ICANN
Transcription ICANN Hyderabad
GNSO-Next Generation RDS PDP WG Face to Face Meeting
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Chuck Gomes: Another reminder, if you're a working group member for the RDS PDP

Working Group, please sit at the table up here please and please fill out a

name card. And use one of the big markers that are on the table over here to

my right and put it in front of your work station there.

Again, while we're waiting for a few more people to show up, if you're a

working group member, please sit at the table either – on either side and fill

out a name tag over there at the table where Marika is on my right. Okay.

Thank you.

I see a few working group members at the table that haven't filled out a name

card. There are marketing pens and name cards at the table on my right in

the middle over here so please put one of those in front of where you're

sitting. If there's anyone else in the audience out there that is a working group

member, please join us at the table. And by the way, there will be opportunity

for those in the audience to participate as well in this face to face meeting so

there will be a mic available for that.

We're going to start in just a few minutes. We're waiting to upload the slide deck and so bear with us here while that happens. Again, all working group members please sit at the table and fill out a name card that are on the table to my right over here in the middle of the room.

One other logistical item, if at all possible please login to the Adobe Connect room so that we can manage the queue using Adobe Connect. If that's not possible for you we will certainly allow you to raise your hand or go to the mic if you're out in the audience. But if at all possible please login to Adobe Connect. It's not our regular Adobe Connect room but it is in the meeting agenda so that if you login to that you'll see the URL - you can see the URL on the screen right now. And notice it has abbreviation for Hyderabad 57 in it. So please login to that. That's how we will manage our queue both for remote participation and face to face participation.

Welcome, everyone, to ICANN 57 first of all. For a lot of us this is our first session of ICANN 57. A few people have had a meeting yesterday. I suspect some of you may have even had one already this morning. My name is Chuck Gomes. And this is the Registration Directory Services PDP Working Group face to face meeting on the 3rd of November 2016. Our second face to face meeting.

And we do have remote participants as well so we want to encourage the remote participants to feel free to raise their hand in Adobe and let us know when they want to participate. And we will - they will be put in the queue just like everyone else.

I've said this several times before we started, but any working group members in the room please sit at the table and fill out a name card. Name cards are on the table over by Glen on my right in the middle of the room there so please do that. And we would appreciate that.

Now we now have our slides up. That was the cause of our delay. So let me start by mentioning a few logistical items and one of them is whenever you speak use a mic, you have to use a microphone, this is being recorded. And so you need to use the microphone. If you're in the audience and want to participate please go to the mic in the middle of the room there. And again if you can't - if you can raise your hand in Adobe Connect that's the preferred way of participating or for those remotely of course raising your hand in Adobe we will see that.

Also, before you say what you want to say to the meeting today we ask you to identify yourself. Please give your name and what organization you're with or if you're an individual that's fine, you can just say that. But please state your name each time you speak otherwise the transcribers when they work on the transcript won't be able to know who's speaking so identify yourself each time.

Now as always, and this is for working group members, I will ask right now if anyone have a statement of interest update please raise your hand either physically or in Adobe and let us know if you have an update to your statement of interest. Okay, I don't see any.

The next thing I want to do is introduce the working group leadership team that are seated at the front of the room. And I'll just start over to my left here. Susan Kawaguchi is one of our vice chairs. Lisa Phifer is staff support. I think I already introduced myself, I'm Chuck Gomes, the chair. And then Marika Konings is on my right. David Cake, another vice chair. And glad you could make it Michele, the - is another vice chair on my right as well.

And let me take this opportunity to thank -- give special thanks to the leadership team because they spend a lot of time in preparation before these meetings happen and afterwards a lot of time as well so special thanks to them. Each of them will be participating in the session this morning.

You can see on the screen right now the first slide they are just shows the agenda. And we're going to do a very brief update on where the working group is at and where we've been. The key agenda item is Item 3. We're going to spend most of the time today, and just so that I properly set expectations, our plan, unless that changes, is to use the four hours for this meeting, even though the ICANN schedule shows it ending a little sooner, that will still leave a break for lunch before the next working group session in here, which will be Subsequent Procedures New gTLD PDP.

So going then to the next slide, and I think I just took care of that so we can move one more slide forward. And I will turn that over to Michele. Can you cover the next two slides? Yes.

Michele Neylon: I'll try my best. Good morning everybody. Michele Neylon for the record. And thanks to Chuck for throwing me under the bus bursting early in the morning when I can barely see what's in front of me.

Okay so, better. Okay so we've been working our way through a bunch of things related to the work plan. So it's up on the flight there you can see the approved work plan including approach to reaching consensus. Key and put summaries for users, purposes, data elements, privacy, initial possible requirements which is still in progress, which is extracting - extracts from the key inputs, early outreach responses, PDP phases, dependencies and then we have codes and keywords.

So further materials prepared for deliberations, still working on the problem statement for this PDP working group, representative set of example use cases and registration data and directory services statement of purpose. And if you look on the right hand side you can see how this fits into the work plan tasks.

So so far we have formed a working group leadership team, we reviewed the membership for gaps. And again in terms of the working group membership,

membership never really closes. I mean, considering a PDP like this will continue for quite some time, you know, some people will probably drop off, some people will join, some people will change jobs, have children, get married, buy houses, I mean, lots of different things will happen. So the membership of the group will change over time.

So if anybody wants to join the working group they can do so. And if people feel that there is a particular gap and expertise that needs to be filled, want to get somebody to join to help fill that they can do so. Bear in mind as well that you don't need to be a member of the working group to provide input because there are obviously public comment periods at various stages throughout our work.

Okay we established a working group meeting schedule, so we are reviewing and identifying some key inputs to the PDP, reviewing the rules of engagement, general rules of engagement, try not to kill each other. And, you know, if you're going to get rid of the bodies do that neatly please.

Develop a working group work plan, early outreach to the SOs ACs, SGs and Cs. Initial possible requirements list, informal outreach again. Finalize the possible requirements. And then how to reach consensus during our deliberations. And again consensus within the context of the GNSO is something quite specific. Next slide please.

Chuck Gomes: Before going to the next slide, Michele, let's see if there are any questions on that particular slide. Okay, we'll go on and then it over to David to cover the next couple slides.

David Cake: Right so Michele described what we've done so far which is, you know, to basically put in a fair bit of basically preparatory work that's preparing for our deliberation so far. So, you know, we've gone through these inputs, we've, you know, prepared our statement of purpose. We've done a whole bunch of

other things that are – we compiled this enormous requirements initial drafted requirements list.

We've done a bit of work to help us organize and wrangle that very large list like preparing keywords and so on. We've done a lot of work but we've been somewhat circling around, nibbling some of the detailed discussion. And what we've got to say now is it's very exciting, everybody, that we're now up to the point where we're really into the meat of the work that today we're going to start deliberating on those individual requirements and those requirements – the fundamental requirements. And so basically we're starting the serious work of moving toward the decisions we need to make.

We won't be - this is only the first day of deliberations or on the fundamental requirements. So we're just going to do a first pass today. We're not expecting to have a lot of kind of -- were not expecting to have any final decisions on anything today. We really just want to start discussion on these requirements, start to build a shared understanding and move towards some consensus discussion.

We're only discussing three of those areas. There are several areas that are within the charter that we need to discuss. And we'll be discussing three of them today. We'll be discussing users and purposes, that is who should have access to gTLD registration data and why. We will be discussing the data elements, what data should be collected, stored and disclosed. And some people have even said, you know, if any, what data should be collected.

And we are also discussing privacy, what steps are needed to protect data and privacy. These are only three areas. Next slide. Thanks. As you can see on this list we've got several areas that we have to discuss according to her charter. We have to discuss users and purposes, who gets access to that data; what data we collect, the registration data elements; what steps are needed to protect data and privacy, which is an area which I think we've all realized has become very complex.

Then there's two areas that we won't be discussing today, that we will be moving into as soon as we have our next meeting after today, which is the registration data accuracy, how do we ensure that that data in various accurate? And how important is that accuracy and so forth.

And the question of gated access, which is the new RDAP protocol that we will be using to replace the old Whois, allows us to control who gets access to what data and, you know, there are other mechanisms could be considered. So if we decide that some data is not going to be fully open to anyone in the public, what steps should be taken to control data access for each user and purpose.

But we're starting with the first three. And once we get all of those areas we get around to considering the question. We're in Phase 1 of a multiphase PDP process, as a, you know, Michele said, some members may get married, have children during the course of this process. It may go for a while.

Michele Neylon: It will go for a while.

David Cake: But Phase 1 is where we are now. And the end result, so we don't need to be, you know, any work we discuss that doesn't directly address this question is not wasted will be used for Phase 2 or later. But the fundamental question we need to answer in Phase 1 is, is a new policy framework and the next generation system needed to address these requirements?

So we're going to decide what our fundamental requirements are for a registration data service and then we're going to decide whether we are able to meet all those fundamental requirements using the existing sort of Whois system the way we have it set up now or whether we need to take a step and add - make a new system that includes new elements such as gated access or, you know, other underlying changes to the system.

So hopefully that tells you where we're at today. Today we'll be starting deliberations on our requirements. We've got three areas we'll be looking at. We're not intending to exhaustively discuss any of them today or even come to a conclusion, just our discussion. And in particular this will be an iterative process, right, we will not - each area that we discussed today we will come back to later and discuss again. We want to ensure that we are not -- the ordering does not affect our judgment, that we are considering them holistically and understanding all those different questions at once when we consider what the fundamental requirements, and how we understand that some areas may affect how we see the others.

So for example some data may be needed for certain purposes. So we can't separate data elements and users and purposes entirely and so forth. That's what we're doing today, looking at those three areas, taking an initial sort of first pass at each one in preparation for further discussion and requirements. Always with this fundamental goal for phase 1 of do we need a new system? But also knowing that whatever requirements we decide our fundamental will be carried into phase 2 where we discuss what we might actually -- what changes we will be making to registration data services.

That's it for those two sides? Is that it? No, I'm supposed to discuss…

Chuck Gomes: No, that's fine. Any questions, comments on what David covered? Now I'm going to ask kind of a side question right now, how many people in this room today just arrived today on your flight? Anybody? Oh good well you can relate to Marika. She just arrived a few hours ago and she's up next.

Marika Konings: Thank you Chuck for that nice surprise. So actually to remind myself what we're discussing here. So for each of the questions we actually already spent some time with the working group and looking at some of the sub questions that would need to be asked to get to our final responses. So we used a mind map to do that process. And I think you see an abbreviated version of that

mind map where indeed we brought the five fundamental questions together and underneath each of those we listed a number of additional questions to facilitate the thought process and responses by the working group for these.

So we're really hoping as well but that will help the group understand and really dig into the details of those different questions. I think some of those we actually see on the next slide.

May be a little bit difficult to read so again I would like to remind everyone to look at your Adobe Connect and they are you can actually use the full screen mode to go into the details of the slide and zoom in so you can see best.

So just to give you an example, for example the first one, users and purposes, the overall question is who should have access to gTLD registration data and why? And again through some of the discussions in the working group as well as part of the leadership team we identified a number of sub questions that could help the working group again fully understand the question and work through our response to that question.

So, you know, what are the guiding principles that should be used to determine permissible users and purposes today as well as in the future? Should gTLD registration data be accessible for any purpose or only for specific purposes? For what specific purposes should gTLD registration data be collected, maintained and made accessible? And again there is even a sub-sub question, who should be permitted to use gTLD registration data for those purposes?

And again, you know, I don't think we want to spend our time going through all these sub questions that again he gives you an idea of the thought process we suspect the working group will be going through in addressing these questions. And as David already mentioned before as well, this will be done in an iterative and randomized manner. As we had some discussion initially, is very certain natural starting point? Some of the working group

believed it should be may be one; others believe they should maybe be two; others obviously that another question should go first.

And I think as a result he was actually agreed to do it in a random way. And I think Chuck a little lottery over a conference call and that's how we actually decided the order in which we start the deliberations during today's meeting.

Next one as well? Let me go to the next one. Yes exactly, so this is an example of - we'd use the one on data elements. We basically, let me see, so basically I think of some of you may have seen the list of possible requirements is pretty extensive. The working group spent quite some time in building that list, reviewing a number of key documents that are fed into that list.

And through a number of coding and code words, the list has been organized in a way that helps the group to sort and pull out certain requirements linked to certain key questions, code words as well as groupings that have been identified. And the one that you see here is an example that was pulled out to give an idea of how it would look like, data elements.

Again you see here that the number of possible requirements that are linked to a specific code, so they're all considered phase 1. As you know we're working through three phases so as part of the triage that was done on the possible requirements the team also looked at, you know, do these possible requirements really belong in phase 1, which is determining possible requirements or are these more implementation related questions that come up in another phase. So they were categorized as such.

Then they were also organized along the lines of a number of code words and groups together. So again this hopefully will allow the working group to pull out specific sets of possible requirements to facilitate the deliberations. And again you see the example here for data elements for this one.

Chuck Gomes: Thank you Marika. Great job considering she just got off the plane. So just before I turn it over to Susan to cover the next few slides, I want to try a few of the things together that everyone has shared so far. This list of possible requirements was developed from a large set of documents that have been reviewed by the working group and members of the working group.

That list, and Lisa can correct me if I'm wrong, we talked about this in our meeting last night. But I think there are over 1000 possible requirements that have been identified from a whole bunch of sources. We're just going to focus on some of those from a few of the sources today and we will identify those when we do it.

You can see on the slide that's up there, the abbreviation code, DE, which stands for data elements, right, so that's one of the first five questions in our charter. There are six other questions that we will get to after we answer the fundamental question that David mentioned, which is do we need a new RDS or can we modify the Whois system that exists today?

We fully understand that some of you think you are ready have the answer to that. We need to do our deliberation first before we answered those questions. So Angie can see on that slide there if you look in the left column, so you've got DE for data elements, and then DO1, that's the first document. That particular document happens to be the Expert Working Group report that was worked on for over a year by a lot of people, some of which are on our working group today.

And then there's just a sequential number four requirement one, requirement two, requirement three and so on. Again there are over 1000 possible requirements that we have in our collection of possible requirements. And they are possible requirements. We have to decide whether we agree they should be a requirement or not. And that's the deliberation we're going to be starting today.

With that said, let me turn it over to Susan and go to the next slide.

Susan Kawaguchi: Thanks, Chuck. So we are doing this in a randomized iterative approach. Chuck literally got us a dice and we threw it and based on the three questions, user and purposes was number one and he rolled a number one. So we're going to begin with user purposes. But we'll also – and to look at a subset of possible requirements using the prerequisites, dependency codes and keywords, the select subsets for deliberations.

So we've tried to just take it down to the easier ones, the ones that aren't so detailed that we need to look at several different possible requirements at once. And deliberate, really take the time to think about it and discuss.

But then the next round we'll start with data elements. And go down the list to privacy. So we'll cover all. And (unintelligible) on each question in a random order. That way we've taken almost 500 possible requirements and sort of made the cut for them to look at first.

So we have codes. There's been a lot of work done to the possible requirements. We have codes. And taken the codes and we're starting with by alphabetic order so we will start with A, code A to start. We also have – we can (unintelligible) and keywords and then map the PRs within each subset to sub questions posed by the mind map. So we're using all of the tools that we've worked on in the last six months to really sort of order the next step of deliberation and really take a fair look at the possible requirements.

And here's some of the examples. We saw one earlier. These are all with code A and we'll be starting soon on these.

Chuck Gomes: And just for your information, code A is goals of the system, okay? And each one of them we have a long list, I think it's a two page list of all the codes. And again, these are ways that we have used to organize our work. When you have 1000 plus possible requirements, we realized that if we just go

through all 1000 one by one, many of us will not be around anymore by the time we get to the end of the list so we're trying to do it in a way that will help us deal with similarities and do groups of possible requirements together and thereby increase our efficiency.

So now I'm going to turn it over to Lisa and go to the next slide.

Lisa Phifer: Good morning, all. Lisa Phifer for the record. In this slide what we've tried to do is actually bring all this discussion that we've had about the questions that we're going to try to address this morning into perspective of what are we trying to do to get from here to the end of phase 1, phase 1 being publication of this working group's recommendations on requirements for policy framework for RDS.

In Helsinki we actually agreed on an approach to reach consensus during phase 1 and in that approach what we agreed to do was to start with these three questions, the users, purposes, data elements and privacy questions that are in our charter. Start with those, deliberate on those questions, attempt to formulate recommendations for requirements for a policy in those areas so that's tasks 12a and B in our work plan.

As we go through that process this is where we are today starting with this left most item. We'll be deriving recommendations that then would be published in a first initial report. But we won't stop with those first three questions. After looking at those three questions we'll also look at the questions of gated access and data accuracy as well as other questions. Well what are other questions?

Those are questions that come up during our deliberation that don't neatly fit into some of the charter questions but still need to be addressed in order to answer that foundational question that's FQ that you see under 12e there. The foundational question being do we need a new policy framework in order

to address these requirements or can the existing policy framework that we have for Whois today be adapted to meet those requirements?

That first initial report will go out for formal public comment but it's important to note that at this stage we won't necessarily have formally consensus within the working group. We won't necessarily have even tried to reach formal consensus in our first initial report. It will be this working group's first chance to put to the community its initial recommendations, gain feedback through that public comment process.

It would be a formal public comment and so we will record the public comments, also record this working group's analysis of those requirements and then factor that into the next step, the next step being what you see here as Task 15 and 16 where we will look at the other questions in our charter. Questions like coexistence, compliance, benefits, risks, cost and system modeling.

Those questions can only really be answered by looking at the answer to the foundational question, which is are we looking at the existing Whois policy framework and trying to adapt that or are we looking at a brand new next generation framework for RDS and trying to define that.

The output of the deliberations on those remaining questions then would be captured in our second initial report. That second initial report will be cumulative, that is it'll capture everything that we document in the first initial report, refined as necessary to reflect the analysis of the working group on public comments, as well as the work on the additional six questions. That will go out for public comment, again, a formal public comment.

Now I should stress that throughout this whole process we can do informal outreach to stakeholder groups and constituencies at any time in order to gain additional feedback but we have at least those two cycles of formal public comment before we get to the point in this process where we will have

built towards actually establishing hopefully, formal consensus on the recommendations of the working group.

So it is only as you get to the right side of this slide and Task 19 where this working group would actually go to the formal process of voting on the recommendations, establishing a formal level of support for the recommendations, documenting any disagreements in a formal way and all that would be captured in the final report.

Now I should say this final report is for phase 1 of this PDP. This PDP is broken up into three phases. And after this working group delivers the final report for phase 1 to the GNSO Council, the Council will consider the next actions to take based on the answer that this working group recommends for that question: Do we need a new RDS framework – policy framework or can we modify the existing Whois policy framework? The next step will depend on the answer to that and the Council's adoption of this group's recommendations.

Next slide please. So right now today we are the very left side of that previous diagram, as has been discussed by I think everybody here, we'll be looking at those first three charter questions. In order to break our work apart, we have arbitrarily decided to start with the possible requirements that fell into code A, that is the goals for the system.

That's just a starting point that we've picked so that we have a smaller set of possible requirements to begin deliberations with. We further whittled those down into only those possible requirements that were in phase 1 and were classified as goals of the system that haven't yet been identified as having any dependencies or prerequisites. So hopefully these are sort of the foundational possible requirements and we can build on that as we work through the process.

Working through the process, though, may require us to iterate quite a bit because all these questions are very independent. So in today's meeting we hope to address possible requirements in all three of these areas, even though we'll be starting with users and purposes because that was randomly drawn by the dice that Chuck threw, we will also look at possible requirements for data elements and for privacy in today's meeting.

As we do that, what we'll try to do is introduce the possible requirement, have a brief bit of discussion about the possible requirement. And please weigh in with your comments on the merit of that possible requirement, any concerns that you might have about that possible requirement, but keeping in mind that this is an informal discussion at this point. No one is going to be asking you to vote and stick with your vote on that possible requirement today. We're just beginning deliberation.

But based on that initial discussion that we'll have, Chuck will take the temperature of the room about that possible requirement. Does that possible requirement bear further discussion in the working group? Has it been discussed enough and now we need to formulate a recommendation around it? Or does it appear to duplicate or somehow not even fit into what we need to be discussing and so we'll table that for the moment.

Keeping in mind any direction that we get from the working group today isn't final until we decided to move forward on a possible requirement we can always decide at a later time that that requirement should be set aside. We decide to table something, put some possible requirement aside today, that doesn't mean we can't come back to it. It's just a starting point to help us move forward in that process of informal building consensus until we get to the point where we can actually reach a time where we look for that formal consensus.

Chuck.

Chuck Gomes: Thanks, Lisa. Chuck speaking. So I hope we haven't lost most of you. And some of you may be asking, you know, didn't you overcomplicate this? Keep in mind that there are – I don't know what the final number of working group members are and that doesn't include the observers, but working group members we certainly have way over 100 working group members, all of whom have their own opinions on all of this. And so we've had to very carefully plan out our work so that we don't get ahead of ourselves and assume things that we shouldn't have assumed – that we shouldn't assume.

So I want to pause a few minutes here. It's very hard for me to believe that some of you don't have questions about what you've just seen. We've obviously condensed it into a fairly short time period considering all the work that's gone on so far. But let me pause for a little bit here. Anybody, whether you're on the working group, whether you're in Adobe, whether you're an observer in the room, if there's something that you don't understand and have a question about what we've done and where we're going, now would be a great time to ask that question. And any question is okay.

And let me encourage the working group members both on the call remotely and in the room if you want to add anything that you think might be helpful for those who are new to this please feel free to raise your hand and share your comments now.

Okay, feel free to ask us questions later. And, by the way, in this four-hour cell we have somebody over here. Alan, you're not in my peripheral vision very well. Go ahead, Alan.

Alan Greenberg: Thank you very much. I think something else needs to be said. I mean, Lisa gave a marvelous summary of all of the issues we're looking at. We've got people around this table and in the group in general who feel very strongly about a lot of things and some of these conflict with each other heavily.

If we are ever going to finish, and Chuck, you alluded to the fact that we may not survive this meeting, some of us, but if we're ever going to finish, there are going to be lots of compromises and lots of innovative ways of melding the requirements together. And people are going to have to really flexible and just remember that as we go along. This is a really difficult job. It's been going on within ICANN in a number of different ways for about 15 years.

And we've failed several times. This group cannot fail again. It's going to require a lot of adaptability to get forward. And I just think people need to remember as we go forward. Thank you.

Chuck Gomes: Thank you very much, Alan. This is Chuck again. And he just put the pressure on us, didn't he? So we've got a lot of work ahead. But, you know, I've been very impressed with the working group members as a whole. And certainly we've already had lots of disagreements and different points of view. But really for the most part everybody's been constructive and we're working together and I think we'll even get better at that even as we get into the tough deliberations in the days ahead. So thanks.

Anybody else want to share a comment? I see Alex. Okay.

Alex Deacon: Hi, thanks Chuck. One thing that would be helpful, and I hope I didn't miss this because I am watching the Cubs game at the time…

Chuck Gomes: What's the score? Is it still 6-6?

Alex Deacon: It's still tied, yes, top of the 10th.

((Crosstalk))

Alex Deacon: …on first and second.

Chuck Gomes: For who? Oh top of the second Cubs.

Alex Deacon: Top of the 10th so Cubs are on first and second.

Chuck Gomes: Thank you.

Alex Deacon: One out. It would be helpful and – if we knew kind of what questions or possible requirements are coming up. I don't know, Lisa, if you plan to kind of do that so we could prepare kind of understand what's – what we will be debating at the next meeting and so on. And is there a plan to do that?

Lisa Phifer: Lisa Phifer for the transcript. Yes, so in advance of this meeting I think last Friday we distributed just those possible requirements with code A but based on the results of today's session, we'll identify the set of possible requirements that we'll circulate back to for the next meeting.

Alex Deacon: Okay.

Lisa Phifer: And the idea would be today we'll cover at least briefly all three questions, some possible requirements under all three questions. But in our theory of rotating forward, in the next meeting we would look at the elements first then privacy, and users and purpose.

Alex Deacon: I see.

Lisa Phifer: And thinking that we will try to do, as we move forward, as identify some possible requirements we may have already discussed, that we'll have drafted some recommendations, we can come back and actually look at those recommendations, you know, actually get down to word-smithing then. We're not there today. But we would identify that in advance of the meeting so that we have time to actually look at that text, and then prepared.

At the same time when we have new possible requirements that are going to come to the table at the meeting we will identify what those are. Does that set you up nicely for what you need to do to prepare?

Alex Deacon: Yes, and I apologize, I must have missed that email in the ramp up to this meeting so that helps. Sorry about that.

Chuck Gomes: No problem at all, Alex. This is Chuck again. And there's a lot to keep up with on this and of course as we're all – all know, those of us that have been too many ICANN meetings, when you're preparing for an ICANN meeting you're pretty busy and it's hard to keep up going there. And then you're traveling. So that will be an ongoing procedure, the one that Lisa just described.

Okay. Have a remote question. Emily, go ahead.

Emily Barabas: Thanks. This is a question from Anne Aikman-Scalese. The question is, "What is the theory under which existing Whois system could be adapted to meet the privacy and restricted access requirements?"

Chuck Gomes: Thanks, Anne. This is Chuck responding. And I'll certainly let others respond. First of all, and I know this probably seems strange to a lot of people who have – are very familiar with the existing system. We're being very careful not to assume that a new system is needed. We have to develop the recommended requirements first before we fully answer that question. So we're not assuming. And, Anne, you're probably like me if I can just talk personally a little bit, you know, you may not see any way that the existing system could be modified to satisfy the requirements that you describe.

And you may be right, but we're trying to be very objective and cautious about how we approach that. So bear with us as we work through this. There may not be a way the existing system can be modified to meet whatever requirements we may come up with. But to be fair to all views in this, we're

not assuming that. Anne, please feel free to follow up if I didn't adequately answer your question.

Okay, I see some hands in the queue. Alex, is that an old hand? Okay, and let's go to Alan.

Alan Greenberg: Thank you. I'm going to be a contrarian, not all that uncommon for me. I have a background of software architecture and design. I don't think there's any real functional difference between building a new system and modifying an old one. We've all seen buildings where you rip out pretty much everything except the foundation and start over again but it's an old building from a zoning point of view.

You know, if you can change enough of something so it's effectively new, really the question is going to come up – that will come up that I think I would look at it is, is there a practical way and is there a minimalist way to get where we want to go from Whois or do we scrap it and start again? Ultimately, there's no difference.

We could build a brand new system and call it Whois, heaven forbid, or we could take an old system, rename it and scrap all the code and all the function and, you know, whatever. I don't think that's a substantive question. It's an important question and once we understand what we want it to do. But I don't think – it's an emotional and conceptual question but I don't think it's important in our deliberations.

Chuck Gomes: Thank you, Alan. Chuck again. And before I go to Michele, you said something I think really important there that I think provides more answer to what Anne was asking. And that is until we come up with some recommended requirements, we don't know what it's going to look like. And so that's why we're going to spend weeks and weeks deciding on possible requirements. Then we're going to put it out to the community to see – to let you evaluate what we've come up with. And then we're going to refine those

further. But until we know what those are, we can't really adequately answer that question.

Michele, you're up.

Michele Neylon: Thanks, Chuck. Michele for the record. I have to disagree with Chuck. The Whois system and software is not capable of doing a lot of what anybody would want a system to do, which is why most systems and particularly in the numbering space has moved to RDAP and other XML-based solutions.

The current Whois software can't handle a lot of the things that you'd need to it handle like access, rate limiting, all those kind of different things. And, you know, technically speaking moving to a different system allows you to implement a lot more granular control over who has access to what and how. Which is needed and this is something that is being discussed for years, so on a technical level changing the software is just going to happen. That's already been pretty much decided.

What we're looking at here is the policies around who has access to what. Not the actual change of the software itself. So I think the two things are not disconnected but they're not – the idea that the current Whois at the software level would change that's already been decided that it won't. Thanks.

Chuck Gomes: Thanks, Michele. David.

David Cake: Yes, I just wanted to basically agree with the same point. We've already made – the decision has already been made that we'll be moving from the Whois protocol to the RDAP protocol and that this will enable a lot of different things. This is not really a software question, it's about the architecture of how we move data and information around. But I'm sure when it comes to the report if we decide that it's not entirely new but only substantially new or, you know, significantly new or something, we can indicate the degree of newness that we recommend in that. I don't think this is a real issue. Thanks.

Chuck Gomes: Thanks, David. Any other comments or questions? This is Chuck. Stephanie.

Stephanie Perrin: Thanks, Chuck. Stephanie Perrin for the record. At the risk of being repetitive, I've raised this in the working group before. I just want to mention cost, that's not one of the three elements we're focused on at the moment. And as we try to envisage these new and innovative systems, we have to keep in mind just exactly what the budget is for this and where it's going to come from, who's going to cover these costs. Thanks.

Chuck Gomes: Thank you, Stephanie. Anyone else? Michele, go ahead.

Michele Neylon: Thanks. Michele for the record. Stephanie's point is well made and something that people should be reminded of. It is far, far too easy for people who do not have to pay for this to make decisions that cost those of us who do have to pay for this a bloody fortune, being blunt about it. Within the ICANN ecosystem making a big change, there are only three possible – there are only three parties who could possibly end up paying for it and having to implement it technically, registrars, registries or ICANN itself.

If we have to – if we as registrars have to go off and spend huge amounts of time, energy, effort, money and everything else building something out, that's time, energy, effort and money that we're spending that we could have spent on something else, and it's going to have to come from somewhere.

So in other parts of this meeting you're going to hear people talking about – you know, capacity building, you're talking about building up capacity in the global south, you're talking about also things about digital this and digital that and reach and improving the digital economy and making it more accessible.

But if we all have to spend a huge amount of money to make it a super complicated system just to satisfy some crack-addled concept that somebody

who's never actually had to implement anything in their lives comes up with then the cost of a domain name will go through the roof and that's the reality.

Chuck Gomes: Thank you, Michele. And, especially for those that are fairly new to this working group, or even observing it, cost is one of the 11 charter questions that we have to deal with. It so happens that it comes later in the way it's mapped out. But that doesn't make it less important. So that's very important.

And before I go to David again, I want to – I think everybody's figured out that there is coffee in the back of the room. And I should have said that a long time ago. But please feel free to go back and get coffee. And I think there's bottled water, at least outside the room. There's water over to the side of the room and so forth so please stay comfortable and do what you need to do to bear with us through this meeting.

David, you're up.

David Cake: Yes, so I just wanted to make a little procedural point on this one which is that we do have cost and along with the benefits and coexistence and other things in our charter questions. But we – a current approach to reach consensus is that while absolutely you should bring those up, those questions up now if you have a relevant point to make about them, we will focus on them in more depth after our first initial report. So if you think we're not paying enough attention to risk or cost just I assure you by the time we get to it I'll be talking about risk almost as much as Stephanie talks about cost.

And we will – if you think we're not focusing on enough now, we do have a time set aside later to focus on them more is all I wanted to say.

Chuck Gomes: Thank you, David. This is Chuck again. Susan, your turn.

Susan Kawaguchi: So not to belabor the point of cost, I just want to add to Michele's list, I do think that registrants should be included in that list. It's not just registries and

registrars or ICANN paying for it. It's been very notable in, you know, as I, in my day job manage domain names for Facebook to protect our global brand, we have been seeing in the new gTLD program, you know, much higher cost to support the new registries and their expenses. So I think, you know, we – as we look at cost we need to look at how that impacts registrants and that that is also a likely source of funding for this.

Chuck Gomes: Thanks, Susan. Chuck again. And not only have we tried in the working group to make sure that the working group has a good representation from as many points of view as that we're aware of, but for those of you that know the people that are on the leadership team, we have a good representative of different points of view on the leadership team as well. And that was intentional.

I don't see any more hands up right now. Again, if you're not in Adobe Connect feel free to raise your hand physically or go to the mic if you're in the back of the room. Be more than happy to listen to you.

So right now what I'd like to happen is for us to put up in the Adobe room our first set of users and purposes possible requirements. Now the ones that we're going to focus on today are those that don't have any identified prerequisites. And so we thought that would be an easier place to start. There are lots of other ways we could have done it but there are a lot of us that have been working on this now for over six months that believe that let's get started and let's get into actual deliberating. Lisa did a good job of explaining how we're going to do that.

And the way we're going to do it today, we're going to take the first one and we're just going to talk about it. And I want to be real clear about this, we're not going to do any word smithing today. Eventually, if we have a recommended requirement, we will refine the wording. And trust me, this working group can spend a lot of time doing that. But we're not going to do that today for that reason.

So we will get to that. If there's general support for the first requirement, in the next few weeks, we will refine the wording if it's supported. If it's not we'll deal with that. But today what we want to do is first of all just have an open discussion of the requirement. And what I want to encourage everybody to do in this room and online, is to do a lot of listening.

I do want you to talk too, but listen to what others are saying even if it's different than what you're view is, okay? Because we need to have good common understanding of the different points of view in order to do what Alan suggested, and that is to do some compromising and come up with something that will be supportable by a large majority of the community.

So the first one is up there right now. Notice it is a – the UP again, that's users and purposes. That's question Number 1 in the – in our charter and in the framework that we're following. And this particular possible requirement came from document Number 1, which was the Expert Working Group report. Okay? And it's the first requirement that was pulled out of that.

And don't assume that because it's the first requirement that it's the most important or anything else, that's not the case. We had a lot of people that spent a lot of time going through these source documents and pulling out possible requirements for RDS. And this is just the first one.

So you can read it there yourself for the sake of those who may not have it in front of them either remotely or otherwise, I will read it. "In support of ICANN's mission to coordinate the global Internet system of unique identifiers, and to ensure the stable and secure operation of the Internet's unique identifier system, information about gTLD domain names is necessary to promote trust and confidence in the Internet for all stakeholders."

Now let me make a personal comment on this one. This one doesn't look very much like a requirement. I get that. Okay, but – and there will be others

like that here. But we want to respect those that put all the work in to pull these things out of these various documents so don't worry too much about that. We may decide on this one that maybe it isn't a possible requirement but maybe it relates to the purpose of an RDS. And that's okay if we can do that. So don't get too hung up on the fact that this doesn't sound very much like a requirement. Maybe it can be reworded so it does.

But what I want to do right now is for everybody to focus on that one. Now notice I want to call attention to what Lisa's done for each of these. She's found things that are similar. For example, the RDS purpose statement that the working group has been spending a lot of time on the last month, this kind of relates to some things we've been talking about there. But we don't need to focus on that right now. What I'd like you to do is look at that requirement and ask questions, make comments, express opinions, understanding that we're not going to make any final decisions on that today.

We have a lot of working group members that aren't participating in this and so we need to give them opportunity in the week or two ahead to also weigh in on this. But I want to open it up for just general discussion about that very first one on the screen there. And I'll look for hands in Adobe or other indications that somebody wants to talk. Steve, go ahead.

Steve Metalitz: Thank you. Steve Metalitz speaking. I agree with you, it doesn't look a lot like a requirement but you could draw I think three requirements out of this, that the system has to support the coordination of the global Internet system of unique identifiers, that is the RDS has to support that. It has to ensure the stable and secure operation of the Internet's unique identifier system and that it has to promote trust and confidence in the Internet for all stakeholders. Those are very general statements.

And I'm not sure how useful they will be to us in the long run but you could kind of cast this as really three interrelated requirements. Thanks.

Chuck Gomes: Thanks, Steve. Chuck again. And sorry, I'll say that a lot of times because I ask you to identify yourself, I need to identify myself for the transcript as well. But very well said. And to let everyone know, Lisa is busily taking notes on all this so all of this is being captured. So those three possible requirements that Steve just suggested will be in our meeting notes and help us in moving forward.

Emily, we have a remote comment? Please go ahead.

Emily Barabas: This is a comment from Anne Aikman-Scalese from the IPC. "A requirement might be phrased as the RDS system as updated, should promote consumer trust and confidence in the Internet."

Chuck Gomes: Thank you, Anne. Much appreciated. And in the next few weeks as we zero in on this possible requirement further, this wording will help us as we – if there's support in the direction we're going then we will come up with specific wording for that. And your contribution will help us in that regard.

Emily, do you have another one? No, okay. Anyone else want to comment on this? Okay, the next thing I'm going to do, and this is something kind of new because we're just starting deliberations. This is our first one. Oh we – a hand up? Oh okay I'm not seeing it in Adobe but Sara, go ahead, please. Sorry about that. Oh now it popped up. My screen.

Sara Bockey: Thanks. Thanks, Chuck. No worries. This is Sara Bockey for the record. I don't know, I've just, I've read through this statement like eight times now and I think it's taken out of context and I think that maybe is what is bothering me. But where it says, "information about the gTLD domain names is necessary to promote trust and confidence in the Internet for all stakeholders," wow. I don't necessarily disagree with that. I guess the word "necessary" is what's nagging at me because I think the information is necessary for the registration of the domain name and for – to assist registrars in running it.

I don't know that it's necessarily necessary to promote trust and confidence. And this isn't really saying anything about it being published or in Whois either. And so like I said I think it maybe that it's just that it's out of context and so just – I don't know that I 100% agree with it. I don't necessarily disagree, it just is nagging at me.

Chuck Gomes: Thanks, Sara. Chuck again. The – and do you think it's a fixable one? I mean, it might be able to be – we're not going to do that today, but I get the sense in what you're saying that maybe it could be refined somewhat in the wording and maybe be easier for you to support.

Sara Bockey: Yes, possibly. Thank you.

Chuck Gomes: Thank you. Okay. Please go to the mic and identify yourself even though I know who you are.

Stephanie Duchesneau: Hello? Can people hear me? Stephanie Duchesneau at Google. I agree with Sara. And one of the things that bothers me about this statement is that it's not precise about what information related to domain names is necessary. So at that point I'm uncomfortable making a judgment about whether it's necessary or not necessary for the purpose of trust.

Chuck Gomes: Thank you very much, Stephanie. And let me point out something, notice another one of the areas that we're going to start focusing on today is data elements, which I think is closely related to what Stephanie just said. And so we're going to – and you heard several people up here in the front talk about an iterative approach.

Hopefully you're even right now starting to see why we're going to have to go back and forth on these things because we can only cover a few possible requirements at a time and it may not be possible to finalize, for example, this possible requirement until we've dealt with data elements as just one

example and so forth. So that's what we mean when we say an iterative approach.

Several months ago the working group spent a lot of time talking about, okay, what should we talk about first? And there were people who thought users and purposes should be first; there were people that thought privacy should be talked about first and local laws and so forth. Bottom line is, is there were lots of varied points of view in terms of where we start. What we came to the conclusion of is that we're going to have to bounce around and we may not be able to finalize opinions on a particular requirement until some other things happen.

So we perfectly understand that you may not – you may withhold your support on something like this until we see what else happens, and that's understandable. Thanks, Stephanie, for that.

Lisa.

Lisa Phifer: Thanks. Lisa Phifer for the record. So this is – this entire PDP will be a chicken and egg process, right? We will constantly be looking at questions where we need to know the answer to something else in order to actually address the question in front of us.

One of the things that might help, though, is to realize that in phase 1 we're looking at requirements for the policy framework itself, so we're not looking at specific policies but rather what is the policy meant to do? What are the basic requirements that the policy should satisfy? And if we don't answer those questions then it's really impossible to look at a list of data elements and decide is it in or is it out? Who should have access to it and why? Unless you know what is the system was trying to – what requirements it was trying to satisfy in the first place.

So that's the – where we need to back up and start is the fundamental requirements on the policy framework itself.

Chuck Gomes: Thanks, Lisa. Stephanie Perrin.

Stephanie Perrin: Thanks, Chuck. Stephanie Perrin for the record. I, like Sara, I reacted and I think the word that I reacted to was "stakeholders." And I would like to say, before saying anything that I really appreciate Lisa's effort in pulling these things – this is starting to feel like a massive patchwork quilt exercise and we're each in bringing our old clothes and snipping away at them. So kudos to Lisa.

And I don't mean to sound critical, but I'm going to go back to something I've been pounding on the working group meetings and that is we have to be analytically quite clear whatever words we're holding up what the purpose of those words is in our various constructions. And in this case, as Steve said, this is a very generic statement. And so we almost need a legend that says, generic statement here, to tag it so that we don't get carried away and take it apart.

On the question of the word that bugs me, it's "stakeholders" because on a very generic statement about the purpose of ICANN's role in managing its corner of the Internet, everybody's a stakeholder. And when I see the word "stakeholder" it throws me back to the particular stakeholders who are well represented at ICANN, which is not everybody. It's those who have money in the game. So – and I don't mean that to say that in any way disrespectfully but I believe it is a defensible statement.

So everybody – it matters to everybody whether the – whether we get the correct information gathered for whatever purposes. So I would certainly support the idea of dropping "for all stakeholders."

Chuck Gomes: Thanks, Stephanie. Chuck again. And as you hear me say we're not going to wordsmith today but that's being captured so that when we do, if we do decide to recommend a possible requirement out of this statement, or three requirements like Steve suggested, then we've got that suggestion and we'll pursue it further. Greg Shatan, you're up next.

Greg Shatan: Thank you, Chuck. Greg Shatan for the record. I guess I find myself, you know, far less troubled than some of the prior speakers about this statement. I would like to go back and see it in context. I think that's going to be one of the overriding issues that we're going to have here, and maybe we need a four-dimensional database so we can look back and see things in context.

But to my mind, you know, ever since almost the dawn of the Internet one of the classic statements has been on the Internet, "nobody knows you're a dog." And not knowing whether someone is a dog or not is – does not promote trust and confidence. So information about gTLD domain names and the domain name holders I think is a necessary aspect of promoting trust and confidence in the Internet certainly for all users of the Internet, maybe we need to think about other stakeholders.

And there may be reasons and needs that we need to qualify the statement as we go on. But I think of this statement rather than being generic, rather as being foundational. So, you know, that would be my view. Thanks.

Chuck Gomes: Thanks, Greg. Chuck speaking again. Let's go to Michele.

Michele Neylon: Thanks. Michele for the record. It being early in the morning I think it's about time that I disagree with Greg. I don't read it the same way you do, Greg, and that's hardly surprising. I mean, the way I look at that statement is it's a bit the way Steve looked at it. I don't find it that offensive unless you start reading too much into it.

If you start reading as much into it as you obviously have done, then I have a massive issue with it. But if it take it at a very, very high level that having information about domain names is important for the coordination of all those different things, then, yes, sure, domain names you need to know where they resolve to, you need to know the name servers and various other bits and bobs. You don't – I don't agree that you need to know whether you're a dog or not because I'm sure we can make up our mind whether you are or not.

But that's going too far into it. So I think at a very high level, without getting into the nitty gritty and the details, I can agree with that statement. But if people are going to interpret it to mean something that it doesn't actually say then it is a bit of a problem. Thanks.

Chuck Gomes: Thanks, Michele. Vicky, your turn.

Vicky Scheckler: …is the most important part of that statement is that the information is for the purpose, the trust and confidence in all the stakeholders. You know, and as Michele and Stephanie have said, the devil is in the details in terms of what information is collected and how that information is shared. But I agree with Greg, this is foundational and high level. And I would want to see it as a possible requirement.

Chuck Gomes: Thank you very much. Beth.

Beth Allegretti: Hi. Beth Allegretti. Michele brought a good point in mentioning that on the requirement is how you read it, what you read into it. I think it's really important that everything we include here is so clear that nothing can be read into it. So I just want to make sure that everything we do is very clear and not necessarily wide open to interpretation.

Chuck Gomes: Thank you very much, Beth. Much appreciated. Now it looks – I don't know if these are old hands so I see hands from Stephanie, Greg, Vicky and Beth. Are any – if those aren't new hands please lower them. Stephanie, go ahead.

Oh it's old, okay. Oh they're all gone. Okay, very good. Just wanted to make sure. So all right what I want to do right now, Lisa mentioned this, that I was going to try to get a sense of the room. And this includes those who are in Adobe.

And so I do this a lot on our teleconference calls as well, so those of you that have been in the working group know this, this is not – what I'm going to do is not voting, okay, it's not committing you to anything. But I'm going to ask you if you're in Adobe, and I'll give those of you who aren't in Adobe a chance even the observers here today, a chance to participate too.

And I'm doing this on the fly so forgive my wording if it's not very perfect. But how many of you think – have a general sense that there's some potential for possible requirement or requirements in this statement, the UP requirement Number 1 there that's on the top of the screen? And so if you would just put a green checkmark in Adobe if you're in Adobe. If you're not in Adobe just raise your hand in the room. And so that we can see that. You think this has some potential. And I'll pause a minute and give you a chance to do that because I want to scroll down and just see. We're seeing several hands.

Now at the same time, if you think that this – and leave the green checkmarks there please or the hands raised and we'll give you another chance to put them up in a minute. If you think that this doesn't have any potential at all as a possible requirement, put a red X in Adobe. Okay? So and again so hands up if you think there's some support – there's some potential here. Okay. And then there are quite a few green checkmarks. I'm looking to see if we have any red Xs, a couple red Xs.

The – now is Kal in the room? Kal, there you are. Thanks. Would you be willing to tell us why you put a red X?

Kal Feher: Yes, it was – and I said this in the chat as well but it's great as an aspirational statement, I don't think it's very good to retain this statement and inherent

possible requirements from it later on. I know we said that we'll take it as written and that we can develop it but I'm nervous about how people will interpret this later in the – and I'm just – I don't think I – I want to think about what people will derive from this requirement later in the track where we might have word-smithed any context out of it. So I want to avoid that risk.

Chuck Gomes: Thank you, Kal. Much appreciated. And notice if you're in the Adobe you can see there's a nice mix of red Xs and green checkmarks. Not surprising for our working group and we'll have a lot of that and that's good. So we – and our goal right now or my goal is to get a sense and we're getting a pretty good sense that there's some mixed views on this. So we're going to have to spend some time working on it.

Now I wonder if there's anybody participating remotely that would like to – we haven't tested the audio for remote participation. Let me give that a try right now. Is there anybody in – that's participating remotely that put a red X in there or a green checkmark for that matter and you'd like to make a comment on that, that would be welcome and it'll give us a chance to check to see how the remote participation is from an audio point of view. Please raise your hand if you're willing to do that and you're participating remotely.

Do they have – they have the ability to speak in, yes? Okay. I'm looking. I better scroll back up so I can look for hands raised. Okay, Marc, Marc Anderson is participating remotely. Marc, go ahead. We're not hearing you, Marc, so far. Okay, this is Chuck again. I'm not sure what's going on but apparently is the audio not coming through? So, Marc, if you can put something in the chat maybe that would work.

Yes, oh okay, I was just told that you need to be on the audio bridge, in other words, you need to be in – dialed in, is that correct? It doesn't…

((Crosstalk))

Chuck Gomes: …to be heard in the room. Just being in Adobe will not be sufficient. So I'm guessing that that may be the issue with Marc. So – and let me apologize, in leading this meeting I'm not doing a very good job of watching the chat. I am trying to look at it at the same time but so forgive me, and I'll ask the fellow members of the leadership team to help me in that regard if they see something in the chat that needs to be pointed out that I miss.

Okay, so I don't want to spend too much more time on this, this particular one. We're not done with it. Clearly we're not done with it. There's very different points of view and eventually we'll work that further. Certainly on our list in the days ahead, feel free to add thoughts on this particular one and we will come back to it.

Just want to spend a little time looking at the fact that this particular requirement is similar to the RDS purpose that we've been working on for the last month or so in the working group where we talk about consistency with ICANN's mission and specific purposes to include – to provide information about domain contacts, domain names and name servers for gTLDs based on approved policy and that based on approved policy is in brackets because of the fact that there – some people think that should be in there; some think it should not. So we haven't finalized on that.

So certainly one option with this particular one would be to incorporate it in the statement of purpose for an RDS, but I'm not saying that's the way we need to go. All right, looking – you may remove your red Xs and your green checkmarks now in Adobe.

And we're going to move to the second users and purposes requirement on the screen, which is Requirement Number 2 from the Expert Working Group report, "gTLD registration data must be collected, validated and disclosed for permissible purposes only." And so let's talk about that. What do you think about that particular proposed requirement? Remember to remove your

green checkmarks and red Xs so that we don't confuse them with the – with future questions I will ask.

Michele, you get to start.

Michele Neylon: Yahoo. Michele for the record. I think this comes from the EWG's report which is why it looks terribly familiar to me. And since I worked on that I have to support it. I mean, the key thing here is the permissible purposes only from my perspective so I'm fully supportive of that unlike the previous one which I have huge issues with. Thanks.

Chuck Gomes: I have to – this is Chuck – I have to disagree with Michele just because he disagrees with me so much. So the fact that you were on the EWG…

Michele Neylon: Is this a VeriSign kind of – VeriSign versus Registry thing?

Chuck Gomes: Oh I'm sure it is. You don't have to agree with it just because you were on the EWG team, a team that did great work, in my opinion. But anyway that aside, I just needed to say that.

Michele Neylon: Don't worry, I would – if there was something in the EWG's report that you were referring to that I had issues with I wouldn't support it. I do support it because as I already stated, permissible purposes only is key whereas the previous one, you know, that – as a couple of other people pointed out it's the devil's in the details and at a high level I don't have an issue with it personally but once people start reading too much into it then I do begin to have problems with it.

Chuck Gomes: Thanks, Michele. Stephanie.

Stephanie Perrin: Stephanie Perrin for the record. Well I hate to disagree with Michele, but I worked on the EWG report and there's quite a few things in there that I definitely don't support. I'm concerned about this one because of well the

word "must be" it must be collected for permissible purposes only. Fine. There's a few other qualifiers on collection.

But the validation – you don't validate it for permissible purposes it seems to me. You either validate or you don't. And I don't agree that everything needs to be validated or that it – we will wind up validating everything. So for instance, in most western democracies, validating your identity is going to be challenging and we did debate that at the EWG. Some places have very serious validation of identity requirements. But to – you know, here again, fair warning, I'm going to be taking these things apart piece by piece, word by word because I think we need to remove validation from this string here.

It needs to be collectable – collected for permissible purposes and it needs to be, what's the other one here, disclosed for permissible purposes but accuracy is relative and proportionate to a whole bunch of things and so I think that one needs to be separated out. Thanks.

Chuck Gomes: Thank you very much, Stephanie. This is Chuck speaking. And so if we remove the word "validated" you're fairly comfortable with this particular statement even though we would refine the wording later? Thank you.

Stephanie Perrin: Yes, and let's be clear. I've got no objection to the whole concept of validation but I think that it becomes a very strong statement when you lump it in with these other two. Thanks.

Chuck Gomes: And, Stephanie, just to follow up one more – in one more way, you're not also minimizing the importance of accuracy in your statement with regard to accuracy, is that right?

Stephanie Perrin: Not at all. But it needs to be accurate as required for certain purposes. I'm still musing about whether I agree with Greg on whether it matters whether you're a dog or not. I don't know. Maybe it doesn't. Yes, we'll come back to that later.

Chuck Gomes: Thanks. Okay, let's go to Maxim.

Maxim Alzoba: Maxim Alzoba for the record. I'd like to support Stephanie's point of view about validation because it's hard to imagine unpermissible, yes, unpermissible validation because yes, saying that we're not going to validate things because of some reason means that we let false information into the system. And, yes, I support the notion to remove word "validation" from this particular sentence. Thanks.

Chuck Gomes: Thank you very much. Chuck speaking again. Let's go to Emily and some remote input.

Emily Barabas: This is a comment from Anne Aikman-Scalese from the IPC. "I see Stephanie's point, however, it is disclosed for permissible purposes. The information should be validated." Sorry, "If it is disclosed for permissible purposes, the information should be validated. There should not be disclosure of a lot of fake information. That defeats the permissible purpose."

Chuck Gomes: Thank you, Anne. And let me just make a comment here, I don't think anybody is advocating not validating where it's possible to validate. The problem is in some cases it's quite challenging to validate. And so by separating that word, and by the way you'll notice one of our first five charter questions that we have to deal with before we answer that fundamental question that was talked about earlier in this meeting has to do with accuracy. So please understand that. Now those in the working group that have been active the last few weeks know that we've talked a lot about accuracy and where it fits in. And I haven't heard anyone disagree with the fact that we want as accurate as data as possible but there are some issues with that so thanks for your input (Ann), much appreciated. Alan your turn.

Alan Greenberg: Thank you. It's Alan Greenberg speaking. It's unfortunate we write these things in English and not in a formal language which either has brackets or

reverse (pollist) notation or a well-defined hierarchy of connectors. I read this statement is saying gTLD registration data must be collected comma validated and disclosed for permissible purposes. I took the for permissible purposes as modifying the disclosed not the whole thing. In the absence of a formal language structure we need to be really careful when we write these things perhaps using extra commas or something or brackets like algebraic expressions used so that we don't spend a half an hour on something which may not have been intended at all I don't know whether it was intended at this point. Michele can comment. But let's make sure semantically we're all analyzing the same way before we debate whether it's good or not.

Chuck Gomes: Thank you Alan, well said. And when I read this when just taking advantage of my position here as chair is the permissible purposes only thing is I think is the main thrust here. If I'm wrong on that I'm sure somebody will let me know. Let's go to (Karen).

(Karen):   I actually just have the same comment as Alan. It needs to be collected comma validated comma and disclosed for permissible purposes as one statement. That so I took it as well. It seems like we need clarification on that since differing opinions are being expressed so if we can get like a grammar clarification and the history maybe from Michele and I think that would help us move forward on this. Thanks.

Chuck Gomes: Instead of going to Michele I'm going to go to Lisa.

Lis Phifer: Way better. Lisa Phifer for the record. So as describe for the Export Working Group I can tell you that the permissible purposes was intended to apply to all three areas. And in fact if you look at the Export Working Group report in each of the sections regarding collections, validation and disclosure it was repeated that there was a possible requirement that disclosure be for permissible purposes and collection be for permissible purposes and validation be based on the intended purpose of the data. Whether you agree

that's something else but I can tell you that that was the original intent of this statement. So can we get the why behind that?

So I can tell you starting from collection that we discussed well what data elements should be collected? And we concluded that there was no point in collecting data that was not in the collection of permissible purposes, in other words that there was no point in collecting data that you weren't going to ultimately disclose to someone for permissible purpose then backing away from that that there would be no point in actually collecting data that somehow didn't end up being in that set to be disclosed for personal purposes right? I don't feel I'm being very clear on that but they're in terms of what the RDS needs to see as opposed to what registrars need that there would be no point in bringing into the system what ultimately wouldn't be allowed to be disclosed through policy.

Chuck Gomes: Go ahead (Karen).

(Karen):   Thanks. I guess I just have one follow-up for that. So in this the language of this UPD 01 or 02 you're saying the data would only be collected if it's somehow related to a disclosure for permissible purposes and it would only be validated if it related to disclosure for permissible purposes? Because as a registrar it doesn't seem to me that collection or validation of all data elements would ever always be related to something that we would disclose like we collected a lot of information that's necessary for our internal information that we wouldn't disclose.

So then I come back to how this is written in such a way that it ultimately all relates to disclosure of permissible purposes or not because collection and validation from the registrar perspective has nothing, very little to do with disclosure for permissible purposes so I'm back to the grammar then I guess and how that's impacting this.

Chuck Gomes: So this is Chuck. And let me remind you we're not going to wordsmith today. We're going to have to eventually in the near future for this one okay. But a lot of good points and they're all being captured in that regard. Lisa did you want to respond further?

Lisa Phifer: Actually somewhere further on this list is the possible requirements that says registrars can collect information that is not part of the RDS policy but used for other purposes. So the intent I - of this original statement I don't believe was to exclude collection of additional data just to say that's not part of this policy that we're trying to define.

Chuck Gomes: Okay. We have a lot of people in the queue so let me move around. Let's go to Greg Shatan next and then we'll go to Emily for a remote comment.

Greg Shatan: Greg Shatan again just briefly will indicate that I am a fan of validation again, you know, 100% accuracy not possible. Reasonable validation of data highly necessary providing a pile of trash data very bad for stability, security, trust confidence -- all those good things. So I'm not going to try to parse this sentence grammatically. I'll leave that to the others and keep that particular horse in the barn. Thanks.

Chuck Gomes: Thanks Greg. Emily go ahead.

Emily Barabas: This is questions from Anne Aikman-Scalese from the IPC. "For EWG members does the intention that Lisa states in that there would be no regular validation of data and only to be validated when an inquiry is made for permissible purposes in parentheses as opposed to requirement for regular validation same question is Karen?"

Chuck Gomes: Okay so this is Chuck. I'm going to jump in on this one because what we're discussing right now is really not validation okay? We likely will get to that later on but I think that the main thrust here is is that if something is and I personally - sorry for inserting this but personally I think that Stephanie's point

of removing validated probably helps us a lot on this one and leaving the focus on make sure that there are permissible purposes whether it's being disclosed or collected from an RDS perspective, not from a registrar perspective. We're not talking about what registrars need in this working group. There will be overlap between things in the RDS if there is one. And what registrars need but keep in mind we're not trying to restrict what registrars need for their business. We're focusing on an RDS if there is one in that regard. Now there again there are a lot of people in the queue. Let's go to (Catherine).

Go ahead and try talking, see if it comes through. Can we get some help on the mic please? In the meantime yes go ahead and grab the mic there.

(Catherine Bauer Bowles):   Yes hi. Good morning everyone. My name is (Catherine Bauer Bowles). I'm with the European Commission and I just wanted to raise a more - make a point on these two first items that we discussed namely that to me they seem to belong to different categories. And I'm a bit confused over what we're discussing here because it seems that on the one hand we're discussing items that are sort of the general rules such as that are tied to the system such as that the system should meet certain requirements and impose certain standards.

And then the second part we're discussing the second category if you will are the purposes of the system as a whole. So as the content of the system, what purpose that system should serve. And so this rule or this principle that we're now discussing would see to me to be on a different level than the first one. And that might help in discussing them because any of those operations that you're talking about there are data processing operations for example from the European data protection law standpoint.

So for each of those you would have to define permissible purposes for any quality to be acceptable under European data protection laws standards. So in a sense you're stating a general principle of your system of your policy

there rather than the purpose. And so I'm wondering whether going forward it might be helpful to think about the two categories as a general principles and then the actual purposes but your system once you address thank you.

Chuck Gomes: Before you leave (Catherine) if you'll stay there just a moment. I'm going to follow-up with you on that. So if I'm understanding you correctly the first possible requirement we discussed was more of a purpose and the second one more specific requirement. Did I understand you correctly?

(Catherine Bauer Bowles): Sorry, I'm not being very clear. I haven't slept in a long time. I actually meant the opposite. The first is much closer to identifying a purpose. So say a purpose could be ensuring trust. I mean it's a bit unspecific but that could be a valid purpose whereas what we're discussing now is really whether a trust could be for example one of the permissible purposes.

Chuck Gomes: So that's what I meant to say. I probably didn't say it clearly but so I understand what you're saying and appreciate that very much.

(Catherine Bauer Bowles): Thank you.

Chuck Gomes: So again we may decide - we're not there yet but we may decide that instead of making that first one a requirement of an RDS to put it in our purpose statement. And again we'll get to that point. Thank you very much (Catherine). Let's go to (Greg Monier).

(Greg Monier): Thank you Chuck good morning everyone. And just a comment after (Natalie)'s point. And then I just wanted to say I don't really necessarily disagree with the requirement to remove the word validated from the statement. But I think that that would mean that we need to have a very specific requirement at some point on validation because I think it's really there's no point in collecting data if it's not validated and therefore potentially falls or not accurate. So no problem to remove that word from that particular

statement but then we need to have a specific and dedicated statement on validation at some point. Thank you.

Chuck Gomes: Thank you very much. And keep in mind when we do - and again we're not getting into specific wordsmithing today although we're laying the groundwork for that going forward, when we remove the word like validation it doesn't mean we're not going to cover validation in some respects later on. But as I think Alan was one of the one and others have said we need to be pretty precise on each requirement so that there's no ambiguity. And so that - what that may result in is having a more concise recommended requirements but more of them so that each one is precise in and of itself. So thanks (Greg), much appreciated. Lisa you want to jump in?

Lisa Phifer: Thanks Chuck. Lisa Phifer for the record. I just want to react to the observation that one of these items more of a general principle or vetting principle and one was more about a specific purpose. In fact if you think about the mind map on each of these questions in the mind map they actually do start with guiding principles and then get down to specific, more specific requirements related to that area so in the area of users and purposes, more specific requirements related to purposes, more specific requirements related to users and so forth. But they all derive from guiding principles. So I do think that ultimately we will have to parse these into the separate buckets. And the guiding principles help us reach the specific decisions in those other areas.

Chuck Gomes: Thanks Lisa. Let's go to Maxim Alzoba.

Maxim Alzoba   Maxim Alzoba. Could we split this item into two because we shouldn't forget about validation because it's important but might not be in this particular sentence. So we just split it into two items and the second item is going to be resolved a bit later. Thanks.

Chuck Gomes: Correct, thank you (Maxim), much appreciated. Stephanie Perrin.

Stephanie Perrin: Thanks Chuck, Stephanie Perrin and I'm kind of way back at Michele's comment in the chat that we're arguing about the grammar and I'm strenuously agreeing. We are arguing about the grammar because we are engaged in a procedure here that is remarkably like drafting legislation were every little comma and phrase makes a difference.

And at least if you're drafting your domestic legislation if you mess up you've got the Supreme Court that will tell you you messed up eventually and have the thing thrown out. Unfortunately here at ICANN we have no appellate court above us that is going to straighten us out on this right unless we're creating one on the new accountability structures. So we're going to live with this a very long time.

And I think it behooves us to be analytically very clear and make sure that the operations are distinct. If it means breaking them down these statements into one item only so that we don't have the confusion over which things are in opposition to what and which clauses relate to what so be it.

We also have to remember that there's a majority of English speakers here but plenty of people are trying to make sense of this in their own language and they're having a hard time and I don't blame them at all because I have a tough time in my own language. Thanks. Bye.

Chuck Gomes: Thanks. Thank you Stephanie. Alan your turn.

Alan Greenberg: Thank you. We have a long speaker queue. It's awful hard to keep track of the threads. I actually put my hand up in response to Lisa responding to me. That was about four hours ago. But I do agree. I'll resist commenting on other people's comments but I agree with Stephanie precision really is going to be necessary.

I would like to assume that unlike many organizations in the world that collect data with absolutely no reason but they think it might be neat to have that

perhaps in accordance with European law or just common sense we are only going to collect data that we have some valid use for. And I'm hoping we will to the extent practical validate data so we don't knowingly have false data and for any piece of data we do have and collect we will have rules as to how it can be disseminated. So if those aren't given then I'm not sure I want to continue in this process because we're never going to get anywhere unless we proceed with some logical order in this kind of thing. So I know we can debate the words in these sentences forever and we probably will but I think we need the presumption of good faith in the intent.

And I in the interest of full disclosure I am a rotten scribe to capture what was said. So I have full sympathy. But let's make sure that we're debating things that need debating as opposed to restating general principles which I hope were given. Thank you.

Chuck Gomes: Thanks Alan. I don't think I can add to that. Appreciate what you said there. Michele?

Michele Neylon: Thanks, Michele for the record. I just think it's maybe in some way well first off these lines are parts of much larger documents that give them a lot more context. You know, that I might be mistaken but I think pretty much every single one of them comes from a larger document or a larger more extensive work of some kind. So just tracing each one of these lines as if it existed by and of itself is probably quite dangerous and also as well I mean we - if - we could get into the inner workings and decisions behind a position of a comma in each sentence. And we'd still be happily discussing it in about two years' time. Well maybe Alan would be because I think I'd probably moved on to something else by then. I don't think this particularly helps us.

I mean if there's something that people completely disagree with then sure but I think just accepting it as these are things that people have put on our list and, you know, that they're just there is probably easier. I just think we're we seem to be spending a ridiculous amount of time and spiraling into an

oblivion on the position of commas in some of the sentences yet we haven't really done anything. We're still in some respects looking at things we've been looking at for months.

Chuck Gomes: Thanks Michele about what he said. So just to let you know we're going to break in just a few minutes because I think we need a break. I know I do. And then we're going to come back. And when we come back we're going to switch over from uses and purposes and go to data elements.

One of our goals today because we don't have very many face to face meetings we wanted to allow some time for each of the three areas we wanted to focus on and not just focus on uses and purposes. So when we come back we'll look at a few possible requirements from data elements and then we'll go to at least one requirement on privacy as well. So but before we break I want to do two things. I want Lisa to talk a little bit about what she found, some similarities she found elsewhere in our possible requirements list and then I want to get a general sense of the room on the possible requirement we're looking at right now.

Lisa Phifer: Thanks Chuck, Lisa Phifer for the record. When trying to pull these out of our possible requirements list for deliberation we thought it would be a good idea to bring up possible requirements that were substantially similar or at least very tightly related to help with us not rehashing the same points over and over again.

And so I'll actually start at the bottom here. You notice there's a data element also from the EWG report. That's document number one, the first requirement pulled from that section which says that registration on RDS must accommodate a purpose driven disclosure and data elements.

In other words I think that that relates back to the point we've been talking about that data must be disclosed for permissible purposes only. So there's where you see a statement that is winnowed down to just focusing on

disclosure of data and not covering multiple points in the same question. And if you've been watching in Adobe chat someone else pointed out that recommendations from this group could be more simple and granular and hit on points like that. The other two related possible requirements here really are just forward references for you to understand what is meant by permissible purposes. There's a whole list of permissible purposes and a number of requirements 4 through 14 drawn from the EWG report that will go through one by one. And that's what's meant by permissible purposes in this particular statement that was drawn from the EWG report.

However there was also GAC advice that listed permissible purposes or I should say functions that the RDS or Whois should provide. And again there's a list of the functions that the GAC advice suggested be provided. And that would be supporting to this particular possible requirement. So the idea is that if you agreed with this possible requirement of disclosing for permissible purposes only you would still have to define well what are those permissible purposes? And we'll have additional requirements to spell that out in greater detail.

Chuck Gomes: Thank you Lisa. So hopefully as we pursue this one further we may be able to knock off several others and finalize those at the same time and we will get there in the next few weeks on that. What I want to do now is see based on those who have made comments I get this sense especially if we remove validation from this one that there is pretty good support for the general thrust of this. Don't worry about the specific wording. We'll get there okay?

Am I wrong on that? Does anybody disagree with that conclusion on my part that there - that this particular requirement the focusing on the, you know, disclosing or collecting data for permissible purposes only that nobody strongly objects to that? Is there anybody who is strongly objects to that again general sense? And I'm looking in the please put a red X if you can't speak and you do disagree with it. Otherwise I'm going to assume that we have pretty good support for this. (Maxim) go ahead.

Maxim Alzoba   (Maxim Mosova) for the record. Chuck I just want to understand if possible to have situation where you collect data and the reason is not permissible and you have like empty fields we have to collect the data of the registrations. Without it we don't have proper registrations. We have like domains with some empty fields of contacts or things like that. So the collection should be done at the registration moment of time. And if you don't have proper reason you just don't register domain or if you're not permitted to disclose some information you don't register the domain with such information. So I'm asking if it's possible to imagine a situation where you register a domain and the data is not permissible. I'm not sure.

Chuck Gomes: First I don't know the answer to that question. This is Chuck speaking. Let's not confuse a requirement for an RDS with requirements for registration okay? Our focus in this working group is for an RDS. Registrars or registries may collect information that they need that there is no permissible purpose for in an RDS. So my first caution is let's keep those separate. It's not our job to modify the RAA with regard to what needs to be collected or the registry agreement with what needs to be collected for registries.

Whether or not there can empty fields I'm not sure that helps us. It's too much of an issue. We may find that it is later on and let's deal with that when we get there. So I think we have a general sense that this particular requirement has - there's no strong objections to it. We will work on it a little bit further. We'll refine the wording and so forth in the days ahead.

With that said and when we come back we'll move to the section of the possible requirements on data elements but let's take a 15-minute break. There's certainly coffee in the room. I don't know if there's anything outside the room or not. We'll have to learn that on our own but let's come back in 15 minutes then resume our work. Thank you very much. I think it's been a productive morning.

I hope everyone has enjoyed the break and I'm going to ask you to regroup so we can continue our working group session. Thank you. All right I want to - this is Chuck Gomes. I want to welcome back everyone to our RDS PDP Working Group session today. And hopefully those that are participating remotely were able to take a little break as well. Thank you for bearing with us while we paused here.

As I said before the break we're going to scroll down in the list of possible requirements in Adobe there to the data elements requirements. And I guess everybody has figured out by now that we're not going to even come close to covering all the requirements in any of these categories but we at least wanted to cover a few possible requirements in each of the three primary questions we're focusing on and will be focusing on over the next few weeks and months.

So for those that don't know the working group typically meets every week for 90 minutes on a teleconference call. We're skipping next week although the Leadership Team will be meeting next week and then we will resume the week after in our weekly 90 minute sessions. And we will be continuing this deliberation for quite some time.

So on the screen now you will see a data element, a couple data element requirements. And we're going to handle those the same way we did the uses and purposes - two users and purposes requirements that we already covered today. So you can see the first one there. Again this - both the ones on the screen right now are from the Expert Working Group Report. And that's document number one. And you can see requirements one and 22 are up. And the reason we skipped around is because we're doing the requirements that don't have any prerequisites.

So the first requirement there is and I'll read it in case people don't - are not in Adobe that the gTLD registration directory service must accommodate purpose driven disclosure of data elements. And if I'm correct that was one of

the similar ones to what we talked about earlier today. So let me open it up for any comments on that statement. The RDS must accommodate purpose driven disclosure of data elements.

And if anybody needs more explanation on the term purpose driven that's a really key element of the EWG report. I'd be happy to ask Lisa or one of the members of the - one of the people who are on the EWG team to talk about that a little bit further. Just let us know. Beth?

Beth Allegretti: Hi, Beth Allegretti. I don't mean to belabor the point. And I just want to make sure I understand I'm going - I had this question for you even started here.

So on each of these requirements we haven't yet sort of finalized anything. We haven't even determined if the wording is something that we all agree with. So are we just then setting that aside? Lisa are you rewriting them or whatever? I'm just trying to figure out like what we're actually doing? So we're putting those aside and coming back to them? And then yes I would like to understand the purpose driven thing. Thanks.

Chuck Gomes: Thanks Beth, really good requests. So we thought a lot about how to approach this in terms of looking at specific requirements. We're - we were really leery of starting the wordsmithing right from the beginning because you know how long it takes us to wordsmith. The purpose statement's a good example that we've been working on. So we didn't think that was a good use of our time in a live meeting like today in a face to face meeting.

So the way we're approaching it and we can refine this in the weeks ahead as we learned but as to have the initial discussion, now keep in mind there are a lot of working group members that aren't able to participate in this meeting remotely or in person, so we want to have time for that discussion to continue on the list after this meeting today. And then we will come back to these and start wordsmithing to the extent that we have at least rough consensus on particular requirements. Then we'll refine the wording.

So hopefully our first complete path at each of these that we're talking about today will happen in the next few weeks and including the wordsmithing. And again we just didn't want to get hung up on a face to face meeting in doing the wordsmithing because we can wordsmith as Alan has pointed out forever. And we're going to need to do that and we will. One of the things I thought was really productive in our session earlier today was the idea of breaking these into smaller pieces that are much more concrete and easy to make a decision on. And that'll mean we have more requirements but they'll each be more concise. So does that help a little bit? Please follow up.

Beth Allegretti: No thank you. That does help. And I'm assuming then we might find requirements that we just all reject and then they're out so that's the whole point of this. Okay.

Chuck Gomes: Yes.

Beth Allegretti: Thank you.

Chuck Gomes: And we may discover new ones that haven't even been put on the table yet. And then as I talked to someone on the break we - we're going to have to - once we go through this (unintelligible) and we come with all these and we've covered the first five questions in our charter we're probably going to go once we have a more complete picture of those five we're probably going to have to go back and look at each of them are there any of these that we would now change now that we see the bigger picture?

And then the same thing at the end of all 11 questions probably. So that's one of the things we've learned in the first six months or so of our work is is that we're going to have to - that's that iteration again. Okay back and forth. Thanks, very good request.

Now what about this particular statement? Does anybody want to start the discussion on this? And Lisa go ahead.

Lisa Phifer: Thanks Chuck. Actually I just wanted to augment Chuck's response to you the some of these possible requirements they're simply quotes from a source document some of them with standalones as requirements, you know, that we could possibly deliberate on and wordsmith and agree or disagree to. Some actually are just inputs to formulating a requirement. I think that's where we need to go next, taking the feedback that we got today actually drafting some recommendations that then we can come back to as a working group and decide do we agree to this recommendation or do we not.

So I think the way I view the notes that we're capturing today is as input to formulating those draft recommendations that not necessarily will we come back to each specific possible requirement on the list and say thumbs up or thumbs down. But we might take several requirements and from those derive a recommendation that we could vote on. Does that make sense? Thank you.

Chuck Gomes: So this is Chuck again. Thanks to both of you. I'm not seeing any new hands on this one. I mean is there anyone - let me ask the question this way. Does anybody disagree with the statement that the RDS must accommodate purpose driven disclosure of data elements? Obviously that's something that came from the Expert Working Group and was a key element of their recommendations. Anybody disagree with that? You can raise your hand and talk about it, put a red X in the Adobe? Is this one we can, you know, I mean get a sense that people agree with that? Beth go ahead.

Beth Allegretti: Beth Allegretti again. Can you clarify purpose driven? You had mentioned that - yes thank you.

Chuck Gomes: My mistake. You asked for that and I got carried away on the other things. I don't know Lisa, Michele some - Michele theirs - there are others in the group

that were on the Expert Working Group would you - could you elaborate on purpose driven?

Michele Neylon: Thanks Chuck it's Michele. Within the, how do I phrase this? When you're dealing with data protection and data protection legislation data and making something - coming up with policy and tools that allow data to be handled in a manner which is compliant then this is, you know, this is was the genesis of where this came from at least in my recollection. So that it's not a question of the RDS must accommodate disclosure of data elements you - it needs - you need to be able to provide a purpose for the request for that data element.

And as I said previously, you know, these sentences, these phrases are taken from much larger documents which provide a lot more context and detail. I mean by themselves they're great little kind of notes for those people who were familiar with the background but by themselves they're a bit of a problem if you're not familiar with it.

So let's just say for arguments sake that a data element could be I don't know say the domain's expiry for example. So what is the purpose of you requesting that bit of data and you could simply say well I want to know when I need to renew my domain name I mean just as a fairly simple non-contentious one. For other bits of pieces of data that could be more confidential or more contentions then obviously the purpose would have to be a bit more specific and would have to be permissible because one of the other things that we discussed quite a bit - over quite a bit of time within the EWG and I think it's also been touched on in our deliberations here so far is that there are uses of registration data that we can all agree are fine and legal and aren't problematic but there are plenty of people and entities out there that are using data in ways that we obviously aren't too comfortable with, I mean an obvious one being, you know, spam for example.

You know, you register a domain name on a Friday and by Sunday you're already being spammed. So that's not - we wouldn't see that as being a permissible purpose. Is that helpful?

Beth Allegretti: Yes, thank you.

Chuck Gomes: Thanks very much Michele. Did anyone from the Expert Working Group want to add anything else to that? Susan?

Susan Kawaguchi: Just to pile on a little bit on Michele's. So, you know, unless there was a and if it has to be a purpose driven disclosure but as someone accessing that information you'd have to declare, you know, I accessing this because we know this individual has infringed the Facebook trademark or something so intellectual property disclosure for example enforcement reason. But that wouldn't allow me then to go in and go okay well I want to see if my daughter's boyfriend has a bunch of domains, you know, relating to porn or something. I wouldn't have the right to go in and just pull through the data for personal reasons because you enter into the system - this is what my understanding of, you know, what we discussed was you enter into the system declare a purpose and stick to that purpose.

Chuck Gomes: Thank you very much Susan, Chuck speaking again. Any - and anyone else want to comment on this particular one? Yes and please go to the mic and introduce yourself. Hopefully this time it will work.

(Irish Micofer): (Irish Micofer). I'm a data production expert and I'm a bit against the of this sentence plus my understanding is that there are certain elements would be public to everybody and that may be acceptable but you have to specify clearly to which kind of elements it would be and what would be not disclosed because this kind of sentence nowadays is so open and not specified at all. Thank you.

Chuck Gomes: Don't leave yet. Stay at the mic please so that we can follow-up a little bit and make sure that we're all on the same page in regard to this. So note I don't think that this is saying that just because there's a purpose it has to be disclosed. But on the other hand I think it is saying that the RDS has to provide for disclosure assuming other conditions are met.

So I don't think this is saying that just because there's a purpose it has to be disclosed which I think maybe you're assuming. If I'm not correct me okay? But how would you - let me ask you this. How would you reword that to - so that it would be more - and you can sit down and come back and provide that later but I'm just curious if you - if there's a way of changing this so that you wouldn't object to it?

(Irish Micofer): We clarify domain names and IP address this kind of data I assume is public (unintelligible) everybody and registering a domain name must accept that this kind of data is available to everybody so then you don't have any kind of questionable purpose or disclosure. It's just available to everybody. And then the other elements meaning domain name holder, address, contact information that's been disclosed on purpose. And I don't know from the technical side what kind of additional information you're needing to have keep the system running but it's the very basic information.

Chuck Gomes: Can anybody on the - that was on the Expert Working Group comment a little bit further on this in terms of how - in terms of the concern that's being expressed?

Michele Neylon: Chuck, Stephanie's got her hand up.

Chuck Gomes: Go ahead Stephanie.

Stephanie Perrin: Stephanie Perrin for the record. And Lisa can correct me if I'm wrong on this or anybody else that was on the EWG but I think the precise wording of this was - this particular clause is an example of what Michele mentioned earlier.

A lot of this stuff is being taken out of context. So we were talking in the EWG about changing a wide open things are in the Whois there's no it's anonymous access. And we were making a recommendation to change that to a purpose driven access.

So when you see this little sentence you think oh well that means if you've got a purpose it's going to be disclosed. And what we were basically saying in this long list of recommendations that we had was it's time to change Whois from open smorgasbord all-you-can-eat data to a more refined system that was tiered access which of course the data protection commissioners recommended many years ago and which some of the country code registries have already implemented. So I think is - does that help answer the question? I think in terms I've been trying to narrow each particular operation because there has to be a separate purpose for each one of those and it has to be proportionate and it has to be limited and specific. Thanks.

(Irish Micofer):   Am I on? I'm not sure if the system will work properly. If you need a purpose and what kind of purpose as you can imagine I consider that the domain name IP address is such would be then so the access to everybody mostly because otherwise the system will not work and this kind of purpose access has to be may be more restrictive because it's also doing some kind of procedure that takes time and energy. You can't do it for many, many (unintelligible). It is just for maintaining this and for (unintelligible) purpose. It's such of a degree for the principle I'm - I agree with it. If you go in further then that just have this kind of access restriction. But I - I'm not - I would like to see also a workable system that may have some kind of public data specifying it's very limited data set and maybe access for technical purposes and then when it comes to domain name holder access and all this is access was restricted and only access on a very restrictive basis maybe police, a judge order or maybe and not so much for other purpose like IP and so thank you.

Chuck Gomes: Lisa go ahead.

Lisa Phifer: Just add a little bit more to what purpose based meant in terms of the EWG's recommendations. The - in the paradigm that the EWG envisioned every request for data from the RDS would assert a purpose. There was a purpose of I think it was called public interest or public transparency or something which essentially has access to only that data that today you would consider public right but that every request still would assert a purpose even if it was public data and that for each purpose there would be some data elements that you would receive to satisfy that purpose that might be public and some data that might be available only through gated access meaning only through a specific subset of the purposes.

And so whether an element was public, publicly disclosed that is disclosed to everybody for every purpose or gated that is disclosed only to certain requesters that authenticated themselves and had a legitimate purpose that was sort of the dividing line on the data elements. But the whole system was purpose based meaning every query should assert a purpose. Does that help?

(Irish Micofer):   Yes it helps but still considering your long list of purposes and also the wording is such that I could - I assume it will create problems. Your intent is very good but in when you see it from a data protection point of view it looks like you have restricted access but so many purposes. But in the end everybody can assume a purpose and to get access to this kind of data but difficult to control because purpose access and data protection means there's some restriction to access and only have a strong purpose then you get access.

They now use purpose for many, many reasons maybe to destroy this concept where you have a very strong meeting in Europe on that. So just a consideration we can develop a bit further that you really say this kind of (unintelligible) is public to most of us or all of them and then purpose is limited to very specific, much more specific and that is all properly controlled.

Otherwise so many requests so many purposes in the in the end it is what you like. Thank you.

Chuck Gomes: Michele please jump in.

Michele Neylon: Thanks, Michelle for the record. I think you may have misunderstood what we're saying here. You seem to be suggesting that every request if it came with a purpose would be granted and that's not what we're saying at all. So for example, you know, the - if a law enforcement agent for example wanted to access something and their purpose was I'm curious and I'd like to know more and not actually state giving something valid then, you know, this - the idea would be that that would be rejected or if I was to put in say that I don't know, I want to have access to this data so I can spam you or I can provide some other kind of flimsy purpose then the system would allow for us to reject it. I mean the idea however was that that you would be able to specify purposes and you were able to gate and validate people accessing the data based around that.

It didn't - we weren't saying that we were - that the system would automatically give everybody access based on a purpose. I mean the idea of - one of the biggest struggles with this entire concept and this entire thing is to come up with policy that is legal so that we don't have a situation where the policy is allowing something that would put a registrar or registry or registrant in the European Union in a ridiculous position. I mean that's not what we're trying to do. I mean I think one of - that's one of the biggest challenges around any of this is the ICANN is dealing with things at a global level but legislation acts at a national level and there's a massive difference of opinion between certain people around what bits of - what elements of data should be public and what shouldn't be. And it would be helpful as we kind of move forward with our work to be able to get the input from people who are experts in that area and were able to give specific inputs on that but the purpose driven aspect of it never ever suggested that every single request would be granted.

(Irish Micofer):   But this was also my assumption and when I hear that you have wide

restricted access to police authorities I really appreciate that. I'm just doing a

bit on the numbers and other purposes maybe technical reasons,

transparency reasons all this may have done many requests as an Internet

service provider, a registrar, registry to make it - easily handle it and also very

difficult to control therefore I have a bit of problems to work with that. And you

may be also considering the concept of a registry meaning a public registry

that also exists in Europe and for some nature if maybe at least advisable to

use that because then you avoid this kind of transparency request that may

come up with a very high scale that's - but you also consider the procedure

because purpose means procedure and how much request you get, how

much time or energy you have to handle that. And I would like to see that this

kind of important request police courts, maybe Internet, maybe IP lawyers

and all this make - to take some time to handle it. And I fully appreciate that

you get with the Internet Service Provider the registry, registrar in a strong

position to say no or to go to court procedure but the numbers should also be

fit to really hand the ball.

Chuck Gomes: So this is Chuck again. Am I correct --and this is a question to those of you

on the EWG. Am I correct that if we decide that a modified or a new RDS is

needed that we would need to recommend policies that would define what

permissible purposes are allowed? Am I correct on that?

Okay so one of the things I want to encourage you to do is I don't know if

you've looked at the EWG report -- it's a big report so it takes some time --

but I would certainly encourage you to read that. I was not on that working

group but I did go through the report a couple at least a couple times. And I

think that will help understanding in terms of what this statement is intended

to say. And we may be able to refine it so that it's even better. I'm sure we

will. But there's a lot behind this particular possible requirement and that

report may be very helpful. And then I would encourage you to come back

with to the working group with the questions whether you're on a member of

the working group or not I would still encourage you to after you do that to come back and give further clarifications on that.

Thank you very much though for bringing that up. That's really important. So again back to my question is my sense that there's not a lot of objection. We obviously need more clarity to this particular possible requirement that I - a reasonable sense.

And I see some more - Beth is that an old hand? Okay. And Michele is that an old hand Michele? Okay, got rid of those hands okay thanks. All right all right so I think let's ask Lisa again to talk about the similar possible requirements that she listed there.

Lisa Phifer: Thanks Chuck, Lisa Phifer for the record. Those are just the requirements that we went through before the coffee break in users and purposes relating to the same concept of disclosing data for permissible purposes only if you recall that sentence we had trouble parsing included collection and validation as well as disclosure but it was that same sentence that we went over previously.

Chuck Gomes: Thank you. So we won't spend a lot of time on that. But again when we refine this possible requirement and assuming there's support for pursuing it further hopefully it will help us on those other three that are kind of similar as well and we can gain some efficiencies in that regard.

Let's go to the next one. And the first word I'm sure is going to be an interesting one for us to cover. So we have validators, registries and registrars may collect, store or disclose additional data elements for internal use. And it moved on me so it caught me there. Bear with me where I - okay there we are, for internal use that is never shared with the gTLD registration directory service. Let's talk about that one, just general comments, general reactions, problems you see with support -- whatever comments just like we've done with the others. Anybody and we - Michele?

Michele Neylon: Thanks Chuck, Michele for the record. Yes this one is a pretty much of a no-brainer from my perspective. Regardless of any contractual policy obligation that we might have as a registrar or service provider we're going to collect and have access to data about our clients that we're not going to share with third parties. And that's just a statement of fact. And an obvious one would be we would know how our clients are paying us.

Maybe a client is paying us by direct debit mandate which means that we have access to their bank accounts to take money straight out of it. I am not going to share that with somebody else. That's not open for debate or discussion.

There's a ton of information that we would have about our clients. So I think (Karen) mentioned this earlier as well. I mean there's this data that everybody collects about their clients that has absolutely nothing to do with ICANN policies. And that's fine. I mean as long as we're not collecting anything that's illegal which is then going to be a problem for our own governments and everything else I don't see why this needs to be even discussed. Thanks.

Chuck Gomes: Thank you Michele. (Maxim)?

Maxim Alzoba   (Maxim Mosova) for the record. Yes I'd like to have two examples for information which is not going to be shared, like numbers of IDs scans of passports and things like that because we have to collect it sometimes for validation or for accounting purposes and it's not going to be shared because if we do it we will have huge problems.

Chuck Gomes: Thank you (Maxim). Stephanie?

Stephanie Perrin: Thanks very much, Stephanie Perrin for the record. I know we're not wordsmithing but I would just like to point out that when you look at this thing, this statement kind of, you know, all naked and alone up there it sounds as if

we are giving permission to - I'm getting the evil eye from registrars here from Michele it sounds as if ICANN is giving ICANN registrars the ICANN accredited registrars authority to collect whatever they like partly because there's nothing in the RAA about their obligations under local data protection law in terms of being transparent to the users. And all - the only point I'm trying to make here is that customers have there's a dividing line. They have a customer relationship with the registrar. They have a ICANN mandated set of data that the registrar is required to collect as a data processor on behalf of ICANN and its policies in pursuance of ICANN policies and those are two different things.

And at some point it seems to me that it's incumbent on ICANN to advise the registrars that they can collect whatever the hell they want - sorry, in accordance with local law. As Michele says if they want to put any assessment of their customer down as long as they can justify that in terms of their local law those are the customer files. However where it gets really confusing is that some of the users that we have described over the past many months regard that data as interesting for their purposes. And I'm looking across the table at law enforcement or formally law enforcement. Of course law enforcement want the credit card number that may be part of the escrow data and may be part of the data that is retained pursuant to ICANN policy. But there might also be other additional data that Michele as a registrar might have gathered that would also be useful. So these are two separate collections of data and it seems to me it's not clear enough. Thank you.

Chuck Gomes: So again and as Stephanie noted at the beginning of her comments there we will refine the wording and fix it so that there's a reasonable level of comfort in that regard. You know, the let me go to Michele again then I'm going and I'll give Lisa a heads up. I think in this case talking a little bit about the similar requirement that she included there might be helpful as well on this particular one as I was looking at it. So I'll just give you a heads up Lisa. I'll call on you after to talk about that a little bit after Michele.

Michele Neylon: Thanks Chuck, Michele for the record. Stephanie there aren't any black helicopters -- swear to God, black helicopters. The - look this just basically says registrars and others may collect other data that's all. And it's not - I don't think it's within ICANN remit to start telling us which data we may or may not collect or to start confusing and conflating things. I mean ultimately if (Bobby) wants to get access to my data is going to have to get an (emlate) anyway and he knows it but he hates it but he knows that.

And I, you know, I've got a ton of extra data that I'm sure he'd love to get his hands. Well probably not my data because mine's kind of boring and he'd have to follow correct procedures for that. I - this is only just saying that we're conscious of the fact that registrars and others may have access to other data and that's okay. I think you're reading a little bit too much into it or maybe you're not and I've misunderstood you but I think maybe you have read a little bit too much into it.

Chuck Gomes: Go ahead Stephanie.

Stephanie Perrin: If I may respond. I don't - the helicopters are going to be discussed later. I didn't get into the black helicopters at the moment.

Michele Neylon: But they're always black aren't they?

Stephanie Perrin: All I'm trying to do is draw a bright line between data that is collected for one purpose and the subset of data that is collected for ICANN purposes. And the only reason I want to draw that bright line is that when we discuss the purpose of disclosure and the users who want that data they want the whole enchilada in some cases. And I'm not questioning the legitimate purpose there but there should be a bright line as to what is collected and stored.

And if we do a distributed like a - why do I keep forgetting the word tiered access? If we do tiered access the tiered access would only be to the data

that ICANN articulates in its policy as part of the RDS, not tiered access all the way down to the data that you keep about your crazy customers like, you know, don't bother renewing this one, she's more of a pain than she's worth, you know -- something like that.

Chuck Gomes: Michele go ahead.

Michele Neylon: Thanks, Michele for the record. I think you are still overthinking this a little because ultimately unless the person trying to access the data is a little bit stupid they can't enforce us - force us or anybody else to disclose data that we never had. So I mean going to - so going to the RDS to look for data that was never held in the RDS if you state what is held in the RDS solves that problem.

I mean I think we actually agree Stephanie but I think the way you're framing it is causing me much confusion and hurting my poor little head. I mean the if - by the time we get through this entire process we come up with, you know, here is a list of - here's the list of data elements that is held in the RDS. Here is what the registrars and registries are forced to put into the RDS. If somebody's looking for data that isn't on that list then they can't go to the RDS for it.

Stephanie Perrin: If I may and we could discuss this over coffee rather than take up everybody's value time.

Michele Neylon: Beer dear, beer not coffee.

Stephanie Perrin: Beer right. I have to say that my familiarity with government data systems would lead me to believe that an awful lot of data that shouldn't get into a system does and maybe that never happens at black night…

Michele Neylon: No, no it's…

Stephanie Perrin: ...but this is the bright line I'd like to draw.

Michele Neylon: Okay I just so we're clear, when a - just taking for example the data scroll that's mandated on the current contracts, there is a specification that literally tells us which data fields we have to populate, how we populate them and how we ship that to Iron Mountain. I can't add extra data even if I wanted to because it would break the specification. It wouldn't validate. I can't put extra information in there. I - it's just not possible. You would have to change the specification.

So for example at the moment I ship the Whois records for a domain name in via the current systems into the escrow. I have no way of adding in how the person paid for the domain name. I have no way of adding in what are the services they have. I can't put in their IP addresses. I can't put in the last time they logged into our systems. I can't put in, you know, any other data because the system won't let me.

Now if we moved to an RDS type thing there will be a technical specification given to us as registrars that we will have to follow. And no matter how much you may think that we may want to end up collecting extra bits of data you can't because a specification will say these are the fields you have to complete. These fields can be blank, these ones have to be populated. And if you don't have a field for a data element there's no way for me to get it in there. Technically speaking I can't do it.

Chuck Gomes: Okay.

((Crosstalk))

Michele Neylon: (Unintelligible) but I don't…

Chuck Gomes: This is Chuck. I'm going to jump in on this one. Good dialogue between Stephanie and Michele. I really believe and if I'm wrong we'll find out later but

I really believe that we can - we'll be able to fix the wording to make sure that most of us are comfortable with the wording. And I'm going to defer to that.

By the way for those who don't know who (Bobby) is and I won't ask him to raise his hands but he's a law-enforcement person sitting back in the room and so some of you went with Michele's comments in referring to (Bobby) just wanted to point that out and not that (Bobby) needs to do anything but…

Michele Neylon: Well (Bobby) is basically law-enforcement because you've got to remember the genesis of the (Bobby) in the English language refers to policeman as well so it happens to fit nicely.

Chuck Gomes: So…

Michele Neylon: (Bobby) is also a real person.

Chuck Gomes: Chuck again. And Alex I see your hand went down. Did you want to comment?

Alex Deacon: No I think it's been said so…

Chuck Gomes: Thank you. And now I want to ask Lisa to comment on the similar requirement that is identified with this one.

Lisa Phifer: Lisa Phifer for the record. The requirement that I pulled out is somewhat related to this one has to do with the ability for registrars to collect additional data elements that registrants might opt into providing. They may be optional data elements from the specifications perspective they be optional data elements that are not mandatory to collect but the registrant may choose to provide them. I'll just give you an example.

One of the data elements included in the EWG report was a mobile cell phone, a cell phone number. And certainly that wouldn't be mandatory but it

might be optionally provided by a registrant because they chose to be contacted in that way. What this requirement says is that if the registrant chooses to supply optional data that that information should be captured and then forwarded to the RDS so that it can be then disclosed by the RDS.

Chuck Gomes: Thank you Lisa. And by the way that similar requirement comes at document, resource document Number 19 is the Whois principles that's from the GAC from 2007 just to let you know where that came from. Again getting a sense of the room on this one are there - realizing we have to refine the wording and so forth in the next few weeks anybody strongly object to the general sense of this possible requirement? David go ahead.

David Cake: I just wanted to ask clarifying question. A lot of the GAC sort of suggested public interest commitments and things that particular registries have more or less mandate the asking of additional questions that are specific to a registry. And how does this principle or this requirement interact with those? Is it saying that I mean for example the requirement, you know, to register in .lawyer you have to be a lawyer requires that at some point the registrar asks for some proof that the person is a lawyer? That would be specific to that particular registry. Does that information stay only with the registrar and not enter into the RDS? Is that what this principle would say? I mean I'm not expressing a strong feeling either way at this point, just asking for clarification for how that works to discussion.

Michele Neylon: Chuck if I may? I think actually that's a very interesting question because that's not a question around something that the registrar is choosing to collect of their own volition. It's more something that's tied back to a registry level requirement or something else. So I think that is something that would definitely merit further discussion. I'm not going to say I don't actually have an opinion.

I mean if somebody was if a policy were personally speaking just speaking for myself not for any other group or anything else. If I have to collect something

let's say for example for .lawyer that I have to collect the what the hell it is - what do I have to collect - a blur, okay, something to prove that they're actually a lawyer I think is the basic requirement there. If I have to do that and I have to pass that over to the registry maybe I have to put something into the RDS at some point to say that I validated that they're a lawyer or in pursuant to the policy. I don't know and if so well fine though obviously there are - would be security concerns again and who would have access to what.

I mean taking lawyers as a simple example I assume that most lawyers don't have an issue with people knowing that they're lawyers. And in Ireland at least I know they're actually listed on the Law Society's Web site. But if you were to take say a more sensitive string, by sensitive I mean where the validation is something much more sensitive I mean imagine if somebody were to have a TLD where you had to prove that you were suffering from a terrible disease in order to register in that TLD. And I'm not saying that that's necessarily likely or a good idea. I think it's actually a bloody awful idea but who knows what somebody may come up with in the future and pulling that kind of data into some kind of RDS wouldn't probably be a bad idea. But I think that's something worth discussing at some point. I don't know I can imagine Stephanie sort of going to start frothing at the mouth shortly just waiting for her to say something but no oh, she's not going to okay.

Chuck Gomes: Okay so again I'm not sensing we obviously need to look at the wording on this one. But are there any strong objections at this point? Okay then…

Michele Neylon: Stephanie wants to object strongly Chuck.

Chuck Gomes: Go ahead Stephanie. Go ahead.

Stephanie Perrin: Stephanie Perrin for the record. I'm not frothing at the mouth yet. I just wish to point out that I believe the data commissioners have commented on this either through one of the Article 29 opinions or through the International Working Group on data protection and telecommunications. The problem with

uniformity I mean it's a great thing in itself a worthy goal and all that but data protection from data collection from individuals should be limited and specific. And so if you make it uniform it winds up getting broader and broader. And as Michele says the next thing you know you're collecting occupations on people when you didn't need it for you only need it for .banker and .lawyer and .doctor or whatever so I think as a broad statement it's dangerous.

Chuck Gomes: So if I'm not mistaken we're jumping ahead to the next data element possible requirement which is the gTLD registry director service should collect and display uniform sets of data regardless of the registry involved. And what you're saying I think Stephanie is you probably disagree with that as a possible requirement. Let's talk about that one, open it up for discussion. Kal?

Kal Feher: I don't think I object to this. I'm just a little bit concerned about the principle where we find this require, this particular requirement important. Why are we - why do we have a requirement where we talk about the likelihood that there'll be data outside IDS? Is it because by default we're going to consider that all data will end up in IDS because my default position would be the only thing inside an RDS is something where we've decided that there is a reason, a policy or a purpose behind it.

And everything else is outside. I just think that where this is essentially a negative requirement where we're listing that yes there might be stuff outside of course if that's the case and we don't need that to be explicitly stated. If we do need it to be explicitly stated I'm wondering why that is? Do we have a default position that includes everything unless otherwise specified?

Chuck Gomes: Kal just to make sure we're clear on what you're saying. What are you saying wouldn't need to be specified?

Kal Feher: Well to take Michele's example if he's collecting a choice of a registrant to be billed or invoiced or the simple choice of how they're going to be charged I would've thought that that's definitely outside the RDS. And no one's today or

in the past suggested that there is a reason for that choice to be in RDS. So why do we need to acknowledge that it is outside IDS? What is the - what discussion points or what - I'm wondering what argument we're going to have in the future where someone's going to think actually everything that a registrar has collected will need to be inside the RDS system.

So to me the underlying premise of this particular requirement is concerning. Do we have to acknowledge every item that is not inside RDS because I would've thought it would be the reverse? We only acknowledge everything that goes into RDS and everything that goes into RDS has to have behind it some kind of policy or purpose.

Chuck Gomes: So I'm going to - it's Chuck again. I'm going to follow up a little bit further. So it sounds to me like you're saying that the previous requirement we discussed which was validators, registries and registrars may collect, store, disclose additional data elements, et cetera, that that may not even need to be stated. Is that what you're saying?

Michele Neylon: Yes.

Chuck Gomes: Okay.

Michele Neylon: I am. I'm concerned about the feeling that we need to state it.

Chuck Gomes: Okay I just want to make sure I was getting it. That's what I was interpreting so thanks for confirming that. And so I appreciate that. David?

David Cake: Yes so it - I understand that this requirement comes from the GAC advice of 2007 you said. And if the - I would - the GAC advice that ended up resulting in the PIC, the Public Interest Commitment process and processes of a few years later does appear to conflict with this. So I would while I don't, you know, strongly object to this on principle I think we definitely should put a sort of hold on this one until we have some sort of clarification about the issues

involved in the, you know, additional data that may be mandated for registry, the particular registries and so on and how, you know, if there's any clarification or from anywhere as to how that conflict would be resolved I would really, you know, I basically don't want us to go ahead with this on the principle that no one objects and then realize that it creates an unsolvable problem for us later on that we didn't need to change.

I think we should clarify that issue of if additional registry data is mandated to be collected then what we do with it? It may vary quite, a lot more the specifics of that data. But even if it's a simple binary yes we've check this requirement or something or requirement was for, you know, this requirement was confirmed on this data or something we I think some clarification is needed before we commit to this one in my opinion. Thank you.

Chuck Gomes: And David I want to make sure because we're kind of talking about two different possible requirements right now make sure which one you're talking about. The DE1R22 or the D12 Requirement 2?

David Cake: I was talking about D12 requirements.

Chuck Gomes: The D12 okay. And by the way D12 Document 12 I think is a Whois a GNSO Whois policy is right? Did I get that right? I mean let me - here I'll -D12 is GNSO PDP on Thick Whois final report is where that came from just so that you know where that was…

David Cake: Okay.

Chuck Gomes: …pulled from okay? Thanks David. All right so let me get back in Adobe here. So we have then - let me kind of so there - I think that Kal raised a point with regard to the one from Requirement 22 that it's, you know, maybe we don't even need to state that so we'll come back to that. I think that's a valid point that we need to consider. With regard to Document 12 Requirement 2 the GNSO Thick Whois policy Stephanie clearly objected to that as a possible

requirement because of the uniform sets of data. Let's talk a little bit more about that. How do other feels? How do others feel about that? Is that a concern? And Mark's got his hand raised remotely. Let's see if he can talk this time.

(Mark): Hey Chuck this is (Mark). Can you hear me now?

Chuck Gomes: We can. Speak just a little bit louder.

(Mark): Excellent, thank you Chuck. I just actually I want to agree with Kal and (David Cook)'s statements. You know, I - you know, requirement, the first one Requirement $22 almost reads like a negative requirement. I'm thinking, you know, maybe, you know, nothing RDS should restrict registrars from collecting, you know, other data necessary for their business.

And on the point of the uniformity I think as far as data is collected uniformly it should be displayed uniformly. But I think there does need to be some consideration that different registries have different requirements as the, you know, the lawyer example discussed earlier spells out. So I don't think we can treat uniformly, you know, strictly for everything. There has to be some, you know, carveouts for exceptions or differences. But as far as, you know, the data is collected it should be displayed in a uniform manner. Thank you.

Chuck Gomes: So (Mark) this is Chuck. I want to make sure I understand what you're saying because on the one hand it sounded like you were saying it shouldn't be displayed uniformly because there are different requirements for different registries. Tt the same time it sounds like you're saying it should be displayed uniformly. Can you clarify that?

(Mark): Yes so I think this - so this comes from the Thick Whois PDP correct?

Chuck Gomes: Yes.

(Mark): All right and so one of the key outputs of that PDP was the so-called consistent labeling and display right? So that said that, you know, the data should be displayed in a consistent manner. And in that PDP we looked at, you know, specifically feels like the expiration date which were labeled at least three different ways across registries. So the intent is that each of these - each, you know, each expiration date should be an expiration date and it should be labeled in a consistent manner. And I think that's, you know, what the intent of uniform means there.

And I don't think though the intent is to prevent registries. You know, I think the example used earlier like .lawyer which may need to, you know, collect and, you know, there may in some cases even be a need to display different data. I don't think the intent is to prevent that from happening. It's just, you know, where, you know, an expiration date should be an expiration date regardless of the registry. Does that help Chuck?

Chuck Gomes: Yes it does (Mark). Thank you. And I'm going to ask Stephanie is what (Mark) saying there consistent with your concern about uniformity?

Stephanie Perrin: Yes I think so, Stephanie Perrin for the record. I think the problem here is that - and it's not really a problem. I think the use of the word display is precise because it refers to the way we're organizing the data. And the issue of whether it's being disclosed of course depends on multiple factors such as consent for instance. So I'm happy with that if we make that distinction.

I don't think anybody from a data protection is saying that we should format all this stuff differently every time. What we're saying is uniformity is a dangerous term to use because it implies uniform disclosure and that's not permissible.

Chuck Gomes: Thank you Stephanie and thank you (Mark). And then I see that David your hand's up again? Old hand? Okay Kal?

Kal Feher: I am - the comments from (Mark) actually made me think especially in relation to the CL and D where it was uniformity seem to be valued over and above what I considered a common sense.

Chuck Gomes: Kal let me just for the sake of those who may not know what CL and D is explain that please.

Kal Feher: The Consistent Labeling and Display which applies to the current Whois system. And what I - I think we need to acknowledge that interoperability is important. And sometimes that means uniformity of data is important. But the purpose of the data that we're displaying is more important. So we may need some weighting on some of these requirements because I wouldn't want to be displaying data simply because it becomes - it results in a uniform service which I feel has happened in the case of the consistent labeling and display policy. So I wouldn't want the same outcome here.

                 So yes it is important to have interoperability. It is important to have uniform but it is not more important than having the correct data and only the appropriate data being delivered to the end-user. So just that the idea that we might need to weight some of these that this is not going to override other requirements.

Chuck Gomes: Thanks Kal. This is Chuck again. And I think that'll be the case often where we will get a general sense and maybe even some rough consensus. But we're going to have to revisit it once we see bigger the bigger picture and so forth. So well said on that.

                 Moving along to the next data element and then we're going to look at a privacy one. So the data element from again Document 19 the first requirement there was based on the ICANN Government Advisory Committee proposed principles the RDS services should provide sufficient and accurate data about domain name registrations and registrants. Now

that's got some really broad terms and it but let's talk about that one a little bit. How do you react to that possible requirement?

This one that is going to need to be more precise if it's a requirement. For example you have a very broad term. Sufficient is a pretty broad term. I mean is this a requirement that everybody generally supports? What is your thinking on that?

I think one of the - this is Chuck again. I think one of the things we're running into is people are pretty drained from a long meeting but I do want to at least get to the privacy, introduce at least the one privacy one so that we cover all three of the question areas in our meeting today. (Mark) go ahead.

(Mark):   Thanks Chuck. It's (Mark) again. Can you still hear me okay?

Chuck Gomes: Yes just a little louder please.

(Mark):   Okay on this one I think, you know, I don't disagree with the statement, you know, the registry data directory services should provide sufficient and accurate data. That seems very fair. What I'm not sure about is how to - how do I implement this requirement? So it seems more like a principle than a requirement to me. But, you know, I don't object to the principle I guess. Thank you.

Chuck Gomes: Yes thank you (Mark). And that's we ran into one earlier like that as well where maybe it's not a specific requirement but more a part of a purpose statement or even a list of principles so thanks for that. Beth go ahead.

Beth Allegretti: Hi Beth Allegretti. I agree with (Mark). It seems very broad. I agree with the principle and maybe we just weave this into other things we've already covered.

Chuck Gomes: Thanks Beth. Sorry Stephanie I skipped over you.

Stephanie Perrin: Thanks, Stephanie Perrin for the record. I think this one is clearly it wasn't drafted with this purpose in mind and it's too vague. So you don't need to know me - my complaints about each word here except that I will say that accurate data, that is like accurate data. That means week by week accuracy check on address and phone number and, you know, impossible.

Chuck Gomes: Thanks Stephanie. Yes please?

Man: (Unintelligible) it's the (unintelligible) not specifying status and accurate.

Chuck Gomes: Speak closely to the mic so we can hear you better. You can lift it up a little bit if you want.

Man: I consider this principle as two (approach). It establishing an obligation on the versus pre but not defining what happens if the data isn't accurate because it relies on data mostly given by the customers. He kind of check it. He cannot do that -do much about it. And also the domain name the whole (unintelligible) may provide inaccurate data. So it's must specify what happens. And there are some concerns from the human rights organization that some data may be on purpose, not very accurate because it might hide some organization behind the proxy name or something like that.

Chuck Gomes: Thank you, appreciate it. Any other comments on this one before we go to the one privacy one we're going to look at today? Stephanie is that a new hand? Okay Lisa?

Lisa Phifer: Thanks Chuck, Lisa Phifer for the record. Just wanted to respond to that comment that this is not precise enough to actually comply with. Of course ultimately we comply with policies and that will be defined in Phase 2. What we're trying to define in Phase 1 is the requirements around the policies. What are the policies meant to actually support? And I think that's a little bit of what we're struggling with is that some of the policy requirements are going

to be general principles, guiding principles that will now lead us in Phase 2 should we get there, leads us in Phase 2 to the very concrete policies that then registrars, registries and other contracted parties would be called upon to comply with.

Chuck Gomes: Thanks Lisa. Any other comments on that one? Okay let's as our last requirement to look at today so the end is near okay for today, let's look at the privacy one from Document 30. Let me do a quick check here and see where Document 30 was. That was the opinion on January 2016 on the EU US privacy shield draft adequacy decision of the Article 29 Working Party 238.

So just to tell you where that one - where that requirement came from came for that. And let me get back in Adobe so I can see has, et cetera. And so let me quickly read that. So the requirement for a third country to ensure an adequate level of data protection was further defined by the CJ EU in (Shrems). It also indicated that the wording adequate level of protection must be understood as requiring the third country in fact to ensure by reason of its domestic law or its international commitments a level of protection of fundamental rights and freedoms that is essentially equivalent to that guaranteed within the European Union by virtue of the directive read in light of the charter on Page 10. So that's a mouthful there. But let's just spend a few minutes see if anybody has any specific reactions positive, negative suggestions, thoughts with regard to that as a possible requirement.

And again this is one I think that is not really worded very much like a requirement for an RDS but there may be elements that we can pull out of it in that regard. Any discussion on that particular one? Go ahead Susan.

Susan Kawaguchi: What does third country mean?

Chuck Gomes: Good question. Does - can anybody help us on that? What does third country mean in this context? Go ahead.

(Irish Micofer):   (Irish Micofer). There's a lot of discussion on this in Europe. Third country means transfer from a European country to another country the United States and in here. The United States have to provide adequate protection against access of this kind of data meaning concerning rules and procedures that they may have done.

So considering the new privacy shields. So it's very long or a long paper, actually a decision of the commission on that difficult to fulfill and providers. The only problem is that they're - they can comply with that but if they get access request by police or courts they may then violate kind of principles because it prevents on the applicable law if this (unintelligible) can be fulfilled. It's an obligation mostly by the state, could also be complied with by the RDS. Thank you.

Chuck Gomes: So a third country would be a country that's not a part of the European Union but that may be involved in a data privacy, a data protection issue under European law. Is that - did I get the correct?

(Irish Micofer):   No it's mostly data transferred to another third country and to get, you know, address access to this kind of data by police, law enforcement authorities but also - maybe by the private sector. And European law requires that you comply with the access restrictions meaning to this kind of data. So in that (Shrems) case it was mostly intelligence services but it could also been commercial sector because the data is transferred to - for a particular purpose to the third country and this purpose limitation must be complied with.

Chuck Gomes: Before you sit down Susan did that answer your question? Mic, mic, mic.

Susan Kawaguchi: Very high level I think I understand that.

Chuck Gomes: Yes Stephanie go ahead.

Stephanie Perrin: Stephanie Perrin for the transcript. I'm wildly enthusiastic about this requirement but I would like to point out that I think it's almost impossible in fact to transfer data outside of Europe and I would add Canada. It's certainly the case in Canada. Once you transfer data you cannot guarantee the constitutional protections anymore because that would require some kind of a treaty that guarantees those constitutional protections and we don't have those.

So for instance if a registrar in Canada puts its data to Iron Mountain for the purposes of escrow and that goes to the United States and a - an intelligent agency wants access to that data none of the constitutional protections that pertain in Canada would apply under that in that circumstance because they don't apply to us. We're aliens right? And I think the same thing would apply - I'm not obviously a lawyer nor am I a European lawyer but it would apply in many countries the same kind of thing. So this is aspirational. What it winds you're doing is you can't transfer the data and you have to seek a waiver and keep it within your own territory to guarantee the charter right.

Chuck Gomes: Thank you Stephanie. Any other comments on this one before we wrap our working group meeting up? Mark Anderson go ahead.

Mark Anderson: Hey Chuck, thank you. Mark Anderson for the record. Yes this one is hard to look at in a vacuum. It's part of a much larger, you know, question around the transfer of data and across jurisdictions. So it's I think this is a real slippery slope and it's difficult for us to, you know, really do it justice within just the blurb here that's captured.

That said I suggested this in the past. I think it would be a better approach for this working group to consider, you know, not drilling down to this level of detail and more look at what we're doing in terms of, you know, the RDS should provide a mechanism for the implementers of it to comply with

applicable laws. You know, I think it's - I think it's almost impossible for us to drill down to this level of specificity. Thank you.

Chuck Gomes: Thanks Mark. Lisa?

Stephanie Perrin: I think I actually in following on to Mark's comments although I raised my hand before you made it which is I think there is an implicit requirement in this statement. The implicit requirement is that the RDS should provide an adequate level of protection for data. That's actually not stated here. What is stated here is is how to interpret adequate level of protection.

Chuck Gomes: Thanks Lisa. Any other comments on this? Obviously we're going to come back to this one and pursue it further. Not seeing any more hands unless that's a new hand Lisa? Okay so let's then bring the slides back up. And they're very brief slides so don't think that we're going to spend very much time on it but just to wrap things up here we'll go to Slide 17 from the slide deck that we had up at the beginning of the meeting today. And as soon as that comes up so the - okay they're fairly simple slides so hopefully they get it up by the time we look at the resources but let me just talk to them.

So our action items we want to continue discussing the requirements that we consider today on our working group list. And we will in the week after next when we have our working group meeting follow-up on these requirements. Certainly feel free to suggest wording changes, wordsmithing. And we will follow-up on those. And in cases where we had a reasonably good agreement especially we'll do some wordsmithing. There's some maybe that we need to discuss further before we do too much wordsmithing.

So our - again there will not be a working group meeting on - at its usual time next week but we will have one the following week and that'll be announced on the working group list. The leaders will be meeting next week but the working group as a whole will not. So in typical GNSO practice we generally don't schedule a meeting right after an ICANN in-person meeting. So notice

the resources that are on the screen there and I - the presentation will be linked in the - on the ICANN meeting Web site. Am I correct on that?

Man: Yes.

Chuck Gomes: So it should be linked and of course it'll be - I think the presentation may have already been provided to working group members on the working group list. So go ahead Lisa.

Lisa Phifer: I just wanted to mention that if you look on the ICANN 57 Meeting Materials page the one that actually had the agenda for this session at the bottom of that page is linked the slide deck that we went through, the document that pulled out the specific requirements that we looked at. And that's also where we'll post the meeting minutes from today.

Chuck Gomes: And as a last request does anybody have any questions or comments before we adjourn the working group session? Thanks for those of you that stuck it out the whole time -- much appreciated and for the good contributions from many people. We've got a long ways to go and but at the same time I appreciate the constructiveness of everyone that's participating and am optimistically looking to making good progress in the weeks and months ahead. Leadership team anything else we need to cover?

Marika Konings: Just a note that there's lunch available in the room for everyone interested. It's just there over on the right side.

Chuck Gomes: Thank you because I forgot to do that. I appreciate that Marika. So there is lunch in the room here. Everyone's welcome to have lunch here and look forward to everyone's continued participation as we proceed in this working group. Meeting adjourned. Have a good set of ICANN meetings in the days ahead.

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