and resolve the issue at some point, Phase 2 being suggested, would be an appropriate edit. Thanks.

Kurt Pritz: Thanks. So we're almost to that one, Mark. And I should have called on Ben first since he…

Mark Svancarek: Oh I'm sorry. I'm sorry.

Kurt Pritz: That's all right.

Mark Svancarek: I was just getting in the queue and suddenly found myself at the top of the queue so.

Kurt Pritz: Good work there. Ben, please go ahead.

Ben Butler: Thanks, Kurt. Just as a clarification, we definitely, you know, SSAC really wants to make sure that this is discussed and Phase 2 is the most appropriate time to discuss it. We would like to see a resolution. If you read

the more thorough comments we submitted, what we're recommending as a possible path forward is that in the deliberations on this in Phase 2 we need to make sure that the study, you know, we talk about - we're going to look at the costs of implementing this solution on the contracted parties, which is an absolutely valid thing to consider, but we want to make sure that there is a balanced evaluation and that the costs to the ecosystem of not having whatever amount of data is legal to be published, be published.

So we are totally in support of continuing discussions on this. This isn't like a, you know, we're not trying to be a roadblock here. We just think that as we deliberate on the final resolution of how we're going to handle legal versus natural that there is a balance made on evaluating the costs to the overall security of the ecosystem rather than just the financial burden on contracted parties.

Kurt Pritz: So, gosh, so let me propose this. If you guys have the final report version or Recommendation 17 handy, we had - so reading that in Bullet 2, "The EPDP team recommends that as soon as possible ICANN Org undertake the study for which the terms of reference are to be developed in consultation with the community." So I think then you would get the opportunity to do that there, but can we, you know, what we've identified here is the feasibility and costs, potential liability, examples of other organizations that have successfully - the privacy risks and other potential risks but we don't really say anything about the benefits.

And I'd just like to suggest that we add a bullet that says, you know, weighs the potential benefits or considers the potential benefits of making the - we could make it really general, you know, discusses or determines the potential benefits of making such a distinction or, you know, weighs the potential benefits of making - to the, you know, security and stability of the DNS to making such a determination. Those would be two sorts of wordings to that.

I think with what Ben suggested in the SSAC comment, and you know, the SSAC comment will be recorded in the report of course, but I think that would be a fine thing to do. Sarah.

Sarah Wyld: Hello. Thank you. This is Sarah Wyld. Phase 2 - I have to say Phase 2 is not a second bite at the apple. Differentiation by person type has already been discussed in detail and we came to a decision which is that each contracted party can decide if differentiation is really the best choice for that situation and is technically feasible. So I am not in support of reopening this question. It's been addressed already, we should move on with that.

Kurt Pritz: So that's correct, Sarah, we did discuss this at length. And at the end of the discussion we developed this recommendation that people - everyone, you know, accepted. And that recommendation says that the - our team recommends that as soon as possible ICANN Org undertake a study, so that's what we agreed upon. And we agreed upon these bullets.

And what SSAC's going to point out in the report, and, you know, I think we should recognize here that there are benefits to that. So I'm not changing anything we decided after out long discussion, I'm just saying that we probably omitted that sort of balancing in the bullets. Who's next? Alan Greenberg.

Alan Greenberg: Thank you very much. I just suggested some wording that we - for the bullet that you may want to consider. I suggest to add a bullet on the impact on the Internet DNS ecosystem of not making the distinction.

Kurt Pritz: Thanks for that, Alan. Amr, please go ahead. How are you today?

Amr Elsadr: Thanks, Kurt. This is Amr. I just wanted to point out that it seems to me that none of the comments on the screen in front of us right now actually address one of the issues that I would hope, you know, that if contracted parties have the discretion to decide this by themselves, would take into consideration

which is it's not just about differentiating between legal and natural persons, you know, whether the status of a registered name holder is a legal or a natural person but even with legal - registrants who are legal persons the registration data may include personal information of natural persons.

So that's an issue that I don't see being addressed by any of the comments on the screen. And it's one that is key to, you know, the distinction between natural versus legal. Thanks.

Kurt Pritz: So I think you're accurate. I also think that that would be covered under - there's three bullets here that discuss associated with making that distinction. So I would hope that that would be part of the consideration there. Alan, please go ahead.

Alan Greenberg: Yes, what Amr says may well be true and we know some jurisdictions exclude from publication certain classes of legal persons. But this is a GDPR issue. If they got the words wrong, someone should be talking to the European Commission and the European Parliament that they have the wrong words there and it shouldn't be legal persons that are exempted, it should be some subset of legal persons. We keep on saying we're here to implement GDPR, well let's implement it. Thank you.

Kurt Pritz: Go ahead, Amr.

Amr Elsadr: Well thanks, Kurt. This is Amr again. And just in quick response to Alan, my reading of GDPR is that it covers the personal information of natural persons. And that's why I believe it's applicable in this case even if the registered name holder is a legal person. That does not preclude the possibility of personal information of a natural person being included in the registration data. And to my understanding that is covered by GDPR so I'm not sure I understand why you think it might not be.

Kurt Pritz: Okay thanks. So in this study that is going to occur and the terms of reference are going to be developed in consultation with the community, so I see no risk that the benefits of making such a distinction will not be included in the terms of reference but because there has to be a cost and benefit to that. But I think it's sort of a miss and a good clarification that the wording that Alan included here as an additional bullet, that's - there's quite a bit of chat going. That would be something like this.

So I'd like - my request is that this group consider this. And why don't you agree, Farzaneh? So say - so say we do this analysis and we determine that there's minimal risks, there's some but minimal risks to registries and registrars for making this distinction, it can be done. But we don't think about the benefits of it. And then say, you know, we do this benefit analysis and we find - actually there is no benefit to it, there's no additional protections for the DNS or benefits to security, stability and resiliency or something like that.

I mean, you don't do a study and consider the risks and not consider the benefits, right? So I don't understand the pushback on that sort of thing. Sarah, I know that there's a significant risk. What I'm saying is you - when you do a study you want to identify all the risks which is what these bullets do, they identify the costs and the risks associated with it but they don't consider the benefits.

And how do you determine whether the risks are too great or not without, you know, the result of the study could be that, you know, the benefits are minimal, I don't know, or we might uncover something where it indicates there's a great benefit, I don't know. So I don't - so first of all I don't see a difference in the outcome if we include this language or not. But I think it'd be complete if in our report we say we're going to look at the risks and the costs and we're also going to look at the benefits.

I'm not speculating about anything. That's why the study is being done. All right so I have a good history with these things. So if you're okay with

including this - given our standard here - if you're okay with including the bullet that says we're going to balance these risks against the benefits, and include the bullet that Alan Greenberg suggested that I retyped, then put up a green hand. And if you don't want to put the bullet in put up a red hand.

Ayden Férdeline: Hi, Kurt, this is Ayden. I stepped away from Adobe for a moment. Could you just indicate that I am a red mark please?

Kurt Pritz: All right, so we won't put in the bullet and so we're going to take a break now. Well let's see, wait a second. So all right so we won't put in the bullet. Sorry, Ben. But I think at the end of the day the impact will be the same because we'll have to identify benefits in order to justify doing anything.

So we're going to take a break now. And I think - let's see, it's 35 minutes past the hour so we're going to take a 15 minute break because the staff and I are going to go review some wording that's been developed so far. And when we come back we've got a couple more things to go and then discussion about consensus so hopefully we'll get out of here pretty soon. Thanks a lot for your - the discussion so far. And we'll be back shortly.

For those of you that are listening that are - haven't gone off to your liquor cabinet or something like that, the support team is going to put up language now for the three recommendations we discussed. Thanks.

Okay just one minute everybody. All right is the recording started?

Terri Agnew: Recording started.

Kurt Pritz: Okay great. Thanks. Welcome back everybody. Listen, I, you know, in our last discussion I neglected to consider the clarifying language that IP and BC provided for Recommendation 17. So it's - depending on what you're looking at it's at the top of Page 11 of the big memo. Let's see what's in the chat

room here. Yes so Mark's already introduced it. Instead of "discuss" they're suggesting "determine and resolve."

You know, so my - so I'll comment, my knee jerk reaction to that is that's fine, you know, it could be resolved one way or the other so I think it'd be good for us to say that. And then there's - depending on the time of the research its discussions may inform the scope of research and use of its findings. So I've read that a few times and I'm trying to figure out what that sentence means. So I would take some comment but I think these are two fine clarifications. Milton's text can be a footnote.

So I think these two clarifications by IP and BC are good. And I don't see any objection. So if you could put, you know, make that change in the Recommendation 17 at the end and then put up the revised wording to each of these three? And are these downloadable by everyone or something?

Marika Konings: Kurt, this is Marika. I'm making the change now and I will put the updated document back up and then you have the ability from within the Adobe Connect room, in the right hand pod, to say download. Just give me two seconds.

Kurt Pritz: So I think the right - I'm trying to think of the right way to handle this. We've discussed each one of these three things. There's pretty good support in the chat room for these clarifications or edits. The chat's going off the rails a little bit. So download - I don't know what the timing of this is but if you guys can download these things and then, you know, we're going to, you know, take the rest of the meeting to look at them. And if you want to object when we close out - I'm going to close out two more topics for the recommendations and then go on. So at the end of that time we'll see if there's any objections to that.

So I want to talk about - go ahead, Alex.

Alex Deacon: Thanks, Kurt. Yes, it's Alex. Sorry, I came back from break a little late. Are we - are you asking for comments on all of the updates in this doc? I missed that. If so, I have a comment on Rec 18 if I may?

Kurt Pritz: Go ahead.

Alex Deacon: Thanks. Yes I think the concern is 30 business days. I thought we were - we were under the impression we (unintelligible) 30 days. There's a big difference between business days and days, so I'm hoping we could change that back to 30 days - 30 calendar days perhaps.

Kurt Pritz: Any comments? Yes, Milton, go. Beth Bacon.

Beth Bacon: Hi, this is Beth. So, Alex, I don't know that we need to be quite that specific, and I understand that there's somewhat of a difference between 30 business days or calendar days. But again let's focus on the fact that we don't know what the volume of these things are going to be, we're not really sure, you know, not every registry and registrar have the level of resources to respond to these requests and I think that reasonableness combined with 30 days is a really good effort on all of our parts to say we're going to respond to you.

                 And it's not in any way a way for us to get out of responding, it's an active promise to do those things and I think it really, as you said, or other folks in the BC IPC have said, it's an effort to get to the bad actors, not the good ones. So I think that saying 30 business days versus calendar days is going to be - fall in deaf ears if we're actually doing this for the bad actors. I just think at this point let's just get it done and maybe not split so many hairs but thanks.

Kurt Pritz: Alex, go ahead.

Alex Deacon: Yes thanks. I appreciate that. And I agree, I think - so I think it would be better if it was left vague perhaps, 30 days, or I think that's more accurate, at

least that's what I would suggest. I'm not a lawyer and so the nuances of business days, calendar days or days may be beyond my understanding, but I think 30 days - reasonableness plus 30 days, as you mentioned, would be great.

Kurt Pritz: Thanks. Diane.

Diane Plaut: Just to follow up on Alex's point though, 30 business days could end up meaning 80 days. So the question on whether that truly is reasonable (unintelligible) that's why we're asking for the calendar days to be specified.

Kurt Pritz: So we're just - I don't know what Ashley was going to say, something wise I hope. But maybe the timing of when Ashley dropped in the queue was coincident with the recommendation that we just change it to 30 days. So we'll do that.

Okay so we've - so you guys always multitask during these things so you can take time during the next couple brief discussions I hope to look through these a little bit more. We won't close them out for the next half hour or so.

So I want to go onto Recommendation 14, which is proxy privacy. And this is where in my memo I missed the suggestion for this one, that was a clarification. And so there's two parts to this so I want to take them one at a time. So one is to change where an affiliated privacy proxy service is used to one where affiliated or accredited proxy privacy service is used. So I think that's a good clarification and I want to see if there's any objection to that. I think it covers both kinds of privacy proxy service that are clearly in the view of the contracted parties.

I think the concern was there's other privacy and proxy services out there that - such as an attorney registering names on behalf of a client that aren't in the view of contracted parties and that's why we added the word "affiliated" - the

adjective "affiliated" to that. And I think accredited is another one. So go ahead, Alex.

Alex Deacon: Yes thanks. Yes just on this issue I think the - our hope here is that we would future-proof the specific recommendation assuming at some point privacy proxy implementation policy (unintelligible) so we wanted to add accredited to make sure that when that day comes that it's - that we're covered already and we don't have to make any changes.

Kurt Pritz: Okay great. Since you've got the mic, Alex, could you introduce this next paragraph? Why are you - why is this one here if you're fine with it? In addition…

((Crosstalk))

Alex Deacon: Yes, again, this…

Kurt Pritz: Go ahead.

Alex Deacon: Yes, this is the, you know, a long and often-stated position of the IPC. I don't know - I think also BC but I won't speak for them - that we need to unblock the PPSAI implementation. As you know, it was stopped and it's not clear to us, or to me at least, when that would happen. So we were hoping that once we had this discussion around ensuring Whois, that is GDPR compliant, that would alleviate some of the concerns around privacy proxy issues, we could leverage a lot of the work and decisions made here there, and actually get to the implementation and - of the PPSAI policy and move forward.

So we were hoping that to actually kind of draw a line in the sand here and ensure that we have a date where we will know when privacy proxy policy will be implemented.

Kurt Pritz: So you want to share the pain by imposing a deadline on another PDP because you participated in a PDP that had a deadline? So, Marika, could you tell us why the - for ignorant people like me - why this PDP is blocked or stopped?

Marika Konings: Yes thanks, Kurt. This is Marika. I don't think it's blocked or stopped but I think it's going on a slower pace. I'm not - I think some terminology along that line has been used. But as I understand it, there is some are of the view that there are some interdependencies between, you know, the work that's being done here and where things may land and the implementation of the privacy proxy work.

So indeed my understanding is that, you know, as soon as this work is completed and, you know, recommendations are adopted, that that will be communicated to the implementation review team and staff supporting that group so they can kind of see how, you know, things align and, you know, whether there are any conflicts or anything that are affected in the privacy proxy environment as a result of these recommendations. So that's where things I believe currently stand.

Kurt Pritz: I think that's really tough for us to put a timeline on another policy development. You know, I think we could, you know, say that implementation of this hangs, you know, to - effective implementation of this recommendation sort of hangs on that - the completion of that policy or make a note of that to the Council, but I think it's really hard for us to put a date certain on the completion of a policy. I just - I don't know if it's appropriate. And second, I don't know if it would work.

Alan, go ahead.

Alan Woods: Thank you, Kurt. First things first, completely agree with you on the implementation for another development, I mean, it's inappropriate for us to

even venture into that, tell them what to do and aspirational to the extreme and probably a little bit silly for us to, you know, assume that we can do that.

My second point would be the addition of the word "or accredited" I mean, in my mind this definitely goes into the realms of a substantive change because it actually changes a huge amount between affiliated and accredited. They are not synonyms of each other. Affiliated means associated with; accredited means generally accredited. And I really think that you're widening the scope hugely by the inclusion of the word "accredited" here. It changes the very meaning, the basis of it.

And also it brings in difficulties such as, you know, how, you know, an individual registrar might be able to easily pinpoint the affiliated P and P but to find an accredited P and P is just - we're talking about, you know, let's just put names in then hope for the best that they're blocked or released. I just - I'm, you know, I'm a bit perplexed by the additional expansion at the late stage of this one as well.

And then again I had one other point which of course I can't remember what it was. But they're the main ones, and to be perfectly honest I think we should, at this point, just leave it the way it was.

Kurt Pritz: Let me think about that. Go ahead, Margie.

Margie Milam: Sure, this is Margie. You know, actually it is within scope of our group because we talked about it earlier and it is part of our charter to address the consensus policy. And so I think to address the issue of what accredited means, as Alan mentioned, I mean, I think we did say accredited under the consensus policy when implemented, so at least it's clear we're talking about that and nothing else because I could see there might be confusion a little bit to what "accredited" means. And so that's something to think about.

And then, for those of you that may not have been on the conversations when we talked about it earlier, there is a way where ICANN can announce, you know, can identify whether someone's accredited or not, it's very similar to what they do - James mentioned this - when the 2013 RAA was published, there was a, you know, a listing on the Internet about Org I think it is where it shows whether a registrar is, you know, on the new contract or not. So there's ways to communicate, you know, the accreditation, if you will, once the policy is implemented, so that's what this is intended to address.

And then the other point is because the group was waiting for us to finish our work, if there's some way to, you know, at least convey back to the Council that that was to be done, you know, in an expedited manner or, you know, you know, something to that effect, probably less worried about the actual days that a note that, you know, don't wait for us, get this done, you know, and it's a consensus policy that, you know, needs to be implemented. Thank you.

Kurt Pritz: Thanks, Margie. Go ahead, Alan.

Alan Greenberg: Thank you. On the two points, I used to know a lot about this but my memory is going I'm afraid on the UDRP. My recollection is that if you have a privacy proxy provider it is the privacy proxy provider that must provide the information, not the registrar. I don't think it passes through the registrar's hands. In which case, the wording must be changed to say the onus of revealing the full information is not on the registrar but on the accredited privacy proxy provider in this case.

So I agree that this does need to be future-proofed, but I don't think it is the registrar that provides the data in this case, I believe it's the privacy proxy - the accredited privacy proxy provider that will need to provide the data and that's one of the provisions of the privacy proxy PDP.

In terms of guaranteeing the implementation within a certain period of time, although emotionally and philosophically I agree completely, there are still some significant issues with the privacy proxy PDP in particular not only the actual implementation but the funding. And at this point because of the funding issues that are still not settled, that is who's going to pay for it and how much will they have to pay, the whole thing really - there's still a question about whether it's going to work or not. And so I'm not quite sure, although I would love to see a guaranteed implementation date, I'm on sure we're in a position to guarantee it even if we did have the power. Thank you.

Kurt Pritz: Thanks for that, Alan, that was really helpful. Alex.

Alex Deacon: Yes thanks. I was rushing to find the text in the privacy proxy policy. I wasn't able to do that. So I'll just maybe quickly respond to Alan Woods's comment. I think you know, I think based on the policy, again, I was on that group, it's been a while, you know, what we call affiliated service, proxy service or privacy proxy service, will eventually end up as an accredited proxy service. And of course, you know, who is accredited will be, you know, there will be a process for that accreditation and then lists - an authoritative list placed on the ICANN Web site somewhere similar to accredited registrars.

So if I understood Alan, your concern that it would be hard to tell who's accredited, who's affiliated and the vagueness of that language, I'm not too sure that's the case but I may have misunderstood. Thanks.

Kurt Pritz: Thanks. Alan Greenberg.

Alan Greenberg: Yes thank you. As Margie pointed out, I was reading this incorrectly. We're talking here not about the underlying data for the registrant but the contact information for the privacy proxy provider. And if indeed we were - since I presume all privacy proxy providers are going to be legal entities, if we were distinguishing between legal entities from day one this wouldn't be an issue. But since we're not distinguishing legal entities, then it is potentially a

problem and if you look at Whois today, we do have privacy proxy providers whose contact information is hidden.

And this really says that if someone is accredited, as Alex just mentioned, then the registrars are going to have to make sure that that information is revealed in the public Whois even if - even if they're not normally distinguishing legal. And I think I strongly support it given that. Thank you.

Kurt Pritz: Support the inclusion of some reference to accredited?

Alan Greenberg: Yes.

Kurt Pritz: Providers. So Alan, can you find the wording here that appropriately identifies, you know, accredited proxy providers - privacy proxy providers, you know, as, you know, accredited through the ICANN policy so that that - anyway, what somebody said before. Got a big compromise for us?

Alan Woods: Well the first things first. I mean, I see this as being hugely a more a matter for the registrars to see whether or not this is something that they can implement. I mean, I appreciate Alex's clarity that he provided on that. And I will come back to that in a second.

The first thing is just to, you know, on the war of anecdotes between - for Alan and Alan - I can easily turn around and say, you know, some of them might be blocked at the moment but the org field is certainly not blocked and it's absolutely ignored in every single request that I get for disclosure, where they are privacy and proxy services. It's never pointed out, it's never looked at and to be perfectly honest and blatantly obvious, that it is just a lazy approach sort of at the moment. So, you know, I don't see the value of pushing that at this particular moment in time.

What I will also say, and I remembered my third point, my third point was, we've heard now twice about this concept of future-proofing and you know I

go on about this. But, you know, we are not future-proofing; we are looking at the situation as a point in time and as-is. It is not our job to second guess what may occur in the future. And yes, the PPSAI at this particular moment in time, if I pronounced that right, is something that is potentially in the future.

What we should be doing is deferring to the competence of other people in other PDPs in now taking into account the fact that the GDPR is a thing and as part and parcel of their implementation and part and parcel of their policy development, that they will have to take into account things like this and they will be able to say hey, specifically with regards to Whois providers, that they believe is - or not Whois - a privacy and proxy provider, if they believe that there is no risk and that they have assessed that as part of a data protection impact assessment of the PDP, that this should be published in, you know, RDDS or RDAP going forward, then that is the thing that they make in their policy.

Again, it is not our place to set - second guess what they are going to say in the future, whether they are going to come up with an implementation, it does not exist at the moment and we should not go in there. And I actually see that this suggestion that this 90 day period be squeezed in is some way of trying to legitimatize our interference in this saying well, it's going to be 90 days anyway so they won't have time to do this. I just don't think that washes. I think leave them to their competency, leave them to that which the GNSO has directed them to do and let us focus on what we need to do.

Kurt Pritz: Go ahead, Alan Greenberg.

Alan Greenberg: Yes thank you. If indeed this can be implemented by the - as part of the implementation it can be put on their task list. On the other hand, if it requires policy, it's too late for the privacy proxy policy to accommodate it and therefore we really do need it. I'm not sure, and I guess I would like an opinion from ICANN Org as to whether this can be ensured by a implementation of the privacy proxy or if it really requires a policy statement

and - because it's putting a new responsibility on registrars, and if it requires policy then we really need to do it because there's no way the privacy proxy PDP is going to be reopened at this point. Thank you. At least not in a timely manner.

Kurt Pritz: Any opinion from the ICANN staff on that? Go ahead, Mark.

Mark Svancarek: Oh sorry. Mark Svancarek. So a comment and a clarifying question. The comment, the feedback is pretty strong on the extra paragraph, the 90 days, that it's not appropriate at this time. So let's assume we're not looking at that anymore and just focusing on the word "accredited." So clarifying question for Alan, so Alan, do you…

Kurt Pritz: Which Alan?

Mark Svancarek: Oh sorry, Alan W. So I think what I'm hearing you say is that you see as a part of the PPSAI that as part of that implementation that they would define that it fits - that it somehow slots into this policy so that the gap that we are offering affiliated but not accredited - you anticipate that that would be picked up in the other policy and that that would just slot in and that that would not be a problem? I don't have enough experience with this sadly to know if that's a reasonable expectation or not or even if that's what you're suggesting. So if you could clarify that that's what you're suggesting and then we could all think about whether that's a likely event to occur or not that would be great. Thanks.

Kurt Pritz: Go ahead, Alan.

Alan Woods: Thank you. I don't know if I'm going to be a minor clarification on that one. I think my viewpoint is coming from a place that we cannot fix every single policy that's out there. And, you know, maybe Alan Greenberg has a point here, that, you know, there is a time and a place basically for this. And I don't know whether or not we'll get on that.

But at the Sam time, it's - we don't have - and nobody here really has the expertise to comment unless of course we are members of the PPSAI or whatever it is, you know, to comment on where that is, where it's going and what they could potentially do. I think everything that we are going to get putting into Recommendation 27 and saying look, GNSO, we are just the tip of a very, very, very dangerously large iceberg here, that we are saying that there will need to be a whole lot of changes going through the very fabric of what we do on a day to day basis in order to get us running smoothly in a way that makes everybody happy.

And I think PPSAI is just probably the most, you know, immediate concern of everybody. But I still think that, you know, if it is not currently policy, then there is always a window and the GNSO might need to think about this in a - what's the word I'm looking for - a imaginative way and trying to figure out how to do this. But again, we need to be clear on what we're doing, on what we are reasonably able to achieve, and what we're reasonably able to force upon the contracted parties to implement.

And at the moment you're creating something that, look, this is about something that will happen in the future, it's not done yet but, you know, hopefully it will make sense at that particular time. And that's not good policy; that's not a good basis for any policy.

And we need to be able to let go of these things as well and hope yes, there's a lot of folks, a bit of pray and thoughts and prayers and all that sort of thing, that we might get it done or the other people might get that done but we need to be certain that we are only talking about that which is in existence for us as of today and limit ourselves to that because we'll just fall into the black hole.

Kurt Pritz: Thanks. Alan Greenberg.

Alan Greenberg: Thank you very much. The problem with what Alan W just said is this is
                   policy. It is approved policy. It is not - we're in the black hole of
                   implementation period but it is policy. The Recommendation 27 is really nice
                   but what it says is during the implementation of these recommendations,
                   updates need to be made to existing policy - if updates need to be made to
                   existing polices it must be done. But the existing policies can only be updated
                   through another PDP. And to say reopen the PDP when one word here will fix
                   it I don't believe is appropriate. Thank you.

Kurt Pritz: So fixing it by adding the word "accredited"? I'm sorry, I kind of lost you at the
                   end, Alan.

Alan Greenberg: Yes. I believe that does fix it. It does mean the registrar will have to do a table
                   lookup and there probably needs to be an asterisk when the privacy proxy
                   policy is actually implemented because it can't be done today and it may not
                   be able to be done by the 29th of February, we don't know, but it does
                   address it. And yes, it is a change but there are other changes that are going
                   to be needed when that whole thing is implemented. So I think…

((Crosstalk))

Alan Greenberg: …it is our obligation here unless ICANN Org says it is an implementation
                   issue of privacy proxy to make this done in which case we don't need to do it
                   at all. That's why…

((Crosstalk))

Alan Greenberg: …get words from them.

Kurt Pritz: So could we have something like the wording that's suggested here where it
                   says, "or accredited" either with a footnote or something else that says, you
                   know, provide that the implementation of PPSAI provides an appropriate

mechanism for the registrars to be able to respond - return a response with this information or something like that? You know, and condition it on…

Alan Greenberg: That would work for me.

((Crosstalk))

Kurt Pritz: …implementation of that. And if the PPSAI does not provide for that then that takes some of the risks out of it. So I'd like to try to make this accommodation and like to hear from the contracted parties if this is okay. Mark.

Mark Svancarek: I support your suggestion, but let's hear from the contracted parties.

Kurt Pritz: Yes this is always dangerous.

Mark Svancarek: Living dangerously, Kurt.

Kurt Pritz: Yes. Sarah, please go ahead.

Sarah Wyld: Okay yes. So I'm just looking at the text that you've provided here, and it's still a little bit unclear to me, "Provided that the PPSAI implementation provides a mechanism so that registrars know that it's an accredited provider." I just - I feel like this is a big change to add at this point. It's adding another obligation for registrars, so I'm hesitant to agree on that at the last minute. I can't take this back to my constituency and speak to them because we don't have any further meetings.

You know, we don't have a good sense of how this will be implemented in the future. I think perhaps we should return to it once the privacy and proxy accreditation is in place and we understand better how it works for accredited but unaffiliated providers. Thank you.

Kurt Pritz: Yes, I just don't know the mechanism for doing that. And I understand Alan Woods's, you know, cautionary tale about future-proofing and I'm in total agreement with that. But we do - like Alan Greenberg says, we do have an approved policy in place for PPSAI and they'll be accredited proxy providers and, you know, and part of the raison d'être for the whole PPSAI is the ability to you know, provide visibility into proxy and privacy services. And this is the way to do that. Alan Greenberg.

Alan Greenberg: Thank you. I'm not quite sure why I'm the spokesman for this, which is an area which I really don't care about. But I'll just point out that not having this done simply means that every time one needs to go to a privacy proxy provider for a reveal, such as for UDRP, there's an extra step added. First you have to go to the registrar for a reveal of who the privacy proxy provider is and it adds an extra step and extra time to a process which is already somewhat convoluted.

Kurt Pritz: Margie.

Margie Milam: Yes hi, it's Margie. Given what Sarah said about the - going back to constituency, is this something we could just resolve quickly in Phase 2? I mean, you just go back to your constituency, it doesn't hold up the final report and we just, you know, update it in the Phase 2 work?

Kurt Pritz: So we're all sick of putting stuff into Phase 2 but I'm for that. Yes, I know, Theo, but, you know, today's February 20th and I think we could resolve this if we had a couple hours to talk about it. Beth.

Beth Bacon: This is Beth. So I just wanted to point out, we do have a recommendation already in the report that asks the GNSO to go back and review existing consensus policies and other policies to make sure that they are compliant with the recommendations in this report as well as the GDPR. So, I mean, I don't want to say future-proofing because Alan Woods is going to hunt me

down and kill me, but that the extra step to make sure that this - that the PPSAI is incorporated in this it already exists.

We don't need to send it to Phase 2 so that again we have, you know, Phase 1, the remix starting in another, you know, few weeks. I think that to the extent we can close things because we have, again, the recommendation to direct the GNSO to review the policies and make sure they're compliant with these recommendations, I don't think we need to do it again and I don't think we need to put an extra step in Phase 2. And I understand that we're trying to close this out so if that's too much to list at this point, I appreciate that.

Kurt Pritz: So here's why I think we could solve this if we had another couple hours on it. You know, the staff found, you know, what PPSAI requires, which, you know, requires that proxy privacy registrations must be clearly labeled as such in Whois, that privacy proxy providers must publish their contact info and ICANN must maintain a list of privacy proxy providers and their info. So this information that's sought here by including "accredited" is already included.

And if we took the time to do a mash up and had another day or two to do that mash up between what the desire is here and what, you know, is in the existing policy we'd figure out a way to make us all feel better that this is being addressed in some way. I also know we have a list of policies that we've asked ICANN or the GNSO to look at to measure up against our policy findings here.

And I know there's a concern that some of that might take a really long time. And, you know, it just seems like opportunity lost with PPSAI going through implementation now and us concluding our work now to be able to solve this. So, you know, I'd like the staff to put a note together to say that, you know, that not part of the recommendation that we've noted that PPSAI is an approved policy but going through implementation and want to understand the interplay between the display of data from accredited proxy providers and

how that would be communicated in a query or, you know, something like that and that - we'll discuss that in Phase 2.

There's one more issue that's not on the agenda that Alan Woods - Alan Woods, see what you've done to me? That Alan Greenberg brought up with regard to data retention could - Marika, could you - or maybe Alan, would you reintroducing this?

Alan Greenberg: Sure. I just pointed out that the TDRP can be filed on the last day of the year. Basically that's the same day, depending on how you interpret one year, that the registrar could delete the data. They may not delete it but they could. So you could be in a situation where a legal TDRP is filed but the data that is needed to address it is no longer there. I suggest that extending the one year, probably three months.

Thomas said fine, we can reduce the erasure period by three months and still not even increase the overall 1.5 year period. I don't much care. It's a small point but it's easy enough to fix and I don't see why we should have a conflict in our data retention especially since TDRP is mentioned in the rationale. It's not a big issue but it's easy to fix. Alan Woods says he thought we agreed on it yesterday. I thought we did too but maybe not.

Kurt Pritz: Yes, I thought we had fixed this too. So can somebody help me out? I thought we had agreed to something like six months after that for deletion or something like that. So what does - and so what - and I sense Alan's going to say, yes, that's right, so go ahead.

Alan Greenberg: Yes, we agreed for six month deletion time. That means the registrar has six months to delete; they don't have to wait the six months, they could do it day one if their systems are automated enough. So…

Kurt Pritz: And Thomas Rickert…

((Crosstalk))

Alan Greenberg: …the deletion period does not address the particular issue.

Kurt Pritz: I understand. Yes, I understood what you said. So they could - the data could be deleted on day one or day 180. So now - so where it the language? Can somebody put the language up? So it was 15 plus 3, I don't know what - I know what it means but can we look at the data retention recommendation? So if we agree to 15 months, I guess it's not in here, right? Hadia, go ahead.

Hadia Elminiawi: Yes actually what I think we agreed to is to change it to - for a period of 15 months following the life of the registration, so that's three months to implement the deletion.

Kurt Pritz: So…

((Crosstalk))

Kurt Pritz: Go ahead.

Hadia Elminiawi: So that's the issue that was Alan was referring to.

Kurt Pritz: Thomas.

Thomas Rickert: Thanks, Kurt. I think Marika's already starting to change the language. I think that we should clarify in the first sentence, "For the purposes of the TDRP, for a period of 12 months," because that is - and change that back because TDRP actually mentions 12 months. And so I would say, "for a period of 12 months,' period. An additional three months of data retention is warranted since an aggrieved registered name holder might file on last day or towards the end of this 12 month period." Right?

Kurt Pritz: And so I think, Thomas, I think that's like a little bit too much detail. And if we just say 18 - or 15 months for TDRP…

((Crosstalk))

Kurt Pritz: Wait, wait.

Thomas Rickert: We need to - I'm sorry.

Kurt Pritz: Yes, I'm sorry too. I guess I'm so anxious to get - to move fast I'm being rude so I apologize for that. So if we just say for TDRP purposes for 15 months and just leave it at that, that - we could put a footnote here and say, you know, that's 12 months because the TDRP requirement, plus three months to allow resolution of any disputes filed near the end of the period. So I don't think in the recommendation we'd want to go to all that detail, we'd just say 15 months for TDRP and then in the footnote say, you know, 12 months for TDRP by TDRP rules and three months to resolve in process disputes, might be a little cleaner way to do that rather than to gum up the…

Thomas Rickert: That's perfectly fine with me. I just think that we need to mention…

((Crosstalk))

Thomas Rickert: …the additional three months.

Kurt Pritz: That would be a cleaner way to do that. And then give - then give, you know, contracted parties an additional three months to delete the data. Can you - okay so I'm - Alan, does this address the concern? I'm going to assume that.

                     All right, I got a note from Marc Anderson that he has an additional clarification he'd like to bring up. So we have, you know, not too much time but I don't want to put off discussion on an issue. So Marc, if you want to take the mic that's fine. Thomas, I'm assuming that's an old hand.

Marc Anderson: Thanks, Kurt. This is Marc Anderson. Can you hear me okay?

Kurt Pritz: Yes.

Marc Anderson: Okay. Great. So to say two quick - two items actually. You know, one I wanted to raise the Registry comments on Recommendation 27, we had suggested some clarifying language on that. That doesn't seem to have made it into the latest version or on the agenda. So I'm wondering if we can get that covered on there as well? And the other thing I wanted to raise my hand on was related to the workbook discussions that have been going on and how they've filtered back into the, you know, the final report.

And so on that one, I guess, you know, I think everybody is aware, you know, we had a small group formed to look through the workbooks and, you know, work on making sure they were accurate and reflect the discussions from the full plenary. And those have been updated incorporated back into the report. So, you know, I know that's going on in a small group and it hasn't had a - hasn't had a chance to be, you know, sort of discussed and digested maybe in the full plenary. You know, so maybe that's something I want to, you know, flag for everybody to make sure that you're aware of that and you're looking at it.

What I did want to raise specifically is a concern I had around the language that went into Recommendation 7, which is on the transfer of data from the registrar to the registry. And in the latest version the version on, let's see, it was the 16th is the latest version, there are sort of two versions of this transfer. One of them is for TLDs where URS applies and one of them is for TLDs where URS does not apply.

And this was, you know, this was put in there to address a concern I had raised previously but, you know, from my perspective it makes it a little bit problematic. The transfer, you know, so I guess I'll refer everybody back to

the discussion on, you know, Purpose 1(b). Purpose 1(b) is where we, you know, discussed and agreed to whether registrant contact data would be transferred from the registrar to the registry.

And I think this was an important, you know, this is an important part of our recommendations and our ability to comply with GDPR because what the recommendation in essence says is that for registries that have a purpose for this data and justify it, then that transfer can occur.

And for registries that do not have a purpose for that data and do not have a reason to justify that transfer, then that transfer of registrar - registrant contact data does not occur. And I think this is, you know, this is important for our work and or ability for contracted parties, registries and registrars, to comply with GDPR.

And so that gets me to my concern about Recommendation 7, because the current language basically overrides Purpose 1(b) and says that regardless, registries, of whether you have a purpose for the data under 1(b), if URS applies, then registrant contact data must be transferred from the registrar to the registry.

And that's where I have a problem because I think the, you know, one, it creates a, you know, it creates an obligation that's not necessary. And two, it conflates the URS with the transfer of data from the registry - or from the registrar to the registry unnecessarily. And so that's really the issue I want to raise.

My solution is very simple; it's simply in line with the recommendations in the temporary specification and really also, you know, reflected in our recommendations on the URS and UDRP language. Essentially my solution is that for URS providers that need to access redacted data, and that's the problem we're solving here with this recommendation on URS, is that if, you know, if the data exists at the - if the redacted data exists at the registry, then

the URS provider can get it from the registry. If it does not exist at the registry it can go to the registrar and get it there.

This is really the essence of what Recommendation 21 says. Part 1, you know, it uses the word "thin" and "thick" but, you know, I think the intent is pretty clear here that if the data exists at the registry, the URS can provider can get it there; if it doesn't it can go to the registrar. And so that hopefully was not too long-winded and is clear what my concern is and what my proposed fix is.

Kurt Pritz: So, yes, so Marc, could you just then succinctly state what you think the change is or the correction is?

Marc Anderson: Thanks, Kurt. So my concern is with the 16 February version of Recommendation 7. And in that it requires the transfer of registrant field from a registrar to a registry with URS. And I think that's where I have a concern because I think that conflates the transfer of that data from the registrar to the registry unnecessarily with URS. And I think that transfer really should be determined based on Purpose 1(b) which is whether or not the registry has a purpose for that data.

So the transfer of those fields should be, you know, I think it's, you know, I think the - I'm trying to remember the exact designation, I guess optional based on registry policy, I think it was OCPH.

Kurt Pritz: So are you suggesting in Recommendation 7 we take the word "must" out and be transferred to the registrar or registry - I don't know, it says, "provided an appropriate legal basis exists and data processing agreement is in place."

Marc Anderson: Yes, so then…

((Crosstalk))

Marc Anderson: …I think that language is good. However, then you go down to the table and the registrant fields are all green, required, for a registry with URS but optional for a registry without URS. And that's sort of at the heart of my concern is it's conflating the transfer with the applicability of URS. I don't think URS creates the obligation to transfer that data.

Marika Konings: Kurt, this is Marika. Can I maybe ask Marc a clarifying question?

Kurt Pritz: Yes, you sure can.

Marika Konings: So would this be fixed if we removed the first table and only leave the second table in and remove the "without URS"? Is that the solution you're proposing?

Marc Anderson: I think, yes, I think removing the URS addresses it.

Marika Konings: Right, so but that only leaves then the second table; the first one goes out. Are you suggesting we leave the first table and just remove the reference to URS and take out the second? I just want to make sure we get absolutely clear what needs to be done.

Marc Anderson: Other way around, remove the reference to URS and remove the first table.

Marika Konings: Okay. Thank you.

Kurt Pritz: Margie, please go ahead.

Margie Milam: Sure. I think this raises a different issue about where the - whether the URS is being updated to clarify that the data has to come from the registrar. And I'm sorry I just don't remember what we said about it in the report. Staff, Marika, could you let us know how that reads currently? And if it doesn't specify that then I think we need to specify that.

Marika Konings: Sorry, Margie. This is Marika. What would you like to see - which language would you like to see?

Kurt Pritz: Yes, Margie, just ask your question in exactly the same way.

Margie Milam: Sure. So essentially the URS, as I understand it, contemplates the data comes from the registries. So if we're making the change that Marc wants we have to go and make a recommendation that the URS be updated so that the data comes from the registrar, not the registry, so you kind of have to close the loop there so that we know where it's coming from.

Kurt Pritz: And so the way I understood Marc's intervention is that, you know, if it does come from the registry then it'll be transferred from the registrar to the registry. And if it doesn't come from the registry then it'll come from the registrar. So it seems like what Marc's proposing is that both eventualities can be accommodated. Berry, go ahead.

Berry Cobb: Thank you, Kurt. Berry Cobb for the record. Can you hear me okay?

Kurt Pritz: Yes, yes.

Berry Cobb: All right, so just to try to provide some clarity. The URS, you know, is technically not a consensus policy, however since the launch of the 2012 round that was a contractual obligation for registries and registrars to provide. When you look at the rules and the procedures for URS, it does not make a distinction as to whether a URS provider should contact the registry or registrar, it basically states that the registered name holder or registrant information should be collected from Whois.

                    As part of the temporary specification implementation, and as I posted in the chat from Annex D, there are specific additional requirements for the registry operator as well as one for the registrar but what was included in the temp spec, and my understanding again, is that because data elements would be

redacted in some cases that the URS provider would contact the registry to acquire that registered name holder data in case that it couldn't be acquired from a normal Whois.

And my understanding is the rationale for doing such is that in today's URS environment several of URS providers by default will contact the registry and not the registrar. As Marc noted, where for example, a domain name has privacy proxy behind it, the URS provider would then have to go back to the registrar to actually get the underlying contact information.

So again, in terms of what was put it into the temporary specification was just a stop gap measure to ensure what is occurring today doesn't break. And Marc is also correct that the way the language you know, what is included in the temp spec was really a delineation between thick versus thin registries because I think a natural suggestion from that is the current thin registries that exist do not offer URS therefore the default goes down the URS provider contacting the registrar and not contacting the registry.

And so in terms of the solution that's being provided, which is to remove - in Recommendation 7 remove the title of the URS distinction, delete the first table but keep the second one so that those optional-contracted party fields would show up as yellow depending on whether the registry acquired or whether the registry had that data transferred to them from the registrar. So I think ultimately it's just about trying to clean up what is being recommended here in the working group versus what occurs naturally out in the environment today with respect to URS. Thank you.

Kurt Pritz: Thanks, Berry. Marc, go ahead.

Marc Anderson: Thanks, Kurt. I'm going to put my hand down though. You know, I think Berry said basically exactly what I was going to say. I think the proposal is, you know, it removes some of the confusion between what's in 6 and 21 and so,

yes, I won't add more to what Berry said. I think that he summed it up quite nicely.

Kurt Pritz: Thanks. Alan Woods.

Alan Woods: Thanks, Kurt. I think what, you know, just possibly to add a bit more color to what Marc had brought up there, I think if we could look specifically at the additional comments that we had for consumption on Purpose 6 when we said, look, we have no problem in accepting Purpose 6 in its existence, about the URS being called out specifically, however it does begin to cause conceptual issues when you start drilling down into the data elements and the complexity of, you know, the remainder of - what would be once called the thing and the advent of the thick.

It, you know, if we had started and contemplated this from a much more data-map point of view it would have been much easier for us to be able to say hey, you know, the application, as Marc alluded to, in Purpose 1(b), it would make a lot more sense for us to say that that is an application of the terms and conditions of the registry and it is a limitation upon the rights and benefits of the registrant because when you register a domain name it is subject to terms and conditions which include subject to the URS.

And therefore we wouldn't have to go through this process of because we called it out as a primary purpose where we have to pull out the collection, the processing, the retention, the deletion, all these things have to be pulled out otherwise we're not talking about a primary purpose. And we have to be so very clear in this.

So this is probably a bit of a friction between the path which was set for us, the tendency to over-include in the purposes and over complicate things when this should have been a very straightforward secondary purpose of 1(b). At this point we're stuck with having Purpose 6 and Purpose 1(b) and to be clear, we agree with Purpose 6.

I think there are going to be issues and I think we need to point out at this particular point that - oh using point twice in the same sentence, sorry - but we need to point out that, you know, the workbooks are not binding in their own right, they are illustrative. And I think once it comes down to the brass tacks, it's going to be up to individual registries and registrars to figure out legal purposes and bases once they are, you know, approached by a DPA and they will be able to rely upon everything that we've said here.

And yes, there might be some difficulty in Recommendation 7 and Recommendation 21 are stating, however, these are, you know, this is - I think we're again worried about the perfection here where I don't think we're going to achieve perfection. And, you know, it's a tough one. It is just the difficulty of the time limit that we had and we didn't have enough time to get into the pure nitty-gritty of this.

And I want to make sure that, you know, our comments that the registry did make that, you know, they still stand; we stand by Purpose 6, but, you know, we are saying look, there are definitely teething issues with it but the spirit of it we should, you know, look to. If it's still causing issues for certain elements, then we, you know, we probably need to discuss that but I don't think we're going to get perfect on this; it's a much longer piece of work that we have to work with here. Sorry for being long but that - it's kind of important just to clarify that.

Kurt Pritz: Thanks, Alan. Margie, did Berry address your concern about the continued functionality of URS given Marc's recommended clarification?

Margie Milam: I understand what Berry said. I just think it's going to be confusing especially if we go down the path of what Beth was suggesting that even thick registries might not be disclosing data. So I think the construct made sense before the new policy but I think it's probably easier just to clarify that, you know, for

URS requests they should go through the registrar. But it's not, you know, either way I guess is fine, I just think clarity here would be useful.

Kurt Pritz: I agree. All right thank you. Thank you, Marc, for bringing that up and explaining that. Thanks - thank you too, Berry, for your perseverance in all the workbook issues.

We have one kind of tricky topic left to go having to do with the consensus calls. And I know there's been some emails about that and so open up to discuss these. The consensus designations in red are the ones that have changed. And I think for organization field we can - I think we can all that consensus, not full consensus. And I think that there's been some discussion about that.

But what's important here to us, as the leadership and support team, is that we identify the groups that are not supporting a purpose. I know some of recommended wording changes, some have discussed further - discussion in Phase 2. I know and with GNSO Council call of last week, or whenever it was, we ascertained that Phase 2 discussions would include refinement of the recommendations if need be where people have asked for greater specificity or something like that.

I don't - I think I'll just take comments on this. Marika, could you describe for everybody what our goal is in publishing a final version of this table? Will we publish this table or how will our designations be communicated to the Council?

Marika Konings: Yes, thanks Kurt. How it typically works, and again, you know, there's some flexibility there, is that, you know, within the report we'll kind of make note that, you know, recommendations have either full consensus or consensus support unless designated differently. And for those then where it's designated differently, so where there's strong support significant opposition, we would list those groups that were in opposition of that recommendation.

You know, we can also include the table in the annex in addition to that but that's typically how most PDP final reports kind of document the level of support for the different recommendations.

Kurt Pritz: Thanks. So what's the action item for this team?

Marika Konings: I don't know if that was a question for me but if it is, it's to confirm - as said, you know, the main thing to confirm here is that it's correctly notated, you know, which groups do not support certain recommendations in the strong support significant opposition category, possibly as well the one where we currently have divergence so we can accurately document the different positions.

For consensus positions there is no requirement to have names associated with those that are opposing a recommendation, but if groups want to explicitly have their name associated with a certain recommendation to state their concern they are free to do so, so they would need to let us know that, you know, as soon as possible. But I think for most of the items where people have expressed concern, this is also documented in the statements that are included in the annex to the report.

Kurt, are you on mute?

Terri Agnew: Kurt, this is Terri. It appears we've lost Kurt on the Adobe Connect. We may just want to give him a moment.

Marika Konings: Yes, thanks Terri. I think that's a good idea. So if everyone can bear with us until Kurt gets back.

Kurt Pritz: Hey, can anybody hear me?

Terri Agnew: Welcome back, Kurt.

Kurt Pritz: So I'm going to try - the power went out at my house, it's the gods, you know, the gods are screwing with me and they're not going to let me finish this. So I'm going to also try to use Adobe Connect on my phone to see if that works.

Marika Konings: So Kurt, just to note we currently have Milton, Margie and Alan in the queue.

Kurt Pritz: Okay, I can't - so I'm just on the phone. Milton, go ahead.

Milton Mueller: Okay. So I think we have two points to make here. One is that when we are referring to BC IPC, I have no objection to naming them as particular groups that support something. But it should be clarified in all cases, parenthetically, that this is 2/3 of a single stakeholder group, and that the stakeholder group is the basic unit for consensus designations. So for example, on Purpose 2 you can put BC IPC there and you should have in parentheses after it, 2/3 of the Commercial Stakeholder Group. And that's a process that we're going to insist that we adhere to because it is correct.

Secondly, we have a consistency problem in terms of where we're saying there's divergence and where there is strong support significant opposition. In particular Recommendation 2, and by the way, in terms of Commercial Stakeholder Group, it seems like we have consistently ignored the ISP Constituency. We have identified the BC and IPC but we have not designated the ISP Constituency when they have a particular view, which I think is somewhat strange.

But that leads to my second point which is that on Recommendation 2, my understanding is that we have the exact same constellation of opposition and support that we have on Recommendation 16, that we have support from all of the GNSO stakeholder groups except for the 2/3 of the Commercial Stakeholder Group, BC and IPC, and that is exact what we have on Recommendation 2.

So if one of those is divergence and the other one is, there's no, you know, this is just a consistency and accuracy question here. We can't classify them as differently because again my understanding is that ISPC has also opposed Recommendation 2. So I would appreciate that being corrected.

Kurt Pritz: Thanks. So I have a few things to say about this. But, you know, Thomas, I want to apologize if the ISP Constituency is left off of this. And so in fact are you opposed to Recommendation 2? And by the way, I'm flying blind here, I'm just on the phone so I can't see the queue or anything.

Marika Konings: Kurt, this is Marika. So I can just note that Thomas put in the chat, and I don't know if he needs a position to speak, but, "The ISPCP has not objected against any of the recommendations; we have put concerns on the record, though." And next in the queue is Margie.

Kurt Pritz: All right, thank you. All right, thank you. Then on Recommendation 16, those that are against it are the SSAC, GAC, ALAC, IP, BC, I think that's right, right? So I don't - so is - and maybe, gosh, I'm so frustrated I cannot tell you. So is that - can somebody confirm - Marika, is that essentially true what…

((Crosstalk))

Marika Konings: No, I think…

Kurt Pritz: …Milton's saying?

Marika Konings: Yes, sorry, I think the only one that hasn't expressed an opinion on this is the GAC, so I think what we noted down as groups that had opposed this recommendation, SSAC, ALAC, IPC and BC.

Kurt Pritz: Is that Recommendation 16?

Marika Konings: Correct.

Kurt Pritz: So what's the difference?

Milton Mueller: So that's even less opposition then there is to Recommendation 2. I have to note, that's less opposition.

Kurt Pritz: Okay so - so would anybody - so here's what I think - so I have two points to make. One is sort of the bigger point and that is that, you know, I understand exactly what Milton is saying here. I'm being guarded for a couple different reasons. One is - one is that I want to be, you know, I want to be careful that we're not disenfranchising the advisory committees that are attending the call. So to purely cast the lines on the GNSO voting spectrum I think is not quite right. And second, I'm loathe to anticipate how people would vote in the GNSO.

                   I read - I thought Ayden's email on this was really helpful…

((Crosstalk))

Milton Mueller: Kurt, I never said we should discount ACs, so we can dispose of that argument. I said if you're talking about…

Kurt Pritz: Okay.

Milton Mueller: …the GNSO SGs, you have to talk about them as equal units. I understand that we're counting ACs as the same as an SG in this thing, but consistent about SGs.

Kurt Pritz: All right. So, you know, I'm perfectly fine for at the top of the - at the top of the chart here to put in the notation regarding the various - the various positions of the different constituencies and stakeholder organizations and their position. I don't, you know, at the end I don't think it affects things.

I also, for those of you who are proponents of the additional purposes and the OCTO, and just to get into that a little bit, at the end of the day, you know, if the proponents of this purpose and OCTO comes forward and says yes, we need data for these purposes, then that will reawaken this discussion. And if they don't they won't. So I think the recommendation itself was a really good idea but then it didn't get supported in some way along the way so, you know, I'm fine for calling us split on this one, divergent on that one.

But I want to hear what anybody else has to say. So who's next in the queue?

Marika Konings: Margie's next in the queue.

Margie Milam: I think - hi, Kurt. Yes, a couple things. And I posted this on the list. We disagree with what Milton had said about how consensus is derived in the GNSO. There's two separate things, what's in a working group and what's in a Council call. And so obviously the Council rules apply when they do their voting but in a working group we're not viewed in our stakeholder groups, so that's the first point.

The second point is that the chart doesn't reflect the dissent from the BC IPC in the entire report. So somewhere I think you need to have a footnote about that because it leaves the impression that there's support for all of these from those constituencies when our statement clearly indicated that we weren't able to support it. So I just would like to make a suggestion that somewhere that notation is put in this chart.

Marika Konings: Kurt, Alan - Alan Greenberg is next in the queue.

Kurt Pritz: Oh, I'm sorry, I put myself on mute. So Margie, when you say "support it" what do you mean? "We don't support it."

Margie Milam: So the final report, so there's difference between consensus at each of the levels and consensus of the entire report. And so if you read the statement

that we'd put out over the weekend, you know, on the whole we did not support the entire report, so that's what I think needs to get mentioned, otherwise the chart is, you know, doesn't, you know, and you don't have to put it in each recommendation but you could put in a footnote somewhere in this chart.

Kurt Pritz: What's the juxtaposition of that? What's the - whoa. Hang on. Okay, I'm back in business. So how do we resolve that? So you're supporting recommendations but you're against the whole thing. What's the…

Margie Milam: As a package.

Kurt Pritz: You guys…

Margie Milam: You can read our statement but that's essentially what we said. On the whole, because of some of the issues that weren't resolved, you know, in a way that is meaningful for us, we felt that we needed to dissent from the report. So I think the best way to do it is just put a footnote at the bottom, you know, about that because if someone looks at this chart without that indication then it looks like, you know, there's support from the BC and IPC and that's not what our statement says.

Kurt Pritz: I'm just looking at the report. I'm looking for a quote to take from the report. Let me try to figure out how to do that. Alan Greenberg please go ahead.

Alan Greenberg: Thank you very much. Two - two issues about the consensus document, on Number 5 you say that we have consensus regarding the elements to be collected but no recommendation on whether the registrar is required to offer technical data. I believe that should be there is no consensus or there is divergence on whether registrars - to simply say there's no recommendation doesn't say anything about the substantive discussion that we had and I believe we need to record that…

Kurt Pritz: Thank you.

Alan Greenberg: …there is divergence there. That's number one. Number two is on Recommendation Number 6 I asked a question which I don't believe I ever saw an answer to, I may have missed it, on whether the names of the registrant tech contact and the organization are deemed to be contact information, because Recommendation 6 says that the registrant may consent to have contact information published; it does not talk about the fields which in the first interim report were called redacted fields.

So if we have confirmation that these fields are deemed to be contact information, the ALAC agrees, otherwise the ALAC will disagree with this recommendation. So could we…

Kurt Pritz: Yes, so I always thought it was but if I'm thinking so but you're not reading so does that mean we have to fix something?

Alan Greenberg: Well the term "contact information" normally is used for street address, email and telephone number. If the names are deemed to be contact and we make sure everyone understands that I have no problem with it. It's just that it's not - we have not used those expressions as contact information before.

Kurt Pritz: I see. Does anybody disagree with Alan's way of looking at it? If you do put up a red sign or something like that now. Time's up. Just kidding.

Alan Greenberg: And lastly, I was going to ask if consensus is based on stakeholder groups, how are ACs considered? Milton said that each AC is considered to be the equivalent of a stakeholder group. If that's indeed the interpretation then that's fine, it's just never been stated before. Thank you.

Kurt Pritz: Yes so let's - first of all…

Alan Greenberg: Did we lose Kurt again?

Kurt Pritz: No we didn't. So on - so, Marika on Recommendation 5, can you amend what's in this chart to say that there's divergence or consensus wasn't reached on the element of the technical contact? And on items…

Marika Konings: Sure.

Kurt Pritz: Okay thanks. And then on the second issue that Alan raised, I don't see any hands up, so I'm happy to make that assumption. And on Alan's third concern, I'd like to think of this in (unintelligible) in that, you know, how the weight and how it all plays together is sort of fuzzy but, you know, do we agree - essentially do we agree with the designations that are here? And so I don't think we should, you know, make ACs equivalent to stakeholder groups or not, we should decide whether our consensus is the same.

Alan Greenberg: Kurt, there has been some comments on my second question in the chat, if I could address it?

Kurt Pritz: Go ahead.

Alan Greenberg: Yes, thank you. In the original interim report it said that registrants have the ability to - once registrars figure out how to do it, have the ability to request that redacted fields be displayed and be published. That in Toronto was pointed out that that did not cover the contact information because - or did not cover the email because email is not redacted, it is either anonymized or a Web form is provided.

                  So instead, this recommendation was reworded to say registrants may request that their contact information be published. And the question is, does that include the names fields and the organization which previously the wording of redacted covered. And it wasn't clear to me whether contact information included those redacted fields. If it does, then there is no problem. If it doesn't include those redacted fields, then we need to reinstate

the recommendation that we originally had that redacted fields can be displayed at the registrant's request.

I can put that in writing. I already have put it in writing in a message I sent to the EPDP just after the report was published. I can do it again if there's a wish but that is the issue. And Sarah now says that email is now listed as redacted. Maybe it's changed.

Kurt Pritz: No, redacted. Thanks, Marika, for putting that wording up. So Marika is asking whether we should remove the word "contact" or not or - so I guess that's a question for Alan first.

Alan Greenberg: If we now deem email to be redacted, then yes, then this satisfies. Marika was the one who originally mentioned that email was not classed as redacted, that's why it was an issue. So as long as we all have the right understanding, I'm not going to quibble about the words right now.

Kurt Pritz: Right. All right, if somebody has a comment on that, please bring it up in the chat or raise their hand. Ayden, go ahead please.

Ayden Férdeline: Hi, this is Ayden. Thanks very much, Kurt. And I hope you get electricity back and (unintelligible). I'd like to echo the comment that Milton made earlier. As Milton said, the correct unit of measurement that we should be referring to in this table (unintelligible) refer the GNSO entities is to refer to stakeholder groups. So if there's a subset of the GNSO stakeholder group that has a divergent view, it would be appropriate to note that at the constituency level.

And as Milton said, we can explicitly name the constituencies and we should (vote) it in the context of Purpose 2 for instance, by saying that there is opposition by - from 2/3 of the Commercial Stakeholder Group and then by placing the BC and IPC in brackets.

And to clarify, and to address the comment that Alan Greenberg made a few moments ago, while this is a GNSO-chartered working group, at least we in the NCSG would like to see the advisory committees treated with respect because we do appreciate their active participation in this working group and so of course they should be listed there equivalent to a GNSO stakeholder group where there is a divergence of position. And it is because we respect that and their participation, that we would like to see them treated as equivalent to a GNSO stakeholder group.

And I think that's consistent with our charter because this is not a regular working group and it's stated on Page 12 of our charter, representation in this EPDP was deliberately structured in a way to reflect and respect the careful balance and bicameral structure of the GNSO Council. And so we should be very careful I think when we're referring to constituencies that we - GNSO constituencies I mean, that we are noting that they are a subset of GNSO stakeholder group. And that is all that we in the NCSG are after, we'd just like to see this important balance and composition reflected in the consensus calls.

And that brings me to Recommendation 2. If we think about it, the NCSG has six members in this EPDP and we have in the GNSO structure, so that the contracted parties have equal representation, all of whom here oppose Recommendation 2. If we did a simple vote, that would mean that 55% of all members in this working group oppose Recommendation 2. So to me there is certainly significant opposition there. Thanks.

Kurt Pritz: Are you done, Ayden?

Ayden Férdeline: I'm sorry, I might have muted microphone too early. But yes, I have. Thank you.

Kurt Pritz: Okay great. Thanks very much. I think that - so I think Milton's argument was persuasive if Recommendation 16 and Recommendation 2 have essentially

the same - in the same groups aligning in the same way that they should be cast in the same sort of, you know, with the same designation. Sorry for that. So with the same designation.

And, you know, when I - I think the important - so, you know, focusing on what we think is important, I think what's important is the designation we have. And, you know, I don't know what Mark's going to say or Diane after this, but what's important is that we agree on the designations we have. And I think we have that and that's sincerely appreciated. And we'll make notations around the table about the different casting.

But, you know, I'll note too that, you know, believe me, before we started and since then I've read that, you know, I won't put an adjective in front of the word "charter" but I've read the charter many times and, you know, it refers, you know, it refers to groups, it has the populations in each group, it refers to the language that Ayden referred to in there. So there's, you know, what caused me to tear my hair out a little bit through this exercise was that lack of clarity in the charter around this issue. But I think fortunately we've arrived at consensus about where we have consensus. Mark.

Mark Svancarek: Mark Svancarek. If we follow Milton and Ayden's assertion to its logical conclusion, then you would replace IP BC with Commercial Stakeholder Group because it's 2/3 of the Commercial Stakeholder Group. And then you would put in brackets, ISP dissents from the Commercial Stakeholder Group. Two-thirds of the Commercial Stakeholder Group is the Commercial Stakeholder Group if that's the unit of measure.

So that's the logical conclusion of what they're saying. I think that's a terrible idea but, you know, if you go down that path you have to simply say the Commercial Stakeholder Group opposes it as opposed to the IP and the BC. Thanks.

Kurt Pritz: Because using the vote word the vote would be two to one. Thank you, Mark. Diane.

Diane Plaut: Hi, Kurt. We're just trying to get some clarity around the chart and how it's going to be laid out. But I think that the questions have been answered so thank you for that. When it comes to the question about the annex, yes, (unintelligible) our position.

Kurt Pritz: I didn't understand your last comment, could you make it again please?

Diane Plaut: In support of what the BC said earlier, we do want either a footnote or the annex included in the final report.

Kurt Pritz: Okay. Is - and when you say "annex" what do you mean?

Diane Plaut: Pardon me, our statement as an annex.

Kurt Pritz: Oh okay. Yes…

((Crosstalk))

Kurt Pritz: Yes.

Diane Plaut: We're just clarifying.

Kurt Pritz: Yes. Amr.

Amr Elsadr: So thanks, Kurt. This is Amr. I just wanted clarification on what Diane just said. My understanding is that for the BC IPC statement to be included in the final report as an annex, then it should be representative of the - of some sort of consensus level within the full EPDP team. But if it's just a comment that BC IPC wish to place into the report representing their views alone, then it should be characterized as a minority statement, isn't that right? Thanks.

Kurt Pritz: So I think - oh gosh - so I think all the statements are being included in the report in an annex. I think, to be blunt, the question is that the IPC and the BC wanted dissent from the entire report in some way. And so that's their - I think that was the purpose of Diane's statement. And, you know, with Margie before, we wanted to make some notation about the BC and IP position on the entire report. Diane, is that a current hand or a former hand? It's a former hand. Amr.

Amr Elsadr: Yes thanks, Kurt. Sorry, and apologies, I don't want to belabor this point but this is Amr again for the record. But expressing a concern or a position in an annex to the report is one thing, but dissenting from, you know, a (unintelligible) report as a whole, you know, that to me seems to be something a little different. It's okay, for example, you know, the ISPs have stated that they're not objecting to any of the recommendations but want some concerns, you know, put on the record, but that's not exactly the - that's not exactly the same thing as objecting to the report as a package.

So I think it would be clearer not just in terms of a designation for agreement on the report but also, you know, for readers of the report to understand that this is a minority statement. Thanks.

Diane Plaut: Yes, Kurt, just to clarify. We're - we agree that a minority statement is fine.

Kurt Pritz: Thanks. Thanks very much. So we'll clarify that and we'll create a separate area where we have this minority statement on the report from the BC and IPC. We can, yes, so we can note the minority statement and link it - make a link to it so it's easily findable.

So I think we're done.

Marika Konings: Kurt?

Kurt Pritz: Yes, Marika?

Marika Konings: One thing. Before we're doing I'm just going to pull up here in the chat like the updated versions of, you know, what we discussed today and I would just like to ask everyone to now quickly look through that and if there's anything that, you know, doesn't align with what we discussed, you know, to flag that within the next 30 minutes to hour so, you know, we can finalize the report.

But I just want to make sure that everyone has a chance to see what we did especially in relation to the recommendations that we covered after the break. So you can just go to the right hand corner and I think you can do Save As, so pull it down and if there's anything that doesn't align with what we discussed. That's it.

Kurt Pritz: So as painful as it is, let's take five minutes. The pre-break ones have no changes. I think that's correct. Oh thank you, Marika.

Marika Konings: Kurt, yes, Kurt, just to note the one change we made was the…

Kurt Pritz: Yes.

Marika Konings: …30 business days to 30 days.

Kurt Pritz: Yes.

Marika Konings: To Sarah's question, if you go to the right hand side of the pod and click on the pod options you have an option that says, Save As and that pulls it down to your computer.

Kurt Pritz: Oh we'll finish at the top of the hour, Ashley. Any comments or questions? Give you another minute here. Marc, please go ahead.

Marc Anderson: Thanks, Kurt. This is Marc Anderson. I'm looking at the Recommendation Number 9 in the new bolded, you know, first, I appreciate, you know, the quick work of staff in trying to address the Registry's comments on this one. You know, the bolded text though, you know, I think this sort of highlights the, you know, the challenge of trying to redline on the fly. You know, I think normally we would have text like this, you know, registrars and registries are required to transmit to ICANN Org any RDS elements that are requested for Purpose 5.

And I think, you know, normally we would have, you know, language in here maybe subject to, you know, this is subject to, you know, contractual language, you know, the terms of the Registry and Registrar Agreements. You know, I think…

((Crosstalk))

Kurt Pritz: Do you have a specific recommendation, Marc?

Marc Anderson: No, I don't. You know, I think this is a, you know, this by itself is just a fairly - this creates the obligation or, you know, I think looking at the language that's there now, this to me creates the impression that anything that ICANN Org asks for, registries and registrars are required to transmit to them, period. Right? I don't think that's the intent.

((Crosstalk))

Kurt Pritz: If they're RDS elements, right? So I thought, you know, when I read this I thought the first - that first and then I read it and then read RDS elements and I thought that's what tailored the number of data fields that could be transferred. Marc, can you respond? I don't know if I'm right or not.

Marc Anderson: Yes, I mean, I think - I'm looking at what Sarah put in chat. I mean, the footnote helps particularly the point, you know, Contractual Compliance will

only request the redacted masked data elements that are needed for the complaint. You know, I think taking it, you know, as a footnote would help.

And then she's also saying, you know, it's not just about RDS data, it's also about other info and I think maybe that was the point of staff's email which wasn't completely clear to me but I think maybe their point was that the scope of their work isn't necessarily limited to that. But I'm not sure to be honest. I just think, you know, it's - the language in there is very - you know, taken by itself, you know, "Registrars and registries are required to transmit to ICANN Org any RDS elements that are requested for Purpose 5" is pretty open ended in my mind.

Kurt Pritz: Alan Greenberg.

((Crosstalk))

Kurt Pritz: Yes, go ahead.

Alan Greenberg: Yes, I think that's what it said before except we enumerated all the elements. Is that - what am I missing? Now if we've identified a new problem that was there before but hidden because we had a long table, fine, but I don't think it's any different than what it was before functionally.

Kurt Pritz: Thanks. Sarah. Got a suggestion for us?

Sarah Wyld: Yes, and I do agree with Alan's point that I think functionally it hasn't really changed, it's just we're adding this clarifying language and that might be a little bit unclear. So I want to second what Marc was saying with that last sentence in Number 1 that's bold. I think that the intent of this is that the registrar, you know, it says "any" - any doesn't mean all right? There's a difference between those things. So to make it more clear we might consider just moving that footnote up into the body of the recommendation. Thank you.

Kurt Pritz: I was always preferred that myself. Alan, is that a former hand?

Alan Greenberg: Marc Anderson.

Marc Anderson: Thanks Kurt. It's Marc again. You know, I know we're way deep into this call but, you know what Thomas is saying in chat I think is where I'm having my heartburn because I'm unclear as to what we're trying to achieve here. We have Purpose 5, you know, Purpose 5 creates the purpose for processing data for ICANN Compliance. And so, you know, with that, I don't know what the purpose of Recommendation 9 is anymore.

We already have language in the Registry and Registrar Agreements around what their obligations are with Compliance. And so I think our task is to look at are there any changes needed to the contractual obligations of contracted parties in order for them to comply with GDPR? And I think, you know, what we tried to get to with the Registry Stakeholder Group comments is there's not.

And so we've identified a purpose, we've agreed that Purpose 5 is a legitimate purpose, right, so we identified a GDPR-compliant purpose. And then, you know, I think we have not really identified a need to make modifications to the registry and registrar contractual compliance in order to comply. You know, and so I think that's where I'm having heartburn with everything, you know, maybe, you know, after the, you know, after the first sentence.

"The EPDP team recommends that updates, if needed, are made to the contractual requirements concerning the registration data elements for registries, registrars to transfer to ICANN Org," you know, blah, blah, blah, you know, "is required of question for Purpose 5, contractual compliance." You know, I think everything, you know, I think that's good catch-all language, right? If we identify a need, if there is a contractual, you know, or if there a

need to modify the contracts we've got that recommendation but I think everything else there is language without a purpose.

Kurt Pritz: Hey, Alan, go ahead please.

Alan Greenberg: We're almost an hour past the end of this call and it's our last call. Is the recommendation so harmful that it's going to cause a real problem? There will be implementation teams. It may be redundant, but, you know, if we're all allowed to introduce new issues at this point let's - I probably have a few and I'm sure other people do as well. Unless this is really, really dangerous and if it's only being noticed now I'm not, you know, I've yet to be convinced it's that dangerous, then I think we need to move on.

Kurt Pritz: Thanks. Marc.

Marc Anderson: Thanks, Kurt. I don't want to belabor this one. And, you know, not to disagree with Alan but I'll also, you know, since Alan's brought up multiple times that PDPs have recent history of getting bogged down in implementation and this Recommendation 9 is a great path for bogging down an IRT. There's a lot of extra stuff in here and an IRT would look at this thing and figure out, okay, what the heck are we supposed to do with this? So I recognize Alan's point, not disagreeing with any, with them, but, you know, there's - this recommendation, you know, we have to ask ourselves, you know, what we are we trying to accomplish with this recommendation? What is the task that we are recommending that is necessary for GDPR compliance?

Kurt Pritz: Okay. So first I think we have companion recommendations for our purposes as we went through them to provide policy guidance on how that purpose should be implemented. Second, so to cut to the chase, I'm kind of going with Alan Greenberg here, and that is that, you know, and Margie to a certain extent too that the purpose of our review is to look for clarifications or errors but not make substantive changes. And this one I think we made a pretty

substantive change that we eliminated the data list that was here that provides some clarity but I think some good reason was given for that.

And so, you know, Marc, I hear you. I've watched Sarah in the chat go kind of go back and forth so as a halfway house, you know, I'll say we'll, you know, we'll include Recommendation 9. And I don't think we have wherewithal or gumption to decide to eliminate it at this point and (unintelligible) of it. And we'll move the footnote up into the body of the recommendation itself so we'll do that.

Were there any other questions or comments about the other recommendations that are listed here? Good. Good. So thanks, Sarah. So, Marika, could you tell us about the timing of what's going to happen? I see in here that we've had suggestions that we go through the thing carefully for grammar and some other things. And I found some things in the report too. And I also know we're under an obligation to get to the - get a version of this to the Council right away because they're meeting in 24 hours.

So is there a way for us to - what's the path forward here, deliver a copy of this to the Council and then make one with any grammatical errors fixed and - or misspellings and, you know, formatting things like text boxes put neatly into place? What's the next couple days for us?

Marika Konings: Yes, I'm thinking of vacation as soon as we're done but that's a side note. This is Marika for the record. No, so we've actually gone over the report already quite some times and we had a lot of people already, you know, reviewing language for you know, grammar and errors so hopefully there shouldn't be any. You know, we'll carefully look as well at the changes we made today to make sure there's nothing in there.

So our action item is as soon as we hang up here to finalize the report and get that over to the GNSO Council. As the timeline shows here, the GNSO Council has a meeting tomorrow so they will consider at that meeting, you

know, whether the changes that have been made are of such a nature that they need more time to consider before they go into a vote.

So either they could, you know, have a vote tomorrow or otherwise on the 4th of March if they decide that they need some additional time to digest the changes that were made to the report. So we'll provide them with a redline version and a clean version so again, it's clear to them what changes between the version that was submitted last Monday and the final version. So I think that's where things stand.

Kurt Pritz: Hadia. Thanks, Marika.

Hadia Elminiawi: I had just a comment if we could possibly have a look at the final table that determines the consensus - full consensus or divergence and the stakeholder group object to the recommendations because what we have seen on the screen I guess is going to be changed. And, for example, the recommendations with regard to organization field, I suppose it's going to be consensus, but then we did not see it. And with regard to the other recommendations where it says divergence (unintelligible) to see which groups as objecting…

((Crosstalk))

Kurt Pritz: Yes, so we'll get that out in the next 15 or 20 minutes. I don't know if you understood me, Hadia, but we'll get that out in the 15 or 20 minutes. Marc.

Marc Anderson: Kurt, hi, thanks. It's Marc Anderson. So I'm sorry, I think this has been answered already so apologies. When will the working group see the final-final version of the report? I mean, I know staff, you must be frantically working on this but, you know, I'm sorry, could you just repeat when that'll go to us and when it'll go to Council?

Kurt Pritz: So I think - here's my recommendation on the timing for this. So you will see a version of this ready to go to the Council within an hour or two, so you will have that. There won't be any substantive changes to the report after that. There might be formatting or for posterity sake or grammatical or spelling changes after that. And I'm going to continue to read through the report during the day then but essentially what you'll see in an hour or two will be the final report.

Marc Anderson: Okay. Thanks, Kurt. Then I guess I don't want to understate this, but, I mean, this I feel like balloons should be dropping from the ceiling or something because, you know, that means essentially we have, as a working group, finished, completed our work on Phase 1. Is that, I mean, I don't want to steal your thunder or anything but will streamers be coming?

Kurt Pritz: Yes so that's my whole speech at the end, so now you've taken it and I have nothing to say.

Marc Anderson: Sorry about that, Kurt.

((Crosstalk))

Kurt Pritz: I'm only kidding. Does anybody else have any other necessary comments? Yes, so I think, you know, they said it couldn't be done but it's been done. All right so we're - you guys watch your email boxes and we're going to get to work here. I'll send out the version of the consensus table that Hadia asked for sooner than the report comes out because getting that done is on the critical path to the report and then the report will follow. And with that on Tuesday - tomorrow you guys can - well I can sleep in and you guys can have a normal day.

So we have a meeting scheduled in Kobe for Saturday. I suppose you've already made your travel arrangements. Let me knock heads with the staff

and see - and also the GNSO Council and see what needs to be done here. All right? Thanks, everybody. Have a great day.

Terri Agnew: Thank you.

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