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Kurt Pritz: Welcome everyone. Thanks for bringing your last bit of energy to today's meeting. On the agenda today we first in an hour and a half. You know, these alternates over here on the side are not paying attention. (Steve), (Colleen) there. There's two sets of items on the agenda today. First I want to review the output of the small teams regarding three issues that are related to purposes of processing TLDs but are an important part of our policy output. And second I've talked to a few groups that have I would say voiced a concern but I want to get a unified understanding of where we are regarding timeline, what the initial report product might look like, try to gauge how far away we are from that, what's the path for getting there, provide some certainty around that and have also had some suggestions about our working methodologies and whether we can improve our efficiencies or make some sort of midcourse correction. So those sorts of input are always greatly appreciated by me and the ICANN staff and Rafik. So anytime you have ideas on that I'd really be pleased to hear about them.

So each of the small teams I think - excuse me while I pop a cold one. Each of the small teams I think did a nice job in arriving at combinations for both sides. I'm really pleasantly surprised not by your work in particular but by the way small teams seem to work and that by making the team smaller it automatically seems to promote cooperation. So I think it's a good experiment for ICANN in the policymaking process. And I think it needs to be refined more so. It can be an effective tool for ICANN across the board.

But nonetheless there's three of these items we want to try to get through in, you know, 45 minutes or so. One is the discussion about the treatment of and legal versus natural persons. The second is the geographic basis for when GDPR attaches and third is what does reasonable access mean? So we won't quite take that in order but the first one we'll undertake is this legal versus natural persons. And I don't know if somebody from the small group wants to small group number one wants to present this or, you know, I don't know if we need to read it aloud but does somebody - of go ahead Thomas.

Thomas Rickert: I'd like to - this is Thomas Rickert for the record. I'd like to make a quick point before we move into the substance of the discussions. As you may recall we had discussions about, you know, how desirable it would be for our group to be able to interact with the authorities to get some advice on things that we discussed particularly since our group or the community is not involved in the discussions taking place behind the org and the European Data Protection Board.

Yesterday I had the opportunity to talk to (Christina Monti) of DG Justice and ask her whether there would be a possibility for us to discuss some questions that we are facing in our work with them. And she said that she would be pleased to help set up such meeting at short notice. She would even try to get the European Data Protection Board or the Virgin DPA who's most responsible for ICANN in this.

So I think that, you know, we can't go there with 30 people. It should be an informal meeting as she said but she's willing to help facilitate the dialogue. So I want - just wanted to put this out to this group that maybe we can come up with a small team with a caucus of our team to go have a discussion with them and for example ask for their views on metro versus legal persons because I guess one of the points that we will come up with is that if we try to make the distinction and create two buckets of registrants there will be a remaining risk for the contracted parties and ICANN. But if they let say would issue a statement clarifying that there's no risk if you do the distinction based on the self-identification of the registrant I think everyone would be pleased to at least put that into the equation when doing their own risk assessment as we move forward right?

So I think we, you know, we don't have to discuss this conclusively now but I would be more than happy to try to help to set such a meeting up and maybe as we walked through the challenges today and during the next couple of meetings maybe there are a couple of questions that we would like to see guidance on.

Kurt Pritz: Great Thomas, thank you so much. And let's - so let's have a little longer discussion about that in the second part of the agenda when we're talking about our working methods. I'm a little bit nervous about having a meeting like that on short notice without careful consideration of the content. And maybe the discussion should be about process and how to reach out to them in a way that we receive information that really answers the questions we want so when I approach that carefully but that's great. So thank you very much for undertaking to do that and let's preserve that discussion for after this.

So usually we choreograph these a little bit better but is there anyone from Small Team One that wants to describe our what I would call our draft policy statement here and then open it up for discussion? Marika who was on that team? James?

Marika Konings: (Unintelligible) raised his hand.

Kurt Pritz: Oh did he? Great. Thank you James.

James Bladel: I'm trying to remember who else was (Margie), Stephanie (Ashley), you know, anyone else feel free so free to jump in. So Small Team One we had a couple of calls and then of course we had our meeting yesterday I believe to kind of go over the draft. I think the key here is we went through these questions we struggled a little bit with some of the language and so you'll see that it's kind of flagged for further work. But I think that yes and the key here is yes okay, I get it. I need to. Thank you for highlighting that. And I also owe some additional proposed language under risk.

So but what I think we wanted to capture - I don't know if we want to roll through this chronologically is that I think there's a general shared recognition that data protection laws apply to natural persons. I think that there is a - an understanding that making this distinction is very challenging and opens up a number of concerns. I think that the - this capability would have been great to have it, you know, 20 years ago but adding it now and dealing with the legacy issues presents an implementation challenge.

Other jurisdictions I think have also as Stephanie pointed out which I was not aware of other jurisdictions have exceptions to that broad rule where there are types of organizations that are treated as if they were natural persons for the purposes of protecting their privacy. And we are kind of, just kind of all talking from our experience here what would be really super helpful is to have some formal data on this not only from ccTLDs that are addressing this problem now but also perhaps from existing registries and registrars who may have implemented this in a way that they feel is robust and can scale up to the entire industry. And so primarily I think the conclusion that Small Team One has reached is that this is a valuable distinction, however it's not a

capability that currently exists and we'd like to initiate some research on this to understand the viability and the proper approach to doing so.

The timeline was also as you might imagine a pretty significant discussion. And also there's a concern regarding registrant awareness and education of what this distinction means and how they should self-declare and how they can correctly, you know, self-identify themselves. So that's - I mean that's in a nutshell that's where we were. I think, you know, we left the room mostly all in the same place. And I think that's when you look at the composition of Small Team One that's pretty admirable. But I think that clearly more work needs to be done. There is - I think if I could sum up the contracted party concern is that this is really hard and really complicated and just throwing a line item into a report that it might not be possible, you know…

Woman: And really expensive.

James Bladel: And really expensive. Okay but I think just throwing a line item in the report saying go do this is premature. And I think the concern if I can paraphrase from others is that okay, but this can't be a forever type project that is kicked down the road indefinitely. We need to start this work now and start gathering some of this data so that when, you know, when the time comes that we can make some intelligent recommendations on this and that should be happening concurrent with the EPDP. So anyone else feel free to characterize our conversations? I think I just summed up about an hour and a half in three minutes and so hopefully I didn't butcher too much. Thanks.

Kurt Pritz: Anybody else from the team - that was on that team? Were you on that team (Margie)?

Man: I was on the team but couldn't make the meeting yesterday. So I just want to make a very brief comment because I have to leave the room for another meeting temporarily. My concern was based on the second meeting that was interested in making this a best practice but not having a timeline. And

despite the fact I wasn't in the meeting and I'm glad I miss the hour and a half discussion I'm delighted that it makes reference to a timeline and a finite end to which the work will be done and the details can easily be worked out afterwards once we have that so thank you for the people who were at the meeting. Thomas?

Oh I thought (Brian) put his thing down. Okay (Brian) go ahead. I'm sorry.

Brian King: Yes so I did know if I was in the queue or not. So we agree with (James) that this is likely to be difficult and we do think that this is an important point, the legal natural personal distinction. So accordingly we do think that it's prudent to get more data and study this further. So just wanted to support that.

Kurt Pritz: Thanks. Go ahead.

Thomas Rickert: Thanks (Kurt). I guess what's missing or maybe I overheard this this…

Kurt Pritz: This is Thomas Rickert for the record.

Thomas Rickert: Yes sorry Thomas Rickert for the record. I think whatever recommendation we come up if the classification shall move forward we need to make a distinction between the existing customer base and new customers. It will be extremely difficult for any registrant to mine their data and make the distinction. In fact the Danish registrar last data they've manually looked at their data, so they're relatively small. I don't have the exact figures but they found like 2000 data sets were natural persons data was in the record for the legal entity. So I think, you know, as you move on I think you can find technical ways for self-identification but for the legacy registrants I think there needs to be some sort of carve out, you know, if needed if we proceed with the distinction.

Kurt Pritz: Thanks. And this text attempts to do that. So if you want to think it needs to be worded differently let us know. (Margie)?

Margie Milam: Yes I was on the team. And that's the reason we wanted to do the study and we fully discuss the issue of the existing registration base. That's obviously not a easy task. And so what the recommendation is and you saw earlier versions where the BC had indicated that we want that distinction to be required. We're probably going to have that discussion later on after we see what is in the - what the ccTLDs do, you know, what's possible, what's not and then kind of come up with a timeline if there's agreement about, you know, what you do with the existing registration base versus, you know, new registrations. And so there's a lot of additional work that would be done that the discussion related to what the policy recommendation might be could be informed by what we see from the ccTLD and so that's really the, you know, that's why the recommendation is to do the study now.

Kurt Pritz: Go ahead (Alan). Oh I'm sorry Benedict. I didn't…

Man: (Unintelligible).

Kurt Pritz: What?

Steve DelBianco: I'm Steve sorry.

Kurt Pritz: Okay. I'm sorry Steve go ahead. Yes, you know the problem is? You're using up that (unintelligible) okay.

Steve DelBianco: I have to learn. Steve DelBianco with the Business Constituency's alternate today. I wasn't on team one. And if I could ask you to scroll just prior to this where we indicate the recommendations. Thank you. So there's a however which is great about challenges and (Brian) acknowledge that. The additionally is there and yet there ought to be another additionally. Additionally other jurisdictions may enact laws requiring the disclosure for legal entities.

And that creates - it's just as likely hypothetical as the additionally other jurisdictions may have. And the reason I bring it up is that we may need to capture the distinction and we should anticipate the need to follow that it may be required as opposed to simply allowed. In the GDPR it could end up being a requirement for the disclosure of information on legal persons.

So with that in mind it increases the need to do the study, increases the need to be aware of how other laws could require that we try to make that distinction. Whether your rules engine discloses or not is another matter. But if we don't capture the distinctions in a reliable fashion we could violate a law and - and the reason we're here is we're worried about violating a law but there could be more. Thank you.

Kurt Pritz: Well I'll continue going around the room but a response to Steve's suggestion would be great. So are we to Benedict? Sorry.

Benedict Addis: Hey Steve I think in response to your point yes there's always going to be applicability of national law to consider. I think that's inherent in the work we're doing but we're I think reflecting that explicit in your document each time that we think it might come in might be a step too far so I think that's always on the back of our minds. I guess what's going to say to contracted parties speak to you guys is that this is one of those times where striving towards compliance is actually a really strong, is a very strong thing to say to DPAs and say that ICANN has a policy. It's we're not going to try to grandfather in (unintelligible) madness. Let's work for the next - let's work to get it to get some sort of self-declaration in for new registrations.

And this is where accuracy, not the accuracy that you've been beaten up with but real GDPR I guess plays in where if the registrant has made a mistake and realizes they've declared themselves in the wrong place they can say to you if there's a mechanism for them to reach out and correct that then automated by the way they can fix that. So again we've got - if and - if we've got a policy that allows for both self-declaration plus oops I made a mistake

retrospectively you've then got something to show the DPAs good faith with. And of course it's going to be a transition period but and that's something that they like got - working towards compliance so they don't have to beat us up. Thanks.

Alan Woods: Thank you, Alan Woods for the record. So just from I'm just making two statements more than anything. And the first one is that I'm - I would have a huge uncomfortableness shall we say with saying that distinction between legal and natural persons is necessary for GDPR. It is not the word necessary is what gives me as I said uncomfortableness. It's not actually said in the GDPR that it is necessary to distinguish.

Also I just want to say that I understand that obviously the research is important and I think research can help greatly. But let us remember that just because it's being done doesn't mean that it's being done right. So in this instance some ccTLDs may be doing this, however they might not be doing it right and we need to take that into account. Everything we do in that research up to how it is currently being done should be taken with a grain of salt as well.

Kurt Pritz: Right and we - well we cannot answer those sorts of questions without doing the research right. So I think that - so Steve in the - so let me in the second bullet would we say…

Steve DelBianco: (Kurt) underneath second bullet there…

Kurt Pritz: Yes.

Steve DelBianco: …we're speculating in a useful way that additionally other jurisdictions may have other categories. I would propose add the - add a notion that says additionally other jurisdictions may require disclosure for legal persons. Simple as that.

Kurt Pritz: Okay.

James Bladel: (Kurt) could I respond really quickly here?

Kurt Pritz: Yes.

James Bladel: So Steve, I added this language and I did so out of a response to a point that Stephanie made and I want to make sure that before we do that that I didn't lose her point which is I don't think that her point was speculative. She started listing a number of different categories of I think you called them chartered organizations or something, has specific protections and data protection in Canada. And I was, you know, in an attempt to be helpful was like hey, let's not put a laundry list into this thing and start listing out jurisdictions and different types. Let's just use this generic bucket here.

So if it comes across as we think there might be or they could be, I think the answer is there are, but I just didn't think it was appropriate to start naming names. And so Stephanie did I mess up by - did I completely lose a handle on what you were trying to achieve with that?

Stephanie Perrin: What we have lost -- Stephanie Perrin for the record -- is the basic concept unfortunately. My point was that certain entities have protected status under charter rates that they have human rights, so religious groups, political groups, journalists whose lives may speed threatened by the disclosure. These are groups that we fight for in our constituency and they may have charter rates, constitutional rights so that you would not be allowed to disclose their data. So that's - I think we've lost it there. Remember we discussed like we didn't want to list off the laws that might protect them. But we've lost it by not including the concept that there are laws that protect endangered entities not just polar bears, you know?

James Bladel: So and then that also got to my other point and I'm just - this is for the folks who weren't on the Small Team which I still owe some language which was

once we decide there are two groups then there will be by nature N plus one groups, N plus one categories of registrants. And I understand the good intentions that Stephanie is raising here but my concern is when we start naming them and listing them and enumerating them that that list will never end. And some will have certain things under the law some will be prohibited, some will be required. And that's my biggest fear in making this distinction right out of the gate is that it will be, you know, just chasing to always capture all possible groups, the universe of all possible groups.

Kurt Pritz: Thanks Stephanie. Had you finished your thought?

Stephanie Perrin: No actually I had raised my flag to address another issue and that I had raised in our small group. And that is the cost. It is my position that the only affordable option is for large companies and corporations who know that they want their data in the Whois to affirmatively do so. And we can pick up a field that covers most of them such as a corporation number or a business number or something like that. But the once you get down to the small entrepreneur who may or may not be registering the names in his own name so that if he goes bankrupt he doesn't lose his name in the bankruptcy proceedings, you know, there's so many legal wrinkles in this when you get down to small business that I think there's a risk we're going to be costed out of affordable domain names because really the length of the disclosure statement that you're going to have if you ask or invite any small business person -- remember we're talking globally here in different languages with different law -- what are you a business or an individual that answer has got to be that depends in an awful lot of cases.

So you are going to have a massive like the Apple privacy agreement, you know, 75 pages that people are going to have to plow through. And then you have to prove that you that because it's a consent basically in this situation, then you're going to have to prove that they understand it. I mean I just think it's a nonstarter and the cost will put domain names out of the range of simple users.

Kurt Pritz: (Unintelligible) and I think that's part of what the research will show or not show right? (Heidi)?

(Heidi Menyati):   (Heidi Menyati) for the record. So I'm responding to Stephanie's point to those special groups that need special kind of protection. And actually I don't know why are we thinking about those groups or those people only when we're talking about the differentiation between natural and legal persons? This is something that applies throughout the Temp Spec. And if so then we need to have a general cause not in relation to this, a general cause that mentions the need of protection of special groups. But it's not only related to this part and should not be discussed only in the context of this. Thank you.

Kurt Pritz: Thanks (Heidi). I want to ask - Marika's has had her hand up for a while. I also want to keep our eyes on the prize which are - we have two eyes on two prizes. One is we only have an hour and a half and two his what we're trying to do in this where I'm sensing we have agreement is that we want to kick off this research now while we're working on the rest of the EPDP. And so we need a statement that does that adequately. And there's different sorts of language but I think Marika has a suggestion.

Marika Konings: Yes thanks very much (Kurt) and, you know, to your point as well and then probably (cogen) it would really be good for the group to focus on, you know, what you cannot live with because I think we can redo the discussions that we've had in the small team and as you know there are more issues on the list for today's meeting. So if people can maybe focus on that.

                    And that I had a small suggestion here that may address some of the concerns because I think the only thing this bullet is trying to do to make sure that all the requirements are considered whether that relates to other categories of protected groups or jurisdictions where, you know, there may be other requirements in relation to a natural or legal person. So would it just be helpful if we add after groups other requirements?

And again it's really just to put down a marker. I don't think it's the intention that we stayed here all the potential variations of laws or requirements or policies that are in place but just to put a marker down that that will need to be considered as that research comes back for the group. Would that be a way of addressing the concerns and being able to move on and, you know, as well put this in the report for comment?

Kurt Pritz: So could you just succinctly say what you're…

Marika Konings: So I can type it here in redline. So basically it means additionally other jurisdictions may have other categories of protected groups or requirements that would need to be factored in.

Kurt Pritz: Thanks. I'll get to in a second. Marc, Alan, I mean Steve had his little…

Steve DelBianco: Thanks (Kurt), Steve DelBianco. I am - had no interest in changing the bullet earlier. I suggested and haven't heard an adequate response to this yet by just staying completely focused on natural legal because that's the whole purpose of Sub Team One, just natural legal and not the enumeration of anything else. And staying on that I had suggested the phrase that other jurisdictions may require the disclosure of legal persons because legal persons is the subject.

If I were to find a regulation in Federal Trade Commission an e-commerce directive, you know, of a relevant and specific nature would that be persuasive to the group that it's just as much of a consideration as is GDPR? I'm wondering what level of evidence one needs to bring to consider that so that it merits inclusion in the first report. Thank you.

Kurt Pritz: Marc?

Marc Anderson: Thanks (Kurt), Marc Anderson for the transcripts. From a registry's perspective we, you know, we looked at the language and listened to the conversation. I think it's been a good conversation. And I suppose I should know, I'm a member of Small Team One but I was not able to be present when the small group met yesterday. So I was not part of this language.

I did however talk to (James) about it afterwards and listening to what - how (James) introduced it, you know, I agree with the spirit of what he had to say. And, you know, I, you know, I agreed with the, you know, the introduction (James) gave over it.

Looking at the language though that is in front of us in this document, you know, we the registries have multiple concerns with this. We're not talking tweaking one word or, you know, changing, you know, one little redline or other requirements nor do I think we should be trying to redline it here as a full group of 36 people. That's probably not the best use of our time.

So I think maybe, you know, recognizing that, you know, there's general agreement on the spirit of what we're talking about and trying to accomplish here maybe we can draw a line under this, take this back to a small group who can further work on the words here for how to get this into something that all of the groups can live with going into a final report.

Kurt Pritz: And you - can you - I don't want to leave this one behind. Do you want to - can you outline your concerns briefly?

Marc Anderson: Scroll to the top of the document please. Okay Question H4, is there a legal basis for contracted parties to treat legal and natural persons differently? The response we have in there right now is we agree that under GDPR there is a legal basis. While the focus of this EDP is GDPR compliance, we did note that not all jurisdictions have the same distinction so we need - we have to make sure our policy recommendations are flexible enough to take this into

account. That's not a policy recommendation. That's not language that's ready to go into policy recommendations.

Kurt Pritz: Okay Marika's shaking her head and desperate to get into the queue but it sounds like we have a disconnect here Marika.

Marika Konings: Yes this is Marika. This is not intended to be a policy recommendation. Those are the ones in the bottom. This is the response to the charter question. So I think we need to separate out between what is going into the report as kind of reflecting what the group and in what the, you know, general response was to the question. And what you actually see below that is what the policy recommendations are. And I'm sorry I didn't mean to interrupt you but I just wanted to make sure that that difference is clear here.

Kurt Pritz: So it's - all right so and I don't disagree with Marc that this language is not adequate for answering that question so we need to parse between answers to these that evidently are not ready for prime time in the policy statement below which I think is - which I think is our major product. So I surely take on board that the answer to these questions aren't done. So then is there more?

Marc Anderson: That was just one example I was going to use - you know, our - you know, like I said it's not - you know, we're not talking about a tweet to the language. We think it needs a little bit more work before it's ready to go into a report. We think the language needs to be tweaked a little bit before it, you know, reflects the spirit of what (James) explained to us, sort of at the beginning of this section. You know, the fact that we're, you know, we're arguing over tweaking the language I think, you know, I made this point and LA, when you start talking about tweaking language you're probably getting pretty close. That's probably a good sign but I don't think we're there yet. That's the position of my colleagues. We're not there yet in this language and it's probably not a great use of our time for us to try and get those final edits here in front of the full group.

Kurt Pritz: All right I haven't thought through it and I don't know if anybody has a suggestion. I'm not for necessarily just handing it to you and asking you to mark it up but I don't have a better idea about that now because, you know, we don't want to upset the agreement that's here. So I think the best thing is to - I want to go onto the other things because we don't have any time but I think I'm going to leave this with you Marc to make recommendations and then come back to the group where we'll discuss it Stephanie.

Stephanie Perrin: I just wanted to raise the further point particularly if we discuss with the data protection experts the salability of this concept that Europe has regulation about Web sites which is of course separate from the DNS. And we have to make sure that when we ask questions of the DPAs in Europe -- and I don't need to lecture Thomas on this -- that we don't conflate Web site regulation and DNS regulation because they're quite different. And the fact that you have to publish this in Europe has been talked about many, many, many times but that's not what we're talking about. We're talking about registering a name. Thanks.

Kurt Pritz: Thomas?

Thomas Rickert: And I have a question with respect to the research that's mentioned in this paper. So what is the goal of asking for research? So what is the expectation? What would be the time frame and is it ultimately really necessary because if I think we should try to keep as much recirculated work in-house rather than outsourcing it elsewhere.

Kurt Pritz: Yes I think…

Thomas Rickert: And maybe just too briefly add to what Stephanie said it's, you know, Steve you made that point earlier about the requirement to disclose data. We have, you know, that coming from the e-commerce directive where you have the requirement to publicize certain data to inform consumers on Web sites because you might have a different domain owner than the party running the

Web site. So I think it would be interesting to learn whether there are other jurisdictions that actually require the publication of data in the Whois, you know, but at least for Europe I'm not aware of European legislation requiring that.

Kurt Pritz: Go ahead (Margie).

Margie Milam: Thank you. I'm responding to Thomas's question. This is (Margie). So for example the centers study. And I'm not talking about like an outside research firm. I'm talking about ICANN's staff doing research on what the ccTLDs do and how they do it because one of the things we're trying to get to is something that's implementable right? And if it is already done in the ccTLDs and a lot of these registrars are already doing it there's is no need to re-create the wheel. And so I think it will inform whether it is reasonable to make that distinction and how to do it in the registration process. We may not, you know, we don't know yet what the answer to that is but that's the thinking behind asking for the research.

Thomas Rickert: Thanks. This is Thomas Rickert again for the record. I guess that, you know, I think I mentioned that earlier was put in different context that the study that's been done has to be handled with care. So what we're looking at is a snapshot of what registries in the CC world are doing now. Europe has been an example of doing the distinction in many, many places as we discuss these topics. But actually the rules governing what Europe is doing are currently being revised. And we hear through the grapevine that we - they're expected to be some changes to reflect the new privacy laws. You know, so, you know, we - I think we still have to do our own thinking on this.

Kurt Pritz: Right so don't start the research yet. Go ahead (Margie).

Margie Milam: I disagree with not starting the research right away (Kurt).

Kurt Pritz: All so what I was saying is Thomas was starting the research in this meeting.

Margie Milam: Oh in this meeting all okay. I'm like what, what, so I apologize. What I'm yes I think - I can't - I think that's right Thomas that people may be changing as a result of GDPR and one of the things that ICANN staff could do is, you know, reach out to them right, especially the ones in Europe. What do you, you know, what do you do and are you considering changing it for GDPR so at least we'd get their perspective on what they think they need to do in order to comply. So I think that's a very valid observation.

Kurt Pritz: Thanks. So we're going to post this to the list, put a deadline on comments for this to arrive at a final form of the policy. Go ahead Marika.

Marika Konings: Yes thanks Kurt. So this is already on the list and prior to this meeting so I would be really helpful because I think everyone didn't get this already yesterday. And if, you know, talk to your group's and focus on, you know, what is really problematic. I think someone said this in the council meeting that we shouldn't let the good be the enemy, what is it again? The perfect be the enemy of the good and, you know, if again, we've done as well for other recommendations if people don't want to sign their name to it or express specifically where, you know, where they have concerns that's also something we can add. I think as per generally that, you know, people can live with the general gist of our idea behind this so please focus on that as you make suggestions. And if I can maybe I don't know put a deadline forward. I know everyone's traveling and is very busy but at least by Monday so we can come back to it in the course of next week if needed that would be really, really helpful.

Kurt Pritz: Let's go on to the product of Working Group 3. So this has to do with the temporary specification requirement for reasonable access.

Steve DelBianco: A point of order here. I'm not sure what the disposition of the last thing was. I never got to express my opposition to the entire Small Team One report and my agreement with Marc that it should just be reverted back to the group.

And you're telling us were all in agreement the research should be done which we're not. I don't understand what exactly we're doing here.

Kurt Pritz: Well this is the first time you spoke up. So…

Man: (Unintelligible).

Kurt Pritz: Oh has it? Oh I haven't seen it. Go ahead. So say your piece. I didn't see it.

Steve DelBianco: First of all I'm told by our participant on this small team that the word necessary was not acceptable and in fact in terms of the policy recommendations could you bring the report back up? There were other pieces of language in there that like the one that's highlighted in blue that basically presumes that we're going to make a distinction and asked how we can make it - can be made in the context of domain name registrations when many of us do not believe we should be making or trying to make this distinction.

The language about useful and necessary is I can't live with that. It means that, you know, I think the proper way to state that would be that the distinction exists in data protection law but the discussion of the risks or the problems associated with doing that is in complete. It doesn't mention for example they costs and impact on the whole ability of people to register domain names. It might be created. It doesn't mention the risks of misidentifying people. It just is, the report is not ready. It's not complete and it doesn't reflect the consensus view of all of the stakeholder groups.

So I didn't hear you say you are against doing the research. I heard you say that more detail was required to point out important aspects of the research. And where we had left this before I missed your comment was that we were going to put this statement back to the list for comments similar to the ones Marc had. The distinctions you want to make are fine to be brought up on that list. So where we are on our timeline is that we'll put this - we I don't know

whether to put this to the - I'll take some advice. I don't know whether to put this back to the list or put this back to the small group and ensure we have registry participation on that group. Go ahead Alan.

Alan Woods: Yes. Yes just that was one of the questions I had whether we put it to the whole group or to a small team or whether Marc would work on it. I think it was important as Marika stated earlier for us to sort of right now identify the parts that we just can't live with. The first bullet in the first recommendations which Milton just mentioned and Alan mentioned earlier about it being useful and necessary I don't think we can with then. So it's a small - if this does go back to a small team I think it would be helpful if they know this in advance and take that into consideration because it seems to be factually incorrect. It is not necessary in terms of GDPR compliance for the distinction to be made. I think we've got consensus within our own stakeholder group on that at least.

Kurt Pritz: Do you (Brian) and (Diane) do you want to put your heads together and make a comment or go ahead (Brian)?

Brian King: No I was going to comment earlier. It may be necessary. We might disagree with that. I also wanted to note that we do think that it's a good idea to do research on this. It sounds like an important point for many here so I think that we should. Also just wanted to assuage some fears because it sounds like Thomas and Alan might have just to be clear I don't think that we expect the research to be binding or that if ccTLDs are doing at that everyone has to do it no matter what. We're just looking for evidence here that will help us decide on policy for gTLDs as well.

Alan Woods: (Kurt) if I'm 0 if I can ask (Brian) a question…

Kurt Pritz: Go ahead.

Alan Woods: …on his last comment. When you say you think it might be necessary are you saying that if a distinction is not made then we might be noncompliant with GDPR? Is that what you're saying?

Brian King: I think I said may and I think that GDPR may require us to make the distinction between legal and natural persons yes.

Kurt Pritz: Go ahead (Diane).

Diane Plaut: My recommendation at this point or our recommendation or just my thought let's say is that the useful and necessary I think could be substituted with importance. And it's an important distinction and it's important from a legal perspective. It's also just important from a commercial perspective. And I think that certainly the research could be insightful and those insights could help us, help us think about it from a practical standpoint.

So it, because I think that ultimately all of our goals here collectively is to be able to create policy that practically addresses the needs of the adoption of privacy laws now and going forward in relation to contracted parties business model and overall compliance and the business needs of people around the table so and the human rights needs and all the needs but I think that we have to think of it from a practical standpoint and so research will be insightful. Then we need to come up with a system that works. And much to Benedict's comment DPAs are looking for a road towards compliance, that you're putting efforts in to set up a system that is working towards compliance with GDPR and future data protection laws. So I think that always has to be our goal. And in for the contracted parties I think while you can't address every single need that's known now or going to be known in the future there is a necessity to address practicalities of making their system work and wanting to make it work administratively. Whether that will be through org or whether that will be through other systems the technology will be there and then we just have to set up a policy that is practical. And we can certainly have the ability for registrants to be able to fill it in based upon legal and

natural persons with the codification that Stephanie would want and to identify special, other special interest groups.

Kurt Pritz: Thanks (Diane). I like your characterization of important. Thomas? Stephanie?

Stephanie Perrin: This is Stephanie Perrin for the record. And it's just to further comment on the research. A, as I think Thomas has already pointed out we don't really know whether the ccTLDs are compliant with their local law. B, there's 128 national laws out there and those jurisdictions have important other laws that might apply. C, if the ccTLDs do collect data many of them have things like residency requirements that could justify the excessive collection of data. That would not be the case in the gTLDs for most registrations.

So this has to be a very carefully crafted piece of research that includes all of these questions, why do you collect citizenship, why do you collect a phone bill in order to verify that you actually have an address in the country? And that's the kind of detail that will make this research slow and painful. Thank you.

Kurt Pritz: I always find research interesting. Farzi bring us home.

Farzeneh Badiei: Thank you Farzeneh Badiei speaking. I don't have any legal argument but when I look around the room and what we have been doing for the past years I mean how many months. it sounds like, feels like years. What we have been doing for the past two months we've been talking about access, access, access for the interest for the legitimate interests groups. When you can have access to the personal information of these organizations then if you are working towards that then we should be able to redact the data of all of the 0 we should not distinguish between legal or natural person. Why, because the people are at risk. As Stephanie said their interest groups, there are organizations that are in danger of being harassed and then you want to

research on that? I mean why? If you can have layered tier - not layered, tiered access for your legitimate interests why do we have to do this?

Also if organization most of the time have their addresses and some of the data that you need on their Web site. I don't understand business there's 0 there should not be - we need to protect people. We need to protect organizations. They are helping for minority. They're advocating for minority. They live in countries that doing - I'm sorry I just got too passionate. I'm tired sorry.

Kurt Pritz: Thanks. So let's do this. Instead of just putting this to the list and having many comments on it I'd like to have each group that's represented here make one set of comments or one set of recommended changes if any to this document in a comment form. So maybe, you know, the BC could collaborate, registries could collaborate, registrars collaborate so it's a little less of - a little more organized. And so then when staff receives it we can kind of get to a final product first. So it's on the list. If you guys could collaborate among your own groups that'd be good.

Man: Piece.

Kurt Pritz: Let's go on to the product that was Small Group Number 3. And Small Group Number 3 is one I'm not really well acquainted with I didn't sit in that small group except for one part. But is this your area?

Man: No point of order. By when you want those comments? Good luck.

Kurt Pritz: Is there someone from Group 3 that could present this draft policy recommendation that was arrived at in pretty good shape? Alan, terrific.

Alan Woods: Alan Woods for the record. So yes I think Small Team 3 we went into this thinking that it was going to be a bit of a bone of contention and we finished I think it was 40 minutes early. So that's a good indicator I think on it. I think

what is very important that this is referring specifically to the concepts that, you know, the registry or the registry or registrar must provide reasonable access to data. And then it lists basically the criteria in the Temp Spec of section 61 or Article 61S.

So one of the first distinctions that we had to make was that what are we talking about access. What aspect of access where we talking about and what is to be considered reasonable? It is the functional access or is it the legal concept of providing access?

And it was actually agreed that it was more the functional side of it. The decision as to whether or not access is given ultimately must rest with the contracted party applying the law as they are - as is applicable to them. So that was taken off the table at an early point and we talked about then what was the functional reasonable access? And that is access to be provided in a certain way in the sense of how to apply for access? Should there be a timely consideration as to how long access is a decision on whether access is to be given or not should be stated? Whether there is a - if you were to say no and I'm not going to give you access that there is a reasonable response explaining why you came to that decision so that the person asking for access can understand that decision. It came down to a question of what would be reasonable versus what is patently unreasonable in a given situation if I was to ask for that access.

So you can see there from the draft - oh I'll continue on. Another thing that was pointed out that the term access is another - it is a - that's an alarm bell term. So what we're saying what would more reasonably reflect what we're trying to ask for here? And it was suggested I believe by Thomas actually that it was we should be talking about requests for disclosure. Let's call it what it is. It's a request for eight disclosure it's not access because a request for disclosure is what we're talking about here and that made more sense.

Now I'm not very hot on the word parameter myself but, you know, again this is to use Marika's term is not something, you know, I'm not I can't live with, you know? So the other aspect of this is whether or not the creation of this particular list is something that us as an EPDP should be looking at not - possibly not within the remit at the moment but we can definitely recommend it saying this is something that must be looked at and we can recommend that what constitutes reasonable is something that should be looked at but again reasonable in the context of functionally ensuring that people know where to go, how to do it and if they do make a request that they're treated with a modicum of respect and a modicum of response and that they know where they stand at the end of said request. So I probably made that a bit small but if that is anybody wants to add anybody else from on the team I'm more than happy to defer to them.

Kurt Pritz: Does anybody from the small team want to add to that? (Heidi)?

(Heidi Menyati): It's just - (Heidi Menyati) for the record. It's just one simple comment that the charter question also was asking if we should stay with what is in the temporary spec with regard to in relation to reasonable access or not. And what we arrived to that yes because we have no other alternative we cannot discuss access now and we will not be able to do that until we tackle the gated question. So the answer to this yes, is yes.

Alan Woods: Sure and thank you (Heidi) and I'm sorry I was being flippant there. Of course please feel free to disagree as well as necessary. Another thing that we came to the conclusion as well because I made reference specifically to Article 61F that we were to remove the language that refers and relies heavily on Article 61F so that it could take into account other means of access that are envisaged under Article 6 so again looking at one such as I said D and E and so law enforcement specifically bottom line and where there's in the vital interests of the data subject and things like that so again let's not cut off those avenues as well. So yes the text basically it would be generally to confirm what is 0 as it's written however to change access to disclosure requests or

for responding to lots of disclosure requests and to remove the language that specifically limits it to 61F just to tie that up.

Kurt Pritz: All right Benedict.

Benedict Addis: Benedict Addis. One of the things that's become clear to me this week was how broken that the people are trying to use get - data under the current Temp Spec and how broken that is. And I wonder whether - well I observed that that doesn't work for anyone. It doesn't - the contracted parties using terribly formatted requests. There's a lack of transparency and accountability around them. And people seeking data are feeling that they're not being listened to. And I wonder if we do come to not an agreement but at least a belief that there ought to be minimum standards for everyone's benefit whether we might write that down somehow. Is that possible in this format and would there be any appeal for that?

Kurt Pritz: Well if you can respond to that that's great but (Brian)'s in the queue?

Brian King: I think it's a great idea and I think the distinction between reasonable access and accredited access is long played to this EPDP and calling it something different I think is long overdue. So I love this and we support this language and that approach that Benedict mentioned.

Kurt Pritz: Go ahead Alan.

Alan Woods: Although I understand the spirit of what Benedict is trying to say here the concept of standard policy language or policy forum is ridiculous because each and every registry will still have to ask or and registrar would have to put in a different manner based on their local national, supranational a basic language not working. So it has to be up to the individual registry operator on what they specifically will need again because we're talking of about your string into the area of what is legally needed for that particular operator in their own particular matter. And I mean I think you're pushing it just a step too

far on that. And I would exercise in a lot of caution on that because I think it might be approaching a line that we wouldn't be able to back. Sorry.

Kurt Pritz: (Brian) did you have another comment you wanted to make other than 0 okay (Margie)?

Margie Milam: This is (Margie) from the BC. We support this language. We think it's a nice reflection of what could work for reasonable access.

Kurt Pritz: Thanks terrific. So let's go home Alan?

Alan Woods: I like to comment on Benedict's suggestion. Alan may be right that we cannot come up with definitive detailed words that will meet everyone's needs but I agree, again I have no personal knowledge of this but listening to the various stories this week we're in a really bad place right now and if we can provide some sort of guidance that's based on the semi-collusions we come to hear I think we're going to help the situation and I don't think we should dogmatically say stick with the complete vague world if we can provide some guidance and some clarity that may make it easier for both sets of parties going forward over the next bunch of months that we're working. Thank you.

Kurt Pritz: Thanks Milton?

Milton Mueller: Yes I think that if the - I mean I understand what Alan is saying about the differences of legal jurisdiction but if indeed the clarification -- I would call it that -- of the term reasonable with some specifics takes some of the pressure off so that we're always talking about access when we should be talking about the other stuff I would be willing to go along with it.

                     I think contracted parties can make clear what their redlines are here but, you know, timelines come on that's pretty reasonable. Obviously we can fudge the wording so that it's not some kind of a rigid regional legal requirement but there should be specified timelines. I don't know about the specific formatting

but certainly it could be a list of what information is required that you need. You should know that. You should know where to submit the request. You probably already know that so that kind of stuff I don't see as being potentially harmful.

Kurt Pritz: Thanks. (Chris) before I get to you I think Alan has a direct comment…

Alan Woods: Just as a point of clarification. The 0 well CPH choose but unless you're happy. I mean the registries definitely we're happy with the language as written. I that - my point was additional to that.

Man: Oh...

Alan Woods: Oh absolutely and it's just this concept of a set form in the language as well no, but we're happy as written.

Kurt Pritz: Go ahead (Chris). Thanks for waiting.

Chris Fitzsimmons: Thanks, (Chris Fitzsimmons) for the record. Just as probably counterpoint hopefully between Benedict and Alan's point there is I think if we have in the policy a requirement for the registrars to detail what the legal requirements are to justify a legitimate request and a legal basis, so when a user goes to the site to require that to gain disclosure then the guidelines are all fully laid out with the requirements under the jurisdiction and how they want to use it to detail their purpose for the request. That make - Benedict (unintelligible)?

Benedict Addis: Can I clarify what I asked for that so it literally just to have like minimum stuff just to say we suggest that all requests should have a domain name in them. And right, because we've seen really, really, you know, all sorts of stuff. And so when I said a format I didn't mean like a Google doc but just what you're asking for, what you're talking about why and as guidelines to everyone so that we can improve the quality here, not absolutely not talking about holding

you to a particular legal system or anything like that. And have you define it if that makes you more comfortable?

Kurt Pritz: Yes I feel like we're…

Benedict Addis: Okay.

Kurt Pritz: …snatching defeat from the jaws of victory here.

Benedict Addis: I'll shut up then.

Kurt Pritz: Yes, go ahead Thomas.

Thomas Rickert: So I understand there is the desire to be more user-friendly with Benedict's suggestion which has been supported by some. And I think that is a good idea in principle. I'm not sure whether party pooper is the right term for what I'm going to do now but I think we have an issue here. If we put some concrete guidelines as to what as to what criteria need to be fulfilled that creates the expectation by those reading the policy that disclosure requests will be honored if they follow these requirements.

The issue is that there is no one size fits all solution for granting access as you call it or honoring disclosures requests. So if we wanted to do that we would need to write up an entire manual of disclosure requests who is the requester? Is it a private requestor or a public requestor? Where does the request originate from? Is it crime so what type of crime? What are they trying to use the data for? What data are they actually asking for right? You need to spell that out. Everything has different legal implications.

Domestic European law enforcement has different possibilities than neighboring countries European law enforcement, none-European law enforcement asking European players or a third country asking non-European law enforcement. We have not done that so far.

And I think if what we - I'm actually I'm looking forward most to that part because that's the intellectually most challenging and most interesting part but it's not for now. And I would really caution us to jump the gun and establish criteria that might disappoint the community and might be - might not hold water from a legal perspective.

Kurt Pritz: Who's up, Alan?

Alan Woods: Maybe I misunderstood Benedict. But he was saying this week we've heard a lot of horror stories and things are really bad today. And if we can come to any intermediate conclusions let's let people know what they are now. We're not talking about - I don't think he was talking about what we put in the policy. He's talking about doing something short to help people because we have discussed it with all parties at the table and can maybe come up with some guidelines or helpful something or other to try to make real life better today. That's what I heard.

Kurt Pritz: So I'm kind of back to the original language here.

Alan Woods: Just to be clear it's not part of our charter but maybe we can help the world.

Kurt Pritz: We don't have time to help the world Alan. Stephanie?

Stephanie Perrin: Thanks very much, Stephanie Perrin for the record and Thomas has covered much of what I wanted to say. But the reason we started research project on standards was that this is huge. It's a lot of work and ICANN has done none of it because we're only complying with GDPR now and the disclosure instruments are baby steps at the moment right now. So I think it is more useful to actually scope out what might be required to develop the standards and protocols, notably a privacy impact assessment because that's where you come up with the material for your manual. You know, you go through all of the risks, you go through all the different types but you can't come up with

comfort language to help people at this juncture because we haven't done any of the work. There's criminal law, there's civil law. There's everything that Thomas enumerated. And then there's the accreditation problem which we haven't tackled either. So just saying if you want to join the standards mailing list please let me know.

Kurt Pritz: Thanks. I'm still with this language. I think it's been unchanged. (Christine)?

Kristina Rosette: I'm mindful of the fact that we have 16 minutes left. I'm not here tomorrow so I can't speak to any of the redlines that I put in Number 2. And I do have some suggestions on the working methods. I would suggest that we agree which I think we have, that we like this language. And for those folks who feel that a form is not only useful but implementable that they put that in as public comment along with the basis for why they think it, you know, how they think it can actually be done just in the interest of moving on.

Kurt Pritz: Yes okay (Brian) are you done?

Brian King: No super quick. Just to assuage Thomas's fears, I don't think that we expect that if we follow these processes that the disclosure's guaranteed. I don't think that's what we're thinking if that was what you're

Kurt Pritz: No I don't think. Yes, thank you very much. Okay so sold on number three. I'm going to turn the floor over to Kristina on Number 2. And thank you for your intervention.

Kristina Rosette: Thank you. So I was - and I should note that this is a redline that was circulated to Small Team 2 very shortly before we started so I don't expect the folks have had a chance to review it. Small Team 2 was not able to meet yesterday because we couldn't find a time to work for everyone. I do want to note that the redline has been reviewed and signed off on by all of the registry stakeholder group members. The Registrar Stakeholder Group

members have had a chance to see it. I think a couple might have some word suggestions but they're generally amenable to it.

What I have tried to do here is to make what, just essentially make things clearer and make things more definite. For example for statement number one about the global nature of the DNS was not taken into account, I have no idea. I haven't read the legislative history so if we don't have a site for it we need to change that statement.

I've also for number two I've provided some suggestions that I think are helpful although I note that this was an issue that was raised by the GAC representatives, so obviously we need to get their input on it. The suggested change to number three was again trying to make this less definitive and just more general in the interest of having to, you know, provide citations. Moving on to the next section which talks about the views about - I just wanted to make it very clear, I think there's a material distinction between saying someone doesn't support something and saying that someone opposes it. And we oppose it. It's broader than not supporting it. So I wanted to make sure that that was very clear in the text.

I've identified some additional rationale information and I will totally own the fact that when the Small Team 2 originally spoke and discussed that I should've gotten wider distribution for that language. But the - what I've essentially added here is language to make clear that it's often difficult to identify their applicable jurisdiction with sufficient certainty to apply appropriate data protection laws and that because of that the differentiated treatment based on the geographic location has a high likelihood of an adverse effect if you're wrong and that results in the data subject's information being disclosed.

For number four it's really just kind of clarifying that and building on it to make clear that there is very significant potential liability here for the contracted parties if we're wrong and that quite frankly it should be up to us to make a

decision as to whether we're willing to accept the risk of incorrectly identifying the applicable data protection jurisdiction rather than making it a contractual requirement. And I know I'm going fast. I'm really sorry but I want to try and kind of get us through this with the knowledge that the - we might not even have time to start discussing it today but I did want to introduce it.

Scroll down whoever's owning that, thank you. To just note that the idea of particularly going back and doing it retroactively is going to be very costly which is essentially means that because of existing limitations on technology that will reliably identify the jurisdiction it's not commercially reasonable or implementable in our view. Again this is the view of the members who opposed putting in a differentiation requirement. One Charter Question 2 our general view was that that second paragraph isn't really appropriate here because it's really just more of kind of an implementation issue without any delineation as to why for example the EW rules EWG rules engine would actually be a helpful and useful mechanism.

So the language that we've added here is redline is really more of if that highlighted paragraph stays than that is language that we would like to have added. And again I know I've gone really fast but since I can't be here tomorrow I wanted to at least introduce it and take any questions.

And I should note that if we could scroll up a little bit there is a point that one of the on a previous page yes in number one I think one of the registrar stakeholder group members identified what's the right terminology registrar folks for the registrar equivalent of a backend service provider? Is it…

Man: Registrar involved.

Kurt Pritz: No we were taking…

Kristina Rosette: Well just to note that I have been provided with an additional clarification for Item Number 1 and I'll send that through to the list.

Kurt Pritz: (Unintelligible) but Thomas do you have a comment?

Thomas Rickert: Yes I do. And sorry for not bringing that up earlier because I've been on the Small Team but now that I read this on screen and you present it I think exactly in that number one I think that the addition of brackets might not be clear enough to illustrate the complexities of this. So I think what we're trying to say is that if a registry operator chooses to work with a back end service provider in another jurisdiction, you know, we might have an Asian registry operator using a European-based registry backend service provider as their processor. The processor needs to be GDPR compliant.

Also if you have an accredited registrant some of them are working with thousands of resellers all around the globe they wouldn't be able to serve the resellers if they have to make the distinction. And I think that maybe we can add one or two words to illustrate this so I hope that this will be accepted as a friendly amendment to explain things.

Kristina Rosette: Accepted.

Thomas Rickert: And any other comments?

Kurt Pritz: So obviously we're going to have to take this back and think about it. I'm trying to 0 I'm thinking two things. I'm thinking two things. One is for the purposes of an initial report which is intent to gather comment. Does this document clearly describe the choices or the rationale for engendering comment that will help us get some sort of conclusion? I'm not real sure it does so I think we need to think about that.

And, you know, second at the end of the day I don't know how we bridge from here 0 what our conversation is from here to getting to a policy recommendation at the end. So I don't know exactly how that - that's going to take place. So, you know, I think time's too short here and you've introduced

a lot of changes that we have to go back think about but I think for the purposes of an initial report, you know, what policy recommendation we might make given this?

Kristina Rosette: Could I maybe suggest Kurt that since folks are going to need additional time to take a look at this anyway that maybe what would be at least a good starting point would be that the members who support requiring geographic differentiation come up with a - I think where you're going is with the targeted question for which we want input right? And if that's so, so each set of members could come up with a question and is keeping in mind let's try to be as neutral in our language as possible that they think would elucidate information that would be helpful in moving us forward to a policy recommendation.

Kurt Pritz: Right and the choice - that's just as in number one the choice might not be between yes it is required or no it cannot be required but how, you know, how do we figure it out? Amr?

Amr Elsadr: Yes thanks. For the purpose of - this is Amr for the record. For the purpose of soliciting feedback on the initial report I'm wondering through the wisdom of including the bid on the roles engine I don't want to exclude this in terms of what the small team was doing so that the whole group could get to see it.

But my understanding from the EWG's final report that, you know, this is basically a theoretical idea at this point. The EWG itself did not understand the extent to the solutions legality or whether it's actually technically feasible or not. So targeting especially this part if we include this in the initial report what kind of feedback are we expected to receive on this? You know, even feedback in favor of this, what are we expecting to see and how's that going to help us reach a final recommendation in the final report? So should we really include this there or not? You know, (Margie) this was your idea so if you could speak to that?

Margie Milam: Sure. And I won't be here tomorrow so I think the idea is that while you're correct the EWG didn't really dig into it beyond, you know, referencing like the concept. This is done in commercial practice I mean companies do this as they have customers and users in different countries. So soliciting public comments on the feasibility of it -- and maybe someone can chime in on how it's done. You know, for example Marc was telling us that Microsoft they've built something like this and then at least can inform whether it's feasible, practical, can be done in the, you know, for our purposes. So that's why I would advocate for including it in the report. Obviously many of us don't agree with it but at least, you know, from the BC perspective we'd like to see it explored and maybe tee up a question for it.

Man: You can say for example in this.

Kurt Pritz: All right, so again I think put this on the list and let's solicit comment by group (unintelligible). All right we have some time left and I'm willing to stay. So Kristina you want to keep the floor and talk about working methods? So as a matter of disclosure Rafik and I and the ICANN team met with some members of the Contracted Parties House yesterday not to talk about substance but to talk say that they had some ideas about how we might change our working methods some to make ourselves more efficient and ask for some time in this meeting to discuss them. So we didn't discuss what they were specifically but we discussed that they existed. And so I think it'd be good to spend some time on that. And we - they also had questions about, you know, that where we're trying to get to as far as an initial report. And we didn't discuss any details there either so but I did promise to spend some - to allocate some of the agenda to this. And I plan to allocate more of it but we are where we are. So Christina?

Kristina Rosette: Sure, Kristina Rosette and you all should feel free to continue the discussion tomorrow morning. A couple thoughts on how this - it - really just based on observations from Saturday about how I think that we can work more efficiently and more - and frankly more quickly one of which is that I think this

editing text - and we talked a little about this in connection with our discussion of Small Group Number one, their results. I think trying to edit text as a group is really not feasible. And I think it ends up taking a lot longer that way.

So my suggestion would be that we agree that going forward that where we want someone wants to propose a modification to existing text that they have an obligation to provide a redline before the meeting in which they want it to be discussed. And, you know, obviously should probably think about how long before the meeting just to give people, you know, some notice of it.

I think if it's provided in a redline that will allow it to be displayed people can, you know, if they want they can see that locally and make their own comments on it. I just think it'll make it every - that type of work go a lot faster. And frankly I also think it will force us because we're going to have to create a redline to decide, you know, what are the changes that are really important and important enough to spend the time to create the redline. So again just kind of presenting that for discussion.

The other recommendation that I think we need to consider -- and (Kurt) pointed out this is one that he had presented very early on -- was that when we are talking - when we're discussing a particular topic I think we need to be more disciplined about keeping our interventions on topic. And I think we all need to be prepared to accept (Kurt) and Rafik's determination that a particular intervention is not on topic and that we're going to move on.

I also think that what we need to do in keeping with (Kurt)'s suggestion is that almost kind of a round robin, that every group should have an opportunity to provide a comment on a particular topic before you move to the second person from that group. So in other words, you know, you'd have to kind of go through the list. And it could be that a particular group doesn't have an intervention but if so that's fine. And that way I think you provide a more even opportunity to start with a broader set of views. Those are really only two

things. I am open to any and other suggestions and frankly I think we should be, given our time and consideration. Thanks.

Kurt Pritz: Okay I think part of our issue is that we're trying to go really fast and we're popping documents in front of people and asking them to comment on the fly and maybe, you know, from the administrative side need to provide a little better leadership and organization and how things are presented. Go ahead (Brian).

Brian King: I think those are great recommendations from Christina and we support those.

Kurt Pritz: Thomas? (Heidi):

Heidi Menyati: Yes we certainly support it as well yes.

Man: Yes.

Kurt Pritz: Yes, anybody else? Okay we'll do that. Does anybody have anything else? Milton?

Milton Mueller: We've heard a couple of requests. This is Milton Mueller for the record. We've heard a couple of requests for research, for investigation of various things going on. And I'm just curious the people that are proposing this what kind of a timeline do you have in mind? I know the question about the legal natural persons you're talking about, the staff running out and I don't know doing some quick checking, but the investigation of the, I think it was there was another call for investigation in the Small Group Number 3 that was also looking like to me like a month-long research project. I mean are we kind of reverting maybe to the GNSO's typical timeframe in which these PDPs go on for two or three years? Can we afford to even think about this in this way?

Kurt Pritz: So I was in that small group and I think that the sense of urgency was to start that understanding that additional work needed to be done that that works start now rather than at the end of the PDP and as a, you know, as a policy recommendation to do this research work. Why wait for that if we think research into a particular topic would be beneficial for this PDP now? So, you know, I perceive it as being not on the critical path of finishing our work but to start it now so we can finish as soon as possible and then become actualized depending on the results of the research. And okay, that's enough.

Martin Mueller: To follow-up on that I think the reason thing that puzzles me so much is that the same people who are calling for this research are the ones who you are telling us the need for access is immediate and urgent then we have to solve the access problem. So I'm just getting cognitive dissidence here to - we can resolve a lot of these issues quickly if we - and take up other issues later in another PDP. But if we try to be, you know, doing research and investigations before we make any decisions I think we're looking at a two year timeframe.

Kurt Pritz: I think we're done but go ahead (Brian).

Brian King: I was going to answer the question from my perspective where we're looking at something that looks much more like a quick check versus a university research.

Kurt Pritz: So let me look at tomorrow's agenda for us those of us that will be here. We have - in Purpose B if you read that it includes a section on data redaction. So we feel like we've gone through all the purposes, identified all the data that's going to be collected. And now as channeling Milton I don't think it's a complex discussion or complicated discussion but about which data elements are to be redacted for public, from public viewing so we're ready to have that discussion.

We're going to review the project, our project timeline and to the extent we continue the working method discussion. And then Marika I don't know, I'm reading here outstanding items or charter questions. What's that mean?

Marika Konings: Yes thanks (Kurt) this is Marika. I think that might be good just to remind everyone of what, you know, some of the action items are. I think we identified some today. You may have seen that we sent some additional documents as well to the list to facilitate your review, the updated data element workbooks. And what we're trying to do is as well to identify or highlight some of the specific questions that at least staff has identified in relation to some of those and especially those that we haven't reviewed yet in detail. And again the hope is that we can encourage conversation on the list prior to the meeting.

And there's still I think a couple of charter questions as well that we may want to flag and maybe see. And again I don't think they - they're necessarily of the nature or the importance of like the ones we've been discussing so far. But it might still be good for someone to maybe look at those or a few and come up with a draft response that could go into the initial report.

Kurt Pritz: So and you're going to furnish an agenda? We can furnish an agenda for tomorrow via email that lists these things and the supporting documents of the group?

Marika Konings: Yes, and just a note on the first one that staff has done and we'll attach it to the email, we kind of cut out the column from the Purpose B document to really focus on the data retention conversation. We added in the relevant charters and we also kind of very quickly copy and pasted some of the comments that were received during the triage document in relation to redaction from the different groups. And if we missed something, you know, please feel free to add to it. It was a quick exercise that we tried to do so you have one document to look at basically for that conversation.

Kurt Pritz: So I have a day job and that's working for dot R which was founded by (Oleg Asimov) who is a Russian venture capitalist. And one of his side businesses at his (Dacha) in St. Petersburg is to distill vodka. And so here is a bottle of his handcrafted vodka, called I Vodka. It comes - every bottle comes with a Web site. And if anybody wants a taste of this before we leave for the evening please join me here and I'll pour you a short shot.

Man: (Kurt) that's great but I'm afraid it's not enough.

Man: Maybe for you.

Man: (Unintelligible).

Kurt Pritz: All right so please join me for a quick shot if you're up for it. We have some soft drinks too if you want to toast with a soft drink. And thanks very much for your time and thanks for staying late.

                                    END