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**ICANN Transcription**

**EPDP on the Temporary Specification for Registration Data**

**Thursday, 16 May 2019 at 1400 UTC**

Note: Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at:

<https://audio.icann.org/gnso/gnso-epdp-gtld-registration-data-specs-phase-2-16may19-en.m4a>

Zoom Recording:

<https://icann.zoom.us/recording/play/NWLVpinbR1BRX7RyWRfSwjYBaB1TR7aMPgncLVsLeUKMIV3MQiCVzPhnjU8sldVK>

Attendance is on the wiki page: <https://community.icann.org/x/4YSGBg>

The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page:

<https://gnso.icann.org/en/group-activities/calendar>

UNKNOWN SPEAKER: Good morning, good afternoon, and good evening, and welcome to the second GNSO EPDP Phase 2 Team Call taking place on the 16th of May 2019 at 14:00 UTC. In the interest of time, there will be no roll call. Attendance will be taken by the Zoom Room. If you are only on the telephone bridge, could you please identify yourselves now?

Hearing no one, we do have --

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*Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.*

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UNKNOWN SPEAKER: [Inaudible] already, right?

UNKNOWN SPEAKER: We did, yeah, we sure did. Thank you.

UNKNOWN SPEAKER: Okay, thanks.

UNKNOWN SPEAKER: You're welcome. Hearing no one, we do have listed apologies from Alan Woods of the RySG and Caitlin Tubergen of Staff, and their alternate for this meeting will be Arnaud Wittersheim. Alternates not replacing a member are required to rename their line by adding zzz to the beginning of their names and to add their alternate and affiliation name at the end, which means you're automatically pushed at the end of the queue. To rename in Zoom, hover over your name and click 'rename.' Alternates are not allowed to engage in a chat apart from private chats or use any other Zoom functionalities such as raising hand or agreeing or disagreeing.

As a reminder, the alternate assignment form must be formalized by way of the Google Assignment form. The link is available in the meeting invite email. Statements of interest must be kept up to date. If anyone has any updates to share, please raise your hand or speak up now.

Hearing or seeing no one, if you need assistance updating your statements of interest, please email the GNSO secretariats. All

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documentation and information can be found on the EPDP wiki space. Please remember to state your name before speaking and recordings will be circulated on the mailing list and posted on the public wiki space shortly after the end of the call.

A couple additional notes before we kick it over to Janis. We are aware that the audio cast is not available for this meeting due to technical issues. We do have technical support working on that issue, and if it does become available, we will notify all on the Notify and the GNSO EPDP list, once it does become available.

Also, we do want to mention that we will be having a Zoom drop-in meeting on Monday, the 20th of May, from 13:00 to 15:00 UTC. The invite has been sent to you. We would encourage you to join the Zoom drop-in call if you would like to get more familiar with Zoom and the functionalities. With all of this, I will now turn it back over to our Chair, Janis Karklins. Please begin.

JANIS KARKLINS:

Thank you very much, Sarah, and hello everyone. I will start with the simple question, can we follow the agenda which was suggested and sent to all of you? Any objections?

I don't hear any. Now I see there are two hands up, Margie first, and then James. Margie, please. Margie, please.

MARGIE MILAM:

Okay, sorry, I forgot to unmute. This is Margie, can you hear me?

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JANIS KARKLINS: Yes.

MARGIE MILAM: Thank you, Janis. I was just curious if we could start with a brief overview of the Board resolution that was just adopted. I see we have some Board members on the call and we have Staff that probably has some background on it. I think it will frame some of the discussion that we might have to have on the Phase 2 approach and the legal analysis. That's my suggestion, if that's possible. Thank you.

JANIS KARKLINS: Thank you, Margie. James, please.

JAMES BLADEL: Thanks, James speaking, and I was going to raise the same point that Margie just raised. Thank you.

JANIS KARKLINS: So, thank you very much. Let me maybe suggest that since the Board resolution has not been published yet, we have been given opportunity to see an advance copy, that we do not spend too much time, because the issue is very hot, and maybe too hot, we can burn our fingers, that we wait until the resolution is published, until all support texts are published, that we can digest, reflect, and then take it up in one of our next calls. Because we know what is in the resolution, because all of us, we read it and all the rationale needs to be thoroughly considered and thought through,

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not just on the fly when board liaisons will basically say what is written in the resolution. Would you accept, Margie and James?

MARGIE MILAM: This is Margie, sure, that's fine. I understand it just happened, so perhaps another time. Thank you for considering my request.

JANIS KARKLINS: Thank you very much, then we can follow the agenda as suggested. And Kristina, you have your hand up?

KRISTINA ROSETTE: Yes, apologies, before we move completely off this topic, I did want to ask if we might be able to get a short briefing from Rafik about to the extent the Council came to any decisions or preliminary decisions during its meeting today. I think that would be helpful for us, because under the Bylaws, the Board's decision to not accept all the recommendations triggers a consultation process, which has never happened before. But I do think it would be helpful to know if there have been any preliminary decisions made by the Council, because I think that would help serve as kind of boundaries on our discussion and further consideration of the issue. Thanks.

JANIS KARKLINS: Okay, thank you. Rafik, would you be able to answer that question?

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RAFIK DAMMAK: Thanks Janis, thanks Kristina. The Council just finished its call today, a few minutes ago, but because of the time constraint in the agenda, we didn't have time to discuss about the letter and the Board resolution, and the idea is to have a separate Council meeting to focus on that matter. So, there was no discussion or decision from the Council today.

JANIS KARKLINS: Thank you, Rafik. So, now I think that we can move to our agenda as suggested and approved now by the team. Agenda Item #3, 3a. Bilateral meetings, I would like to say that since the previous team meeting, I had three bilateral engagements. I talked to Board liaisons who were absent on the previous call. I had a bilateral conversation with contracting parties, and yesterday during my visit to Brussels on a completely different topic, I also took opportunity and visited the European Commission and I met officials of the European Commission and we discussed their views, interests, and vision on the second phase and then [inaudible].

And then another element is SSAC has reached me with a proposal of a bilateral meeting and this is in planning. Any immediate reactions, questions? I see Hadia, please Hadia.

HADIA ELMINIAWI: Thank you, Janis. Hadia Elminiawi for the script. Maybe you could tell us more about your talks with the European Commission and maybe the important things that you think you could share with us?

JANIS KARKLINS: That was a very general discussion where I, in the same way or in the same spirit as with other groups that I'm meeting, I'm trying to understand better where they're coming from, what are their expectations, and so we were talking, including about the letter, the first letter that they sent after approval of the report on the Phase 1 and then the second letter we received on 3rd of May. And simply that I get a more in depth feeling about their views, concerns, redlines, and expectations.

So I see no further requests, then let us move to the next item, that is on travel support for the ICANN Marrakesh meeting. Marika, please.

MARIKA KONINGS: Thanks, Janis. This is Marika. This is just for the sake of transparency, the process has been completed in relation to the travel support requests. We had three members who will be receiving travel support as they met the criteria that were set out by the group, and that's Alex Deacon, Amr Elsadr, and Thomas Rickert. Just to note, as well, that that information is posted on the group's wiki page.

JANIS KARKLINS: Thank you very much. Any questions to Marika on this issue? I see none. Let us move to Subpoint C, Questions on Resources. Rafik, would you walk us through this one?

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RAFIK DAMMAK:

Okay, thanks Janis. So, as you know, the Council met on behalf of the EPDP team request of the Board for initial resources and we got a response from the Board last week to confirm that we have those initial resources, so to have support for telecom services and transcription, the professional mediation service and also to the availability of legal counsel and as just indicated, the ICANN65 travel support.

So, this is just for I think until Marrakech so within this fiscal year. And so for additional resource requests, the Board will wait for the Council to approve the work plan and the kind of newly identified resources, so this is something for the EPDP to work on it and I think as soon as possible to make the additional requests.

JANIS KARKLINS:

Thank you very much, Rafik. Any questions to Rafik on this information? I see none. Let us move on then to Agenda Item #4, which is the proposed draft approach. I will take a few minutes to walk you through the slide deck that we prepared, and I would like to start by thanking those team members who have expressed their thoughts, reactions, and also some proposals prior to the meeting. I tried to take them into account to the extent possible and the edits that have been made from the version that you have received two days ago will be seen on the screen in a different color. If I may ask Marika to put the slides on the screen?

So, in essence, what we tried to say and it seems that this is our common understanding, that the main objective of this phase would be to develop agreed rules and requirements for sharing nonpublic registration data with third parties, in other words, the



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system of standard disclosure of nonpublic registration data. There was a rather intensive discussion whether we need to use the words access or disclosure, and I would maybe suggest that we really do not spend time on that, but if I may propose to use AD instead of access or disclosure, which means access/disclosure, A/D, when we know that we're talking about these things.

So, we also know that there is uncertainty whether the proposed approach would be compliant with the GDPR, and while we're waiting clarification from the European DPAs, we can still start working on elements of this standard disclosure of nonpublic registration data system, and as soon as this legal clarity is provided, we will have already some results of our activities; and if the response is -- whatever response will be, we can work on elements which are not dependent on the response coming out from EDPAs.

It was proposed that we would work on two streams; Stream 1 would address issues of the standard disclosure system and Stream 2 would address outstanding issues from Phase 1. There was comments that maybe we should not work in two streams. From another side there were comments that we need to accelerate our work to the extent feasible.

Another issue what we are talking about or we would like to hear your views is whether worksheets, the samples of which have been distributed, would be useful for us as a support material or a support platform for our conversations. So let me tell you one additional element that is new, and that came in on the 3rd of May, if I may ask for the next slide.

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That is a clarification letter from the European Commission, and I would like to use one quote from that letter which is relevant to our conversation today, and I'm quoting, "In particular we have constantly urged ICANN and community to develop a unified access model to apply to all registries and registrars and provide a stable, predictable, and workable method for accessing nonpublic GLT registration data for users with legitimate interests or other legal basis as provided for the general data protection regulation. The European Commission considers this to be both vital and urgent, and we urge ICANN and community to develop and implement a pragmatic workable access model in the shortest timeframe possible, to which we will contribute actively." Next slide, please.

In order to progress, I think it is important to use the same terminology. Therefore, I would propose that we start with the agreement on working definitions that we would use in our conversation. I would like also to stress that these would not be legal definitions, but for the purpose on our exercise, it would be useful to have a common understanding.

So, I already mentioned, the proposal is to work in two streams, Stream 1 and Stream 2. On the next slide you see the outline of issues that have been rolled over from Phase 1, feasibility of unique contacts to have Uniform anonymized email addresses, legal versus natural, additional purpose of ICANN's OCTO, display information of affiliated vs accredited privacy proxy providers, data retention, city fields, and data accuracy. The order of topics is not in priority, this is just a list of topics that have been rolled over from Phase 1.

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On the next slide we try to list, and again, not fully in priority order, but it is a little bit in priority order, but it's not carved in stone, and we can see the reaction of the team and adjust accordingly. Issues that need to be addressed in our conversation: definitions and terminology, legal guidance needed, requirements, publication of process, format and content, timeline, receipt of acknowledgement, accreditation, authentication, purpose for third party disclosure, lawful basis for disclosure, code of conduct, terms of use, privacy, query volume limitations, retention and destruction of data, service level agreements, and financial sustainability. This list is not exhaustive and as I mentioned, is not carved in stone.

In terms of timeline as we see it, we heard that we should not rush, but from other side, we need to be fast. So therefore, we tried to put a reasonable timeline for your consideration whereby we would work online, as we agreed, once a week for Phase 1 and once every two weeks in parallel on Phase 2 issues, with a few intercessional face to face meetings after the face to face meeting in Marrakesh. We are proposing to have one sometime in mid September in LA at ICANN Headquarters, then Montreal, then some face to face meeting in January, early February, and then another one in March during the 67th meeting of ICANN.

So, that is the proposal, and I would like to hear your reaction. The aim would be that we target the Montreal meeting with a substantive outline of our activities, or if we can, with an initial report for Workstream I. Probably we also need to think of having several reports on our activities that would be probably useful

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forward, and then at the end all these reports would merge in one final report for consideration.

And the last slide is just an illustration of a proposed sequence of meetings, how we could advance with our activities. This is all from my side, and I would like to seek your reaction. In the same way as I suggested, until I don't know all of you in person, I would suggest that we go through as indicated in the agenda that everyone has an opportunity to outline their ideas or reactions. If that would be acceptable? I recognize Marc Anderson; please go ahead, Marc.

MARC ANDERSON: Thank you, Janis, this is Marc Anderson, can you hear me okay?

JANIS KARKLINS: Yes.

MARC ANDERSON: Sorry, that was actually an old hand, I had a question on what Rafik had to say earlier. Should I hold that or can I jump back to that now?

JANIS KARKLINS: If you would hold it back right now and if you want to speak on behalf of registries on the proposed way forward?

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MARC ANDERSON:

Okay, I can do that, I guess I'll follow up on my question via email. But as far as registry comments on the work plank, first I have to caveat this by saying the registries haven't been able to sync up on a single response or travel with GDD has prevented us from having any regular sync up meetings, so apologies for the lack of a unified response. I also want to avoid restating anything I put in the email I sent out previously. I imagine most people had a chance to read it by now, and if not, you can read what I put in the email. I also note that you already incorporated feedback on some of the items I sent, so thank you for that.

I will point out that I think this is an agenda item for later, Marika is going to talk about this, but we do think it's important that we get input early from the SOs and ACs to help inform our work. We also want to make note that we have to remember that disclosure or access, I don't know what we're calling it, needs to be lawful, obviously complying with the law, our ability to comply with the law is what is at the root of the EPDP, and so I want to just make sure, reminding everybody as we go through our work, that that's sort of at the top of everyone's mind.

I'll say from, this isn't a registry perspective, this is just my thoughts here, on the worksheet, I'm not convinced that those will be helpful. I think we spent a lot of time putting them together in Phase 1 and then we didn't really leverage them for our work. So if we do end up using those for Phase 2, I think we need to make a little bit more of a commitment to actually using them rather than them just being an artifact created by Staff. I think there could be value in them, but we would have to be committed to using them,

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and that they would have to be living documents that evolved as we go through our work.

They ended up being pretty static in Phase 1. Staff created them, they got posted to the wiki, and that was really the extent of how they were used. To be really effective, we would have to be committed to using, maintaining, and updating them over the course of our work. I don't want to create a lot of work for Staff for something that we don't leverage as part of our deliberations. I guess that's all I had at this time. Thank you.

JANIS KARKLINS: Okay, thank you, Marc. So who is next from the registrars? I see no hands from registrars, can that be? [AUDIO BREAK]

So who is next? I call them the registrar group. James, not? Walker? James, please, go ahead.

JAMES BLADEL: Janis, thanks, James speaking. We also have been, as Marc indicated, our team has been scattered a little bit due to the GDD Summit, and we have not had an opportunity to prepare our comments here on the draft approach beyond what was already submitted to the list. So we'll stand on those for now and add something else later as we go along. Thanks.

JANIS KARKLINS: Thank you. IPC?

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ALEX DEACON: Thank you, Janis, this is Alex Deacon for the record. I'll be quick, I won't repeat what I've said and written before on this topic, I will make a few quick comments on the updated DAC. I think we need to see a timeline for Workstream II in addition to the Workstream I timeline that was proposed in the DAC. I'm a little bit concerned that setting a meeting every other week for Workstream II may not be enough, especially given what we've heard from the Board this morning. But having said that, I think as Marika mentioned in the chat, I think the important and immediate next step is to kind of create a detailed work plan for each Workstream to make sure the timing does work.

On the worksheets, I think they are helpful and I hope that we could make great use of them. I find them useful to refer to and to review, especially prior to the calls. But as Marc Anderson mentioned, I think it's important that if we are to rely on these worksheets and use them, then they need to be updated and fresh, and modified as we dive into the discussions. I think there is no doubt in my mind that our very competent Staff members can do that. So that's it, thanks.

JANIS KARKLINS: Thank you very much, Alex. So next, BC. Anyone from BC?

MARGIE MILAM: It's Margie, Mark was going to speak. Mark, can you unmute?

JANIS KARKLINS: Yes, Mark, please [inaudible].

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MARK SVANCAREK: Sorry about that, the mute button moved down on my screen. Mark Svancarek for the record. I think other people said a lot of things that we need to say and I think our text and email yesterday really describes it in more detail than I need to go into here. One thing we wanted to mention is that we think the term 'legal certainty' is not the appropriate standard; I mean, it's certainly our goal to minimize risk on everyone, especially the contracted parties. The development of the system should proceed in parallel with the effort to minimize risk and we don't know if there is a definition of legal certainty that can ever be attained. But through the process, we will solicit that we get recognition that the system reduces risk of providing access to data.

Speaking of access to data, the changes in the terminology are probably not helpful, but we can accommodate whatever terminology we come up with as a group.

We noticed that Workstream II was missing references to topics from the Phase 1 Final Report [inaudible] topics to the legal memos. We're pretty concerned about overall schedule, I think Alex talked about this as well. We should be open to reevaluating the schedule of the work on Workstream II if it turns out that it's not going to be fast enough. I think that's the main thing. Looking for the timeline to be further clarified and shortened.

And then just one personal mit from me; I had hoped that we could go into Phase 2 without hearing the words, "But it must be lawful." I think we all agree that everything must be lawful, and I think it's just sort of a silly tic that we've adopted, where we say,



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"But it must be lawful," yes, we agree, it must be lawful, I don't think we need to say it anymore. Thanks.

JANIS KARKLINS: Thank you, Mark. Of course, we're obeying citizens, so everything we do is lawful. I have been told that the audiocast is fixed, so the announcement will be made on the list. So next is ISPCP.

THOMAS RICKERT: Hi everyone, this is Thomas Rickert speaking, I hope I can be heard.

JANIS KARKLINS: Yes, go ahead.

THOMAS RICKERT: Great. So, we are happy to go with the work plan as proposed. In particular, we are happy with the meeting schedule. Just a word of caution, I think that the time span is up for working on the UADM, I think that's what we have to call it after your earlier comments, is probably slightly too ambitious, particularly if we want feedback from the authorities. It has been mentioned on the slide that this timeline is subject to potential amendment based on that feedback, but I think, to be blunt, it's unrealistic to get all the details hammered out and do the prep work within these few months. And with that, I yield the microphone. Thanks.

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JANIS KARKLINS: Okay, thank you, Thomas. I think that we will not get from the European Data Protection authorities let's say green light, go ahead as such. It will be a constant dialogue and we will progress as we go, and if something will not be right, we may expect kind of a red flag somewhere. But we need to maintain the dialogue with them as we progress, that there is no surprises at the end. So that's the idea. But thank you very much for your support. So, NCSG is next.

AMR ELSADR: Hey Janis, this is Amr.

JANIS KARKLINS: Amr, please go ahead.

AMR ELSADR: Thank you. We actually haven't been able to agree on a statement yet in terms of the proposed approach to Phase 2. We started some discussions and some of the issues, especially the scheduling, we're still discussing. Overall I think there is a lot of merit to what is being proposed, but if it's okay, we would like to postpone our response to this until sometime next week. Thank you.

JANIS KARKLINS: Thank you very much. Next is GAC. Who will be speaking from the GAC? Ashley, please, go ahead.

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ASHLEY HEINEMAN: Sorry for the delay. We didn't coordinate on who was going to speak, so I'm happy to have one of my colleagues jump in. So, yeah, just overall I wanted to thank you and ICANN Staff for putting this together. I think this is a really good start to keeping us on track. I think overall it's quite workable. In terms of timeline, I think that it's consistent with GAC advice to date. I do think, however, and I think it's agreed on with my colleagues, that we do try to find areas to compress that timeline if at all possible, because while we would have a draft report by November, quite a bit of time is still dedicated towards getting comments and developing a final draft.

Other things, we don't have strong opinions on whether or not access or disclosure should be the used terminology, I think we would be satisfied with having a conversation on that if it helps bring us in line with what our expectations are. That being said, I don't think it's a good use of time if it becomes a very long conversation that doesn't really seem to be getting us anywhere of any particular value. We also support the two workstream approach. I think that is a very efficient way to move forward with our conversation.

Of course, you know, if things look to be unworkable, I would assume we have the opportunity to refigure our work methods as we move along. In terms of the worksheets, we think this could be a useful tool. Again, if they don't prove useful, we could always revise that as necessary and needed. I think that is all I have from the GAC perspective, but I would invite my colleagues, Georgios or Chris to correct me or supplement as necessary.

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JANIS KARKLINS: Thank you very much, Ashley. So I hope that you spoke for your colleagues, as well. Now I call on ALAC and I understand that that will be Alan who will be speaking. Alan, please, you have the floor.

ALAN GREENBERG: Thank you very much. We generally support the work plan going forward. We have some of the same concerns of timelines and how long it's going to take, especially for Work Track II. One of the issues relative to that is, if the new board decision requires any of those issues that we have in our second work track to be addressed before implementation, suddenly they become rather urgent. So I haven't analyzed the Board's decision well enough to even know whether there are such things, but if there are such things, we may have to make adjustments and put those into Phase 1, because they will have to be done essentially within less than the next year.

Subject to that, the only other points we have are on the access and disclosure, I agree with Ashley. This could be a huge time sink to debate this. Janis, I thought you said at the beginning of your presentation we're not going to use either terms, but we'll use A/D or something like that, but the when you got to Slide 2, you said we're going to stay with the definitions that are on that page, that is accesses from the data owner's point of view, the data subject's point of view, and disclosure is for third parties, and my experience says if you try to take common English words and redefine them for discussion, it ends up failing. People revert back to the original meanings, and I really think that would be a mistake if we try to use those definitions.

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On centralized versus decentralized, again, it's a matter of terminology, but almost any model is going to have some components that are centralized and some that are decentralized, and I think it's a distraction if we start focusing on that; even if we defer it for a few months, I believe it's going to be a distraction just using the terminology.

And lastly, the one thing seeming to be missing from the plan is when do we consider the legal advice we got that came in after our last deliberations and it's just sitting there. We spent a lot of money to get that legal advice and I think we need to review it and consider whether it affects any of our decisions either going backwards or forwards. Thank you very much.

JANIS KARKLINS:

Thank you. When it comes to definitions, the slide was just an example. I will suggest that for the next meeting we would put together kind of a list of working definitions of different terms and see whether we could agree that this would be our understanding, but not legal terminology, and from now on I would suggest that we use A/D instead of access or disclosure, because that will naturally come out from the result of our conversation. When it comes to legal advice, this is one of our next agenda items, and we will be talking about legal advice and then when to examine and how, slightly later during this call.

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ALAN GREENBERG: Janis, for clarification, are the two definitions on Slide #3 for access and disclosure still operative, or not? Because what you're now saying is they are not.

JANIS KARKLINS: No, I'm saying for the moment that they are not. We will come back with a proposed list of terms for the purpose of this exercise, if you don't mind.

ALAN GREENBERG: No, thank you, that's fine.

JANIS KARKLINS: Thank you. Next is SSAC. Who will be speaking from SSAC? Ben? Ben, please.

BEN BUTLER: Yes, thanks. SSAC and our support team have discussed the parallel Workstreams that are generally in support of this approach; like some of the other groups, we're really appreciative of the timeline and the work that's gone in to developing it. We think that there is room to compress this timeline and maybe this is a little long for our preferences for the overall goal of finishing our Phase 2 work. So we'll provide more comments on the list and this is also one of the things that we wanted to maybe talk a little bit about it, as of yet to be scheduled.

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JANIS KARKLINS: Okay, thank you, Ben. Before going to the next speaker, board liaison, I was asked to ask who is on the call with the phone number ending 522, could you identify yourself? [AUDIO BREAK]

The phone number ending 522? [AUDIO BREAK]

So while the owner of 522 is thinking, let me call on THE board liaison.

LEON SANCHEZ: Hi Janis, this is Leon. I'm not sure IF Chris is still on the call, but generally we are okay with the proposed [inaudible] forward. As you will be able to see in the resolution that was passed yesterday, we are encouraging all involved with the EPDP to try to continue working as successfully as we did in Phase 1. So we are happy to accommodate whatever [inaudible] team decides. Thank you.

JANIS KARKLINS: Thank you very much. ICANN Org liaisons?

TRANG NGUYEN: Hi Janis, thank you, this is Trang, can you hear me okay?

JANIS KARKLINS: Yes, please.

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TRANG NGUYEN: Wonderful, thank you. Dan and I, as with Phase 1, we're here to help answer any questions and provide implementation input and looking forward to working with the rest of your through Phase 2. We don't have any specific comments right now on the draft approach, but we will continue to consult internally and if there are any issues that need to be raised, we will do so via the mailing list. Thank you.

JANIS KARKLINS: Thank you very much. Anyone else would like to speak on the draft approach? Milton, your hand is up? Are you in line?

MILTON MUELLER: Yes, can you hear me okay?

JANIS KARKLINS: Yes, please.

MILTON MUELLER: Okay. So I don't know if you can bring your slides back up easily, but there is one of them where you're describing how the EPDP will work with ICANN Org and the European Data Protection Commission. I just have a question about what that means; if it's possible to put that up, I think it would clarify our conversation.

JANIS KARKLINS: Let me try to clarify that element. You recall that we received the letter from the CEO suggesting to create a small subset of the



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team to talk through the policy questions related to Phase 2 in order to allow ICANN Org to work together or interact with the European Data Protection agencies and brief them and get their opinion on the work that we're doing. So, from the previous exchange we had on this topic, it is obvious that a constitution of that smaller group would take too much time.

So therefore my proposal was that we would engage as soon as we are ready with ICANN Org or people working on these topics from ICANN Org, and have this conversation that would inform them, and maybe we would get also some feedback from ICANN Org on their engagement and conversations with the European Commission and European Data Protection agencies. So basically, that is a communication line which would facilitate our work and would prevent from arriving to a situation when our work comes as a surprise to the European Data Protection agencies, that they may not feel very comfortable because no one really likes surprises.

MILTON MUELLER:

Okay, so I think what the answer then to the CEO's proposal is essentially no, we are not going to do that. And I'm not sure why we're talking about any kind of a special arrangement because we have represented here, we have board liaisons who should be ensuring a two way flow of information between what we're doing and the Board, and the Board, if it has any conversations with data protection authorities, can easily tell us when, where, and what happened.

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So I think I'm supporting your view, but I still can't see the slide that articulated it. We don't need the special group and it's the EPDP that's going to be making the policy, not a separate little group run by the CEO. Is my understanding conjoint with yours?

JANIS KARKLINS:

It's certain that we will be working on all the policy issues; simply the proposal from the CEO was to establish a subset to have a communication with ICANN Org while we are working. And I'm suggesting that if that communication, and I would support that some kind of communication should be, then that would take the form of the team as a whole engaged with ICANN Org when it's appropriate and when it's necessary, when we're ready, when they're ready, and we have a conversation. But the question of a small team is off the table, that is not workable. So, anyone else? Milton, your hand is still up?

Thank you. I do not have any requests from the floor, I do not see any. So, what I would like to suggest, I did not hear anyone opposing the proposed approach, though a few groups did not have a final decision on the draft, I understand that. But indications that came during this conversation suggested that that is not much substantive issues, but rather a proposed timeline.

So, therefore I would propose the following: by next Monday, end of the work day in California, this is the furthest I can think of, we would wait for general comments on the proposed approach, that myself and Staff, we have some time to fine tune the proposed approach and also would start working on a more detailed proposed, how to approach the task ahead of us. So, if that would

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be agreeable, to set a deadline for any general comments on the draft approach by Monday, end of business in California. I see Farzaneh, please.

FARZANEH BADIEI: Hi, thank you Janis, Farzaneh Badiei speaking. I'm sorry, did I get you right? Did you suggest that we still have time to comment on the proposed approach by Monday?

JANIS KARKLINS: Yes.

FARZANEH BADIEI: Okay, great. Because I wanted to raise a couple of concerns which are at the moment my personal thinking, and we are discussing it with NCSG, and I think that I'm skeptical about having Workstream I and Workstream II approach to this, because we don't know if the topics are interrelated of the access and other topics in Workstream II.

The other point that I wanted to raise is that I have concerns about ICANN Org and I know that we have been repeating this, but we can't do anything about it now, but ICANN Organization taking initiatives to talk to DPAs about the unified access model is creating a parallel process, and I don't think that it is only complementary, and I don't even know why ICANN wants to show that it's doing it; is it for political reasons or is it to just wrap up the access discussion early? So just thought I would put -- we will trust you to [CROSSTALK].

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JANIS KARKLINS: Thank you very much. For the next call we would try to finalize the approach and would propose already some elements of the work program that we contemplate on those. Also, I propose that we would share an initial list of terms, glossary of terms, with the understanding that that is not legal terminology or legal definitions, but simply working definitions which would keep us on the same page when we are using terms in the context of our exercise. And that we would discuss then next meeting on this topic. So, would that be acceptable?

I see no requests for the floor. Thank you very much. Let us move then to the next agenda item, and that is on the required step of soliciting of statements from GNSO stakeholder groups and constituencies, and I would like to ask Marika to walk us through this item, please.

MARIKA KONINGS: Thank you very much, Janis. There is is Marika. So, yeah, this is to remind everyone that one of the required steps in the PDP as well as the EPDP is to at an early stage request the input from GNSO stakeholder groups and constituencies, as well as other ICANN SOs and ACs on the topics that are in the discussion, so that that input can be received at an early stage of the work, and then help inform the deliberations.

Having said that, I think that requirement was developed in the context of an open working group model, where not necessarily all groups would be represented and able to provide their input and

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of course in the EPDP where in the slightly different context where all groups have expressed interest in this topic have representation and are able to provide their input in that matter.

However, it's still a requirement and there is a specific timeframe that is attached to that, and in the EPDP at least the minimum is 21 days that need to be provided to groups to provide their input and of course there is also then a requirement for the group to actually review the input that has been received.

Factoring in the specific setup of this group and also noted that a lot of statements including on topics that are part of Phase 2 were already included in the Phase 1 report, and the fact that all groups have representation here and are consulting with their respective groups on the issues in the discussion, I think we would like to have a conversation on what can be done to meet this requirement without making it necessarily onerous or duplicative of the input that has already been provided.

So at least one approach that Staff has been thinking about is whether it would be agreeable and workable to kind of once the group has reached agreement in general terms on the approach, to kind of share that with the different groups, also refer them to the input that has already been provided in the context of Phase 1 and of course remind everyone of the composition of the group, and ask whether there is any new or additional information that groups want to provide, so that the focus can really be on anything that hasn't been said or shared before, and is not a repetition of information that the group already has available or has already been provided through the representatives.

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And hopefully that will then resolve and input that is really a target and focused on the issues that the group is looking at, and as such, make it more digestible as well to feed that into the deliberations the group will be having. So, that's one suggestion or approach Staff would like to put on the table.

Of course, if there are other ways in which the group believes this requirement should be met, I think now is really the time to discuss, because again, as there is a timeline attached to that, the hope is to kick this off as soon as possible so that input doesn't come at a stage where the group may have already considered or even agreed on certain items that may result in reopening certain discussions or the input not being relevant anymore.

JANIS KARKLINS:

Thank you very much for this introduction. I understand that we cannot ask for input until we have not agreed 100% on the approach ourselves, which means that the earliest that will be will be next week. Now is the time to ask any questions or express any opinion on suggestions by Marika. I see Marc Anderson, please go ahead.

MARC ANDERSON:

Thanks Janis, Marc Anderson for the transcript. I guess my comments probably won't come as a surprise to anyone, as I have already provided input, but I thought it was important for us to give SOs and ACs an opportunity to provide early input on our work. In Phase 1, I thought that was a valuable early step, having that input, having those statements on paper, something that we could

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all look at, review, and use to inform the early part of our work. I thought that really got us off on the right foot and helped us move things forward.

So I think this is an important step, giving the SOs and ACs the opportunity to provide that early input. I'm kind of surprised to hear the suggestion that maybe it's not necessary and that it may slow down our work. I don't think it slowed down our work during Phase 1, and if anything, I thought it helped get us up and running quicker. So, I would be in favor of still having this step and giving SOs and ACs the opportunity to provide early input.

Obviously, it's ultimately up to SOs and ACs, whether they provide the input at all, if they feel they have already provided all the input that's necessary through other forums or that they're comfortable with their representatives representing their positions, then they don't have to provide a position or input, but that's a decision that's best left to the SOs and ACs. So, I think we should still do that step, and I think I see that as helpful in getting us off the ground in forming our early decisions.

JANIS KARKLINS:

Thank you, Marc. Any other comments? I see Marika. Marika, please.

MARIKA KONINGS:

Yes, thanks Janis. This is Marika. I just want to confirm what Marc said. This is a requirement, this is not a suggestion that the group can discard. I think the question is really about how do you want to ask input so that you get the most value out of the input

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provided. So again, the group may want to put some thinking in, are there specific questions you want to ask; for example in other efforts, specific questions would be put forward to SOs and ACs to provide input on, or the charter questions were shared and request for input was provided.

So, it's really about thinking through the format or the kind of questions you want to put forward, instead of saying, "Hey, here's Phase 2, let us know what you think," because I'm not sure how much helpful information you will get in that way, and it may make it very difficult or time consuming to kind of parse input that is provided.

So, again, I think it's really about thinking what are some of the questions you want to put forward as you ask that input and start thinking about that, so that we already have some clarity around that, so when the moment comes, there is at least agreement on the approach, the group is clear on how and what input is specifically going to be requested from GNSO stakeholder groups and constituencies, as well as ICANN SOs and ACs.

JANIS KARKLINS:

Thank you, Marika. Is there anyone else wishing to take the floor?  
Marc?

MARC ANDERSON:

Thanks Janis, Marc again. I'll just respond to that real quick. I agree with Marika, just that I guess I misread her earlier statement. I think just sort of going to SOs and ACs and saying, "Hey what do you all think of Phase 2?" may not result in the most



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useful input. And so for us taking a little bit of time to provide targeted questions to the SOs and ACs I think would be time well spent. So, thank you for that clarification, Marika.

JANIS KARKLINS:

Thank you, Marc. Let me then maybe propose the following: for the next call, Staff will make a first cut of the communication, inviting other SOs and ACs to provide input and we can exchange online, as well as during the next meeting before sending out to other groups. Would that be okay? I see no objections. Let us then move to the next item, which is Item #6, Workstream II worksheets.

Before the meeting, Staff sent out -- prepared five worksheets on different topics related to the Workstream II. During the previous conversation, we had already exchanged I felt the prevailing view was that worksheets are a useful tool and that is also a way to document progression in our thinking and in our way towards consensus.

I would like now open the floor to see whether there is any further specific comments on these worksheets and see whether the proposed method, that we would keep those worksheets open on wiki, that everyone can go and provide input, would be useful. I open the floor for this part of the conversation. I see Marika, please.

MARIKA KONINGS:

Yes, thanks Janis. This is Marika. If I can just add a little bit more and provide some context in relation to the ones that we have

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already posted. Indeed as you said, I think from a Staff perspective, I think the worksheets are an incredibly important tool to make sure that everyone is clear on the scope of work, as well as the expected outcome or deliverable. As you can see from the worksheets we posted for the Workstream II items, on some of them there is quite a bit of information already available, either as a result of the guidance in the charter or work that has been done in Phase 1.

But there are some others, as well where there is much less information available, so as a result, as well, less clarity around how and where the group should start to tackle a certain topic. Based on the input provided, we understand, as well, that we are to add a worksheet on the accuracy question as one of the items that came out of Phase 1.

I think that's another one where indeed there is a kind of general recommendation to discuss it further, but not necessarily in detail yet on what that means or what that looks like, so it's really important for everyone to start reviewing those worksheets, because as I said, Staff expects to take those and then develop a more detailed work plan on that basis.

Once everyone is clear and agreed on what kind of their approach is for tackling an issue, we can then translate that into either concrete meetings or timeframes in which an item is addressed or a timeframe in which external input is expected to be received as a required prestep for moving forward on that conversation.

And what we're also planning to do, and again we know that groups are still reviewing the approach, as well as the topics listed

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in relation to the standardized disclosure framework, but we will propose as well to already start integrating that into that worksheet, as well, because I think that is obviously one of the key ones where we'll need input on how to parse the different topics, do we have all the topics covered in that list, and what are some of the prerequisites or some of the information that is needed to have a fruitful discussion on those topics. Because again, that's really the information that we will need to be able to develop a detailed work plan.

I'll stop there, but I just wanted to provide that context, and again, we'll post all these documents as Google docs, able to comment, and of course, once there is agreement on updates, we'll make those changes.

Again, from our perspective, we are really hoping as well that we can use these not only to now agree on the scope and approach, but also document the conversations that are held on these topics, kind of on a rolling basis, so that everyone is able to see what the status of the conversation is, and eventually as well what are potential draft recommendations in relation to the topic, so that when we get to the initial report, then we may not need to do more than just to kind of copy and paste the worksheet into the initial report and it also means everyone will have already had an opportunity to look at the language and the way an issue has been explained, as well as getting to that proposed recommendation.

So, that's a bit from our perspective, the approach here, I do appreciate all the comments, but of course, it's only as useful as people provide input and the ability to update it, so we're hoping that we can count on your collaboration.

JANIS KARKLINS: Thank you, Marika, for this additional explanation. The floor is open. There is some support in the chat room. Marc, please.

MARC ANDERSON: This is Marc Anderson, again. I've commented on this twice again, so apologies for keep bringing this up. I think the worksheets could be a useful tool, and what Marika described sounds good. In Phase 1 I think that was also the intent and they weren't kept up to date and they weren't updated with the discussions as we went.

And so, if we use them in that way, I think they could be a useful tool, but that requires from everybody to keep reviewing them, making sure they accurately reflect the discussions and what was agreed to, and that they are a living document, not something that's just developed by Staff at the beginning and referenced at the end when we're drafting the document. I guess I'm a little pessimistic based on our experience in Phase 1, but I do recognize the point that Marika has made, in that they could be a useful tool if we use them in the way that she described.

JANIS KARKLINS: Okay, thank you. Let us give it a try. And if I may suggest that we have now five worksheets published and if I may ask to think of looking at them and providing any input the team members may wish to provide by the next meeting on those five, that would be helpful.

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I understand from Marika that there will be additional worksheets developed and then published, but those would then be reviewed for the subsequent meeting. For the moment we are looking at Workstream II worksheets and as soon as we are ready, those will be used to launch our activities in Workstream II if we will agree to have it. I recognize Farzaneh, please, you have the floor.

FARZANEH BADIEI:

Thank you, Farzaneh speaking. So I have, these are my personal doubts about the topics of the Workstream II. I think we need to look closely at the connection of Workstream II topics and if they relate to gating questions in the charter, I see that data retention is a topic in Workstream II and basically if we are actually responding to -- if in Workstream II we are responding to gating questions in the charter, then we cannot also in parallel have an access and disclosure Workstream I.

So, as it is apparent, I am against just jumping and working on both of these topics in Workstream I and Workstream II. I think we need to reflect better, but also the Board has rejected a couple of recommendations or some parts of recommendations, and we need to see how that would affect the Workstream I, Workstream II topics, and if we can actually in fact have them in parallel. Thank you.

JANIS KARKLINS:

Thank you very much. It is noted. Anyone else? I see no further requests. Let us give a try then to these worksheets. If I may suggest that in one week we would look at those five which have

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been published already and we will come back to this topic during the next call to see whether this exercise has given us sufficient satisfaction, and we can then see how to progress. And in the meantime, Staff will prepare the worksheets on other topics that are under consideration, or should be under consideration. Thank you.

So, let us move to the next agenda item, which is a review of clarifying questions received in relation to legal memos.

During the last call or previous call, we asked team members to review the legal memos that have been provided by [inaudible] and provide us clarification questions. We have received clarification questions from three groups and one asked to extend the deadline for this question. I would like to maybe accommodate that request coming from the GAC for one week and then we would decide how to handle the comments that have been provided.

In the meantime, Staff will try to consolidate the input that has been provided for the next call. So, with this, I would like to open the floor for any reflections, comments team members may wish to make on the topic. The floor is open. Marika?

MARIKA KONINGS:

Yes, thanks Janis. This is Marika. I'm sorry for speaking so much during today's call, but one suggestion I can maybe make from the Staff's side is that at least we can start with the questions we have received so far and we can organize them in line with the different memos, and that may also help identify if there is any duplication in

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relation to those questions or is there any rephrasing necessary to make the style or the approach of asking questions online.

So maybe that's something that Staff can take as an action item and then as additional clarifying or followup questions come in, we can then of course add these and the group can review the collection of followup questions that have been identified and determine what the next step is.

JANIS KARKLINS: Thank you very much. Margie?

MARGIE MILAM: Thank you Janis, this is Margie. We submitted comments yesterday on the legal analysis and I just want to take a look at the Board resolution to see if it adds or changes the questions we have. Thank you for giving us more time, but I think the Board resolution might actually impact some of the questions that get asked. Thank you.

JANIS KARKLINS: Thank you, Margie. So, anyone else? Marika, you're on the line?

MARIKA KONINGS: Sorry, old hand.

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JANIS KARKLINS: So then, let us revisit the questions during the next meeting. I hope that an additional week will be sufficient for the GAC to provide additional reaction or questions to the legal memos which have been distributed. In the meantime, as Marika suggested, Staff will consolidate and process the ones that have been submitted so far. We will continue the discussion of the questions during the next meeting. Would that be acceptable?

I see no objections, so that we will do. Thank you very much. So, any other business? Is there any other business that team members would like to raise? I see none. So, then the last agenda item, Wrap Up.

We will then meet next week on the 23rd of May at 2:00 UTC and if I may ask Marika to do a recall of action items that we agreed to do? Marika?

MARIKA KONINGS: Thanks Janis. It's actually Caitlin who's been holding the pen today, I hope she can give a quick recall.

JANIS KARKLINS: Yes, please.

CAITLIN TUBERGEN: Hi Janis, thank you, this Caitlin Tubergen.

JANIS KARKLINS: Yes, Caitlin, please go ahead.



CAITLIN TUBERGEN: I captured the following action items:

The first action item is for any EPDP team members that would like to provide additional general comments on the draft work plan to please do so by Monday, May 20th.

The leadership team will work with support staff to share an initial glossary of terms for discussion during the next meeting, and again, that's working definitions, not legal definitions.

Support staff will prepare an initial draft of questions for SO/AC early input before our next call.

EPDP team members to provide feedback on worksheets published to date by our next EPDP team meeting.

Support staff will review the legal questions received so far and align them with the memos we received so that we can share it with the EPDP team. The deadline to provide any additional feedback on the legal memos is next week, Thursday, May 23rd.

That's all the action items I captured, Janis. Thank you.

JANIS KARKLINS: Thank you very much. We are in agreement on that. Everything is accurately captured. Thank you very much, Caitlin, on this. So that brings us to the end of the meeting. I wish to thank everyone for active participation. We will as usual provide a draft agenda for your consideration after next week's Tuesday. If you have

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anything to share with the team in the meantime, please feel free.  
Thank you very much. This brings us to the end of this call.

UNKNOWN SPEAKER: Thank you, everyone. Once again, the meeting has been adjourned. Please remember to disconnect all remaining lines and have a wonderful rest of your day.

**[END OF TRANSCRIPTION]**