ICANN
Transcription
GNSO Temp Spec gTLD RD EPDP
Thursday, 23 August 2018 at 13:00 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-23aug18-en.mp3

AC Recording: https://participate.icann.org/p7gc228iokq/

Attendance is on wiki agenda page: https://community.icann.org/x/TRhpBQ

The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page http://gnso.icann.org/en/group-activities/calendar

Coordinator: Recording has started.

Terri Agnew: Thank you. Good morning, good afternoon, and good evening, and welcome to the seventh GNSO EPDP Team Meeting taking place on Thursday, the 23rd of August 2018 at 13:00 UTC for two hours. In the interest of time, there will be no roll call. Attendance will be taken by the Adobe Connect Room. If you are only on the audio bridge, could you please let yourselves be known now?

Hearing no one, we have listed apologies from Amr Elsadr, NCSG, James Bladel of RRSG, and Chris Disspain, the ICANN Board liaison. They have Collin Kurre 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 coaching rights and access to conference calls until the member's return date. As a reminder, alternate

assignments must be formalized by way of the Google assignment form. The link is available in the right hand agenda pod.

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, all documentation and information can be found on the EPDP Wiki space. There is an audio cast and view only Adobe Connect room for non-members to follow the call. 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 I'll turn it back over to our Chair, Kurt Pritz. Please begin.

Kurt Pritz: Thank you, Terri and hi everyone. I hope you're doing well. Thanks for joining for a timely start. I'm going to be traveling next week. I'm going to Australia for some business and some visits so my calls will be moved from 6:00 a.m. to 11:00 p.m. so I don't know. I have an ethical dilemma about how to handle wine at dinner. It might be a danger for you or an opportunity.

Be that as it may, this is a somewhat significant meeting because we're doing a change in tact. We're moving from our discussion of every single section, as we undertook in the triage portion, and now are off refining that report with a comment we'll receive from you, and turning to a more substantive materials. So we'll spend the first part of this meeting talking about an approach for that, that I think we - the support spent a great deal of time on Skype, on the phone, and trying to iron this out.

And we got pretty far trying to flesh out some detail but we have a way of going about things that we want to describe to you. And so we'll do that and then set our goals for the next meeting. And then I want to, even though we're sort of diving into the deep end here, remembering from our previous discussions in the appendices having to do with UDRS, UDRP, and supplemental procedures to the transfer policy where these things are

already in place and working, have some substantive discussion on that. See if any edits are requested, required, and then either tick them off or memorialize those issues and maybe do some rapid edits and get those behind us. Because we have more difficult sections to go.

So just before diving in, I want to remind preliminary input on the triage report is due Friday. We - I had hoped to ship that out sooner but I will be targeting the beginning of next week. And as I said that will be accompanied by some of the other work you've done. So a compendium of all the comments that were made and a publication of the opening statements you have.

And I think it would be a good time too to release the early input that's been furnished by many. So for those of you who haven't furnished early input yet, if you could get it to us, say, by the end of the weekend or something like that, that would be terrific.

And finally, I want to mention on the last version of the triage report you have, we didn't have quite all the comments in from all the groups in a timely manner. But we have them now. So the triage report will be fleshed out with everyone's comments. So having said that as a preamble, I'll just pause for a second, take a sip of coffee, and see if there are any comments or questions.

So it seemed to us that we wanted to apply a little more intelligence to how we march through the specification, rather than just in section order that it made sense to do things in a different way. And there's always a tendency to overthink these things, and I'm probably the prime -- much to the chagrin of the support staff -- I'm probably the primary instigator of that.

But given that, first of all, we have some overlying principles that a GDPR compliance specification is required by May 25. So it's always stunning to me that we have a good portion of our work done in October to meet a May 25 date. But there you go. What does GDPR compliant mean? It means a couple things. One is that it takes into account the latest advice sent to us

from the privacy board and I have a real trouble saving EDPD. And additionally, I think it has to provide direction to data processors. So registries, registrars, ICANN, other data processors, those bits of the temporary specification have to be nailed down so that we have - all the data processors are compliant with the same set of directions after the temporary specification expires.

So we wanted to do this for a prioritization because of things we don't say like time is of the essence or the clock is ticking that we focus, like I said, on registry, registrar, other processor actions, ICANN's, how they're required to act under GDPR and the changes invoked by them. We want to prioritize based on issue complexity and that's sort of a balancing. That doesn't mean we want to take up all the very hard things in order first. But we want to apply some sense so that we have sufficient time in the schedule for our discussion.

We want to take into account, which sections are already in operation and functioning. So if there's a strong urge to tick those things off the box and say, look, we've done some already. But in fact, if we did nothing on those, they'd continue to stay in operation and continue to operate. I'll get to you in a minute, Kavouss, as soon as I get done with this slide. And also, like I said, the availability of guidance that's been received since the temporary specification has been written, such as advice from the privacy board, any case law that comes out, approaches that other industries have taken to this, or even approaches, companies that are represented here in this group have taken to this would be helpful. And then as we go through, further guidance possible, depending on timing of course, we might pose new questions for the privacy board or DPA. So I think we go about that is forward them to ICANN given year-end direction.

Or we might - we don't want to question advice that's already been given to us, boy that was tortured, but we might ask for clarification on existing advice and - but we have to face the fact that at this early stage of the game, case

law intended practices are lacking. So it's a typical scenario where during the enactment of every law, there's gaps in detail and we'll have to take that into account and understand that as we go - even after this specification is done, it's going to continue to evolve.

So that's our principles. I'm going to get into some more detail in a second, but take Kavouss question first.

Kavouss Arasteh: Yes, good morning, good afternoon, good evening to everybody. In fact, it's a comment not a question. The comment is that yes, the objective is to comply with GDPR. But if we do everything possible and we come to the conclusion that the current situation, if we modify, would have negative consequences on our board, which is in operation during the last 18 years, then we have to indicate that. It is not the (unintelligible) GDPR dominate exactly that, we must do that, yes. Because that (unintelligible) if we cannot, we could ask them to look to further adjustment.

So I don't think that the (unintelligible) or 260 geographical should be subordinated by you saying that this is this. Either take it or close down the shops. No more ICANN. No more internet. So I don't think that that is objectives. We need to be quite clear. We do our best but if we come to something, we will reflect that to the board or to whatever sources and ask them that we need that they do something.

So we need to work together. There is no black and white. Thank you.

Kurt Pritz: Thanks very much, Kavouss. I think that's right that changes we make in what we're doing now, we have to understand the impacts of those and list them. And Kavouss, I just want to let you know, by putting my hands over my ears, I was able to hear everything that you said but there's either background noise or a little blurry. So next time, maybe a little closer to the microphone. But I think we were able to hear everything. Collin?

Collin Kurre: Hi, yes. Hello, everybody. My comment actually follows up really well on what Kavouss was saying. I wanted to just point out that one of the things that stood out to me reviewing the initial triage report was the main theme that the temporary specification if GDPR centric and that successors should take out or make allowance for emerging privacy regulations in other jurisdictions.

I do think that there's a bit of a tension within this group between those that try to make a quick fix to this problem at hand because of the impending deadlines and maybe those that are interested in gearing towards a more future proofed solution. But I do think that aiming to tackle the topic of privacy and data protection in a more holistic way or a way that could potentially address the requirements of both GDPR and the California Consumer Privacy Act or other jurisdictions would be a more efficient use of our time here.

And to that end, perhaps what we could be doing is looking at privacy by design principles. I think that Stephanie has already talked quite a bit about this before. And then maybe what we could consider doing, I don't think that there was budget for this, but maybe we could consider carrying out some sort of independent privacy impact assessment on the outputs we create. In the very least, what we could do there is highlight potential weak spots, which could, if this - if we have to start another EPDP or similar process for other legislation, it could at least help us have kind of a triage roadmap to begin with and have some sort of risk mitigation strategy or something like that. That might be a keeping those principles and then the potential addition of the privacy impact assessment that could provide some more empirical evidence might be an efficient roadmap for our time here. Thanks.

Kurt Pritz: Without taking too long, could you describe - maybe everybody else on the call understands but I don't. So could you in a really short summary describe a privacy impact assessment? And I think it's the sort of thing that Kavouss

was talking about. But Collin, could you tell us where your mind (unintelligible) when you say those things?

Collin Kurre: Stephanie has more firsthand experience with these kinds of things, so maybe she would want to follow-up. So generally, a privacy impact assessment is like any other kind of impact assessment, like a regulatory environment impact assessment or a human rights assessment would be some sort of systematic process conducted typically by government agencies or businesses to identify - kind of reflect on processes and see how these processes could affect or compromise the privacy of individuals whose data is held, collected, or processed by the entity.

Kurt Pritz: All right, so let me - unless someone has a suggestion about how we could start that now, let me think about how we could spin that off while we continue to consider the substance of the temporary specification, especially given what I'm seeing in the chat. I don't want to disregard that and I also have a question about other privacy regulations.

So when GDRP was first discussed, was first implemented, my understanding was it's been around a long time so the discussion in ICANN has been around - on this has been around a long time on we need to do something.

So none of that discussion is happening regarding the California law or laws in similar jurisdictions. So I'm afraid to plop this on the table too, but is some sort of survey needed of other privacy regimes that we can say this is something we should throw in this pot or this is something that we should not, or figure out a way to handle this. We don't want to stick our heads in the sand but we do want to get through the work too. So it's that sort of balancing.

So thanks very much, Collin and Kavouss too. Stephanie?

Stephanie Perrin: Stephanie Perrin for the record. I'm just following up on Collin's invitation to elaborate. A privacy impact assessment has been around in several jurisdictions for, well, in the case of Canada, about 18 years, we brought them in early. And various countries have frameworks for them. The problem I see in doing a privacy impact assessment is it's only as good as the framework that you apply, and this case, as you correctly point out, there are 100 - I'm out of date, but there's at least 126 other national laws in place around the world.

We would have to either select the leader, which everybody takes to be the European Regulation, or you would have to come up with a framework that allows you to add other laws, fortunately, the work on that has been done by scholars. So that's not a huge thing. It just takes time.

The problem with the privacy impact assessment or not the privacy, the good thing about it is you will also assess other requirements, other law, and it's basically regulatory impact assessment, which should have been done at least a decade ago. So it's a great idea. It would cost a lot to do one for ICANN, though, I think because of all the different moving parts. We can scope out the different pieces of legislation and you will note the serious contention the other day as to whether or not the conflicts with the law belong in this exercise.

But I don't think you could do a proper privacy impact assessment without scoping in all the other policies that are violating the GDPR. So that would be one little snag I would like to point out there. I've done quite a few of them and evaluated quite a few when I was in the Privacy Commissioner's office. Thank you.

Kurt Pritz: Thanks, Stephanie. (Alan)?

(Alan): Thank you. Just want to agree with Stephanie there as well. But what I would actually, I would take that one step further in saying I don't particularly

think you need to pick a particular regime when it comes down to your privacy impact assessment. And I think that's one of the good things that (unintelligible) say and prepared to be lynched, but then one is of the very good things about the GDPR is that it is very much so principle based and that they're principles that could be quite, I said in the chat, a higher watermark perhaps.

And I'm open to correction on that obviously. But they are principles that we can apply in a very broad swathe, not necessarily referring to the GDPR directly. But they are definitely - a privacy impact assessment itself could then be based on broad principles. And in effect, what our job here in the EPDP is, is that we are doing privacy impact assessments on various elements and aspects of what was within the temporary specification. And we are going through that exercise ourselves.

So by the end of this process, we should be very familiar with the requirements and the applications to the principles, and asking the questions such as are the purposes as we have stated, are they - do they have a solid legal basis? Are they connected to the objective that we wish to achieve. All those questions that can be very principle based, again, are they - and again, all adding to the question of if they were to be looked at, would they be considered legitimate.

So I think the data protection impact assessment, the fact that we already have mentioned that is fabulous. I welcome Collin and Stephanie's addition of that. I really think that we should (unintelligible). Because, again, as I said, that is what we are effectively doing.

Kurt Pritz: So maybe we could sell our work to ICANN. Thanks, (Alan). Marc?

Marc Anderson: Sorry, Marc for the record. I just wanted to make a comment. Stephanie, you did point out that doing a privacy assessment for ICANN would be a very complicated and expensive thing, and that's true. But the way that we do

these at Microsoft, we wouldn't do a singular assessment for Microsoft, say. We would do an assessment on here's how a particular set of data - we look at it almost in the same way that we would do a threat assessment, if you're familiar with those as well.

So you would say, what are we trying to protected? Here's a bunch of data. Where did it come from? Who's using it? Whose is it? Who else has access to it? Things like that. And so you can compartmentalize things in a more reasonable way. You don't have to write one assessment for all of Microsoft. You write one for this aspect of Microsoft, that aspect of Microsoft and that's practical, because, look, data is not used everywhere by everyone. And actually, if you were to find that something was being used by everyone that would be - that's the sort of thing you would hope the assessment would catch.

So it is a daunting task. It should have done years ago. It's not all that impractical I suppose but I'm not sure that we should probably keep beating on that at this point in the meeting. I think we could move on.

Kurt Pritz: Thanks very much for your comments, everyone. Reading through that chat, there's lots of good points there. I particularly noticed Thomas Rickert's comment that GDPR provides a pretty good baseline for global compliance.

So I wonder if there's a specific question that we could either ask ICANN or ask somebody here to take up. My first preference would be to ask ICANN whether any of the other regimes that are included in that link that Marika provide, if any of those regimes create requirements above and beyond what we're doing here. So the chat is flying and emails are flying.

So with those principles in mind, we thought we - or the thinking is that we undertake analysis of those sections that if not, I'll just say fixed, if not fixed then we won't have a product at the end of the day. So we know that certain sections require fixing. So there's certain ones that are affected by privacy

board advice where ICANN looked at the temporary specification, went to the privacy board, and they provided some advice either seemingly contrary, or directly contrary to what's in the temporary specification.

So in the work that the support team have done, we flagged those. And then in our discussions in the triage, we've, regardless of the colors green and red, we certainly identified those sections that there's more than a likelihood of change, necessary change required to bring this section into compliance with GDPR.

So we're going to - we think we need to, even though those might be the harder ones, we want to focus on that first. And editorial, I'll just say where we have direct advice from the privacy board, maybe that's not so hard because we have some pretty specific direction on how to edit some of those sections.

And then requiring less attention, but required for any temporary specification are issues such as the ones that are changes to existing consensus policies, such as UDRP, or transfers, or URS, which is not a consensus policy, or some of the other requirements that are listed and either imposed or suggested for contracted parties and other data processors.

So there's SLAs that have to be negotiated between the contract parties and ICANN. There's sort of the best practices about how to create a secure environment or the contents of a privacy notice. So everyone indicated those things needed to be changed. But not too hard. And then there's many items in the temporary specification that do not - that are not requiring data processor recommendations and so can be considered in as time is available.

So there's background information. There's the definitions that we could probably whack off on email. There's rationale and justification for why these things were written and there's administrative sections to the specification.

So that's sort of the ordering and if this slide isn't as complete as I wanted it to be because it's supposed to include a listing of all the - we want to put - list each section under each one of these headings and that's where we're going right after this meeting.

But compliance related sections, as I described, which are 1, 2, and 3. So sections affected by the input of the privacy board or sections where the team indicated that an amendment was necessary and one where change is required is sections where change is required to bring the section into compliance with GDPR. So Appendix C, I would put under those where we know that there has to be change and there was quite a bit of discussion about that.

And then sections requiring less attention. And then finally, sections related to transfers, dispute resolution policies, and the like. So under 2B, I should have said, so those things are sort of the best practices and things like that. And then finally, we can either decide or we'll, as we can, we'll go through the definitions and things like that, the list of changes. Then decide if those rationale sections even belong in a specification. We can debate those, mark them up, or chuck them out.

So that's the general approach and I'll look at the next slide, and I hope this wasn't - so I can continue talking, but I'll pause - and flesh this out with a little bit of detail. But I'll pause for 30 seconds and will probably walk over to the coffeepot. Halfway to the coffeepot. So I want to talk a little bit about the previous slides and just flesh them out with a little more information. So I've broken those four sets into two slides. So this proposed approach, and this is not - this is really straightforward and typical but needed to be written down I think.

So the proposed approach for those sections where there's a greater likelihood of change where we have EDPD advice or discussion clearly indicated that significant change was needed. Well for each one of these we'll

allocate some time right at the top to review the temporary specification highlights and any privacy board advice that we got and review the discussion as raised. And the tool we're going to use to do that and there's a slide on this later is something that we decided to call discussion summary index.

So, you know, it's - we wanted to give you a - the support team wanted to give you and designed a briefing document for each section that we undertake. And you've received the first set of those. And I'll talk more about them later but that'll brief. And then focus on edits to the specification and with the goal of, you know, addressing any advice that's been received or addressing areas where the specification is currently written does not comply with GDPR.

And so for timing for trying to lay in a schedule that we don't quite have finished yet, you know, I want to create a tool for us that lets us know that, you know, we have necessary time to do this. So we're kind of grading each one of these issues in level of complexity. So one, you know, a simple issue might be addressed in one meeting or might be, you know, a half hour of one meeting and a half hour of the next meeting. And a complex issue might - we might plan for three meetings or even four meetings, so and take, you know, 45 minute tranches of each meeting to discuss those.

And so it's, you know, I don't intend - I don't think we should intend to settle sections in any one meeting but rather raise issues and then do the necessary work between meetings so that when we reconvene we can develop a red lined or edited version of the temporary specification that will succeed it.

And then, you know, there's the opportunity too that if it's clear that additional information or guidance is necessary or someone needs to do some research, you know, we can just ask (Stephanie) or Thomas maybe. But we might have to do some research and - or there might be a facilitated online

discussion between interested parties, something like that. So, you know, we - I want to create a flexible working environment where we could set groups of people off to work on a specific issue or a specific problem.

And depending on the complexity of the problem, you know, it might be a one week or a two week task and it might be populated by everybody in this group or just a couple people. So, you know, we'll retain the ability - we'll retain the option of, you know, forming, you know, assigning work to groups and coming the assignments with very level - varying levels of complexity. So I think that's the approach and like I said this is so typical but needed to be said for areas where we know there's going to be what I would call a significant change to the temporary specification.

And then, you know, as far as the different approach for those that are more straightforward, that either, you know, like we said are in currently in operation already or sections that really don't provide any direction to data processors. So if, you know, they're not addressed we still have - we're still up for the temporary specification that provides the necessary direction and allows, you know, a standard approach by everybody.

So it will be the same sort of thing where, you know, we'll allocate some time at the top to review the previous discussion and the issues raised. We might, you know, so the idea is to take consensus in a brief period. But we might in advance of that discussion because we kind of have a suspicion, we know where we're headed, ask the group to provide additional information or recommend an amendment.

So for the example of where the temporary specification recommends content for privacy notices where we thought that was overly prescriptive we might ask a - and the affected groups to create an alternate approach in advance of the meeting and then we can debate that. So we - and we think for these sections, you know, we, you know, to be realistic if, you know, these sections aren't included in the initial report, life will go on and so well especially since

these sections are somewhat easier for me. I have a strong urge to tick them off. But I understand that we need to do the more important work.

And so if they don't make it into the initial report, they'll be, you know, memorialized and as we finish them, they'll be slotted into the successor specification as can be. So this is sort of a parking lot of issues I think that (Stephanie) was talking about last time. But, you know, I just don't like that word parking lot. So we'll have to come up with something else. So that's a - that's, you know, four slides of the general approach that are sort of evident on their face but I wanted to take them up with you. Theo?

Theo Geurts: Thanks Kurt. I'm not against this proposed approach. I am wondering, though, how this is going to play out. For example on the agenda, we have actually an item I think for transfers. But before you can go to recommend something that comes through trends first you have another dependency within the charter that you need to clear up first. That would be the question what data goes through a registry or not at all. So depending on that outcome, you can move further with your question on transfers.

So you've got a lot of questions here I think that you need to answer and prioritize first because they are all interlinked with each other. And if you've got them in the correct sequence like what am I going to process, how I'm going to process it, if you've got that sequence right then you can move onto all the other questions without blowing stuff up when you move along.

Because if you got something wrong and you make a decision later on otherwise as a group, you're going to have a heap load of problems in my opinion. So basically when we are talking see the discussion going on about data privacy impact assessment, I think that is basically your start on answering some very relevant questions before you can move on. Thank you.

Kurt Pritz: Thanks. So those are great points Theo. You know, it's - so we stare at all the different sections and the sorts of questions you're asking and especially (Barry) who's, you know, the champion of Gantt charts and figuring out which actions are the, you know, dependent on others or prerequisites for others. And it seems like it's always like ten o'clock at night by the time I start to have that discussion. I always go man this is hard.

So but and I don't want to gainsay your comment because it was really well made. I think - and I think you're correct but also I think there's opportunities for workarounds also. So just to, you know, again this is a gainsay but to take the example of transfers, you know, something - it could be, you know, terms could be conditional. So I - because I don't think, for example, the issue of which data registries will receive will be ironed out in the, you know, right away. I think the amount of data registries receive will vary by the registry and will vary by the registrar.

So you could, you know, some things could be conditionally written. So in the case where the registry has the data, we'll do this. In the case where the registry doesn't have the data, we'll do that, something like that. So I'm cognizant of solving everything first but I do, you know, I'm thinking and talking at the same time which is really dangerous and I guess the chair isn't supposed to do this.

But I think we want to make that list of questions you were talking about since and decide which of those questions such as what data does a registrar need to register a domain name. You know, what data does a registry need to operate, which will vary by registry, and those sorts of questions and kind of make that list, you know, succinct but also a cushion and to see if that's workable. So I'm sorry for taking up everybody's time with that. (Alan)?

(Alan): Thank you very much. I have a question which I guess is probably orthogonal to what we're talking about. A point of contention between people in the group on - in many issues is whether ICANN has made the legal

argument for why certain information can be collected or ultimately distributed in certain ways. And we're going to look at a lot of the rules around that but whose job is it to if we believe - if I believe, for instance, that something must be collected but there are people who believe that we have not made the proper legal argument for doing that, who's going to refine that argument or try to? Is that our job? Are we expecting ICANN org to do that in parallel?

I see that as a continual thing that's going to come up and it can - unless we work on it that explicitly, we're not going to resolve it. We are all - we're going to continue to have differences of opinion and no way to resolve it. So whose job is it to build the legal arguments for data elements if there are people in this group who believe that we have not done it properly yet or ultimately decide we can't build the argument because it doesn't exist?

Kurt Pritz: Yes. Well so maybe you answered your - maybe you answered the question right there at the end. And again this is my thought and we - and so it's not - it's clearly not this positive and I hope it's coherent. I think that ICANN believes it's done that in what's written in the temporary specification. I also think that there's great skepticism around whether that's been satisfied in this group.

And I finally think that we should have this discussion and I need to flush this thinking out really carefully for everybody's review and comment. But, you know, I think that we should have this discussion against the law and rather than against what ICANN's powers are and determine what's allowable under the law and tailor the specification that way. And then because that is more in keeping with, you know, current practices and what's being done now.

So retain current practices and but tailor back the processing of data as required by VDPR. And then to - and then - and if we just focus on that, then when we're done we can kind of go back and look and look at the ICANN powers or legal justification and determine if additional changes are required.

So I kind of recommend that order of battle because it's more straightforward for us. Hi Milton.

Milton Mueller: Hello. So.

Kurt Pritz: Hi. I can hear you.

Milton Mueller: Okay can you hear?

Kurt Pritz: Not very well, though. That is as long as you'd like to be…

Milton Mueller: All right. There's that.

Kurt Pritz: Much better, thanks.

Milton Mueller: Okay. So yes. I agree with you Kurt that and I agree with (Alan) that we need to deal with these fundamental issues, what data needs to be collected and what data needs to be redacted. And I agree with you Kurt that ICANN in the temp spec thinks that they've already done that. And that's why I am making a big emphasis on coming to some kind of agreement on the redacted data elements. I think that that's the fundamental.

Certainly purpose and collection is an issue that is equally fundamental but it's very clear that we're not going to agree on that. However, we may be able to come to an agreement on, you know, what ICANN can publish within the limits of staying legal within the GDPR. And as I said in my email, I think this is like a very simple and doable task. We have a list of redacted data elements in the temp spec. Everybody can tell us, you know, I agree or don't agree that this should be redacted.

And if people don't think they should be redacted, they can provide a legal rationale for why they think we can be compliant without doing. Others like Thomas can provide arguments for why we might need to redact additional

things. But this is a very concrete and very focused discussion. I'm very wary of long discussions about principles or how we approach things, these sort of meta level discussions. I see them going on endlessly and not accomplishing anything. Why don't we just deal with something that's very concrete and specific?

Kurt Pritz: Thanks very much for that Milton. Hi Marc? How are you?

Marc Anderson: Hey Kurt. I'm well, thank you. Marc Anderson for the transcript. I raised my hand to make a point and Thomas put it real nicely in chat so I'm just going to read what he said. He says I guess our charter lays out the questions in the sequence to be used to answer them quite nicely. And that was really the point I wanted to make. You know, Kurt you seem to be, you know, trying to figure out where to start with our deliberations and trying to figure out the sequence to approach them.

And I guess my point is that our charter already did that for us. You know, it's in our mission and scope that laid out, you know, the sequence in order that we should discuss this, you know, part one, you know, purposes for processing registration data. You know, I think we should, you know, follow the charter, you know, and the sequence in order it laid out for us and use that for how to approach this work. Each section builds upon the next and I think the charter gives us a good blueprint for how to proceed.

Kurt Pritz: You know, I'm - oh here's the charter. So - yes so the - so to really then comment on it. So here's the part I disagree with is, you know, where it says the terms of the temporary specification, you know, purposes for processing registration data, you know, it lists those questions in A. And then it says, you know, these questions under A are gating for the team's discussion of access, which is going to come later.

So I think that maybe these are questions in order of importance but not necessarily in order of battle. And so that's how I interpreted it. So given

your comment, you know, but your comment of course gives me pause to think. And so let me think about that. Go ahead.

Marc Anderson: Thanks. Marc again. You know, we as a working group can decide, you know, how we want to tackle these things of course. But, you know, I think the charter gives us a very good order to approach these things and in particular tackling purposes first is critical. You know, I promise you, you know, none of us on this group agree on purposes right now. You know, I would even venture to say, you know, in the stakeholder groups you would get different definitions on what the purposes are.

And if we don't come up with agreed, you know, upon set of purposes for our deliberations, you know, we're never going to be able to agree on some of these other points. So this first charter step of looking at purposes and coming up with, you know, for our own, you know, sanity and to help our own deliberations, you know, we need to have an agreed upon set of purposes to proceed with our work. You know, and so I, you know, suggest we really take a hard look at the order that the charter gives us and in particular tackle purposes first so that we can at least as a working group have an agreed upon set of purposes to guide the rest of our work.

Kurt Pritz: Thank you. Kavouss? And (Alan) I think - oh go ahead Kavouss. I'm very sorry.

Kavouss Arasteh: Yes. Yes I'm sorry. Yes if I could talk. I think I agree that we need to discuss or debate the purposes however with respect to what data should be provided that you have touched upon very briefly in the small team of GAC of six people. And then we - perhaps we come up with some sort of outlook of that. I don't know how quickly we should do that but it is in our agenda during the next meeting of the small group of GAC. But not - we have not talked about its purpose but I think that is good. First we have to talk about what is the purpose and then what are the data to be provided and then how should we transfer. Thank you.

Kurt Pritz: Thank you very much Kavouss. Milton?

Milton Mueller: Getting muted. There we go. Of course Marc is right that the purpose issue is primary. What I'm afraid of having been debating purpose of who is since 2005, I'm afraid that we're going to get stuck there and that we will never agree on purpose. Now I don't mean to be pessimistic. Maybe Marc knows something about what's going on here that I don't. But what I think will happen to be blunt is people will in any regarding any purpose they will decide will this definition of the purpose give me the data that I want and they'll work back and from that. They will really be debating what data they're going to get access to.

                   So in some ways I think yes we do have to deal with the purpose issue but I'm - I think that people will in effect be debating data elements anyway. And I would be happy if we could deal with purpose first. I wouldn't oppose it but what are we going to do when we discover that we don't agree and there's no budging of positions and the debate that's been happening for essentially 12 to 15 years is not going to be resolved in this month.

Kurt Pritz: Well the debate's going on so long we have to bracket it with plus or minus year and a half. I think that - so well I have a pragmatic thought but let's let Marc respond.

Marc Anderson: Thanks. Marc Anderson for the record. You know, I 100% agree with what Milton's saying and certainly this is, you know, what he described is exactly what we experienced on next gen RDS PDP. But, you know, this group, this EPDP was formed to break this deadlock. You know, we as a group we have to find a way to get past this. You know, we also, you know, it's going to be awful hard for us to debate and come up with recommendations on other sections, you know, if we don't agree on or don't have an agreed upon set of purposes.

You know, and so, you know, without disagreeing with Milton, he's, you know, 100% right. You know, we as a group have to find a way to move past that. That's what our job is and, you know, one way or the other we have to address this if we're going to be able to move forward.

Kurt Pritz: So if I - so this has been really thoughtful. Thanks everyone and by the way, you know, you - when I say things like that they're not throwaway lines. When I say it's been a thoughtful discussion that's one of my better compliments. So it's genuine. And so our thoughts leading up to this meeting and about what to talk about next and then this hierarchy we laid out actually we went to the sections in the temporary specification, the ones listed under 4.4 that are the purposes of the data, the legitimate purposes that are listed.

So my, you know, I'm - so naturally we gravitated towards the base issue partly because there's privacy board advice on these that'll provide us with some direction. But also that, you know, it's among the more important and basic issues. So let's - let me think about a way to, you know, have the discussion of these use, you know, the purposes of data that are listed as legitimate under this temporary specification alongside those charter questions because - that set of charter questions because that's where we were going to start.

So I think, you know, I found great value in what everybody said on this. So the debate has to be had. You know, I think Milton's point and I'm starting to talk too much but I think Milton's point went to but let's talk about these issues if I can sort of amend what Milton said. You know, let's, you know, when we have the discussion on these issues let's make them, you know, temporary specification focused so that we can be pragmatic and not have a debate in - about general principles without talking about the details and the temporary specification. But, you know, hopefully we - to address what Marc said, you know, in that conversation cover the issues that were in the charter questions. Don't - I'm going to stop talking. Marc, please go ahead.

Marc Anderson: Hi Kurt. This is Marc. You know, Milton's point that people do tend to sort of justify I need this data and so therefore when we define some purposes that explain why I need the data. And that is a trap that sort of fall into. One of the things that you would catch in a privacy impact assessment is that really you're trying to solve particular problems, right. The problem could be I'm just trying to set up a business arrangement with someone or a problem could be I'm trying to expose counterfeiting or piracy where protecting like (unintelligible), whatever. There's a variety of problems that you're trying to solve and that's where you always start.

So you were trying to solve a problem. You may or may not have to collect data in order to solve the problem. Then you assess which data are required to solve the problem and then everything sort of flows downhill from that. Like great. Now I've got the data. I'm protecting it. I'm solving my problem. Is there anybody else in the organization who might need access to this data? Okay great. What's - what boundaries and fences do we build around that?

So as we discuss purposes, I think we should come back to the problems we need to solve like people are hijacking domains, for instance. Those will also be controversial. Some of us will have higher - set higher priority to some problems than others and some may even disagree that things are actually problems. But I think we'll probably be closer together on those than one might think. So yes don't start with data. Start with what problems are you trying to solve. What data are required to solve those problems? What do you do with that data once you have it?

Kurt Pritz: Thanks Marc. Hadia? Hi Hadia. I think you're still on mute.

Hadia Elminiawi: Okay. So can you hear me?

Kurt Pritz: Yes. We sure can.

Hadia Elminiawi: Yes. So I have just a quick comment with regard to - okay the - so I had to (unintelligible) purpose and this (unintelligible) too much in conversations too much. We must remember that the reason we're all here is confined to the GDPR. And the purposes from data listed turn out to be in compliance with the privacy laws, then we're good. As for any discussions that have been going on for 12 years or more and all the other debate, they're really important but to be addressed in another setting. So I think that we should aim for is to make sure that the purposes listed do comply with the privacy laws rather than worrying too much about what we really would like to see or wouldn't like to see (unintelligible) that have been done for 12 years or more now. Thank you.

Kurt Pritz: Thanks, Hadia. So your statement sort of is in response to Mark that the statement of the problem is does the temporary specification comply with GDPR maybe. Okay, Alex.

(Alex):   Yes thanks, Kurt. It's (Alex). You know, I think – just thinking about how we tackle this I think as people have noted, there's lots of ways to do it. I do like the kind of way you laid it out on how we – on how we may go about working through the work that we need to do in the slide here. It seems to me that, you know, debates around purpose, what happened in the Section 2a here. But maybe what we need as a group is to kind of see the schedule and understand kind of what's going to be discussed and where.

And another suggestion may be regarding the comments that we work based on the charter, which I think is an interesting one. Maybe if we somehow mapped the schedule based on this little flow chart that you have here and include the charter questions for each piece of work that would be helpful just to lay out the roadmap and then we could debate priority and what should come from where once we – and when – once we have a better idea of, you know, how this process is implemented moving forward. Just a thought.

Kurt Pritz: Yes, thanks for that, Alex. And, yes, I was – I was just going to reaffirm that. Kavouss.

Kavouss Arasteh: Yes, somebody said that discussions or debate on purpose would be theoretical and abstract. So it is difficult to believe that because if you look into the temporary specification several areas we have legitimate purpose so purpose is (unintelligible). And moreover, I don't think any activity the word without any purpose or without any objectives, I don't agree that the abstract and so on. If purpose of the data to be collected is abstract and (unintelligible), the whole thing is abstract and (unintelligible). So it is difficult to agree with that. Thank you.

Kurt Pritz: Thank you, Kavouss. Stephanie.

Stephanie Perrin: Thank you. Stephanie Perrin for the record. And I don't want to prolong an abstract and theoretical discussion but there is a fundamental problem that has haunted ICANN since it was started with respect to the purpose of registration data. We are operating in a multistakeholder environment and the concept of purpose, of gathering that data, has always been construed from the get-go from the incorporation as providing to certain stakeholders data about registrants of domain names that they find useful, interesting, I put "need" in air quotes because obviously the need is not proven.

Now, we are now attempting to retrofit a suite of policies including the contracts, which are not policies, but which are the only repository for Whois policy at the moment, in my view, we're now trying to retrofit that so that it does not violate data protection law, notably the GDPR even though it has violated data protection law and the DPAs have been telling us this since, well, 1996 in my calendar. So, naturally we have a hard time determining purpose because many of the stakeholders that are very powerful at ICANN consider that their purpose is the same as the registrar's purpose.

Now the actual purpose of gathering registration data from a data protection perspective is to allow a domain name to function, to put it live. And you gather it to pay the registrar and various things like that. But publishing it is not a legitimate purpose. The reason why we continue to fight over purpose, as we did in the RDS, and before we even talk about tackling purpose, I would force everybody to listen to the last two years that some of us have put in on the RDS because we actually raised most of the arguments and were getting somewhere on the RDS.

But if we have to fight that fight all over again we're not going to get anywhere. The purpose of gathering registration data is a narrow one; ICANN's remit is a narrow one. The data commissioners have written to ICANN saying you do not have the remit to set up a repository for data for law enforcement purposes. That does not mean that any of these parties that have a legitimate need to get data for certain narrow reasons cannot access the data. But we continue to talk about Whois as a public repository that is serving the needs of the stakeholders, and frankly, that's why this will fail if we cannot get beyond that. Thank you.

Kurt Pritz: Thank you, Stephanie. Milton.

Milton Mueller: Yes, so what Stephanie said is close to what I was going to say. And I particularly wanted to address Mark's comments, so he said, you know, what problem are we trying to solve and therefore what data do we need? And that is precisely what went wrong with the purpose debate. Essentially you're collecting use cases of the data rather than asking why is ICANN collecting the data in furtherance of its mission as the coordinator and policy maker for the domain name system.

So if we start out by asking what problem are we trying to solve, well, that's essentially an invitation for any stakeholder who wants data about domain name registrants to say hey, I could use this data to, you know, it would be really convenient if people would put their driver's license number into the

DNS registration because then I could really track them down easier when they commit a crime. That's not ICANN's purpose; ICANN is collecting the data in order to make, as Stephanie said, the domain name function.

So if we debate purpose we have to start out with a very, very clear and hard line between the notion of ICANN's purpose and a use case that third parties want to use the data for. We have to start with that, otherwise we'll get nowhere, I guarantee it.

Kurt Pritz: Mark. Thank you, Milton.

Mark Svancarek: Yes, this is Mark. Just let me try to clarify what I'm trying to say. For instance, if I have a problem that someone is using my trademark, Microsoft, my trademark, as a method for launching a phishing attack, so how can I solve that problem? Well I could – I could say I detected the following domain name, now I need to contact the people who are operating those domain names and make them stop.

If there is a method to contact those people, make them stop and holding them legal accountable without any access to a public directory of data, then you've solved the problem without collecting any data or justifying the collection of the data or justifying the publishing of the data. And so you are right that if we continue to – if we continue to be so data-focused like I want this particular data string and here's my justification, you can lose sight of the problem. The problem can be solved possibly in multiple ways.

For instance, if I had a guarantee that by going to a registry and a registrar that they would contact their registrant, turn that around within a certain amount of time, be accountable to that at some level, maybe that problem doesn't require me ever seeing that data at all. Probably not, that's probably wishful thinking but it's that kind of thinking that can allow us to move ahead and not be so hung up on any particular piece of data.

If we scope our policies very, very narrowly such that they don't touch, you know, like what I just said, is okay, what's the SLA for the registry or the registrar following up with the registrant. You know, is that a policy they did somewhere else? If we scope ourselves very, very narrowly and we don't touch those things then we have to resort to these very brute force methods such as publish an entire directory of stuff and let me crawl through it. So there's more than one way to skin a cat.

I do, again, acknowledge the trap that is – there is an attractive piece of data I found trying to justify why you should publish it to me, and I do agree that we should avoid that trap where possible. But – oh okay, well, there's a lot of feedback in the chat. I'll sit back and be quiet.

Kurt Pritz: Yes, and so I'd like to draw a line under this discussion. So Benedict, we haven't heard from you yet so please go ahead and then Marc and Milton, if you could just restrict your comments to, you know, responding to questions because you've made your point and we'll let Thomas talk. So, (Benedict), how are you?

(Benedict):   Hey, Kurt. It was actually just another example to support Mark's – and Mark with a K's point that law enforcement equally doesn't actually need access to quite as much data as it thinks it does if we can find smart solutions. So if we in this group are able to turn around to law enforcement and solve the pivot problem that we've discovered previously, i.e. tell me all the domains that this registrant owns, these – I think we'll find that these requests of bulk access will go away and so again, let's just talk to the – my point is merely to say let's talk to the technical folks and try to solve some of the problems more smartly without needing large scale and bulk access. Thank you.

Kurt Pritz: Thanks, (Benedict). Marc.

Marc Anderson: Thanks, Kurt. Marc Anderson, not to be confused with Mark with a K. But I do want – I did put my hand up jump back into the queue because I think Mark

made a really important point about how focusing on the data itself is a bit of a trap and, you know, and it's been a trap on previous efforts and focusing instead on purposes is really important. And he used the, you know, the intellectual property protection purpose as an example. And I think that's a good example, you know, and to Benedict's point, you know, I think it also applies to law enforcement.

It is, you know, if we focus on the data rather than the purpose we're going to get ourselves caught in that. However, if we make sure we're addressing, you know, the purpose you know, then I think we're setting ourselves up for, you know, a lot better chance at success. You know, I think, you know, Mark's point is, you know, we don't necessarily have to identify the data that needs to be collected; we need to identify a way to meet the legitimate purposes of people who are trying to protect their intellectual property. And, you know, the same applies to law enforcement.

And so I thought he put that really well, you know, and I know we're supposed to avoid doing, you know, sort of plus ones, but I thought that was a very good, you know, point and something, you know, the rest of us should take note of. You know, focusing on ways to meet the legitimate purposes is a much better path forward for us. Thank you.

Kurt Pritz: And Marc gets to neatly come back to the very first point he made when we started this discussion so that was well done. Milton.

Milton Mueller: Yes, I think I was also actually encouraged a bit by what Mark with a K said because he recognized that there is a distinction between the purposes of the third party and the purposes of ICANN. And I think that's important thing, and that's what I think we – that's the distinction that we need to make. So here's how it works in operation. ICANN needs to collect certain data to fulfill its purposes. Its purposes are not intellectual property protection; its purposes are not law enforcement or any of the 37 other possible uses.

However, the data it collects may be useful to people with legitimate purposes. And they can get access to that data following certain procedures when they have a legitimate interest. So if we understand this distinction between the third party purpose and ICANN's purpose, what ICANN's purpose regulates is the data that it collects and legitimate interest regulates when and how people get access to that data.

And if we can recognize that and we define ICANN's purpose narrowly but recognize that people with different purposes will get access to that data and it will be useful data, you know, obviously ICANN is going to collect the name and identifying information about the registrant, so, you know, trademark owners or other people are going to get that if they get access, I think that we can make progress. It's when we confuse the third party purpose with the purpose of Whois that we get into trouble.

Kurt Pritz: Thanks, Milton. Thomas.

Thomas Rickert: Thanks, Kurt. And hi everyone. I guess we should probably bear in mind that, you know, the purposes for data processing and the legal basis, according to Article 6 need to be looked at in combination. So a starting point, and I think it's worthwhile doing the sort exercise of actually asking ourselves what data do we need for ICANN to perform its mission for the registrar and the registry to be able to perform the contract with vis-à-vis the registrants, i.e. the data subjects. That's what the Article 6.1b and that's something where you don't need any additional consent or otherwise from the registrant, nor do you need to do a balancing according to 6.1f when it comes to legitimate interests.

And that's what forms the basis for all data processing, right? And then you can ask what additional data or data processing might be required and that could include additional collection based on consent, should you wish to do so. I'm not a fan of consent but, you know, looking at what's required to perform the contract should always be the first step.

And then, you know, you can only transfer to other parties, you can only disclose to other parties what you have legitimately collected. And there is a prohibition that's been established by the European Court of Justice that you can't do data retention without a good reason to collect that data, so that you just have data in your databases just in case law enforcement needs it and law enforcement is the typical customer for that.

So I think if we go through that thought process then we can hopefully settle on the set of data elements that can be collected in the course of domain registrations, and then we can move on from that and, you know, answer the subsequent questions such as what data can then be passed on between registries and registrars or disclosed to third parties. You know, there's more to say about this but let me stop here.

Kurt Pritz: All right, so I really want to – I really wanted to get into some substance today and so one of the sessions we will devote to the purposes of what are the purposes of data we will tick off the box because we've done it today. Emily.

Emily Taylor: Hi, I'm slightly confused how we got into the middle of this discussion. I think it is sort of inevitable that we want to kind of wade into the substance as you've said, Kurt. I agree with a lot of what Thomas said in his last intervention. I think that I may have missed it but I think that as well as looking at, you know, taking the sort of inner circle of what's necessary to perform the contract registry, what sort of data processing is necessary there, there is something else that sort of slightly uncomfortable and that is ICANN's wider mission given its sort of coordinating role and the fact that it is this multistakeholder organization.

And you know, the GDPR itself recognizes that there are legitimate purposes for – and also exemptions from, you know, such as, you know, law enforcement, even and enforcement of civil law. I think thought what's missing from our conversation and often the conversations about Whois within the ICANN environment is some sort of sense of these tag – well,

these organizing principles that you see in fundamental rights and human rights discussions which are about necessity and proportionality.

So, you know, (unintelligible) everybody likes processing data, accessing data or research is very keen to maintain access to big lumps of data, but that's not the same as it being necessary and it's not even the same as it being proportionate. If there is a low proportion of domain names overall that are used in connection with crime or used in connection with trademark infringement or whatever. And I know that for those involved in that sort of work it feels like every domain is like that but for the contracted parties it is a minority of domains overall.

It may be legitimate to share that data but it might not be proportionate to publish it for everybody and that seems to be very much in line with the way that European courts view mass collection of data in different contexts with law enforcement purposes. So I hope that that just – I just wanted to pitch in on the…

((Crosstalk))

Emily Taylor: …in some way. I'm not really sure where that takes us. Personally I think that those who recommended that we just piece through the charter, the charter seems to me very thoughtful and well done document but many people seem to have taken a lot of time over and that's our actual instructions card, and so if we're circling around a lot us are very weary with having participated in Whois debates for decades it seems without any really satisfactory conclusion or meeting of minds, then maybe we are best served by just trying to piece through the task list as set out in the charter. Thank you.

Kurt Pritz: Thank you, Emily. Alan.

Alan Greenberg: Thank you. Alan Greenberg. I think one of the problems is that we have different opinions of what ICANN's mission is. And I don't mean different

opinions of the words but the actual mission. Certainly my belief is one of – one part of ICANN's mission is to ensure a secure and trusted DNS and that has implications. So it's not just what is ICANN going to do with the data but what does ICANN need to do to make sure that we can achieve that part of our mission. And that's where the tie in to things like law enforcement and third party interests lie.

And maybe that's a core question that we have to get out of the way first and it make going forward easier. The real question is, what are we allowed to do based on our mission? And as I said, I believe that making sure the DNS is trusted is a very key part of our mission, not just registrations of names. Thank you.

Kurt Pritz: Thanks, Alan. Margie.

Margie Milam: Yes, this is Margie. I was going to say something similar to Alan. But also to point out that we're confusing several issues. We talk about legitimate purpose but some of the things that we should be talking about is performance of contract. If you look at the contract that stem all the way from ICANN all the way down to registrant, there is an agreement in the registration agreement that the registrant is – submits to the UDRP process to resolve trademark related dispute as it pertains to domain names.

So this is squarely within, you know, the mission of ICANN. This is all part of the contract and providing a framework so that you can have that trusted DNS space and alleviate some of the difficulties that existed before ICANN existed and before the UDRP existed. So I just want to point out that the mission is not that narrow and there are reasons for third party access that relates to performance contract even and that's squarely within the GDPR as one of the, you know, ways of accessing data.

Kurt Pritz: Thanks, Margie. So yes, Thomas.

Thomas Rickert: Yes, thanks, Kurt. I'm following within interest the exchange in the chat and not only on the audio. But I think what we should really do is try to peel the onion. And, you know, maybe we can start by looking at the data collected for the registrant and look at what's required to register a domain name and maintain that registration. And then look at what additional data elements might be required for the other interests or purposes that have been voiced by some participants of this group. And then maybe after that, but maybe there's no need to add to it but I think we're conflating what's required to perform the contract as a registrar or as a registry, with the overarching goals that ICANN might have in its mission. And I think we should really try to slice and dice it and see what the data elements are that we need to perform those purposes or for those purposes.

Kurt Pritz: Right. Thank you, Thomas. And that's a good segue, finally, so that onion is already partially peeled, right, the RDS Working Group undertook that – undertook that task. And while I'm not familiar with the results, you know, they should be the data that are necessary to register and administer a domain name and comply with the contract so it is like Margie said, to support UDRP which is a consensus policy.

So I think one of the homework assignments for the support team will be go back to that RDS discussion, that record unless someone here wants to volunteer it, and recover those elements. And we might, you know, contact registrars and registries directly and say, you know, what are the data element requirements that you have to register and administer a domain name and comply with the agreement. So I think that would be a beneficial you know, a good starting point for us because we need to go to school a little bit on the work that's already been done.

And so I want to pause, touch on a couple more things in this presentation and then segue onto what we're going to do for the next meeting which, you know, on the fly by me, but follow up through – which is dangerous but in a

follow up email we'll combine the thoughts we had coming into the meeting about what we're going to do next with the discussion we've had here.

So as I alluded to, our meetings will be guided and you'll have a few of these already, discussion summary indices that summarize the discussion on that section, so in a nice handy document that you can have out next to your laptop you can read the current – the text in the temporary specification, the related charter questions, any advice we've gotten from the Privacy Board and the comments that were made by you in the triage portion of our work. So for each one of these you'll be provided that.

And then, you know, using those we'll, you know, we'll complete certain information so those will be a guide to ours. So, you know, just excuse me for doing this but I want to see what's coming up here. So we're not going to talk about that anymore, that's for sure. So in preparation for the next meeting, so I guess that's all I have to say about that. This is a Gant Chart where the detail is not filled in but – and I don't think you can see my arrow but there's a section there that indicates the number of meetings available we have to get the work done so you kind of see the challenge for us and do the things.

I think, I don't know, it was Mark or Marc, so we'll just say Mark suggested that we lay this into a schedule and we're embarking on that. So I think that – here's what I think. So we didn't get to talk about the appendices having to do with URS, UDRP and temporary specification so – but, you know, we've hopefully read the comments that people made regarding those sections, and they're sections that are already in operation. So since we didn't get to them in the meeting I'd like to see specific changes to these three parts of the temporary specification.

So this is a little bit out of bed with the whole previous discussion we've just had about our prioritization but there are some pretty directed comments about ICANN including another mechanism in each – in URS and UDRP, what does that mean. In UDRP the RySG thought there was a clash with, you

know, what's going on with UDRP now and does that need to be addressed. Somebody in this meeting brought up the fact that – I think it was again I think it was Mark or Marc, brought up the fact that, you know, no it wasn't – well anyway that, you know, we don't know what data the registry has so can we take up UDRP so maybe we have some conditional language in there depending on the outcome.

But these things – and finally in transfers we talked about you know, potential vulnerabilities being raised by the lack of an FOA but we also talked about that transfers are actually more secure now because data is not available, there's not as much domain name hijacking. So you know, one of the homework assignments I want you to spend, you know, an hour on but not more, and hopefully less, is you know, how you think we would mark up these three sections and I think we can hopefully deal with them through email and not take up our meeting time.

So the second – the second larger homework assignment will be that we'll discuss the purposes of collection of data but we'll do it in the context of the purposes that are listed in Section 4.4 at (sec), I think it's 4.4.1 through 13 of the temporary specifications. And, you know, test whether those are GDPR compliant. But we will also look at the data that's collected by registrars and possibly used by registries and determine the data elements that are necessary for the – their business, the administration of a domain name and for the compliance in the contract that we talked about.

So and the – and staff – staff, I hate that word – so the support team here will – because it's sort of dehumanizing I think and not respectful, so the support team will prepare this discussion summary index that we'll never call DSI, for Section 4.4 which is quite a bit of work because there is advice from the Privacy Board and a lot of ancillary information. And we'll – in the next 24 hours we'll figure out how to present that and then so you'll have some time to prepare for the next meeting. So those are the two bits of homework. And

even though I said it's quite a bit of work I've just been told it's essentially done so there you go.

So that's my plan for the next meeting. You know, I'm going to pause for Marika to review the actions, but first I'm going to turn over to Kavouss for a comment.

Kavouss Arasteh: Yes, Kurt, I wish to come back to the point that I raised, frequency and duration of the meetings. Still I believe that two hours is too long. After 1.5 hours the efficiency goes down. You can continue two hour, two hours and a half, three hours but I don't think we have the same efficiency at the beginning and particular for you will be more tiring because most of the time you have to direct the meeting, you have to conduct the meeting and so on so forth. So please kindly in future consider to come back at least the duration of the meeting, not to be two hours but not more than 90 minutes. Thank you.

Kurt Pritz: Yes, Kavouss, I'm an (INTJ), so speaking is doubly tiring for me. Marika or some member from the support team, can you review any actions or questions for ICANN?

Caitlin Tubergen: Hi, Kurt. It's Cait.

Kurt Pritz: Oh hey, Caitlin.

Caitlin Tubergen: As a reminder, any preliminary input on the triage report is due this Friday, tomorrow, August 24. And the goal is to release this triage report early next week. Also as a reminder, for the early input request, please submit those as soon as possible. One of the action items for the support team is to go back to the RDS Working Group's work to look at which data elements are required to register a domain name and maintain that registration. An action item for the EPDP team is to take a look at those discussion summary

indexes for Appendix D, E and F and provide any markups as you see fit. This can be done via the email list.

Another homework assignment is for the EPDP team to discuss purposes in light of Section 4.4.1 through 4.4.13. And the support team will shortly distribute the discussion summary index for Section 4.4 to aid that work. That's all from me. Thank you, Kurt.

Kurt Pritz: Thanks, everyone. And, you know, I'm going to also reflect on this meeting because, you know, I intended it to be a plan for how we go forward and I don't know if it's good or bad that we got into that substantive discussion before we had though through how to organize it and try to drive to a conclusion. So we will take what, you know, I think I'm going to actually listen to what was said and be able to read all the comments too and capture all that and – Control A, Control C, and, you know, make the best use of the thought that went into this discussion so far.

So with that are there any closing comments from anyone? Cool. Okay, well thanks very much. Have a great day, everyone. Bye-bye.

Terri Agnew: Thank you, all. Once again, the meeting has been adjourned. Thank you very much for joining. Operator, if you could please stop all recordings? To everyone else…

END