

**Thick WHOIS PDP Drafting Team
TRANSCRIPTION
Tuesday 17 September 2012 at 1400 UTC**

Note: The following is the output of transcribing from an audio recording of the Thick WHOIS PDP Drafting Team on the Thursday 17 September 2012 at 1400 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.

Attendees:

Roy Balleste - NCUC
Amr Elsadr - NCSG
Alan Greenberg – ALAC
Volker Greimann – RrSG
Carolyn Hoover – RySG
Steve Metalitz - IPC
Mikey O'Connor – ISPCP

Apologies:

Susan Prosser - RrSG
Don Blumenthal – RySG

ICANN staff:

Marika Konings
Lars Hoffmann
Berry Cobb
Julia Charvolen

Coordinator: Go ahead, we're now recording.

Julia Charvolen: Thank you, (Ricardo). Good morning, good afternoon, good evening everyone and welcome to the Thick Whois Working Group call on Tuesday the 17th of September at 14 UTC.

On the call today we have Alan Greenberg, Carolyn Hoover, Mikey O'Connor. We have apologies from Susan Prosser. And from staff we have Marika Konings, Berry Cobb and myself, Julia Charvolen.

May I please remind all participants to please state their names before speaking for transcript purposes? Thank you very much and over to you, Mikey.

Mikey O'Connor: Thanks, Julia. Welcome everyone. I would also note that we've got apologies, I think, from Don Blumenthal and that Roy just joined. At least he's in the Adobe room so I'll probably pick up a few more folks.

I think (unintelligible) to the call we'll pause and acknowledge the rest of the people who've gotten on the call. We're a little thin on attendees today but I think it's primarily due to the fact that we're very close to the final draft. And so I think we'll go ahead and do this call, record it as we are doing, touch up the final draft of both the comment review tool and the report itself and then distribute those as consensus candidates to the list.

I think there's nothing sinister going on here it's just that we're getting very close to the end. And with that let me just do our usual pause and see if that agenda suits and if there are any changes to anybody's statement of interest.

Okay, what's on the screen is the comment review tool. Marika, do you want to drag us through the changes real quick? It looks like they start fairly late in the draft and if you want I can do that. But didn't know if there was anything you wanted to especially point out to us.

Marika Konings: Yeah, this is Marika. Actually I need to scroll down myself but I basically just tried to incorporate the notes from our last conversation which I think starts basically at Comment Number 30 and then further down. So basically reflect what we discussed and agreed upon I think several of those. It's just the

standard response of the working group thanks for your agreement with our conclusions and some are just make some notes of what we highlighted.

So I think it's more a question of reviewing what is there in addition to all the other responses provided as the next step would be for this to, you know, become a clean version that would then get linked in the final report as a reference to how the working group has reviewed and responded to all the input received.

Mikey O'Connor: Yeah, thanks Marika. I think the substantive one is on 39. If I look ahead here, most of these are, as you say, pretty perfunctory. On 39 that's where we actually highlight the point that we'd encourage people to implement this in a timely way. I don't think there's anything terribly surprising or controversial there. But that's the one that I see that has any real content.

Does anybody have any comments on this before we close it up? It's looking pretty final to me. Again we got pretty light attendees. Alan, go ahead.

Alan Greenberg: Just a question. Was the intent because of this to actually say this in a recommendation or the wording around the recommendation or what?

Mikey O'Connor: The way I read this is that we're going to insert language somewhere in the report. Marika, is that in the final draft that we're going to take a look at soon?

Marika Konings: Yeah, this is Marika. Yeah, this is Marika. I think that is - I think that is included. It basically reflects as all we discussed last time that the implementation of certain parts of the recommendation shouldn't unnecessarily delay other parts that they can move forward and if I recall well I have inserted that in the final report.

Alan Greenberg: Okay thank you.

Mikey O'Connor: Good catch, Alan. Anything else? Carolyn is typing - is typing. Oh, Amr has joined us. Good. Welcome, Amr. Carolyn is saying that this comment review tool is looking good. That's great. I'm pretty comfortable with it. You know, I'm pretty comfortable with both documents actually so it's good to hear.

Any other comments? We'll sort of give Amr a second to dial in; he's coming in. Amr, if you're listening and you want us to slow down to wait for you I'm happy to do it but if you're fine with this draft we'll churn ahead and move on to the final report draft. Maybe that's what we'll do and I'll give you a special ticket to take us back to this. But, Amr - or, Marika, why don't we switch over to the report at this point because it looks like this draft is in pretty good shape.

Alan, is that an old hand?

Alan Greenberg: No, it's a new hand for when the report comes up...

((Crosstalk))

Mikey O'Connor: A new hand, oh, good for you. All right. Carry on.

Alan Greenberg: My vague recollection - and it's slightly better than vague - but I cannot remember the contents of the recollection - is that at one point a few weeks ago we decided to add a second recommendation. It wasn't a...

Mikey O'Connor: I'm not sure...

((Crosstalk))

Alan Greenberg: ...major world-changing thing but we decided it should be there. And for the life of me I don't have a clue what it was. Does anyone remember?

Mikey O'Connor: I think...

Marika Konings: This is Marika.

Mikey O'Connor: ..what that - go ahead, Marika.

Marika Konings: Yeah, this is Marika. And that has been added. If you look at Page 43, you know, basically I think initially we said there could be two recommendations or we make an addition to the sentence. So what in the end I did is actually integrate it into the sentence because it seemed to flow a little bit better.

So on Page 43 you see that it now reads, "The provision of thick Whois services with a consistent labeling and display as per the model outlined in Specification 4 of the 2013 RAA, should become a requirement for all gTLDs registries both existing and future."

So it's part of the consistent labeling and display that we agreed should be part of the recommendation to make - to ensure that it would be implemented together with this requirement to provide thick Whois.

Alan Greenberg: Okay but shouldn't we have verbiage like that in the - either in the recommendation or along with the recommendation?

Mikey O'Connor: Yeah, that was my recollection...

((Crosstalk))

Marika Konings: ...or I'm not sure what you mean.

Mikey O'Connor: I think where Alan is headed - remind me where our one sentence recommendation is that says...

((Crosstalk))

Marika Konings: Page 43...

Mikey O'Connor: ...recommends - oh Page...

Alan Greenberg: It's 44 in my version in the one I have that you sent out...

((Crosstalk))

Marika Konings: Oh yeah, yeah, sorry, it's on the Adobe Connect if you're not scrolling completely down to the page it tells you the previous - indeed Page 44 said the language, in the middle of the page, highlighted in bold that's our one recommendation. And it now includes the two elements.

Mikey O'Connor: Oh there we go.

Alan Greenberg: Okay hold on. I was looking at a version you sent out a while ago. Let me look at this one.

Mikey O'Connor: Yeah, I think it's there.

Alan Greenberg: That could well be.

Mikey O'Connor: Yeah...

((Crosstalk))

Mikey O'Connor: If you type in the little box at the bottom the number 44 you get right there.

Alan Greenberg: Oh, that's really smart thank you.

Mikey O'Connor: It's a cool gizmo I accidentally discovered one time and thought oh isn't that clever.

Alan Greenberg: Okay so where in 7.1 are the words that we're talking about?

Mikey O'Connor: So the indented recommendation...

Alan Greenberg: Right.

Mikey O'Connor: ...how has...

Alan Greenberg: Oh, with consistent labeling and display. Got it. Thank you very much.

Mikey O'Connor: Yes. That's how we tackled that.

Alan Greenberg: Okay I...

Mikey O'Connor: We decided it wasn't worth a whole another one.

((Crosstalk))

Alan Greenberg: And I'm absolutely delighted that we're coming out with a one-sentence recommendation.

Mikey O'Connor: Yeah. You know, there is a sound bite, you know, we worked for a year and we got a sentence. I'm not sure which way to interpret that sound bite but there you go.

Alan Greenberg: Well, if you remember correctly - or you don't have to remember, I'll tell you - when this whole thing started several years ago my largest fear - and that of At Large - was this become a generic Whois working group and not a thick Whois working group. And in fact...

Mikey O'Connor: Yeah.

Alan Greenberg: ...I think some of the discussion on the Net recently, on the mailing list recently to add more recommendations in terms of telling the Council to do, you know, start a PDP on privacy or whatever is very much in that direction. So I'm quite delighted that we have managed to toe the line and just be a thick Whois working group so.

Mikey O'Connor: Good deal. And I note that Steve Metalitz is now with us at least in Adobe and presumably on the call.

Steve Metalitz: I'm here. Thanks.

Mikey O'Connor: Cool. Thanks, Steve. Okay so, Amr, you're now able to speak I bet. Did you have anything on - and Steve as well. We sort of have gone through the public comment tool and I just want to take a brief pause to let you drag us back there if there's anything in there that was bothering you if - I don't - we didn't make any changes on the call but by all means feel free to drag us back to it if there's something you see.

Amr, go ahead.

Amr Elsadr: Yeah, thanks Mikey. This is Amr. No, I just - my whole concern was regarding response consistency was addressed - the link was changed and I think it changes the context of the recommendation the working group is making and I'm fine with that now. Thank you very much.

Mikey O'Connor: Cool. Good to hear. Alan, you're next.

Alan Greenberg: Yeah, just for the record my confusion was caused because not unreasonably the executive summary had not been updated yet which I know Marika always does at the end. But nevertheless I was confused by that which explains why I raised the question.

Mikey O'Connor: Yeah, no you're allowed but only this once.

Alan Greenberg: Okay promise. I have other work to do. I'll just leave if you'd like.

Mikey O'Connor: No, no don't do that. This is the final stretch, come on. We're going to get this done today I think, I hope. As far as I can tell what we're looking at is a consensus candidate draft. And the - Marika, is the one that Steve marked up or is this yours pre-Steve's?

Marika Konings: This is Marika. This is the one that Steve marked up although I think because of his markup I think all my changes actually show as author and not - with my name. But I think all the blue ones are mine. And I think Steve indicated in his email the specific changes that he made.

Mikey O'Connor: Yeah.

Marika Konings: I'm happy to...

((Crosstalk))

Marika Konings: ...if that's helpful.

Mikey O'Connor: Well I've got that email in front of me and I can take us through to those. Let's do that. I've reviewed them and they look fine to me. They're certainly not big ones but they, I think, improve the draft and so I would tend to ride along with them.

But the first one is on - we'll see how the page numbers line up. Page 35 in his note - yeah, it works. Let me just - I tell you what I'll just drag you there by going - hitting in the Sync button.

So what Steve is doing on the - in this paragraph is two things. He's taking out the word "proposed" in the Registrar Accreditation Agreement because

it's now beyond that. And he's changing the link, I think. Again, nothing, you know, great catch but nothing terribly controversial there.

I'm going to continue to drag you around. If this drives you nuts let me know, folks. But the next one is...

((Crosstalk))

Marika Konings: ...the change on Page 35 that Steve made was actually in the footnote. As said it's a little bit confusing...

((Crosstalk))

Marika Konings: ...the author is actually me. I think in the email Steve's explained that's actually in the footnotes that the update is made.

Steve Metalitz: I think I took - come out as author there too but...

Mikey O'Connor: Yeah, everybody's an author.

Steve Metalitz: Everybody's an author.

Marika Konings: So it's your guess basically who that is.

Mikey O'Connor: Yeah, okay so I can't rely on what I thought I was relying on. Okay, never mind. I guess I better pay closer attention here. So the footnote...

Steve Metalitz: My only change there...

((Crosstalk))

Steve Metalitz: ...I changed panel to portal.

Mikey O'Connor: Oh, okay so just a typo. Okay. All right. So then the next one is on - oh yeah and if I actually read FN I'd have figured out that that was the footnote. The next one is on Page 43. I'll drag us there.

And again a minor correction substituting where for there, that seems good. And then some changes on Page 47 and 48. That, I think, actually was a content change. Let me drag it down.

Steve, you want to walk us through this one?

Steve Metalitz: Yeah...

Mikey O'Connor: I'm going to unsync but...

Steve Metalitz: Yeah, this is Point 3. Again, these are some points we're making with regarding - with regard to data protection - privacy and data protection and the implementation of this. And Number 3 referred to a couple of things that were open for public comment where public comment has now concluded so I - part of the change was to remove the reference to public comment.

And then the - this really kind of arose out of the whole dialogue with Avri and Amr and others just to reference the Experts Working Group which is looking at this privacy question.

And the fact that the Board has said it will initiate a PDP, have a PDP initiated once the Expert Working Group's work has progressed farther and that that will also - will also look at the privacy issue. So it's really just pointing to a couple of other areas where this is being discussed and that need to be taken into account.

Mikey O'Connor: Thanks, Steve. And, you know, sort of my hallway sound bite on this is that a lot of groups seem to be arriving at the same conclusion, that there needs to be a good bit of serious work done on the privacy issue and finally get that

sorted. And we agree. And that we're looking forward to it but that we don't want to do it ourselves.

Anything else on this? Oh, Volker has joined. Welcome, Volker. This is one on the bottom - just a - I don't know where Volker is at so I'll just sync for a minute. Volker, we're going through Steve's changes to the draft. We're moving pretty fast. I think the sense of this call is that we're pretty close to done here.

Steve, you mentioned something on Page 48. Oh that was just deleting...

Steve Metalitz: Yeah - yeah, I think it...

Mikey O'Connor: ...just deleting...

Steve Metalitz: In the earlier - in the draft that this Point 3 went over to Page 48. I'm not sure whether the pagination has changed or what...

Mikey O'Connor: Oh yeah, okay. That's - yeah, that's precisely what happened. Okay. And then on Page 47 there's also a reference to the Singapore (submission). That's in Point 1. And the question that Steve posed - and I'm not - this is sort of the trivia question of the day: Does anybody know whether the Singapore Personal Data Protection Commission actually began its work in 2013? And if not we probably have an action item for Marika and Berry to go check just to sort of update that with the current status of that.

Steve Metalitz: This is under Point - I'm sorry, this is Steve - this is under Point 1 of this list...

((Crosstalk))

Mikey O'Connor: Yeah.

Steve Metalitz: ...scroll up a little bit. But...

Mikey O'Connor: Oh, I'm sorry. I have...

((Crosstalk))

Steve Metalitz: ...something that will begin in May 2013 and since we're now past 2013 we should either change that or drop it.

Mikey O'Connor: Or delete it, yeah. I think that's a fact-checking update. Marika, can you take that action? Just - it should take but a trice to figure out what the status of that is.

Alan Greenberg: They do have a Website.

Mikey O'Connor: What?

Marika Konings: This is Marika. I'm happy to look into that unless, indeed, someone knows the answer on this call.

Alan Greenberg: It says it was established on the 2nd of January, 2013. When they started working I haven't found yet.

Mikey O'Connor: Oh, you can be the fact-checker, Alan.

Alan Greenberg: No, I'm not doing any more than I'm saying - what you're hearing me doing right now.

Mikey O'Connor: Okay we'll leave that one with Marika. Okay that's it for Steve's changes. And so now I think what I want to do is sort of throw it open to the rest of the group for conversation about the whole draft and see if there are any other issues that people want to bring forward. Otherwise, you know, I'm not adverse to ending the call early and pushing this out to the list as a consensus candidate.

We've certainly been looking at this draft for a while and most of the changes are, I think, pretty consistent with where the group is headed. So, Steve, go ahead.

Steve Metalitz: Yeah, this is Steve. I would certainly support that. And I assume that would also include the updated executive summary so that we'll have the whole document in front of us...

Mikey O'Connor: Ah.

Steve Metalitz: ...for approval.

Mikey O'Connor: Yeah, good catch. I agree. Good idea. Marika - or, yeah, Marika.

Marika Konings: Yeah, this is Marika. I can indeed produce an updated clean version updating the executive summary and making the changes once I find the information about the Singapore Data Protection Commission hopefully tomorrow or on Thursday to get that out to the list.

I think then the question is how long do you want to give everyone to, you know, either express disagreement or whether (unintelligible) minority statements or if there's - I think we can still consider if there are, you know, edits that are just minor edits, you know, corrections or, you know, if there are mistakes in there.

So I can basically get that to you because I think it would probably be appropriate for you then to push that out to the list. Want to discuss how much time they want to give everyone to review and object if necessary.

Mikey O'Connor: Well my sort of first try reaction, but I'd be interested in the reaction of the rest of the group here, is in general I've made the habit of pushing something out to the list was a pretty clear indication the this is a consensus candidate. And

we take a look at it on the next call. And then we give it another week with a reminder that, you know, this is really, really a consensus candidate and confirm it.

So, you know, I would sort of set the informal target that two weeks from today would be the call where we put the final stamp on this one. And in terms of timing of minority opinions I'm more flexible. You know, it may be that, you know, for example Avri has mentioned that she might want to pen one of those.

And I wouldn't want to put a tremendous amount of time pressure on her although I would probably encourage trying to hit that same schedule. What do you people think of that approach? Steve?

Steve Metalitz: Yeah, this is Steve. You know, this has already been out for a week with - and we've made only very minimal changes here based on something that's also been out for six days. So I would suggest if we could get this out - if Marika can get this out Thursday is it realistic to ask people to make their yays or nays on this within a week and then - and then submit their - any minority views or other comments in that same deadline?

The thing I'm concerned about is if I recall correctly - and I may be wrong - Marika can correct me - if we can get this done by September 30 then it can go before the GNSO Council at its next meeting. I think that was the deadline. So I think at this point we're so close can we meet that target? If I'm right about...

((Crosstalk))

Mikey O'Connor: Why don't we try that approach? Marika has posted the timing - excuse me - the timing in the Chat. And indeed documents are due September 30 which is for the next Council meeting which is 21-October...

((Crosstalk))

Marika Konings: No, Mikey, sorry...

Mikey O'Connor: ...10-October.

Marika Konings: So it's...

((Crosstalk))

Marika Konings: ...is the deadline for the meeting on the 10th of October and then the next meeting the deadline for submission of documents is the 21st of October for the meeting that takes place on the 31st. There are two Council meetings in October.

Mikey O'Connor: I would be okay with that although we do have the benefit of two meetings it's interesting that they have two meetings in October, that's good. Why don't we do that and I'll make it clear in my little introductory note that if people are feeling undue pressure that they should raise their hands and say so and that, you know, we're certainly not trying to sort of force this through but that we feel like we're at that stage and see how it goes.

And so then the plan would be that Marika would get a draft out either tomorrow or Thursday at the latest and we would present that as a consensus candidate that's already been reviewed once by this group on this call. And then that we'd like to take it up as the final consensus candidate a week from today and see how it goes. Amr, go ahead.

Amr Elsadr: Hi, this is Amr. We've been working since last November together on this. Would you think it would be all right to aim for the second meeting in October as opposed to the first? This is my first working group and so this is going to be the first time I go through the whole cycle.

But I just feel a bit more comfortable with giving a little more time. I'm pretty sure that we will want to work on a minority statement maybe supporting most of the findings in the final report and maybe adding a few minority remarks from NCUC and perhaps also from NPOC.

Would it be okay with everyone if we aimed for the second meeting as opposed to the first?

Mikey O'Connor: Has anybody on the call got a serious problem with that? I mean, we do have the advantage of fairly frequent GNSO call - meetings during the month of October. And I agree, I mean, we've worked for a long time on this. I'd hate to leave people at the very end feeling like they're unduly pressured.

Alan, go ahead.

Alan Greenberg: Thank you. First a clarification for Marika. I don't think we have another public comment period here, do we - either we or the GNSO Council.

Marika Konings: Yeah, this is Marika. There's no requirement to do so.

Alan Greenberg: Okay.

Marika Konings: The next public comment forum would be after the GNSO Council, provided they adopt the recommendations prior to...

Alan Greenberg: Yeah.

Marika Konings: ...Board consideration.

Alan Greenberg: That's what I thought. Okay. I would really like to get this out of our hands. I have no problem delaying until the second meeting in October, presenting it to Council. It will almost surely get delayed until the meeting in - wherever we're going, Buenos Aires - because almost surely someone will request a

delay on it. And it would be - it would be nice to get it approved in Buenos Aires in the public meeting.

So I have no problem presenting it to Council at that meeting. I would like for us to sign off on the body of the report before that, however. That will then allow time - once we've signed off and it's fixed then there's time for minority reports to be included. And they know, you know, what they're commenting on is a fixed stable product.

So let's get it out of our hands. But if we need an extra few weeks to allow minority reports to be included in the report I have no problem with that.

Mikey O'Connor: Amr, what's your reaction to that idea? I'm seeing, "Thanks, Alan," from Amr. So that sounds like thumbs up from Amr. So then the plan would be we'd continue in terms of the report to push for a consensus call next week. But that we would wait to submit it to the Council until the second deadline that Marika was describing which would be...

Alan Greenberg: Submit it to Council and...

Mikey O'Connor: ...the 21st of October.

Alan Greenberg: ...submit it to Council with a motion to approve.

Mikey O'Connor: Right.

Alan Greenberg: It's the - I mean, we have in the past, on recent past, submitted something to Council saying the motion will come next time.

Mikey O'Connor: Oh, no, we do want a motion to approve.

Alan Greenberg: And we could, in fact, do that and that may be a good thing to do. If the report is tied up in time for the 30th of September deadline we could in fact submit it

to Council for their information with the understanding that a motion will be made at the next meeting. That has been something...

((Crosstalk))

Alan Greenberg: ..recommended - that's been done once or twice and I think appreciated.

Mikey O'Connor: Oh, well there's an interesting wrinkle. What do people think of that? Steve, you've been patient, go ahead.

Steve Metalitz: Yeah, I think I would support Alan's approach. But let me just make sure I understand what he's recommending, which is that - or what we're talking about here. So we would get the draft out by Thursday. We would give people a week or 10 days to indicate their support or non support, you know, the consensus call.

We would set a - we would have a deadline of let's say two weeks later, October 15, for any minority views. And then we would submit it in time for it to be acted upon at the October 31 Council meeting with an accompanying motion and recommendation that it be taken up. Is that what we're talking about here?

Alan Greenberg: The only thing you left out is by the deadline of the 30th of September we would - we would send the paper minus the report minus any minority reports to Council for their information and for consideration of their stakeholder groups giving them an extra meeting cycle to start looking at it.

Steve Metalitz: Oh that would be - that would be fine with me. And the other point I would make is that if the concern is that the NCUC wants to prepare minority views can we also get an assurance from the NCUC that they will seek to defer action on the motion once it's presented to Council?

Alan Greenberg: I don't think you can ask an individual...

((Crosstalk))

Mikey O'Connor: Yeah, that's a tall order. I think the other thing is that in a way deferring it would be nice because then they would perhaps approve it in Buenos Aires in the public meeting.

Amr Elsadr: Hi, this is Amr. Can I jump in on the question just to say I'm not exactly sure...

((Crosstalk))

Mikey O'Connor: Sure, Amr.

Amr Elsadr: ...what that even means? So I can't promise that we're not going to do that right now, not on this call at least. Thanks.

Steve Metalitz: Well, in that case...

((Crosstalk))

Steve Metalitz: ...necessary to give the NCUC an additional time to delay action on this when this text have been relatively stable for months - six months. And we've had plenty of discussion about this on the list and they can - why is it unreasonable to ask them to formulate their views on this stable document within 10 days? Unless they're simply seeking to delay for the purpose of delay?

Mikey O'Connor: Amr, you want to - let me put some words in your mouth. I mean, part of what Amr did is he prefaced this by saying, look, this is my very first working group so he's a little unfamiliar with the process here. But...

(Roy): Yeah, Mike, this is (Roy). I mean, I can tell you that there is no dark intention from NCUC to delay anything. So I think that's a little bit unfair to even bring that up.

Mikey O'Connor: Yeah, I think it's sort of a - I mean, to channel Steve a little bit - it is reasonable at this stage - this document's been pretty stable for a long time. The sense that I've got is that you now find yourself in the situation where you haven't really begun to formulate the minority position and need some time to do it, which is fine.

And I think that might be a shame on me thing. I probably should have nudged you a week or so ago to say, look, it looks like this is coming in for final approval pretty quickly. And you might want - if you're going to do a minority statement you might want to get it started so I'll shoulder some of the blame there in terms of scheduling.

There's a queue so let me go to that. Alan, go first.

Alan Greenberg: Yeah, thank you. Two things. First of all as someone who's often called upon to make statements on behalf of another group, formal statements, 10 days is a bit tight to formulate a statement and then get buy-in with the accompanying changes that always get made by other people in the process.

I think the best guarantee to not getting it deferred when we make the motion is providing the actual report a month - the meeting ahead of time. But the bottom line is anyone on Council can say I want a delay and that might happen. And if that happens it gets deferred to Buenos Aires and that's not the worst thing in the world.

But getting the actual report to the constituencies and stakeholder groups a full meeting ahead of time is probably the best thing we can do to produce the need for delay. But there's no way we can guarantee it at this point.

Mikey O'Connor: I'm going to go Steve and then Marika. Steve.

Steve Metalitz: Yes. Thank you. And I appreciate (Roy)'s and Amr's assurances that there's not an intention to delay here. And I agree with what Alan just said. So let's move ahead with the - on the timetable that Alan has outlined and hopefully we can - we can get this done before Buenos Aires and if not at Buenos Aires. Thank you.

Mikey O'Connor: Great, thanks Steve. Marika.

Marika Konings: Yeah, this is Marika. One thing you may want to take into account is actually if you look at the GNSO Working Group Guidelines it only refers to minority views in the cases of where there's consensus, strong support but significant opposition or no consensus.

There's the assumption that if there's full consensus, which I think is, you know, kind of the assumption we're operating under at the moment, at least for the recommendation, that those cases there would not be a minority viewpoint as there's overall support for the recommendation.

And I think it's also - if you look - read the Working Group Guidelines it specifically talks about minority views in relation to specific recommendations.

So I think - I don't know exactly what NCUC or NCUC is working on but if it's maybe more of a supplementary kind of statement that they would like to see recorded, you know, maybe we're not talking about a minority statement but, you know, possibly something that they would like to, you know, submit or include as an annex just to reflect maybe on some of the points that are included.

Because I think we need to be careful as well that are we talking here about a minority viewpoint which means we won't have full consensus? Or is it - are there other points that you just would like to highlight or point out that you

know may not get, you know, unanimous consensus from the working group but you nevertheless want to flag?

So I think you may want to consider a little bit further what this may mean and the impact it may have on the report itself.

Mikey O'Connor: Thanks, Marika. Interesting question. I'm going to go to Alan and let Amr and (Roy) kind of cogitate about that for a minute. But I am going to get to you guys. Alan.

Alan Greenberg: Yeah, I guess it could be a minority report to the extent of if there is belief that here should have been an other recommendation, for instance, which was not included. You know, so in that case we don't have consensus on the recommendation that isn't there.

But given that minority reports tend to mean there is opposition to what we're recommending it may well be better to include it under a slightly different name so we don't have that conclusion because minority positions are formally defined in the Working Group Guidelines as Marika has just said.

So I think we want to be careful what it's called but we certainly - if people feel they need to include an additional statement I don't think we want to prohibit it but we want to be careful about how we title it. Thank you.

Mikey O'Connor: Let's just explore what the options are a little bit. And I'm sort of leaning on Marika for this. If it's not a minority statement is it - where does it go? Does it go in the report as an annex? Does it go as a parallel submission to the Council? I mean, where do those words wind up? That's the puzzler I'm chewing on. Do you have any ideas about that?

Marika Konings: This is Marika. I think that's really up to the working group to decide. As far as I'm aware I don't think the Working Group Guidelines or the PDP manual provide any specific guidance on that. So I'm trying to think what has been

done in other groups. I think in other cases there have been instances where, you know, people have submitted a statement and requested that to be included.

And, you know, working group basically decides whether they agree with including that either as an annex just, you know, clarifying that this is a specific statement of either an individual or a group that wants to have it reflected or whether they feel that indeed it should be a separate statement that such a group may want to submit as the report is being submitted or as a completely separate kind of document.

I recall that we also had a situation where I think an alternative letter was sent to the Council suggesting certain proposals that weren't views as consensus or by the team that looked at them.

So I think in short it's really up to the working group to decide. But I guess to a large extent it will depend on what the statement actually says. Because indeed if it is a true minority report in saying we don't support the recommendation but we actually think that this recommendation should have been considered. Of course it's a very different nature than saying these are some points we want to highlight and emphasize.

And I think if it is along the line of the former I think it would be helpful if that would be brought out sooner rather than later because I think we have been indeed operating under the assumption as this report has been out in this form for quite some time and we have been reviewing comments and, you know, so far there hasn't been any indications or at least as far as I recall feedback in saying we don't support the recommendation as-is and we would strongly encourage the working group to, you know, reconsider or, you know, this is some new information that we wanted the working group to debate.

So I think it would be helpful to have some further information on what a statement would include as that may help the working group to decide what

would be the most appropriate place for such a statement whether it's inside or outside of the report.

Mikey O'Connor: Thanks, Marika. I stalled long enough that, you know, Amr's ready to give us some insight. Go ahead, Amr.

Amr Elsadr: Thanks, Mikey. This is Amr. I apologize for making everyone so nervous about this. But I'm generally - I think it's a great report. I think the report really - I know everyone put a lot of effort into discussing all the items that we were chartered to do as a working group.

I don't - I personally do not disagree with any of the substantive findings that the working group members have found. However, as a person and representative of a constituency who is - who is advocating non commercial registrants and their rights I don't necessarily see the findings in this report justifying a transition to thick Whois and that is the recommendation being made.

And I would like to - I would like the opportunity - I'm not sure how - what we're going to call it and, I mean, what label we would put on a minority statement whatever it might be called, whatever we might need to add it to this report or submit it separately, I really don't know.

But I would like to point out that, okay, there were some concerns that were described in this report. And the working group is issuing the final report. And based on these findings we do not think that a transition from thin to thick is justified. And we understand that this is a minority view but it is the view of non commercial - the Non Commercial Users Constituency.

And I just think - I don't think we will have a full consensus. And I thought that everyone was pretty clear on that. But (unintelligible) is out right now so we probably will have consensus on the working group but there will be a

minority view. And I was just saying that we might need a little bit of time to prepare that.

Generally we do coordinate our inputs like (Roy) and Avri and myself. And so that's all; that's the only reason I really ask for additional time to do this. And I hope this isn't too much of a problem for everybody. My understanding is that this was pretty standard. Thanks.

Mikey O'Connor: Well it raises an interesting possibility and that is that - and now I need a little help with Council voting thresholds. Because what you're describing, Amr, is in fact, I think, a minority view, which means that we are not at consensus in the working group that, you know, personally you agree but if your constituency doesn't and is planning, you know, not to participate in that full consensus then, you know, it's a real live true blue rough consensus with a minority view and it's a minority view that goes with that status.

And then what we get to is the possibility that this goes to the Council. And if the NCUC and the NPOC vote against then I'm not sure we have the votes in the Council to carry the proposal forward so all of a sudden life gets much different.

Marika, you want to help me out and then I'll go to Steve or Alan and Steve.

((Crosstalk))

Alan Greenberg: Yeah, I'm going to speak on that if you want me to but Marika can go first if she wants.

Mikey O'Connor: I always defer to Marika on stuff like this. She's my parliamentarian.

Marika Konings: Yeah, this is Marika. I don't think your assessment is completely correct because I think the super majority vote actually is set up in such a way that one stakeholder group cannot block a consensus policy. But it would require,

if you look at the voting, basically everyone else voting in favor including the Nom Comm Appointee in the Non Contracted Party House if I'm not mistaken.

Mikey O'Connor: Okay. Alan, carry on.

Alan Greenberg: She is not mistaken. It requires, I think, something like - I don't remember, 2/3 or something of the - in this case the Contracted Parties House and everyone but the NCSG voting for it to still have a super majority.

Essentially the voting thresholds were set up so a single stakeholder group cannot veto a super majority. But it has to have a lot of support other than that. So - but I think that really is the crux of it. If this disagreement by the NCSG councilors - and that's who it comes down to - is going to result in them voting against this - adopting this report in Council then it definitely should have a minority statement.

And, Mikey, you're using the term consensus too loosely in this case. The defined terms are full consensus and consensus. Consensus is what you were calling rough consensus, that is most but not all. So...

Mikey O'Connor: Right.

Alan Greenberg: ...if any of the NCSG representatives on this group or the NCSG itself is going to say no I don't agree then that is a consensus but not a full consensus.

Mikey O'Connor: Yeah, I think that's right.

((Crosstalk))

Alan Greenberg: ...consensus there may well be a minority report, there may well be votes against it in Council and if there are going to be votes against it in Council we really do need a minority report as opposed to can accept one.

Mikey O'Connor: Right. Yeah, it actually clarifies the way ahead. Steve, go ahead.

Steve Metalitz: Yeah, just - this is Steve - just two points. First, I think this discussion emphasizes the need to have some clear deadlines when the text goes out let's have a clear deadline of let's say September 30 for people to express their views on support or not. And, second, let's have a clear deadline for the preparation of any other views to be included with the report.

Now we don't know at this point whether those would be minority views or something else but if we could set a deadline, say of October 14 for those views to be submitted then that gives everybody two weeks after the consensus deadline and it still is a week before the time that's needed so that staff can put this together and, you know, if there's any issue about what label should be put on it there'll be time to work that out.

You know, I think this whole discussion about voting in the Council is a little bit premature. I don't think there's any necessary assumption that the views of people on this working group who were coming here and reporting back to their constituency or stakeholder group are necessarily going to be the same as the views that the councilors end up taking.

So we don't really know how that will work out. And I'm not sure that there's much benefit to speculating about it. But if we can get clear deadlines so that everybody knows that if you have anything else to say about this you have to submit it - you have to submit it by let's say October 14 so that we will be in a position to get it to the Council by the 21st with a recommendation that they take it up and that that would be ripe on the - at the meeting on the 31st, I think that's the goal we should be shooting for. Thank you.

Mikey O'Connor: I think that's right. Wow, we've got a big queue; I just looked. Alan.

Alan Greenberg: Yeah, I have agree with Steve and half disagree. We're not in the position to lock in what votes are on Council. Very few people on this group have the ability to guarantee how their stakeholder group is going - or individuals, in some cases, are going to vote.

But I think everyone here needs the awareness that if we do not get a super majority in Council there are registry representatives who believe that you cannot - no matter what threshold the Board approves it by if it does not have a super majority of Council it cannot be a consensus policy - capital C, capital P. And essentially the last year of our work is wasted.

So recognize...

Mikey O'Connor: Yeah...

((Crosstalk))

Alan Greenberg: It's all well and wonderful to say yes we agree but someone else may not but understand the impact of that as we - everyone needs to understand the impact of that as we go forward.

Mikey O'Connor: Right. And, Amr and Roy, that's part of the reason why everybody is so interested in your thoughts on this because although you may personally agree and feel comfortable with this report it's incumbent on me to flush out those disagreements early enough that we can attempt to address them.

And so to have them come in essentially at the 11th hour like this is problematic and puts the rest of us in a very difficult situation. So, you know, I am a little disappointed to find that there's a completely unexpressed, unwritten minority view coming in this late in the game. And just want to point that out. (Roy), go ahead.

(Roy): Thank you, Mikey. I appreciate your observations and I agree with Steve that I think that the best way to resolve this issue and to bring it to an end - because personally I agree with you, we need to get this done. And I think that's the agreement of everybody in the working group that what we should do is to - I mean, I don't mind pointing the finger at my own constituency and say give us a deadline.

If there is anything else that we will have to say, you have until this date to do it and that's it. Because I think that's not unreasonable. We should have a deadline.

And it might not be - it may be that the constituency just doesn't submit anything. I mean, that's another good point. We'll have to see what the councilors in the end decide to do. And so if you give us a few days we'll have an answer for you.

And my personal recommendation to the constituency is going to be that we need to get this done. Thank you.

Mikey O'Connor: Thanks, (Roy). And, you know, I would point out that, you know, that's the reason we've been here for a year is to have these long conversations. And so I'm feeling like we've - we're in an awkward situation where we're getting trumped right at the end. And, you know, we need to try and avoid that if we can.

Alan, go ahead.

Alan Greenberg: Thank you. I think in fairness to the NCUC people on this group there's been a constant and recurring statement that, you know, they have concerns about privacy and would prefer that this transition not go through. So I don't think this is anything new.

And the NCUC and the full NCSG can vote against this and it still goes through as a consensus policy, it's tight and a single other vote, you know, that doesn't go with it will kill it. So they, you know, it's not that they will kill it alone but it's a real tight squeeze at that point.

So I think we need to go forward knowing what's going on and for that reason I strongly, you know, would support knowing as soon as possible whether there is going to be something that would be called a minority report and which closely maps to the possibility that the councilors may reject it.

So I think we need to go forward knowing that because that really means, if anything else, to be blunt, all the ducks have to be lined up on the other side to make sure there are no surprises otherwise...

((Crosstalk))

Mikey O'Connor: Well I think...

Alan Greenberg: ...we have wasted a year and I resent that.

Mikey O'Connor: Yeah, well no I think what happens then - at least my call - my immediate call - would be that we wait and we work it out. I mean, I don't really want to submit and let it get fought out on the Council floor, I want to get these issues surfaced and addressed and fixed so that we've got something that the Council can vote.

Alan Greenberg: Mikey, I think - we may not be able to fix this if...

Mikey O'Connor: Yeah, I know that.

((Crosstalk))

Alan Greenberg: Let's understand what's happening going forward. I think the schedule that Steve and I have proposed is workable, it gives people plenty of time and still will say this will go to a Council vote relatively soon, you know, within our lifetime. And...

Mikey O'Connor: Yeah, well I'd like that too. But at the same time I don't want to...

((Crosstalk))

Alan Greenberg: ...within the lifetime of these terms on Council and various things like that.

Mikey O'Connor: Yeah. Yeah. Okay let's see it looks like (Roy) and Alan have old hands up so I'll skip down to Amr. Go ahead, Amr.

Amr Elsadr: Thanks, Mikey. This is Amr. I really am sorry that I'm giving the impression that I'm pulling a fast one on the working group; that's really not what I'm trying to do here. I think Alan is absolutely right; we have expressed concerns regarding privacy. And this goes back to when we first submitted the NCUC statements shortly after the sub teams were created.

And when I say that we want to perhaps provide a minority opinion it is not because I disagree with any of the substantive findings in the report, it's just that the actual findings published in the final report do not necessarily justify a transition of thin to thick based on our own - and I understand that this is a more or less unilateral concerns.

And I was under the impression since we started discussing this - especially all the work we did on the privacy issues that this was a general understanding that we were not very - we were not in favor of a transition of thin to thick because of these privacy issues. And we feel very strongly about them.

And we haven't - and we - if you recall the NCUC statement we submitted, I don't remember when that was, I think it was January or February, we did quite a bit of work on preparing what our concerns were. And (Roy) did a lot of work as well in drafting a second annex to our initial statement which we also submitted.

And so I thought we were pretty clear on that. And I appreciate Alan's saying that we were pretty clear on this. I thought we were and it really is not my intent right now to try and pull a fast one on anyone or try to - in any way undermine the work that everyone else has been doing. I appreciate it's the work we did especially on the privacy and data protection sub team.

And, you know, I will try to get an answer for you as quickly as possible on what we will be submitting, if anything at all, and I think the schedule that Alan and Steve suggested is something that I'm personally very comfortable with. Thanks.

Mikey O'Connor: Well let me just respond, Amr. I mean, you know, the way that this - and maybe I failed as a chair - the way this is supposed to work is people come in at the beginning with views and then we work very hard to find compromises on those issues and publish them in a final report that is agreeable to all.

And so to find at this hour that you've essentially been riding along saying well, yeah, but we still disagree is disappointing because it puts, I think, us all in a very awkward and frustrating position.

So maybe I failed in conveying that. But, you know, that's the reasons that we had those long discussions in the privacy team. And it would have been helpful if you could have come out of that discussion saying we still don't agree. So anyway that's just a slight departure into mild frustration.

Alan, I'm going to - I think, have to let you be the last because we are one minute plus...

((Crosstalk))

Alan Greenberg: Sorry, I'll be very quick. I guess I, at some level support you, Michael - or Mikey. The - my understanding as we were approaching this point in our process is that we did have full consensus on this working group.

That doesn't mean the stakeholder group agrees but I thought we had consensus on the working group that despite the reservations, since we didn't come up with any, you know, hard evidence and scenarios where privacy could run afoul because of what we're suggesting, that, you know, perhaps grudgingly, perhaps because we've had such good discussions that within the working group we had full consensus.

If I'm mistaken then so be it, let's get a statement written quickly so that we can append it to the report. Thank you.

Mikey O'Connor: Yeah, I think that's right. So I think with that - Steve's typing like mad. Amr is typing like mad. Can I indulge in...

Alan Greenberg: Sure.

Mikey O'Connor: ...and add just five minutes and maybe we can have a little bit more conversation before we wrap up. I don't mean to arbitrarily laugh this off; this is clearly very important. So if folks want to speak instead of type, by all means jump in.

Steve Metalitz: This is Steve. I don't have anything more to add. And I will need to drop off here in just a minute. Thank you.

Mikey O'Connor: Okay. Well with that I think we'll wrap it up. Amr, (Roy), you've got your work cut out for you. And, Marika, if you could sort of summarize that schedule? I was busy watching all the knobs and dials and didn't write the exact...

((Crosstalk))

Alan Greenberg: Mikey, maybe read out Marika's last two comments before they disappear off the screen for those who may listen to this recording afterwards. I think it's important.

Mikey O'Connor: Let's see. So Marika says - let me just roll back. "Steve makes an important point. The working group report does not necessarily need to reflect the view of the stakeholder groups and constituencies. It reflects the views of the working group members which may or may not align with how the Council votes on a report eventually."

Steve is agreeing with that. And that's absolutely true. And so that's some navigational assistance, I think, for Amr and (Roy).

I would add one last point. I talked to Avri about this issue when we were in Durban or Beijing - I think it was Beijing actually. And, you know, there is this concept of, you know - and Avri's - I'm paraphrasing her, I'm not doing it as eloquently as she did.

She says, look, I have a differing view. I want it heard. And once it's been heard I'm okay if I'm not going to prevail. And so the question is is that where we're at? That they want it heard in which case we can figure out a way to work it into the report. Or is this in fact a minority view that's essentially breaking what we thought was the full consensus of the working group.

So, (Roy), and Amr, you've got your work cut out for you. We'll look forward to hearing from you. And with that I think we'll wrap this one up.

Alan Greenberg: Thank you, Mikey.

Mikey O'Connor: Thanks, all.

Steve Metalitz: Thanks. Bye-bye.

Mikey O'Connor: See you in a week. Bye-bye.

Marika Konings: Bye.

Man: Thanks everyone. Until next week.

END