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ICANN Transcription
GNSO Temp Spec gTLD RD EPDP – Phase 2
Tuesday, 31 March 2020 at 14:00 UTC
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TERRI AGNEW: Good morning, good afternoon, good evening, and welcome to the GNSO EPDP phase two team call taking place on the 31st of March 2020.

In the interest of time, there'll be no roll call. Attendance will be taken via the Zoom room. If you're only on the telephone, could you please identify yourselves now?

Hearing no one, we have listed apologies from Matthew Crossman of the RySG and they have formally assigned Beth Bacon as their alternate for this call and any remaining days of absence.

All members and alternates will be promoted to panelist for today's call. Members and alternates replacing members, when using chat, please select "all panelists and attendees" for your chat option in order for everyone to see the chat. Attendees will not have chat access, only view access to chat.

Alternates not replacing a member are required to rename their line by adding three Zs to the beginning of their name, and at the

end in parentheses, their affiliation, dash, "alternate," which means they are automatically pushed to the end of the queue.

To rename in Zoom, hover over your name and click "rename." Alternates are not allowed to engage in the chat apart from private chats or use any other Zoom room functionality such as raising hand, agreeing or disagreeing.

As a reminder, the alternate assignment form must be formalized by way of the Google link. The link is available in all meeting invites towards the bottom.

Statements of interest must be kept up to date. If anyone has any updates to share, please raise your hand or speak up now.

Seeing or hearing no one, if you need assistance, please e-mail the GNSO secretariat. All documentation and information can be found on the EPDP Wiki space.

Please remember to state your name before speaking. Recordings will be posted on the public Wiki space shortly after the end of the call.

With this, I'll turn it back over to our chair, Janis Karklins. Please begin.

JANIS KARKLINS: Thank you, Terri. Hello everyone, welcome to the 50th meeting of the EPDP team. The proposed agenda for today's call is on the screen. Is there anyone who is not agreeable with that? Doesn't seem to be the case. We then will proceed accordingly.

On housekeeping issues, we have two subitems on public comment forum, so Berry, will you walk us through?

BERRY COBB: Sure, Janis. Nothing should be too shocking here, just to note that the addendum report for the public comment did open on the 26th, does close on the 5th of May. The one caveat aspect to this is that we did not close the public comment period for the initial report noting concerns that some groups may have issue of delivering them on time. Ultimately, the close of the initial report will also occur on the 5th of May. However, when you read through the details of this public comment proceeding that groups that can't provide their input by the deadline should inform the GNSO secretariat by the 31st of March or today, close of business, I think we already have an idea about the three groups represented on this EPDP that haven't, but to get a clear date would be helpful for support staff and for the full group. We really already talked about that at the last meeting.

As well, or complementary to opening that comment proceeding, a blog was also created and sent out. Essentially, it's just a restatement of the summary of what the second addendum report proceeding is about. And as noted, it also contained the advertising about the extension for the initial report public comment proceeding.

In general, we're following the same format as we did for the initial report. There's basically a form-based component that will be able to compile all of the results from the public comment proceeding. I think it looks pretty promising that even if we get a decent amount

of input from this proceeding, that most of the recommendations that are put into this addendum are fairly not controversial. So my point here is that ultimately when it is time for this group to review through them, we're hopeful that we'll be able to get through them pretty quickly since we'll be spending a lot more time going through the core of comments from the initial report.

So I think that's all that I have to say on this. Thank you.

JANIS KARKLINS: Thank you, Berry. For me, important is the counter on this slide suggesting that we have a little bit more than a month to complete our work after closing of comments, and we calculated that total, we have about 20 hours of work.

I received a hint from a the GAC and supported by a few other groups that it is challenging to prepare for the meetings. And here, I would like to push a little bit back. Why we are here on the team as representatives of our respective groups? Because we have a feeling we know what group thinks about one or another issue.

So when it comes to providing comments on the report, that I understand that all groups need time to go through and then get common agreement on submission. But when it comes to negotiations—and we're talking here about negotiations on the comments—I expect that representatives of groups will act in their individual capacity with the full knowledge of their group's views and we will be able to proceed swiftly, not all the time going back to the group.

Ultimately, if for instance—I know that GAC, since I was chairing it and they spend days and even weeks negotiating "may" versus "must," but if somebody wants "should" and prevailing opinion is "should," then the representatives should be able to agree on that or not. So that's the point. You need not go back to your respective groups to ask any specific question. You need to give your opinion with full knowledge what the group may think, and this will allow us to proceed in the rhythm of one big recommendation per meeting, and maybe a few smaller recommendations for the meeting.

Ultimately, ten meetings remaining, and 20 plus recommendations to go through. So this is my, really, appeal, and also comment for those who said that it is challenging. It is challenging for everyone; I understand that. But we need to make these last 9% to complete our task.

So with this, in absence of requests for the floor to complain, I will go to the next agenda item, and that is public comment reviews. And here, again, I will invite staff—Berry, probably—to walk us through.

BERRY COBB: Thank you, Janis. I'll just take on the first minute or two, and then we'll be turning it over to Caitlin to get into the discussion table details. So as promised based on the review that we went through last week, this is a compilation of all of the public comments into a readable and consumable format.

The very first row is the Excel spreadsheet of all the raw data. Unless you're really bored, I don't think you'll really need to use it all that often, other than it might be helpful if you want to search for specific keywords across all of the comments. But still, given the quantity of text, it's quite difficult to find exactly what you're looking for. The main rationale for posting it again is to keep me honest.

The rest of the rows are divided by each of the recommendation with just a short summary, explanation or title of what that recommendation is about. The first row is the public comment review tool. That is the format that should be the most helpful for you to actually read the comments, and then the second sub-row is the discussion document.

So you'll see we've got all of the PCRTs completed through all of the recommendations as well as the implementation guidance and the general comments. And as staff creates or completes each discussion document, we'll get those posted on here as soon as that happens.

The discussion documents themselves are links to Google docs, and as Caitlin will run through, each discussion document has a section for which the represented groups can opine on those items that warrant further discussion.

We haven't compiled an overall schedule on how to review through all of these yet. We'll get a better indication after we understand what the cadence looks like on a couple of these, but there is a dedicated column that will soon be populated with a date, anticipating or hopeful that the groups can review through

each of the discussion tables and come prepared to our Thursday sessions.

The last thing I'll say here before giving it to Caitlin, there's a version history over here. The primary reason for that is the PCRTs as well as these discussion—the discussion tables, since they're in Google form, won't really have a version control here because it's a live, evolving document. the PCRTs will be updated based on when we get input that comes in from the group. We want to make sure to include it with the overall document so you'll be able to maintain the track. Ultimately, there's date versioning control at the tail end; year by month by date to see what's going on there.

So with that, let me turn it over to Caitlin and she can take us through the first discussion table. Thank you.

CAITLIN TUBERGEN: Thanks, Berry. So as you can see on the screen, we're using recommendation nine—or the SLAs—as an example, and that is—spoiler alert—what we'll be talking about soon. So this is why we've completed this discussion table.

So we are assembling these discussion tables to assist the team in reviewing comments on specific recommendations, and the goal is to group identical comments together. So if you look at concern A, you'll note that there's approximately seven commenters that made the exact same comment. So instead of reading the comment seven times, you see it once, so that hopefully shortens the review.

Secondly, for long recommendations—and recommendation nine is the perfect example of that—you'll note that we grouped the feedback on the same sections together. So under noted concerns, suggestions, you'll see a box that says priority one, urgent requests. Underneath that box is all of the concerns or comments that we've received specifically about priority one urgent requests.

So if you look at the public comment review tool in comparison, you'll see that the groupings are based on agree/disagree, and so for example, you might see that someone is agreeing on the text, but they might be commenting on the fifth bullet of some recommendation.

So what we did is cull through all of those comments and try to group them together so that you can see all of the feedback on one group together. So again, the example being anyone who had a comment on priority one urgent requests, you can see all of that feedback so you can review it holistically.

One thing that we're doing that's a little bit different than what we did in phase one is that we're trying to categorize the comments based on concerns, clarifications or proposed edits. For example, you'll see Berry is highlighting a proposed edit.

Some of the proposed edits seem fairly straightforward, others don't. We're not making a qualitative assessment of that, just trying to show when there's a clear proposed edit.

For a clarification, this is another good example, recommendation nine, because as we noted in previous discussions, there seems

to be quite a bit of confusion about the model proposed by Mark SV and Volker. Some of those questions and concerns have already been addressed in that separate document they'd produced, but nevertheless, we did receive quite a bit of general questions on what this will look like and those show up in the discussion table.

The other thing that Berry had already alluded to that we're doing this time around that we didn't last time is under each grouping of comments, you'll see that there's a table with all of the groups that are represented on the EPDP. We're noting that when you go through all of the concerns on priority one urgent requests for example, we'd like you to specifically flag any new information that appears on the comments or comments or concerns that you cannot live with. And in the rightmost column, similar to how we've been conducting our work through the initial report, for any item that you cannot live with or any new information, we're asking you to flag alternate text that you could live with, or based on the new information if there's additional text that needs to be added or text that needs to be deleted.

So I don't want to scare everybody. Recommendation nine is long in terms of its text, and therefore, there's a lot of groupings which make this particular discussion table long, but I will assure you that with some of the shorter recommendations, the discussion tables are not this long. They're only maybe two or three pages per recommendation.

So I think that's an overview of what the discussion table looks like. We are looking for feedback if there's a way to make the review more streamlined or easier for the team or if there's any

concerns about how we are asking for the feedback on these. We're happy to hear it and try to edit our compilations accordingly. Thank you, Janis.

JANIS KARKLINS: Thank you, Caitlin and Berry. So there had been a wealth of congratulations, and that's indeed a big piece of work that has been done from your side, so thank you very much on behalf of the team. For us, of course, it is important going through them to also remember what we discussed and why we arrived to recommendation as it was formulated, because I imagine that many comments will bring us back to points that have been already raised and discussed during the development of those recommendations. So we need to really dig in our memory not to repeat this discussion that we had already a while ago.

So now, any reactions, comments apart from congratulations? There is a question which Franck put forward. "To be clear, you're not selecting comments edits, e.g. the edit is kind of like this other one, so we are only looking to this one and not another one, just sorting them, correct?" That's the question from Franck. And Berry answered, "Correct."

I have a few hands up. Marc Anderson and Amr, in that order, then Caitlin.

MARC ANDERSON: Thanks, Janis. So thank you, Berry and Caitlin, for the overview. I am looking at the recommendation nine discussion table, and I guess I just with ant to be clear—I see that for each group, there's

places for each grouping in the discussion table, there's a spot for each of the groups represented to put in comments and concerns.

So we were asked to review each of the groups within the discussion table and then indicate the concerns for priority one that you agree with and provide specific language changes. So, we're reviewing each of the items raised in that grouping, and then are we agreeing or disagreeing with each of them individually? I guess, can you clarify exactly what our action item is for each of these?

I'm looking at Berry typing real time here. So you're expecting us to go through each of these individually and say which we agree to and which we disagree with individually. Okay, I guess we can do that. I have concerns that that may be a little unwieldy, but I guess I understand what you're asking of us at least.

JANIS KARKLINS: And of course, we will, Marc, learn by going through those tables and recommendations, so it may happen that some discussions will appear to be too long and repetitive from what we have already discussed. So let's learn also from our own work. Amr, please.

AMR ELSADR: Thanks, Janis, and thanks to staff for preparing all this. It's amazing work. I had a question just on the references to the corresponding comments from the public comment review tool. You have got the numbers for each commenter. I was just wondering if this is just for reference so we can cross check the

input in the discussion table document with the public comments received, or is there going to be some sort of weight to the number of commuters who support a specific position or not? I'm just wondering what that means in terms of the ground rules of our process to review everything that's been submitted. Thank you.

JANIS KARKLINS: Thank you, Amr. Anyone else who'd like to ask questions or clarification before giving back to Caitlin? Doesn't seem to be the case. Caitlin.

CAITLIN TUBERGEN: Thanks, Janis. To address Amr's question, the answer is no. If there are ten people that make the exact same comment, that doesn't necessarily have more weight than one individual comment. It's just to allow ease of review. So for example, if eight people said that the priority one request should be responded to within 24 hours instead of one business day, then you see that comment once, but note that eight individuals made that comment.

I will note that it is humans making these tables, so if the numbers are incorrect or you happen to not see your comment, then you're welcome to speak up.

As we had noted before, we do expect that everyone's reading the public comment review tools, because that shows all of the comments. This is just a way to help the group review the comments and see all of the like comments together so that when

you're making proposed edits or noting concerns, that you can see all of the same feedback on the same topic together.

JANIS KARKLINS: Okay. Thank you. And also, please remember what we discussed during the last call. For those groups who have not submitted yet their comments, of course, the comments are not reflected in those tables. For the moment, we're planning not to address the most important recommendations but have, like today, some conceptual discussions or take maybe not the most important recommendation to review, but please act with the knowledge what commentaries you or your group would submit, because that is also important for us. we will not come back once recommendation is closed. When review of comments have been done, we will not come back unless we have time at the very end to review those comments that will be submitted together with comments to addendum as we agreed. So therefore, I encourage groups to submit their comments as soon as possible that we can put them in also in tables once we go through them.

Berry and Amr. Berry, please.

BERRY COBB: Thank you, Janis. I just wanted to kind of stress an important point, unless I missed it, that deals with this particular section. So if there's a comment that's posted here that you still have issue with and that warrants further discussion by the group, in terms of timing, we're consolidating and coalescing towards what the

eventual final recommendation may look like, and ultimately be presented when we get to a point for a consensus call.

I would encourage the groups here to not just restate your group's particular position, but more importantly, when you're looking for specific language to change or to address the concern, do it in the manner that can help bridge consensus with the other groups understanding the concerns that an opposing group may have for that. To me, that will help go a long way in terms of expediting our deliberations as we are forming closer to these final recommendations. So to me, that'll be extremely helpful there. Thank you.

JANIS KARKLINS: Thank you, Berry. Amr.

AMR ELSADR: Thanks, Janis. If I understood your last comment correctly, Janis, there may be a situation where input received past the deadline that we've already passed, that some comments will not be reviewed. I'm thinking as an EPDP team if we wrap up the review of the comments on one recommendation and then we move past that, we're not going to track back to review further input, unless there is time at a future date, which is very unlikely. Did I understand you correctly?

JANIS KARKLINS: If you have a better idea how to move towards conclusion, please tell me, but this is the way how I see it. So we have a deadline for

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submission of comments for initial report. So the deadline has passed. We're now extending that deadline for those groups represented in the team who have not submitted, and asking them to submit as soon as feasible. And that, I mean in coming maybe next week at the latest, because otherwise, we have no choice but to start going through the recommendations and comments.

So the request which was submitted by Stephanie was if individuals fail to meet the deadline and would like to submit their comments on initial report. So we agreed, yes, we would continue receiving those comments from individuals with comments on addendum, and we would review those comments which would be submitted together with comments on addendum to the extent possible. and what does it mean, to the extent possible? If for instance comment will find an important flaw in a report or recommendation or inconsistency. So then of course we would examine it in substance, but if a report or comment submitted by an individual would mirror some already existing comment submitted earlier by others, we would simply take note of that comment and we would not reopen discussion on that. So this is the difference between reviewing substance and reviewing as much as possible. Have I answered your question, Amr?

AMR ELSADR: Thanks, Janis. Yeah, you have, but in terms of your question of if I have something else to propose, I was thinking more along the lines of what Berry put in the chat, which is if late input is provided and if there are some points or issues that have not been covered by previous comments, that these should be flagged. That would probably be easier for groups that are represented on the EPDP

team, because then if someone submits a comment and [they can] say, "By the way, there's a point on this recommendation that we've completed reviewing, and the NCSG as an example has an additional point that we have not considered during the process of the review, this needs to be flagged." It might be more challenging for people who are not represented, of course, and that may require some work on staff's part to flag those, but I think it would be appropriate to take some time to track back on the recommendations for which the review has been completed if new information is provided. Thank you.

JANIS KARKLINS: Amr, thank you. English is not my mother tongue, it is Berry's, so I was trying to say exactly what Berry wrote, only with different words. So I said that if there is important information that needs to be brought to attention of the team, it will be. If that will be just repetition of some comments that have been said already, then we will simply note that this comment has been made.

Alan Greenberg, please.

ALAN GREENBERG: Thank you very much. If I understand you correctly, I think perhaps because of language, what you said initially, I think, was we would do a best efforts to look at late comments but staff would alert us if there was anything really substantive that they believe we had to focus on.

The last version was a little bit different in that I think you're saying staff will look at all comments, and not only the substantive one

we raised but anything that needs to be brought to our attention, but we will not necessarily as a group review the new comments.

The reason I raised my hand on the first version is if we're going to do it on a best efforts basis and could conceivably miss something, then I'm happy with that, but I think we need to say that the comment is being held open on a best efforts basis. But your last version really said staff is going to do triage on all new comments received and make sure that if it's substantive in their minds—and I trust staff to evaluate that—that we will look at pretty much everything that comes in. So at that point, I'm happy to keep the comment open without a warning of best efforts. So just to be clear. Thank you.

JANIS KARKLINS: Yes. Of course, [it is supposed] that all of us, we read all through comments, but we don't have time. Staff will do it for us and staff will indicate if in the late arrived comments there is either important new information or somebody has found flaw, inconsistency, mistake, whatever that the rest has not seen. So then it will be brought to our attention.

But if the late comments will be the ones that we have already examined going through comments on every recommendation, then of course, it will simply be recorded but we will not talk about it. So maybe somebody from the staff can confirm that I am talking on their behalf correctly.

BERRY COBB: Yes, sir, you are.

JANIS KARKLINS: Thank you. So next on the list is Beth.

BETH BACON: I do have some current concerns. And we've spent a few minutes on this, the concept of, is the comment period extended, is it formally extended while we deal with those comments? I echo Alan Greenberg's full fait hand trust in the staff. Berry, Caitlin, you guys are amazing, and you will take a good look at those comments.

I do have a concern with the perception that maybe those comments that are "late," because we did extend the time for submission for those folks that need it, and I think it's an important thing that we did and it was a good point by Stephanie, but it feels as if it could be seen as weighting those comments or not taking them into account as much simply because they're a little bit later. So I think that is just something to note in our minds, just to make sure that as an EPDP team, we do help staff, because it's a lot of work to go through comments and make sure that we also take a look at those comments that come in.

But then I think something that would be also helpful is an actual final date for those later or extended comments, because it seems squishy, for lack of a better term, as to when those will still be considered, when staff is going to be able to continue to review those. So if we could actually just have a date for that, I think that would be helpful. At some point, I understand it has to close. So I think that would just be helpful. Thanks.

JANIS KARKLINS: Thank you, Beth. Berry, please.

BERRY COBB: Thank you, Beth. Well, for us to give you a date, we need a date from you. As noted in the blog, by end of today, the groups that hadn't submitted comments need to give us a date when they do plan to submit, and by then, as soon as we get them, I can assure you that we'll be working extra hours to get them into the tools and do that evaluation. Obviously, I can't commit on a duration t o get it done because it's a function of how large and how complicated the comments are coming in, combined with the fact—the only reason we got to where we are now is because we're not in the throes of reviewing comments. And mind you that we still have several other discussion tables to fill in here that does take a considerable amount of time.

                       So again, please, for those groups that haven't submitted yet, send an e-mail committing to a date that you can get them in and then we can return in kind and get these expeditiously added to the tools. Thank you.

JANIS KARKLINS: Thank you, Berry. Of course, it is in the best interest of the team to review all comments at once, but if we do not have all materials—and this is what we discussed during the last call, that fort instance if we will go today to a recommendation on reporting, those who have submitted their comments are on record, but those groups who have not submitted comments on this particular

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recommendation on reporting but are working on them, they know what will come and during this debate, those groups who have not submitted comments should flag what may come in the future. And I hope that that future is next week, because we can delay to some extent but there is a limit of delay to tackle the most difficult recommendations. So that's why we hope that all groups will take task seriously and submit comments as soon as it's feasible.

So with this understanding, in absence of further questions for clarification, may I take that we are ready to move to the next agenda item? Which is mechanisms for evaluation of SSAD.

So we started this conversation last time, and of course, that is one of the maybe difficult topics. Before asking staff to walk us through what has been submitted? I would like maybe to suggest that we look to this mechanism from a certain perspective. So we're working on SSAD in the sense in abstract. We know how WHOIS worked, we know how intensively WHOIS was used by whom and for what purpose, and now we are working in completely new environment where we have a lot of limitations imposed from outside.

So now in order to put the access to database in conformity with those outside requirements, we are developing a mechanism which we think will work in a certain way, but reality is that we are guessing, we're making our recommendations based on certain assumptions which may be right or wrong and which may evolve over time, either in direction of acceleration or deceleration.

Therefore, when we're looking to this mechanism, we should think probably in a way that recommendations should capture the

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notion of evolution and assessment in what adjustments need to be made without changing a policy principle.

For instance, when it comes to review or response time, we think that response time should be 24 hours, but it may happen that the response time is simply physically impossible in 24 hours because of hundreds of thousands of requests falling to one contracted party. So what do we do in that case? And if that becomes systematic, we need to review it, but this should be already said in the policy, that the response time—which today is set for 24 hours—will be reviewed as a result of experience of running the system.

The same of automation. Today, we have automation which is rather limited, but we hope in order to scale up system that automation where it is legally permissible may increase the percentage of automation.

And the policy should suggest that that system will be reviewed and some more automation cases will be put in place, and that is already agreed policy. And then simply this mechanism would agree how and what should be automated and so on. We can take every recommendation, and I think that this was the meaning of this evolutionary approach, otherwise we are in a situation of what contracted party house suggested: everything is done manually at the contracted party house level. And we have disagreement within the group because some other group said that that is not acceptable.

So evolution is a part of the compromise, and we need to develop these recommendations with understanding that not the policy will

be reviewed but those elements determining implementation of that policy will be reviewed as a result of our experience and learning from operation of the system. I hope that this is understandable and acceptable as a way forward and systemically looking to this mechanism.

So who from the staff will walk us through the submissions? Berry, Caitlin?

CAITLIN TUBERGEN: Janis, I can do that.

JANIS KARKLINS: Please go ahead, Caitlin.

CAITLIN TUBERGEN: Thank you, Janis. I just wanted to remind everyone that in this document, the support staff had culled some of the options that came through in the public comment proceeding. Namely, there were four options, the first being the GNSO guidance process which comes directly from the policy and implementation working group's final report. The second idea that came through the public comments was some sort of GNSO standing committee, and as we explain below, there are currently two GNSO standing committees in place today—the standing selection committee and the standing committee for budget and operations. The third is the standing Implementation Review Team, and the fourth is the standard contractual negotiation process between ICANN and the respective contracted party.

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So we ask the EPDP team members to review the background information on those options as well as the suitability to serve as a mechanism for the evolution of the SSAD, and we've received a couple of submissions, I believe from the Business Constituency, the IPC, the Registrar Stakeholder Group, and also some additional information from our ICANN Org liaisons since as I noted, this was a document that was compiled by the support staff and our ICANN Org liaisons didn't have the chance to review it, so they provided some additional context in this table.

So from the feedback that we've received—and of course, the groups that submitted comments and those that didn't are welcome to provide additional context, but it appears that the because and the IPC both support option C, which is the standing IRT mechanism, and then the Registrar Stakeholder Group I believe supports option D, which is the contractual negotiation or a standard PDP/EPDP.

Á   But I would turn this back over to you, Janis, to review the additional comments that folks have.

JANIS KARKLINS: Okay. Thank you, Caitlin. So now floor is open for comments, and maybe also a way how, for the moment also on a conceptual basis, how this mechanism should look if we have it at all. I have two hands up, Alan Greenberg and Milton Mueller, in that order. Please go ahead.

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ALAN GREENBERG: Thank you very much. The ALAC comment may not have been sufficiently clear, but our preference of those four options was also option C, although we did say presuming we have a joint controllership position that we think we have now where there will be clear liabilities from the contracted parties that the contracted parties had to agree for new automation requests but that it should be a joint committee and not a GNSO group, but there must be representation from other groups on it and it shouldn't be a GNSO group because the GNSO through the current EPDP is setting the policy. What we're doing is looking at the implementation of how particular things are automated or the SLAs, and that needs to be far more nimble than a PDP-type process. So we did select option C with the proviso that we understand the liability issues of contracted parties have to be addressed unless they are covered some other way in a controllership agreement. Thank you.

JANIS KARKLINS: Thank you, Alan. Milton, please.

MILTON MUELLER: Yes. I think what's striking to me here is that the main option we debated and that we —at least I—supported in the comments that I submitted is not even here. We have A, B, C and D, and both NCSG I'm sure and the registrars group have said—and I'm quoting now directly from the registrars— these policy requirements are sufficient and any future adjustments must occur within the existing structures of the GNSO policy development process or contractual negotiation between ICANN Org and contracted parties.

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So there's actually two options there: contractual negotiation and existing structures of the GNSO PDP, and we have made it clear that we consider most of the issues that some people want this standing committee to make would in fact be policy issues. And we, I thought, completely rejected the idea of this committee making policy decisions and bypassing the GNSO processes. I think we all should understand why that's something we shouldn't be even contemplating, just creating a new and parallel policy process. It cannot be going through the existing policy development mechanism that we've established with balanced representative. It's just not acceptable. It's a crazy idea that you're going to have a committee. It's like making not minor implementation or operational adjustments but actual policy decisions regarding how this all will work and what kind of criteria will be used, and whether it's centralized or noncentralized. That's just not going to happen.

So I would ask that we have an additional option there, which is just PDP process for policy changes.

JANIS KARKLINS: Okay. Thank you, Milton. So the whole idea was to write the policy recommendations in a way that would not require PDP if we want to have this SSAD be functional and useful, otherwise it'll be only expensive. An d as I tried to say in the beginning, we need to find a way how to formulate policy recommendation for instance on the response time, which would allow us to review it through this mechanism without going through the fully fledged PDP process if it appears that our assumptions were not correct and the 24 hours

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review on urgent issues is simply impossible because high volume of those urgent requests.

So what do we do then? We shut the shop down for two years?

MILTON MUELLER: Janis, [inaudible]

JANIS KARKLINS: I simply want to understand what the change of time of review of the request—if that is already [purview of the policy,] is a change of the policy. So that's what I'm trying to understand from your comment.

MILTON MUELLER: Yeah, most of the things you're talking about, like response time, that's not a policy decision, really, that's implementation detail. And I see Berry saying that the standing committee within the GNSO is reflecting my viewpoint, and maybe that's correct. I thought that we had not framed it as a standing committee but simply that the GNSO council would be able to make decisions going forward. But I guess the GNSO standing committee is not a completely unacceptable option here, and maybe my concerns and NCSG's concerns fit best within that framework as long as the standing committee just makes recommendations to the council. So let's go with that.

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JANIS KARKLINS: Okay. Maybe also team can think in terms of what are those terms of reference for the mechanism which would be acceptable for review and which would not be considered as a policy. So response time probably is the natural one. The level of automation may be another one. The pricing, costing would be another one. I have a number of hands up, starting with Amr, then followed by Marc Anderson and James.

AMR ELSADR: Thanks, Janis. Yeah, my take on the proposals here is that at least two of them to me seem pretty unacceptable. One is D, contractual negotiation, which basically excludes all other parties from participating in any of the discussion, whether it's evolution of the SSAD or improving implementation, whichever way you want to put it.

Also, the GNSO standing committee to me is not such a great idea. The GNSO's had a number of standing committees in the past, and as the text here points out, there are two of them right now, but none of these have ever addressed policy issues, and for good reason. That would be a big change to how policy and implementation advice is provided. I'm not sure a standing committee is the best idea.

I think a GNSO guidance process is a particularly good idea, and I think what we're thinking about in terms of issues that may come up concerning evolution of the SSAD is exactly what the policy implementation working group envisioned when they came up with this process. It's a process that provides flexible outcomes as well, so although it can't create new consensus policy, it can't create

new obligations on contracted parties, it can provide implementation guidance and it can also identify holes in existing consensus policies and refer those back to the GNSO council, I think sort of consistent with what Milton was saying a GNSO standing committee could do. So that could be done using a GNSO guidance process.

One of the advantages to a GNSO guidance process as well is that it's chartered by the GNSO council so its mandate is clear and there's no ambiguity concerning what a GNSO guidance process working group or team or whatever needs to get done.

A standing Implementation Review Team is an interesting idea and it could probably do everything that a GNSO guidance process working group could also do, but my one concern with a standing Implementation Review Team is that the context of Implementation Review Teams could change drastically over short periods of time.

My understanding is that GDD reviews the consensus policy implementation framework on an annual basis and seeks input from the GNSO council on potential changes taking place. So if we recommend a standing Implementation Review Team at this time now, what a standing Implementation Review Team or what an Implementation Review Team in general may be doing two, three or four years down the line may be very different. So I'm a little concerned about recommending a standing structure when the ground might shift dramatically under it at some point.

So I would encourage people to go through the GNSO, the PDP manual and then look at the GNSO guidance process. I think it

achieves the goals that we're trying to with this recommendation. I'm not terribly thrilled about any of the other options so far. Thank you.

JANIS KARKLINS: Okay. Thank you, Amr. Marc Anderson, please.

MARC ANDERSON: Thanks, Janis. And thank you, Amr. Listening to what you had to say about the different options was very helpful. I thought it was an insightful analysis, so thank you for that.

Georgios is saying in chat, "Could B and C coexist together?" I think that's an interesting comment, and I think that leads in nicely to what I'm going to try and say here as my comment. When I was going through and reviewing this, I had a hard time coming to conclusions about which one would work best, because I don't think we've clearly defined—and I think it's fair to say we all don't have a shared understanding of what exactly would be in scope for this mechanism for the evolution of the SSAD. And I think that's going to continue to make this discussion difficult.

Depending on what we think the scope would be for this mechanism, C, a standing Implementation Review Team might be the right choice. Or depending on what is in scope, a GNSO standing committee might be the right choice. Or as Georgios said in chat, depending on what is in scope, for some of those items, an Implementation Review Team might be the way to go whereas other items, the standing committee might be the way to go.

So I think we're going about this discussion a little bit backwards. We're trying to define the solution before we've clearly identified and agreed to what the problem is. So I think we need to spend a little bit of time here first agreeing on what is in scope, and then I think we'll have a better handle on what the mechanism is for tackling this.

And before I stop talking, I do want to note [the note—]sorry for the grammar there. Staff made a note on the mechanism, and they didn't call it out as one of the possible mechanisms, but they did say that following the launch of the SSAD, staff could do a review and provide recommendations to the GNSO council. I think this is similar to the point Milton was making, and I think this has potential.

I think the implementation and development of SSAD will reveal many challenges that we couldn't possibly have considered here in developing a policy. I think there'll be a lot of lessons learned coming out of that, and I think this note from staff should also be considered maybe as a fifth option which also could be done in addition to the other mechanisms. Thank you.

JANIS KARKLINS: Thank you, Marc. I think we simply have forgotten what would be the scope and what would be those evolutionary elements that we talked about when negotiated initial report. The first is response time, the second is which categories of disclosure request could be automated, because at the beginning, the level of automation will be very limited, and the third was, are there implementation

improvements such as identification of possible user categories and/or disclosure rationales?

But for instance, we also could face a situation that after first round of accreditation, we see that accreditation procedure is simply not working. So then of course in that case, that would not be considered a simple implementation issue, but the same mechanism could say, "Hey, we see that this is not working and we're suggesting to GNSO council that we need to review a policy and then revamp the accreditation process. Until then, of course, we would follow what is agreed."

So there are two elements in that task or terms of reference of the group to review the implementation details of things that we know that we do not know today, and the second is overall assessment, how system functions, and C, what type of improvements need to be suggested, either through implementation or through the new policy development. With this, James.

JAMES BLADEL: Thank you, Janis. The conversation has moved on quite a bit since I put my hand up first, but let me just note that in our comment, registrars expressed our position that the only way to create binding obligations for registries and registrars is either through a GNSO policy development process- or through direct contractual negotiations the kind of which produced the universally loved temporary specification that we're operating under today.

I say that because I think that there's some frustration with the speed at which those functions work and the participation or

representativeness of it. I don't know how to address those concerns. That's the model that we have, that's the system that we live under.

But as far as nonpolicy changes, evolution, implementation of the types that you've outlined, I think that if we were to look at the menu that we have in front of us, the standing Implementation Review Team has some merit in that it could identify those things that are truly implementation changes and even make those changes outside of the GNSO. It could also identify and flag those changes that did qualify and raise up to the level of policy changes and then refer those to the GNSO for one of the other two mechanisms that we outlined in our comment.

So I think that's one way to address what we know—I'm looking at Volker's chat here—we will face but also address some of the future unknowns that this model will encounter in its evolution and put them into priorities and categories that can be addressed either by a standing IRT or referred to the GNSO for policy development.

So I don't think we're talking about dramatically different things. I think we're just noting that those things that do have policy implications can only go through a couple of different channels, and that is baked into the DNA of ICANN itself. That's not something that a PDP can just recommend that we bypass. And I wanted to also thank Marc and Amr for their comments. Thanks.

JANIS KARKLINS: Thank you, James. Alan Greenberg followed by Thomas and Hadia.

ALAN GREENBERG: I think I agree largely with what Marc Anderson and James just said. I think we do need clarity on the scope, and although I think some of us think we have clarity, it's not uniform and we need to be really clear.

My understanding of what this group should be doing is essentially setting table entries. The table entries may be for the SLAs, it may be for exactly which items are we automating today, but it's not policy.

Now, this group may well come up with policy that needs to be changed, and it has to be referred to the GNSO, just as the staff briefing note that was mentioned earlier, if that required policy changes because we didn't get something right, then yes, that may well require reopening this and having some sort of GNSO PDP.

But I think the bulk of what we're looking at in this group is in fact operational table entries to decide exactly how the SSAD operates on a day-to-day basis, and that's not policy. We're setting the policy here to allow that.

ALAC didn't specify number C because to be honest, we do not believe that it should be an implementation review committee, even a standing one. This shouldn't be a GDD-led operation and it must include the users of the SSAD, because if it doesn't, how is it going to make decisions? The decisions don't just impact the

contracted parties and GNSO people, it impacts the world and we have to be able to factor that in. Not with every user, obviously, but with representation from the groups.

So I don't believe it should be an Implementation Review Committee as they are defined today, but it should be something like that that is going to be ongoing, that has appropriate representation and is empowered to make recommendations to change the SSAD operational procedures, not the policy. Thank you.

JANIS KARKLINS: Thank you, Alan. Thomas followed by Hadia.

THOMAS RICKERT: Thanks very much, Janis. I very much like the GNSO guidance process, and whilst we are [discovering] the process of creating our comment, I haven't heard any objection from the ISPCP on that point. But I think we need to be clear on what we need the tools for and that we need to pick the right tool for the right task. So I think that Marc was spot on with his comment on that.

I guess we will need—and that's part of the PDP lifecycle—some sort of implementation review. Whether that's standing or not can be determined at a later stage, but I think we need a team to help with the implementation of this massive new creature, let's say.

The guidance process is meant to give policy advice, and I think that's a different task, and I think policy advice will also be

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needed. And with the things that the SSAD is going to do, we will need policy advice on a more or less ad hoc basis.

I've mentioned earlier—it's not in the list of things that are part of the evolution, but we will see court decisions on disclosure, we will see objections from users that are not happy with the way data has been disclosed or not disclosed when it comes to requestors. And we can't wait for the new PDP to come to closure on these things, so we will need guidance, which I think is a [faster tool,] so I think we should embrace the guidance process for this type of activity, but then we also have the interesting interface to what I think will be the joint controller scenario, and that actually enters the contractual realm, whether contracted parties and ICANN will need to come up with amendments to the joint controller arrangement.

I think that the guidance process will likely be a very good tool to inform the negotiations between the contracted parties and ICANN on the joint controller agreement stipulations.

So if I may suggest, I think we should probably create a matrix or a set of tools in the toolbox consisting of implementation review, guidance, and changes to joint controller or other data protection arrangements there might be. Thank you.

JANIS KARKLINS: Thank you, Thomas. Hadia followed by Mark SV.

HADIA ELMINIAWI: Thank you. So most of what I was going to say has already been said, but I just want to focus here on the issue that this mechanism is not a mechanism to reopen policy discussions or to make any kind or any sort of policies. It is just to ensure that the policy is implemented in the most efficient and effective way and to ensure that we have a robust system. And we are not able to determine this from the very beginning and from now, because there are a lot of uncertainties related to the system that we are developing.

And again, the idea of the mechanism itself [inaudible] because we decided to compromise and to start with a system that was mostly a distributed system, not a centralized one where the decision making mainly lies with the contracted parties. We decided on only two cases to be automated through the central gateway, and even those two cases have not really been confirmed yet and we are still posing questions in relation to those two cases through the legal committee.

So we need such a system, such a mechanism because this is what we agreed on when we decided to have a distributed system—because this is actually what we have now.

JANIS KARKLINS: Hadia, I lost you. If you could check, Terri, Haida's mic, we don't hear her. Maybe I ask also Alan G to lower hand and then close the mic, and go to Mark SV followed by Brian and Laureen, and maybe then I will try to make a proposal. Mark SV, please.

MARK SVANCAREK:	There was a lot of good feedback, and originally when I put up my hand, I was going to go down the line and say I agree with this thing that Amr said and this thing that Marc said and this thing that James said, on and on down the list. But really, what I've come up to is until we've determined what it is—I think there's so many things that need to evolve and could evolve, and there are certain mechanisms that are going to make sense for some of them and not for others of them—so I started with, in my mind, all of the things that would be evolved were implementation details and therefore I advocated for option number C.
	Then there was some question about whether or not some things would actually lead to policy changes which would then require a different approach. I wasn't conceiving anything like that, I thought we had put some pretty generic policy language in there already that we can evolve around, but it really all comes back to what Georgios and Marc A said which is we should determine the scope of each thing that could be handled by each of these categories and then let them coexist.
	So if we need a B and a C, B for some things and a C for other things, then B and C it is. Why should e have to choose just one? You just figure out which is the most appropriate mechanism for resolving certain types of problems, and then that's the way that you approach it, which comes back to what Marc A said, I don't know, ten hours ago or something, which was we need to define the scope of what we're talking about and then sort them into buckets. Thanks.

JANIS KARKLINS: Thank you. Hadia, if you would like to finish your thoughts.

HADIA ELMINIAWI: Thank you, Janis. Yeah, so I just wanted to point out that it is necessary to have a mechanism for the evolvement of the system because this is what we have agreed upon, and this is what was part of the compromise that many of the groups here made.

So currently, we have a distributed system where the decision-making lies with the contracted parties, but we agreed to that because we thought that this system could in the future evolve through some sort of mechanism. If that mechanism doesn't actually exist, then the whole deal is off. That's actually what we have agreed upon.

As for the standing committee option, the standing committee as is now, by definition, does not deal with implementation issues. And again, we are talking only about implementation issues. We are not talking about new policy decisions. New policy decisions need to be done as they're always done, through a PDP. So that's initially what I wanted to say. Thank you.

JANIS KARKLINS: Okay. Thank you, Hadia. Brian followed by Laureen.

BRIAN KING: Thanks, Janis. I agree with a lot of what most folks have said here. I'd echo everything that Hadia just said and that Mark said. I think I'm near the end of the queue, so maybe if I can pull us into

an agreement on a couple principles that we can [use to work forward,] it sounds like many—if not all of us—agree that whatever this mechanism is, we should agree will not create policy or change policy. So that sounds like something we agree on and that's encouraging.

Agree that this is going to be used to evolve the SSAD, and there's a couple aspects that will need to evolve. Those may not need to evolve in the same kind of way. I'm probably the IPC member most sympathetic to points that registrars made about SLAs and how those have historically been treated contractually, so I think we need to be smart about how we evolve that versus different types of disclosure, automation, which I think could really benefit the contracted parties to evolve differently.

So I think that's another point that maybe we take away. I'd encourage my EPDP colleagues to note if there's anything else besides those two points, the automation and the SLAs that need to evolve and think about which mechanism—if any—we should use to evolve those. And as a final point, I note that if we do choose the GGP or do expect the GGP to be a key mechanism for evolution, then we might need to do just very little with that, just noting that the GGP already exists and could be initiated at Council tomorrow. As I understand it, the GGP process, if P is not duplicative there. So I hope I can just summarize a couple points of agreement for us, and we look forward to working with the rest of the team on this. Thanks.

JANIS KARKLINS: Thank you, Brian. Since you attempted to summarize, would you want to try to put terms of reference and modus operandi on the paper for the sake of further discussion by the team?

BRIAN KING: Sure, Janis. I have some time this afternoon, I could take the pen on that. I wouldn't want to do it alone though. If I can maybe have some volunteers from some of the other groups to collaborate, maybe form a small small group, that'd be helpful.

JANIS KARKLINS: Specifically on terms of reference, what this team or mechanism will do, and what is the modus operandi, how it will be done. That would be important. Laureen, please.

LAUREEN KAPIN: Thanks, and I appreciate everyone's comments, especially Brian's attempts to find common ground where there actually is common ground. I have some questions about the GGP process because it looked to me like it hadn't been done yet, one, and two, it's unclear to me what groups can participate in this process.

I'm assuming from the discussion that all groups that are currently represented here would be able to participate, but it is unclear to me from reading through the six-page summary of the process whether that's the case.

Thanks, Amr, for answering that question. So I'm directing this then to whoever could answer these questions, because my

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concerns would be to make sure that there is representative participation and to just get some more clarity on the rules of the road for this process since it seems a little untested at this point. Thanks.

JANIS KARKLINS: Thank you. I was hoping that Laureen would be the last, but now I have many more hands. Be cognizant of time, please. Alan, Amr, Volker.

MARC ANDERSON: Thank you. I'm going to be very brief. Coming after what Brian just said there, one of the things I just want to ensure that we also capture in that and understand, because I just don't think we've even just called out the elephant in the room in this, and that is that a PDP, we have absolutely no power to change the GNSO's existing processes. That's not why we are here, and I think we need to be very clear on that, that we have to use the existing processes as they're there.

now, if we're trying to come up with different ways to see how the existing processes are able to work, great, but I think we just need to be really clear on that. The existing process, we do not have the power to do so. And I think that is pretty much what James said. I just thought that now that we're coming around full circle, we need to say that.

And I think just to say as well, one of the other questions—and I'm sure people are going to shoot daggers at me as well. Yes, we agree that this process should not create new policy, but from

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what I'm hearing from A to Z of our participant list, that is a wildly different concept in some people's brains. We need to make sure that what is policy is what is policy, and what is not is what is not. So that's probably an exercise we need to do as well: what are just no-go areas? What would be considered policy by us and what would not? That's just the other thing I wanted to add. Thank you.

JANIS KARKLINS: Thank you, Alan. Amr, followed by Volker.

AMR ELSADR: Thanks, Janis. I'll get to the point I wanted to make as briefly as I can, but I also wanted to take just one minute to respond to the second part of Laureen's question about the GGP—and of course, staff can correct me if I'm mistaken. Yes, any GGPs can function the same way as PDP working groups have in terms of participation, but I would not be completely honest if I didn't say that this is determined by the GNSO council when it's chartering a GGP. So the GNSO council can charter a GGP the same way it chartered this EPDP. It can define the terms of participation, it can make it an EPDP team representative of the different ACs and SOs the way we're doing our work now, it can create an open GGP working group, similar to previous GNSO working groups. It can really charter it any way it chooses to.

But having said that, I don't think that the GNSO council will ever charter a group and exclude other parts of the ICANN community from participating in it. I think that would, if anything, undermine

the legitimacy of the GNSO being responsible for developing gTLD policy recommendations. So I hope that's reassuring to an extent at least.

But the reason why I originally raised my hand—this is a little off topic and I was actually hesitant to say this, but I really found Hadia's earlier comments to be quite aggressive, and I want to point out something, at least from my perspective, and I believe this perspective is shared by my NCSG colleagues.

To us, there is no advantage in SSAD at all. If it were up to us, we would have a completely decentralized system where people who want to look up registration data would have to seek those from the registrars where the domain names are registered. So everything we agree to here is a compromise, and frankly, bullying tactics, telling us that we have to agree to something or else we're going to end up with no consensus, is just not going to work with us. So I would appreciate if we just avoid using that kind of approach in the future. It's not helpful and it won't change the outcome in any way. Thank you.

JANIS KARKLINS: Thank you, Amr. The compromise is never perfect, and we're working towards imperfect system, but the one that everyone could live with. Volker, please.

VOLKER GREIMANN: Yeah. Three minor points. First of all, let's hold our horses a bit. When Brian said we could start tomorrow, I hope that wasn't meant in earnest. Let's first see how this develops in

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implementation, and then after it's implemented, we'll probably need some time to gather some evidence or experience on how it works, where problems lie, and then we can start chartering this group, whatever it may be.

Second part, I agree that ultimatums are not helpful. The choice that we currently have is this or the status quo. If the status quo is what you prefer, then by all means, withhold your consensus to what we are trying to agree to, but I'm sure that that is not the intention here. But that's the consequence if this entire work fails to find consensus.

And the third point, I'm a bit wary about using a process hat has never been used before for such an important issue as the development of this SSAD. I'm sure the process is very well thought out, but we don't have any experiences with it, and therefore I'm not quite convinced yet that it's the right process for us to follow. Thank you. That's all.

JANIS KARKLINS: Okay. Thank you. So thank you all for sharing your thoughts and also conceptualizing this approach toward evolution of the system. I think the departing point should be initial report, what has been identified in the initial report as things that need to be evaluated, assessed based on gathered experience.

So I understand that Brian is willing, based on initial report and this conversation, to take a pen if he will have a few other volunteers to develop terms of reference for this mechanism and modus operandi for us to review during one of the next calls.

And again, it is really not rocket science. It is simply a common sense approach towards examining how system functions, what elements out of terms of reference need to be evaluated based on experience: three months, six months, and then whom the result of this assessment should be sent for implementation, whether that is GNSO council or ICANN Org or whatever.

So I think this is straightforward, at least in my mind. And also, I would like to be on this mailing list of the small group just to contribute to the reflection. And then we would share that result with the rest of the team and we would then discuss it further. Would that be acceptable?

And thank you, Brian, for volunteering to hold the pen, and Laureen and Alan G also for volunteering. So with that, we could move to next agenda item, and that is reporting. Brian, your hand is up.

BRIAN KING: Thanks, Janis. Marc Anderson just answered my question. I was just thinking that Laureen and Alan joined, I'd like somebody from "the other side of the aisle" to join us. But if Marc Anderson is happy to volunteer as tribute, that'd be great. Thanks.

JANIS KARKLINS: Thank you, though I do not see HPC [inaudible]. I see the part of the team. So let us move to implementation. This will be the first attempt working through the table, and let's see how it will go. So we have a few questions in this respect [inaudible].

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Let me maybe take the first four lines and take them together. What is the purpose of reporting and who receives reports? All registries, registrars, accredited authorities, identity provider and ICANN maintain [metrics] data concerning the aspects of system for which they're responsible and that ICANN should be required to regularly publish, compile said data.

Report should be published by ICANN on a periodic basis. Information should be made available on per-registry and per-registrar basis. So, any reaction on those concerns? And specifically the reporting, who would be on the receiving end of these reports.

I would suggest the mechanism would be the one that we talked about earlier. So, any reactions, any comments on these concerns? Marc Anderson, please.

MARC ANDERSON: Thanks, Janis. Just to clarify, we're starting with just the noted concerns, like the first four items on this list?

JANIS KARKLINS: Yes. Actually, three.

MARC ANDERSON: Okay. I'm seeing four rows. But I guess there's a couple different items here that I'll try and start with. I think that the first thing I want to tackle is who receives the report. I think from a policy perspective, we should only be defining reports that are mandated

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to be published publicly on the SSAD system. That is to say, the policy that we define on reporting should pertain to what reports we expect to see made publicly available on the SSAD system. So I think that that tackles the first one, is who receives the reports. I think we should be talking about just public reports that are available to everybody.

The frequency is interesting. I had not considered that, and so maybe that's one I'd like to noodle on a little bit. I think this one suggests quarterly may be adequate, and that might be a fair suggestion. I'd be curious what others are thinking around the frequency and if more or less frequent would be desirable.

The other issue, I think, that's important for us to tackle is, should we produce the data and metrics on the overall SSAD system itself, or should it be made available on a per registry and per registrar basis as the third line is suggestion?

And I think that for the public metrics that we're talking about, those should be provided on an overall SSAD level. Breaking things out on a per registry and per registrar basis raised some concerns, so I think we should be defining reports on an entire SSAD system that will be made available publicly, and maybe frequency, we put pain in that one for now, around quarterly as a starting point. Hopefulyl that helps get the conversation going.

JANIS KARKLINS: Thank you, Marc. I think you're right, maybe we even need to think in terms of two types of reporting. One is public reporting, as you described it, which is rather generic and outlines only main

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characteristics and main sort of data points of the system, and then the second one is kind of operational, the data should be available to assess how SSAD works technically, and that would be used by probably nearly everyone who is following implementation of SSAD, starting with mechanism, ICANN Org, and also any other, either per request, and there may be even some kind of interface on the screen where you get real-time data without specific reporting mechanism.

So I have further hands up, Alan G, Mark SV and Marc Anderson.

ALAN GREENBERG: Thank you very much. I was a bit surprised when it was mentioned that this was only public reporting, because I agree strongly with you that we should be looking at all reporting, some of which would be made public, and some of which very much would not be made public. Whether statistics on each registry or registrar are made public is an interesting question, and perhaps some items should be public, some should not, but there would also be reports on for instance who the larger users are, and that kind of thing can provide very important feedback to the operators of the process but is definitely not something we need to be publishing.

So I think very much I agree that we're looking at both public and private reporting. And this group is not going to figure them all out operationally. We're going to determine what needs to be reported, it's going to be an evolutionary thing. Some reports clearly will devolve into something that isn't important and other ones will come up. So I think all we can do here is provide a first

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level of things that we need, and I think we need to be relatively conservative. Us putting together a list of 175 mandatory reports is a make work effort that probably isn't warranted, but it's something that needs to evolve. Thank you.

JANIS KARKLINS: Yeah, we need also to keep in mind that each report, specifically if that is necessary to prepare by somebody, by an individual, entails some cost. If that is generated by a system in automatic way, then that's a different thing. Mark SV followed by Marc Anderson.

MARK SVANCAREK: Thanks. I want to weigh in on the comment about the SSAD being separate from the contracted parties. In the hybrid model, the contracted parties are the SSAD. There's a gateway and there's contracted parties. So I think that's an artificial distinction and we should be wary of that.

Something that was mentioned in our previous or recent discussion on SLAs is the idea that we're collecting statistics all the time, the system is collecting statistics about when things were posted, when they were routed, when the acknowledgement was sent, when the yes/no reply was sent, things like that.

So the idea of reports that had to be generated by people is kind of an antiquated notion. Really, we should be having—in Microsoft, we would call them Power BI dashboard. So some sort of a dashboard concept is really what you want. And when we talk about public reporting, that would be a public dashboard, and that

could be statistics in aggregate, how well is the system working in aggregate, and you could decide what level of granularity you want.

Certainly, as I mentioned earlier, people should be able to see their won statistics. So this whole non-normalized anecdote thing that we get into every quarter where somebody says, "I made this many requests and they were ignored," and then somebody else says, "I handled this many requests and they were not ignored." And nobody agrees that we're normalized or that we're talking about the same thing even.

A system of transparency is really the important thing. Parts of it will be public, parts of it will be private to the individual parties, and full clarity should be available to ICANN Compliance and the auditors. So those would be my two points.

Contracted parties are part of the SSAD, don't pretend that they're not, and let's think about real-time dashboards that can collect statistics in real time and they can automatically generate quarterly reports if you want. That's probably handy as well, but don't focus on these little snapshots in time to be the bulk of our reporting. Thanks.

JANIS KARKLINS: Thank you, Mark. Marc Anderson, please.

MARC ANDERSON: Thanks, Janis. Just reflecting on what others have said, My comments were not meant to—I was not intending to say there

should not be additional reports that the implementer or operator of the system could provide that are not public. Mark SV talked about providing reports and metrics to individuals, contracted parties or requestors of the system providing their own data to them.

I don't disagree with what he's saying, but to me, that seems to be an implementation decision, something that should be left to the operator of the system.

I think what we need to define in policy is what are the public metrics that we're saying must be made available to the public that can—everybody, requestors, operators, contracted parties everybody involved in the system can look to see how the system is being used, how successful it is, is it operating as intended, is it not? What are the public metrics that we're agreeing are absolutely required for the system? So I think our policy recommendation should focus just on that and leave some of those individual—leave the rest to implementation, I guess. And we should probably be clear on that saying these recommendations are not intended to forego additional individual reports being made available by the implementer, we're just saying this is what we expect to be the minimum publicly available reports. So I hope that helps clarify what I was saying. Based on alter commenters, I fear I wasn't clear there.

JANIS KARKLINS: Yes. Thank you, Marc. As the file title suggests, we're talking about implementation guidance on reporting. So it is not a policy, it is simply recommendation guidance for ICANN Org and for

implementation team how to structure the reporting mechanism. And it seems to me that that type of dashboard type of reporting mechanism which is automatically generated could be something we could suggest.

Milton, please.

MILTON MUELLER: Yes, it sounds to me like we're still actually debating purpose, what is the objective of the reporting. And from my point of view—and I believe I speak for most people in NCSG—is that we want transparency. It's kind of an indirect form of accountability into how the system is working. So we would like to see not only information, data on a per registry and registrar basis, but on a per requestor basis. We think that requestors—we need to know whether they are misusing the system or who is really placing the burden on the system. I don't think the category of requestors is fine grained enough. I think that there's no reason you can't know exactly which accredited user is making lots of request. I think most of these data points here are things that we do want to see. Requests granted and denied, information about registrant objections, incomplete and so on. Some of those are more sort of operational and less important.

But we think that it's an assessment of the value and success of the whole policy framework that needs to be guided [here and that this data will be useful.] I understand the concerns of the contracted parties that if the information could be used against them, but the information will be used against registrants as well, and possibly on requestors. I think there'll be a discussion and

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debate about what the data means and they'll be in a position to fight off any misconceptions or misconstruing of the data.

I don't see how objective data hurts anybody when it comes down to it. I don't think this is sensitive private data, it's about how a system works and it's about objective results. So let's have lots of transparency here. That's my view.

JANIS KARKLINS: Okay. Thank you. I have further requests, but now I would like also to bring to your attention suggestions, which is in the second table or lower part of the table. Please look through those suggestions, and if you see something you think should not be reported on, please indicate. Or if there are some missing data you think we should think of reporting, please also indicate that. With that, I would invite Beth to take the floor.

BETH BACON: Thanks very much. I just wanted to draw a distinction here. I think that contracted parties are all for transparency and making sure that we have the appropriate metrics to make sure we understand how the system is working, if it's working well—depending on your definition of working well, which I'm sure varies amongst all of us.

But I do think that it's important to draw a distinction and be clear that any sort of compliance to a consensus policy is handled with contracted parties and ICANN and that this type of public report is not the same as a compliance report, and a compliance report is, again, between the contracted parties and ICANN because that's where the agreement is.

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This sort of information, I think, is very important, and I think that we can certainly get to a place where we figure out what the most valuable public information is, and then I'm certain that there's information that maybe we could correlate and also just have available to ICANN or the operator just for their information to understand. Again, I think transparency is very important.

I also want to draw attention to the fact that when we do this, when we do publish metrics—I mean we're sitting here, we spent two years talking about the privacy of registrants. I think it's important to note that the privacy of this information is also important. If one requestor has a high volume of requests, that's their business or their own private affair, I guess. So I think we need to be careful how we publish this. I do think we should be respectful of the privacy of the requestors. I see [Milton says it's] legal persons. Who knows if they're legal persons? Perhaps they're not.

I just think that that's something to keep in the back of our minds, and I also just really wanted to draw the distinction that compliance reporting on contracted parties' compliance with this is between contracted parties and ICANN, and also that when we look at this information, it's important to make sure that it's respectful of all privacy of the users and that this information is not going to be used, as Milton says, [we're not concerned that this] can be used against a registry or registrar but targeting certain parties that are requestors or targeting certain parties that are the disclosers is not necessarily the best way to measure if this is working. Thanks.

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JANIS KARKLINS: Thank you, Beth. I think also we need to think in terms of need to know or would be good to know basis. As I said, each report entails some cost so if that is specifically prepared by individual. If that is generated by a system itself, then the cost is already absorbed in the running costs.

And it is custom that public reports are more general in nature and provide trends or aggregation, and technical reports for ICANN Org and contracted parties, or GNSO council, or the mechanism who needs to see granularly how the system functions, is on need basis probably.

For instance, I don't think that law enforcement would be willing to see how many requests each of law enforcement have put in SSAD. Certainly, most of them would like to keep confidential and not for public consumption. So Franck, please, followed by Mark SV. We have remaining seven minutes on the call.

FRANCK JOURNOUD: Thank you, Janis. A couple of points. First, I guess it happens once in a blue moon, so I wanted to point out that IPC strongly agrees with the point that Milton was making earlier about transparency. We fundamentally believe that transparency—what's the expression? Sunshine is the best disinfectant. And yes, what's good for the goose is good for the gander.

We as requestors can't ask for transparency and not be subjected to the same transparency. We think that there should be some transparency about the number of requests that are made, etc. In general, I think—I'm not talking either on the requestor side or on

the contracted parties side about being transparent about what specific domains have been requestors because there are reasons of confidentiality, reasons that have to do with the privacy of the registrant, etc. We're talking more sort of in the aggregate, "This entity has requested 1000 domains in whatever time period," etc. And same thing, as I said, on the contracted parties side.

Another point I want to make is I'm not actually a believer in reporting. What I'm a believer in is transparency of logs. Reporting suggests a lot of staff work, it's very cumbersome, it's going to be delayed by weeks, by months, by years. As Mark SV said earlier, we're talking about dashboards that can be visible in real time or quasi real time, and that is incredibly more effective and allow anyone who consults them to sort of see what's going on across contracted parties, across categories of requests or requestors, etc.

The last point that I'll make is both for IPC and for my employer, the Motion Picture Association. We made a lot of comments on this issue of transparency on the logging recommendation, not on sort of the reporting aspect, because I think really, reporting, if we're going to do it, flows from logging. We have to know what we're logging, and there, if you really want to, you can draw up reports. As I said, I don't think that's terribly useful, but I think the crux of the matter is what is being logged, because if you don't log it, you can't disclose it.

JANIS KARKLINS: Thank you, Franck. Mark SV.

MARK SVANCAREK: Thanks. Three points. Beth raised an interesting point about when would an entity need to protect their own stats. It's something to consider. Second point is that when we get into the implementation, there's ways to pseudonymize a bunch of this stuff, and that will probably mask everybody except for the biggest requestors and the biggest controllers. Clearly, GoDaddy and Verisign are going to be—no matter what you call them, what pseudonym you assign to them, they're just bigger than anybody else and so they'll pop.

But other than that, there's easy ways to work around that in implementation. But really, the thing I wanted to say is that if we're already starting to phrase this in terms of these numbers can be used against people, then we're already going down the path of not transparency. So let's not think of things as this can be used against me or this will be used against me, because that's going to keep us from being fully transparent. Thanks.

JANIS KARKLINS: Thank you. Amr, please.

AMR ELSADR: Thanks, Janis. I'm definitely for transparency and everything, but I recognize that there are concerns to how reporting, or I like the way Franck put it, providing audits, logs. But I think what we should be focused on now is the objectives. We should be trying to identify what objectives we are seeking from this reporting and try to reach some consensus on how to best achieve that. I think

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we're putting the cart before the horse here in saying that we need everything to be transparent, or no, we don't want anything to be transparent.

I think we need to really be specific in terms of what we're looking to achieve with a recommendation of transparency or the lack thereof, and try to find the best way to achieve that so that it satisfies the different parties involved.

I would say that this applies to both contracted parties and SSAD users, and of course, I think it goes without saying that no personal information of a natural person should be disclosed in any of this. Thank you.

JANIS KARKLINS: Thank you, Amr. Again, it is not about policy recommendation, it is about implementation guidance. Chris, you're the last one.

CHRIS LEWIS-EVANS: Thanks, Janis. I think Mark SV and Franck just made some really good points there around how we collect some of this data and how we report on it. Transparency is a key thing that we're trying to achieve here at this point.

We will need to collect a lot more information than we'll need to put out for transparency reasons. As Beth said, there's different ways of sharing stuff without releasing each individual requestor's details. And this comes down a little bit to LEA's need for confidentiality. And I've said it before, whilst we need

confidentiality, we're not asking for immunity on transparency reporting.

So as long as we have the right level of anonymization of the data that's been collected, I think we'll be able to achieve a good level of transparency for the system, which I think is really required under data protection, not just within GDPR but across the world.

So I think with really need to think about that when we're looking at how we collect and how we'll report. So I'd just like us all to keep this in mind. Thank you.

JANIS KARKLINS: Thank you, Chris. Unfortunately, we're at the end of the call, and I would like to ask, based on this conversation that we had, staff to do a writeup. I think we had reasonably good understanding that there may be two types of reporting: one public, one technical available to SSAD operators, and they would need to have different granularity in terms of access to data. So staff will make an attempt, it'll be circulated to the team for review.

With this, all I need to say is that next meeting is on Thursday, 2nd April, and the topic is recommendation number nine, the SLAs. Please review the document and provide comments as soon as possible, be prepared for this conversation. It is very important. And I also would like to say my day job will not allow me to be present next time on the call. It'll be Rafik who'll be chairing the meeting of 2nd of April.

With this, I would like to thank all of you for active participation and would like to bring this meeting to closure. Thank you very much, and have a good rest of the day.

TERRI AGNEW: Thank you everyone. Once again, the meeting has been adjourned. Please remember to disconnect all remaining lines, and stay well.

[END OF TRANSCRIPTION]