# Privacy and Proxy Services Accreditation Issues PDP WG
# TRANSCRIPTION
## Tuesday 17 December 2013 at 1500 UTC

Note: The following is the output of transcribing from an audio recording of the PPSAI PDP WG meeting on Tuesday 17 December 2013 at 1500 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at:

http://audio.icann.org/gnso/gnso-ppsa-20131217-en.mp3

On page:http://gnso.icann.org/calendar#dec

(transcripts and recordings are found on the calendar page)

Attendees:
James Bladel - RrSG
Amr Elsadr - NCUC
Alex Deacon – IPC
Don Blumenthal - RySG
Gordon Dick - RrSG
Graeme Bunton - RrSG
Kristina Rosette - IPC
Luc Seufer - RrSG
Marie-Laure Lemineur - NPOC
Steve Metalitz - IPC
Michele Neylon - RrSG
Roy Balleste - NCUC
Tim Ruiz - RrSG
Todd Williams - IPC
Volker Greimann - RrSG
Carlton Samuels - At-Large
Stephanie Perrin - NCUC
Griffin Barnett – IPC
Tatiana Khramstova – RrSG
Justin Macy – CBUC
Kathy Kleiman – RySG
Emily Emanuel – CBUC
John Horton – CBUC
Keith Kupfershmid – IPC
Theo Geurts – RrSG
Osvaldo Novoa – ISPCP
Phil Marano – IPC

Gema Campillos - GAC
Val Sherman –  SOI to be completed
Nic Steinbach - RrSG
David Hughes – SOI to be completed
Maria Farrell - NCUC
Tobias Sattler – RrSG

Apologies:
 Holly Raiche - ALAC
Statton Hammock – RrSG
Eric Brunner-Williams – Individual
Olga Cavalli - GAC


ICANN staff:
Marika Konings
Mary Wong
Margie Milam
Nathalie Peregrine

Woman:              Please go ahead.


Nathalie Peregrine:    Thank you ever so much (unintelligible). Good morning, good afternoon, good evening everybody. This is the privacy and proxy services accreditation issue PDP working group call on the 17th of December, 2013.

On the call today, we have Don Blumenthal, Tatyana Khramtsova, (Graham Bunton), (Justin Macey), Kathy Kleinman, Steve Metalitz, Todd Williams, (Griffin Barnett), (Alex Deacon), (Stephanie Billin), (Will Gillespie), Carlton Samuels, (Emily Manual), (John Holton), (Gordon Dick), (Luke Soiser), (Unintelligible), (Unintelligible) and (Keith Latisment).

We have James Bladel, who's also joined the call, as well as Tim Ruiz. We have apologies from Holly Raiche, (Stephan Hermik), (Alec Brunner-Williams) and Olga Cavelli. From staff we have Marika Konings, Mary Wong, Margie Milam and (unintelligible). I'd like to remind you all to please state your name before speaking for transcription purposes. Thank you very much and over to you.

Mary Wong:     Thank you, Nathalie. And, again, this is Mary Wong from ICANN staff. As those of you in the Abode Connect room will see, our working group chair, Don Blumenthal, is unable - is unfortunately not able to chair the call today as he is at the boarding gate about to board a flight.

So we are going to have to ask our vice chairs, (Graham) and (Steve), if either of them would like to step in for Don Today. (Graham) and (Steve), I think you're both on the line and I don't know which of you would prefer to do the honors.

(Steve):       Well, this is (Steve). We talked with Don about asking staff to chair the call which will be fine with me. But I'm also available if that's not possible.

Mary Wong:     Thank you, (Steve). We're very happy to step in in Don's absence with your and (Graham)'s approval especially, I believe, that today we do have a number of at least briefings and updates to get through.

So please feel free to step in at any time, (Steve) and (Graham), and for now, I'd like to welcome to the meeting a colleague, Margie Milam, who many of you already know quite well, and as you may also know, Margie is one of the main staff members (forging) the Expert Working Group or the EWG.

And we spoke last week at our meeting here in the working group about coordinating some of the work with them, specifically and perhaps most urgently, on privacy and proxy practices which is a subject of a survey that the EWG is about to send out.

And so it's very timely and we're very happy that Margie is able to join is today to let us know a little bit about the EWG's activities in Buenos Aries and to talk us through the survey. Margie, welcome.

Margie Milam:  Thank you Mary. Good morning everyone - or afternoon. As Mary mentioned, I'm the - one of the staff member's that's supporting the Expert Working

Group and as many of you may know, there are some Expert Working Group members that are also a member of this working group, the PDP working group.

So we have (Carlton) and (Stephanie) on the line as well. And they, I hope, can be an excellent resource for you as you also address these issues. Just to give you a little bit of background where the EWG stands and its work plan, before Buenos Aires, and it was about a week before it Buenos Aires, we published a very extensive status update report.

And I hope you'll have some time to look at it, particularly because it actually has recommendations that relate to the privacy and proxy services area. And we - and intentionally included a lot of language that could be a resource for you all as you do your work because the Expert Working Group was very much aware of that, that PDP was going to be kicked off soon.

And any insight that it could share, we thought would be beneficial. So we encourage you to take a look at that. And as part of its work since Buenos Aires, it's essentially gone into what is called a research phase and it has a series of issues that it plans to explore.

And staff is doing a lot of the preparation for this research so that when they reconvene - and the plan is to reconvene in Singapore - that the expert working group members would take a look at the results of the survey and determine from there whether to change the draft recommendations that have been published or to enhance them.

And so that's essentially the work plan going forward, is to now go engage in various research activities, compile summaries of the research and then meet face-to-face prior to Singapore when looking at Thursday and Friday before Singapore as our work days in order to try to finish their work and then the Expert Working Group is hoping to finalize this report and publish the final report before London.

So that's essentially the timeframe that they're looking at. And one of the issues that they planned for more deeply relates to the practices of privacy and proxy providers and as a result of that, staff has taken a stab at creating a survey which you see before you that raises a lot of the issues that the Expert Working Group would like to explore.

And after realizing that the PDP group is also initiating its efforts, staff, Mary and Marika and myself, thought it would be a good idea to share the draft survey with this group so that you could see the questions that the Expert Working Group plans to explore.

And if there are any additional questions, that the PDP working group would like to see, the idea would be that we would incorporate them in the Expert Working Group survey so that the providers are not burdened by having to respond to two separate surveys.

And it seems that the information that gets provided from the survey would be very helpful to both those lines of work, the PDP work and the Expert Working Group work.

So what you see before you, is a document that the Expert Working Group has not finalized. They're going to take some time to look at but you'll see the various questions that the - that we expect to submit in the survey and then the idea would be for this working group, if you have any additional questions you think should be included in the survey, if you could get that information back, probably by early next year, so that we can launch the survey and have a complete set of questions that hopefully addresses both lines of work. And with that, I think I'll open it up to questions. That was, Mary, essentially what I wanted to cover.

Mary Wong: Thanks very much, Margie. And as Margie mentioned, the draft which the working group is currently reviewing, dated yesterday, is up on the screen

and we realize that you probably haven't had any time to look at it, but perhaps running through the questions might be helpful.

And at this point, Margie, I don't know if you or if Michele or if (Stephanie) or (Carlton) are able to, if not run us through every question because it is a two-page document, perhaps highlight some of the questions that you think might be particularly important, either to this group or to the work or that you're seeking particularly detailed information.

Okay, I'm asking also, the members of the EWG who are on the call, if they would like to guide us through the questions or highlight particular ones for us to consider. And (Kathy), I noticed that you've asked a question on the chat. Margie, I think that the EWG is in the process of finalizing these questions but that feedback from this working group would be welcome.

(Kathy), I think it's not just on the questions themselves, but perhaps on other issues that the working group feels are not covered by the current set of questions or that could be more adequately addressed.

Margie Milam: Yes, Mary, this is Margie. I think that's right. It's not necessarily a joint survey, per se. I suppose there may be questions here that aren't relevant to what you're looking at.

But certainly, you know, to be comprehensive, you know, there's no need to have two separate surveys. So the idea is that you'd have any additional questions from this PDP working group if there are any. And, Mary, would you like me to kind of walk through the different kinds of issues we're exploring?

Mary Wong: Margie, I think that would be helpful because I'm not seeing any hands up or any further comments so perhaps that would...

((Crosstalk))

(Tim):         It looks like there're two hands up.

Mary Wong:     Oh, I'm sorry. That's right. Thank you, (Tim), and you go first.

(Tim):         Thanks. Just a question about the format of the survey because, I mean, just looking at it on the screen it looks like privacy and proxy services are like a single thing and some of the questions kind of, you know, presented or about it as a single thing or information that's going to be presented.

               And that just concerns me because there are differences between how proxy and privacy services operate, such as in Item 3 there about what is obscured in Whois. It says including but not limited substation of the privacy proxy provider's name as a registrant name.

               And that's not necessarily a blanket thing. You know, in fact, in reality, it seems to me that proxy services make that practice. Privacy services, not necessarily. Many of them will actually use the registrant name. The other information is different. So I was just wondering if this was just a kind of general thing for us or will it be more detailed when it's actually presented as a survey?

Margie Milan:  This is Margie, if I can respond. This is a very rough draft. In fact, we have not had a chance to receive very many comments from the Expert Working Group yet. It was sent to them yesterday.

               That's a very valid point. They are fully aware of the differences between the privacy and proxy services and, in fact, the report distinguishes between with them and clearly.

               So, (Tim), I think the suggestion would be then to have definitions and perhaps separate out where we're talking about privacy services versus proxy services to be more clear. Is that - would that satisfy your concerns?

(Tim):              Yes, it would. Exactly. Thanks Margie.

Margie Milan:      Okay, yes. Thank you.

Mary Wong:         Thanks (Tim). And I would add - and I know Margie and everyone on the call knows this, so this is more for recording purposes - that ICANN has been pretty consistent in its definitions and use of those definitions for privacy and proxy services.

                   I note that (Carlton) has a comment as a reminder that the EWG's considering rebranding the term privacy service and (shield) services but Margie, my expectation would be that the same (substantive) definition that we've used in terms of GNSO studies and so forth will continue to be used so we can share those with you as well. (Carlton), you're next.

(Carlton):         Thank you, Mary. This is (Carlton) for the record. I wanted to just follow up on what (Tim) was saying. The idea was that we do understand and we are committed to using the definitions of privacy and proxy services but we thought, as a general rule, we would rebrand the (inparasing) as what we call (shield) services.

                   And then go down, drill down, to make the distinctions as we go along. If you look at the questionnaire that was developed, we're certainly interested in the procedures pertaining to one or other of the (shield) services, is high on the agenda.

                   And we are certainly very much interested in looking at the data sets, what is collected and what is shared with respect to the (shield) services. So from this group, it would be very important for us to get some feedback on what we call normalized procedures, as much information as possible, for where those exist, as well as the kind of data set, the data items that could be collected and the data items that would be shared.

The other thing that we're quite interested in is looking at our - the methods by which we - there's a methodology that needs to be developed to make these services officially regulated.

And one of the things - the most important thing in that, of course, is what exactly would the required for the regulatory framework with these services, what is the expectation?

We have a sense of what the objective is but what the expectation is in terms of the providers and how do we measure and ensure enforcement of those provisions? Thank you.

Mary Wong: Thank you, (Carlton). There're a couple of other hands up and there's a question from (Christina) and a comment from (James) in the chat. So let's just take those in order. (Stephanie), you have a question or a comment.

(Stephanie): Yes, thanks. Hang on while I turn the speakers off. There we go. I unfortunately haven't had time to go through this. As Margie said, it just went out yesterday.

My question is - and it looks like a very extensive list of topics. Congratulations. But I'm just worried about whether this is the kind of format you're planning to use to send it out.

It looks like an awful lot of work if you're the person answering this. I wonder if we should figure out some kind of a grid that would collect the easy answers or format it just to make it quicker to fill out and quicker to digest the input that we get back because I think you're heading towards a sprawling sort of narrative that will be hard to digest.

The next comment I would have on this is how do we collect information about the ultimate end users of the privacy and proxy services? Is there a

way that we could ask service providers to find that out, otherwise we're just taking their word for how the end user responds?

So those were my two comments except to back up (Carlton) in putting in a plea for changing the name to shield services. I realize it's been called a privacy service forever but that doesn't make it right. Thanks.

Mary Wong: Margie, did you want to follow up before we go to (Steve)?

Margie Milam: Yes, (Stephanie), thank you. Yes, this is not the format. This is merely a draft of content. (Lisa) and I would put it in a more traditional survey format that would allow, you know, boxes and make it easier to respond.

But we just wanted to at least get something out, particularly because we knew this group was meeting today, to at least start the conversation. So we'll definitely do that.

And to your second point, I think about how to access the registra- the customer's, I guess, point of view, that's very interesting and we did not take that into account.

I would want to ask (Tim) and maybe (James) or any other registrar who offers a service, if they have any suggestions on how to do that because as you look through some of the expert working group recommendations or suggestions that are in the report, they try to also take a look at this issue from the perspective of the customer, you know, and the customer's procedures and needs. And so it would be- I think it's a valid point that it'd be useful to receive information from the customer of the service.

Mary Wong: Thanks Margie. And I believe your answer probably answers (Christina)'s question as to whether it's going to be more of a survey versus a poll and understanding that this is a very preliminary document which will be refined and reformatted before it actually goes out. (Steve), you're next.

(Steve):          Thank you. This is (Steve). First, thanks to the staff for getting this draft out
                  and for compiling what seems like a very comprehensive, just at first glance,
                  a very comprehensive set of questions.

                  I really have a couple of questions about this. One - the first is to whom would
                  this survey be sent? The second is whether - is what output from this survey
                  will be shared with this group, with this working group? And the third is what
                  is your timeframe on this? When could we reasonably expect to see the
                  results if we are going to be able to see them? Thanks.

Margie Milam:     Thank you, (Steve). So to - and I forgot the order of the questions. We
                  originally, we were going to go out to the privacy and proxy providers
                  themselves and so that we were going to do outreach and with Michele on
                  the working group as well as, as head of the registrar stakeholder group, we
                  were hoping to get as much participation from the providers as possible.

                  I overlooked trying to get input from the customers, so that I think we need to
                  take back and think about how to do that. Timing-wise, we wanted to publish
                  this sometime in January, mid-January, so that we could close the period in
                  February and have the information available to the Expert Working Group
                  when they meet in Singapore.

                  And then what we were suggesting was that we would publish anonymized
                  aggregate information but not individual information per respondent because
                  we decided it would be more useful to have an aggregate point of view and
                  that aggregation or summary, as opposed to individual responses and also
                  too, I think that gives more likelihood that we'll get more information if the
                  responses are anonymized. So that was what we were intending to do with -
                  submit a summary that summarizes the responses but not per - wouldn't
                  identify who said what.

(Steve):          Could I follow up on that last point? This is (Steve) again.

Mary Wong:          Go ahead, (Steve).

(Steve):            Yes, I mean, in terms of - I understand that might be adequate for the expert
                    working group but for this group, which is supposed to be trying to develop
                    accreditation standards, it might well be useful to know which services
                    operated in which way because hopefully we can draw from some of this, you
                    know, some best practices ideas, if you will, and draw from existing
                    operations, you know, the accreditation standards that might be applied.

                    So I just think it would be helpful to know whether it's a, you know, whether a
                    particular procedure, let's just say, is being followed by proxy service provider
                    with 1000, you know, that's really a very small registrar or with, you know, it's
                    a very large registrar so as to be able to say whether this particular procedure
                    is already in place in a broad swap of registration.

                    So I think I would just suggest that, you know, anonymized responses may be
                    less useful to us as - you didn't - I mean, you've indicated that what would be
                    provided to the expert working group and what would be published but I'm
                    wondering if there's anything that would also be provided to this group which
                    has been set up to address these issues.

Margie Milan:      (Steve), I guess the question is, I mean, since we have (James) and (Tim) on
                    the line and perhaps other registrars, that does it matter whether the
                    information, you know, is anonymized or in terms of, you know, willingness to
                    share information?

                    Or Michele, how do you think other registrars might, you know, prefer to
                    participate that may have those services? We were thinking it was more
                    useful to have, you know, an ability to share information freely but, you know,
                    and not necessarily be identified as the respondent.

And we could identify, in the summary, you know, a large proxy provider or a small one or, you know, to make those kinds of distinctions if that's helpful, (Steve), from your perspective. But I was really trying to make sure that - or at least I and others on staff were thinking that we would get more forthcoming responses if the respondents weren't identified.

Mary Wong: (Steve), this is (Mary) and I'm going to jump in here to follow up on what Margie said and on some of the comments in the chat room. It seems on some of the experiences we had on the Whois studies, too, that some of the comments corroborated that it's more difficult to get fuller responses or even responsiveness if the responses are not anonymized for the results and the analyses.

At the same time, your point about having specific information that would be more helpful to us is an important one for this working group. So I wonder whether we could, as a working group, not necessarily through the EWG survey, but as a working group, as working group members who run privacy and/or proxy services, as well as contacts that they may have to at least share best practices and tips or information and so forth.

And we can do this perhaps either prior to or even after seeing the summary of the responses that the EWG gets to its survey. Just thinking about perhaps and alternate route to get some of the specificity that you may be looking for.

(Tim): So this is (Tim) since I was...

Mary Wong: You're next.

(Tim): ...one of the registrars brought up, can I jump in with a comment on this or?

Mary Wong: You may jump in because you're next in the line anyway.

(Tim):     Oh, okay. Sorry, I should've just been patient. But - and maybe I misunderstand and some of the other registrars will jump in and chastise me. But it seems to me that if we're looking for information on how privacy and proxy services work, on various ones, and the fact that, you know, these contrasts are pretty much public, it's not impossible to just look at the Whois and see which, you know, privacy service has which (injuries) in the Whois or which proxy service.

In fact, I think there's been those in the past who have used, you know, kind of automated systems to survey the Whois and see, you know, basically how many registrations of with this service on there, with that service.

And so that's - I'm very sorry - so, so much of this is public already and I since have a hard time understanding what would need to be randomized or hidden or whatever about how these services work and then which one works which way.

So I guess just my thinking is initially that unless I can understand something deeper about why this is a problem, having anonymous responses from proxy and privacy services doesn't make a lot of sense to me and actually would just hinder the work that we're trying to do because we'd be sitting back wondering, well, just how honest are some of these responses because it seems that, to some extent, we may want to go back and verify, is this really true?

And not that, you know, the people on this call, the registrars participating here are going to be dishonest or misrepresent but, you know, I'm really tired of the way registrars and these services are represented sometimes as being, you know, the supports and the ones behind all the bad things that are happening on the Internet and it's all our fault.

And there's a lot of us trying to, you know, do what we can to correct those things, to get policies and processes in place that make everybody happy and that can have all these things working right.

I think those participants want to be open and honest and, you know, here's how we're doing it. And those that don't, I think you know, are probably more the ones that are the issues.

So to just encourage it by having anonymous responses to things that we really need to know to do what we're here to do just makes no sense to me. Now, if it's about, you know, responses regarding individual registrants, well, that's a different issue.

I don't believe that's what we're talking about. You know, generalizations about registrants is a different thing, specific registrants. I don't think that's what we're talking about.

So I just have a hard time understanding what the anonymity would be for or why it would be needed. And the only other thing I just wanted to mention real quickly is just about rebranding, is really what we're talking about when we say, well, let's call a proxy service a shield service instead.

For one thing, that's not really how they operate. I know there's some who think that's the way they operate because they can't get what they want but, you know, and proxy services have been difficult to get information from unless you come with a subpoena or whatever, because that's the way we thought we had to operate if you know, we're looking at trying to change that.

So proxy services weren't shield services. And I think if we start to call them that, it'll just bring a negative connotation into the mix that's going to make proxy services sort of, you know, kind of rear back and be defensive and also confuse things because we've called it proxy for so (friggen) long now. Why

do we want to change the name and just confuse the whole situation? So that's my feeling about the term shield. Anyway, that's it.

Mary Wong: Thanks (Tim). And I think those are probably two points of useful feedback for the Working Group. And I mean - I'm sorry, for the Expert Working Group.

And perhaps if this working group does have a view on both of those points, one on the use (windows) or lack thereof of anonymous responses on this second on the use of the word privacy service versus shield service something else I would think that the (Eva Gucci) would be happy to hear that.

On the first point (Tim) I think I'm not privy to the thinking of the EWG or anyone behind it. But again, this is a fairly preliminary document.

So my assumption is that similar to when we did some of the WHOIS studies were simply a concern as to whether or not we would be able to have useful information and feedback. And it's very encouraging to hear you say that that's possibly and probably not the case here.

So I suggest that the Working Group continue to talk about these two points and perhaps provide other individual or group feedback to the EWG on that.

We have quite a few built up. And Tim I assume that that hand was from your just last comment. So I will go to James followed by Michele, (Christina) and them back to (Stephanie).

James you're up unless you're on mute.

James I assume that okay if you wouldn't mind typing your question or comment into the chat maybe I can go to Mikael he and possibly come back to you. Michele?

Michele Neylon: Good afternoon, Michele he speaking, a couple of things.

I'm on the Expert Working Group as has already been mentioned. And while I might be the chair of the Registrar Stakeholder Group at present that doesn't mean that the registrars are more likely to respond to my requests for anything.

With respect to any of the surveys I think giving the providers the ability to not have their name associated with their responses is probably going to lead to a higher level of participation.

I mean, there's absolutely no obligation to any provider to respond to this kind of survey. So anything that would be a blocker for them should be removed.

While some other providers obviously don't really care and will answer all the questions others might and I think that would be a problem.

With respect to the terminology that it has appeared in the EWGs reports (Stephanie) who is also on this call can probably explain a bit more detail.

But the term shield is not being used with respect to what's currently referred to proxy. It was actually being used more with respect to what's currently referred to as privacy services.

Now whether you agree or disagree with the use of the terminology, you know, that's fine. But the - there was a rationale behind that which I think (Stephanie) has mentioned and we can speak to it in further detail. Thanks.

Mary Wong: Thanks Michele. James is now on the line I believe so James go ahead.

James Bladel: Thank you and Mary, James speaking for the transcript. And I apologize for the audio problems. I hope the conversation hasn't gone too far down the path.

So not surprisingly, I agree with also what (Tim) was saying earlier and most of the points that he raised.

I wanted to add just a couple of thoughts here. First is that this - there seems to be both in this survey and just in some of the comments I heard today a presumption that there is a affiliation or even interchangeability between the privacy proxy service and the - and an ICANN accredited registrar.

And I wanted to point out that that is not always the case, and particularly if we are building an independent accreditation framework that companies that want to provide these services that are not associated with existing contracted parties may want to become accredited. So I think it's important that we not just presume that that list link exists.

The second point is, and I think I stated in the chat I do believe that the term shield service is confusing. And it does effectively take the worst possible connotation and then try to rebrand a service that millions of people enjoy with I think perhaps a negative term.

And I think as far as anonymizing survey results. I think we've seen some pretty good comments on both directions on why this should or should not be allowed.

I think perhaps leaving that as an option in the survey might leave the door open for those who prefer to publicize their information. Providers like ourselves, for example, and the ones that we are affiliated with might be happy to share that information publicly.

Others that may be less, maybe a little more reluctant to do that publicly might feel more comfortable sharing if there is an option to anonymize those results.

So I think that having the ability to call yourself service provider X would - might lead to some more comprehensive information for this survey.

And finally my last point is that Kathy Kleiman has mentioned at least once in the chat box that she's not connected to audio and would like her questions raised in the queue.

So could I - could we ask staff to maybe put a placeholder in the queue for Kathy? Thanks.

Mary Wong: Thank you James. This is Mary. And I noted that as well. So yes, Kathy we have noted your question. And we have (Christina) and then (Stephanie). And then we will come to Kathy's question immediately after that.

(Christina)?

(Christina): Hi. Thanks very much, just a couple points. First, I agree with (Tim) with regard to the anonymity of point. But having said that, I recognize that this may be a topic on which responders may prefer to be anonymous.

We have done - we've traveled this road before as I put in the chat. And I would actually suggest that we stop calling this a survey unless we're actually going to follow the various scientific principles associated with survey design and administration and start calling it a request for information so we don't get ourselves into trouble farther down the road.

But more importantly, when we were doing the domain name tasting drafting team there was a request for information that was designed by the drafting team. It was posted on ICANN site.

The IPC did a supplemental one that I drafted and worked with staff on.

And the way it was administered is that every -when respondents participated they did not have to disclose their initial identity for purposes of publication of the request for information results.

But basically everyone was assigned a code. And so was then possible to go back and on a couple occasions. There were members of the drafting team who questioned the truthfulness of some of the statements that had been provided in response to the request - the supplemental request for information.

And so we were able to with staff assistance match the code with actual person responding and then able to go back and verify that this was in fact them that they had in fact made this statement and that they continued to support it, et cetera.

So, you know, I would suggest that we consider exploring that avenue. I do think it is going to be important that even if we do decide ultimately that responders identifying information is not going to be disclosed that there is some way to verify it if only for spot checking.

Just briefly on the rebranding shield perspective I think that that would be very confusing at this point. And I don't think that the rebranding would have the overall positive effect in connotation that I think it's intended to have. Thanks.

Mary Wong:     Thank you (Christina). So this is Mary and it sounds like maybe Margie for the EWG one preliminary piece of feedback from this working group sounds like maybe there ways to explore encouraging more detail and more response to the survey for request for information -- whatever it ends up being called that could include the options described by (Tim) and (Christina).

We will go to (Stephanie) and I think (Tim) did you have a follow-up to this or is this a separate point?

(Tim): I don't know, but I'll wait either way.

Mary Wong: Okay. So will go to (Stephanie) and then Kathy had a couple of questions, one of which may already have been answered but we'll go to her second question after (Stephanie). (Stephanie)?

(Stephanie): Yes. I just wanted to explain a couple of things. Number one, as Michele said proxy is still proxy. We're not suggesting a change of name.

With a proxy registration that's who the registrant is, the proxy service provider. And so that's the data that appears in the RDS or the, you know, central repository.

The use of the term privacy is quite confusing if you are actually trying to administer data protection law in a manner somewhat more sophisticated than allowing registrars to opt out if they're in a vicinity that has a - or jurisdiction that has data protection law. That was the goal here.

Because the use of the term privacy implies that you're doing something in compliance with privacy law, which is not the case. You are - so we're trying overall to up the ante in terms of the use of that terminology which is to be frank at ICANN in somewhat primitive stages in my view. That's talking as a privacy person. So that's the goal here.

The - my second point is, there's a group of proxy registrants that isn't necessarily gone out through this questionnaire. And that would be the lawyers. I realize they're not service providers.

But if we're looking overall -- and I think the EWG is looking overall more perhaps than the accreditation group -- at what goals are we trying to meet through the provision of shield and proxy services then that's an important group. Because at some point when it comes to reveal you're not going to get

what you're looking for from that group depending on their relationship with the client.

So I - while these two groups are coming together I think there are subtle differences in the purpose of getting this information. And maybe that would be a useful kind of forward. Just I'll talk to Margie off-line after this call about, you know, here's what we're looking for, here's what you guys are looking for.

There's a lot of convergence but there might be some other questions in terms of overall information. Thanks.

Mary Wong: Thank you (Stephanie). It sounds like maybe this is one point that the EWG might wish to talk about as you conclude the questions.

But it might also be something that this Working Group if there is the sense that the survey could be sent to service providers other than the ones that of semi-typically think of as privacy proxy service providers, including lawyers, and so forth. This working group could also provide that feedback.

At this point Kathy I know you had a couple questions. And your second question as to whether there is a list of all such providers, I think a few people and yourself have noted that there does not seem at the moment to be such a comprehensive list which of course is then related to some of the comments that (Stephanie) and others have just made as to who to reach out to.

Your earlier question was to the EWG, I assume, which is whether or not why is it that the EWG would require this particular level of detail and whether or not some of these details are already covered in existing WHOIS studies.

I can try and answer at least part of the second half of your question.

These details relating to practices across a broad set of privacy and proxy service providers go into detail at a level that the existing WHOIS studies do not which of course focus on very different questions as well.

So it's hoped that having a set of practices as responses from a broad set of providers will be helpful in taking the work forward both of the WHOIS studies this group and the EWG.

So there may be some slight overlap. But my awareness is that there isn't that level of detail at the moment, certainly not in the privacy and proxy abuse study.

And you're right in your comments in terms of the review study the reason why the review study was not done and it was done as a prefeasibility survey if I have that correct -- and I know that the people in this Working Group that predate my involvement will correct me if I'm wrong -- that was the reason that it was going to be very difficult to get information.

And it may be that phrasing it in this way and doing it in this way will allow us to get some of the information that we did not have. But basically my sense is that we don't have that level of detail at the moment.

Margie or any member of the EWG I don't know if you want to answer Kathy's other question about why the level of detail that's being requested by the EWG at this point?

Margie Milam: I guess I could answer. This is Margie. The EWG is still looking at this. I think if you step back for a moment and see what the role of that EWG is as it plays into some of the work the GNSO council is going to do we thought that it would be better to get as much information as possible to help develop principles that could then feed into the PDP process.

If you look through some of the questions that are raised here they raise things that I think intuitively haven't really been - are issues that need to be addressed, but haven't been addressed yet today, things like well what happens when there's a transfer of a domain name involving a privacy or proxy service? What happens when there's a renewal? You know, things that what happens when there's a UDRP, although I think maybe some of that is already addressed.

And so it's trying to get at the different aspects of the service and how it affects the user, the customer to see whether there's some sort of standardization that could take place with respect to that, some sort of expectation of a level of service.

And so that's why they're so much detail to try to identify what are the practices out there to set, you know, to make a recommendation for some sort of benchmark.

Mary Wong: Thanks Margie. (Tim) you've been patient so you're up next.

(Tim): Okay thanks. I guess maybe there is some confusion. At least with me about what, you know, the survey the EWG wants to do or a questionnaire that the EWG wants to do and then what we ourselves might need.

And I guess some of my comments about, you know, making sure we understand who is saying what is more, I'm not sure what the - all the EWG's goals are, but I guess my comments are directed more towards information that we need.

And, you know, one of the things I've always said about the Internet in general is that, you know, people should have some expectation of privacy, but not anonymity.

And to me that's been, you know, one of the huge issues on the Internet all long as people want to be anonymous. And that's where problems start.

But that's a different issue. But I think it applies here and what we're trying to do. And that is that, you know, if we're going to do accreditation with privacy and proxy services then maybe we can figure out how to provide some amount of privacy to those that were looking for information from. But anonymity just makes no sense to me if we're going to do our job completely.

So I guess my comments are directed more towards what we're trying to do and to the extent that the EWG can use that information or may want to think about it. I guess they can. So I just wanted to clarify that.

Mary Wong:      Thanks very much (Tim). (Steve) you have your hand raised again. Before I go to you I just note that we are at nine minutes to the hour. And so I think it's been quite obvious to folks that this has been a good discussion and we will not be getting to the mind map so let's just continue this discussion and finish up with some administrative details. (Steve)?

(Steve):      Yes, thank you. I really just want to thank the staff again for preparing this draft. And I think the answers to these questions could be very useful to our group.

I think they'll be more useful the more information we have and in other words, not anonymized or not completely anonymized or there's obviously some halfway houses that might be struck there.

But I think this information could be very useful. And if we can, especially if we can get it by March which I know is the plan or I understand that that's the plan so we - I think we should - I'd just like to encourage EWG to move ahead with this or to the staff at the direction of EWG to move ahead with this.

And I hope as much information as you can share with us I think would be very useful for our work. Thank you.

Mary Wong: Thanks very much. (Steve). So at this point -- this is Mary again for the record -- it might be helpful for this Working Group to perhaps agree on how and what the next step should look like unless (Tim) is that a new hand or left over from before?

(Tim): I'm sorry, I have a bad habit of not lowering my hand.

Mary Wong: Not at all. But so a couple of things to consider. I think first of all, I've already mentioned and Margie is as well but the timeline to which the EWG is working.

So if this survey questionnaire response for information or whatever it ends up being called is to be sent out sometime in middle late January, it makes sense for the Working Group to get any specific suggestions back to the EWG by then.

And I am sort of shading into the last agenda point here. If we look at the next couple weeks we're really into the holiday period.

So having spoken with Don Blumenthal earlier today the thought was that there will not be another Working Group meeting until the first Tuesday in January which may be somewhat late to reconvene and talk through this again.

So one suggestion staff had for the Working Group is if you'd like us to compile these questions as they stand today into a sort of -- and Christina I'm going to use the word survey -- so that you can make your responses and suggestions for it we can also share the - oh I'm sorry, I'm actually mixing a couple of things up as Marika has just reminded me. Let me backtrack.

So we're talking about this particular survey now. And we can share the document that's posted here with the Working Group on the list. And it will be very helpful I think to the EWG if you could provide your feedback and your responses either yours or your organizations or the group that you represent on this working group.

And we can certainly help collate that and forward them to Margie and the EWG in good time the point here being that should this should really be done over the next couple weeks even though we don't have a meeting scheduled till the first week in January. So staff will make sure that we get that out to you today if at all possible.

Secondly, in terms of the charter questions that are on the mind map that again that's something that we need to start thinking about.

And I note that in today's conversations and in the chat room as well and (Tim) I think you pointed this out too that while this survey from the EWG is going to be very important and it's going to be very informative we hope to the work of this working group the brief of this group is broader than that.

And there are a number, a large number of draft - of questions in the charter to be answered.

So perhaps it would also be helpful if staff could send out a survey of the questions in the charter based on the discussion of last week. In other words ask Working Group members to indicate priorities as well as whether certain questions should either be grouped together and worked on as a set or if certain questions should be worked on first before others.

Hopefully then that will set us up for some good meetings starting in January and we can begin to focus on the substantive work.

Does anyone have any opinion about this? (Steve) I see your hand is up. Please go ahead.

(Steve): Yes, thank you. This is (Steve) again. I think that's a good idea about comments on this document that's on the screen right now.

In terms of the mind map and the grouping of questions we discussed this (Graham) and Don and I in our prep call yesterday.

And I think we all agreed that it would be useful if the staff can take a first cut at this in terms of categorizing the questions and organizing them into chunks that might correspond with subgroups that eventually would be set up.

I think it would be very useful to have the staff's first cut of that if possible for our call on January 7 I think it is.

And then, you know, I think it's easier to deal with that than with a list of 20 questions. It would be great to have a tentative categorization that we could then respond to. That - is that feasible for the staff to take out?

Mary Wong: (Steve) if you don't mind, I'm going to ask Marika to respond to the second point. On the first point about this particular EWG survey, that's fine. Marika?

Marika Konings: Yes, this is Marika. I think we could definitely have a look at the questions that are there, but I'm not really sure how easy it will be for us to group those together.

And the reason why we suggested doing a survey amongst the Working Group members on the charter questions itself is it would give us some insight as to where there's clear alignment between working group members on the responses and where there is not which may inform, you know, what goes together or what is linked.

So that was a little bit thinking about, you know, during a Survey Monkey kind of survey where we just ask Working Group members to respond to each of the charter questions which then will hopefully inform the kind of discussion, you know, what is a may be low-hanging fruit and we see were working group members align and where do we see more complications or more divergence in responses which may help determine how to best group or tackle the issues.

So I think that was more the way staff was thinking about it. Wonder if that aligns with what we have discussed with (Graham) and Don on your call.

(Steve): Well, it doesn't really but I do recall our discussion about that on the last call, the last Working Group call.

My only concern about that is that, you know, if I'm going to go back and get my constituency and my, the people I represent to try to answer all 20 of these questions it's going to take a while because you - I agree with you some of these are going to be pretty - there's probably going to be a high degree of consensus and others there'll be very sharp divergences.

But I think we can probably figure that out without actually putting everybody through that exercise.

So maybe we can continue that discussion off-line. Thank you.

Mary Wong: Thank you, (Steve). Thanks. Marika. And as the chairs will have a follow-up call with the staff supporting them and this point, (Steve) perhaps we can as you say continue discussing this, unless other Working Group members have of you at this point.

With one minute to go, perhaps for now, what we can do is confirm that staff will send out this particular document you see on the screen everyone.

And as Margie has said that they would like to have comments by 10th of January perhaps what we could do is to have everyone try and send in the responses and feedback over the next couple weeks.

We can use our first meeting in 2014. And Kathy you're right that's the 7th of January, a Tuesday, the same day Tuesday and for now, I assume that we - we're fine with setting in for the same time which is 1500 UTC.

If we can get responses by then then we can as a Working Group discuss some of the feedback. And hopefully we can then start help you collate the responses back to the EWG in good time for 10th of January. So that would be an agenda item for the next call. And we will bring that back to Don (Graham) and (Steve).

So (Steve), I assume that that was a hand from before as well.

(Steve):        Yes.

Mary Wong:      And as such so I think we can call this a meeting to a close. And thank you all everyone for attending. Thank you Margie for the presentations. Thank you all for the great discussion. Operator we can stop this recording and talk to you all in 2014.

Woman:          Thanks, Mary.

Man:            Thank you very much, Mary.


                                END