

GNSO Council Adobe Chat Transcript 19 January 2017

Marika Konings:Welcome to the GNSO Council meeting of 19 January 2017
Keith Drazek:Hello all! Happy New Year
James Bladel:Good Afternoon (evening/morning) all!
Susan Kawaguchi:Good Afternoon
Martin Silva Valent:Hello all
Valerie Tan:Good morning
Edward Morris:Hi all. Happy New Year! A quick note: I'll only be on the beginning of the call. In hospital recovering from minor surgery. My Temp Alt, Martin Silva Valent, will take over for me once I exit, Sorry for the confusion.:
Nathalie Peregrine:Thank you Ed, noted!
Julf Helsingius:Good evening
James Bladel:Understood, Ed. Take it easy, and get some rest if you can.
Donna Austin, RySG:Wishing you a speedy recovery Ed.
Edward Morris:Thanks guys.
Heather Forrest:Hope you make a speedy recovery, Ed
Susan Kawaguchi:Nathalie do you mind calling out to me? 650 387 3904
Nathalie Peregrine:of course we will!
Darcy Southwell:Take care, Ed.
Philip Corwin:Get well fast, Ed
Terri Agnew:@Susan, op will dial out in a moment
Cheryl Langdon-Orr (CLO):been on phone for a while but now in. AC as my other call finished
Susan Kawaguchi:@ Terry they dialed out to me I am on
Rafik:hi all
Erika Mann:I joined as well - Erika Mann
Julf Helsingius:Hmm..
Stefan:Hello everyone. For the record, 'Stefan' is me, Stefania Milan. I managed to misspell my own name, sorry
Martin Silva Valent:xD
Erika Mann:Yes
James Bladel:Thanks @Stefan. :)
Mary Wong:@Stefania, no worries :) You gave us a bit of a scare for a bit, that's all! WELCOME!
Stefania Milan:Taanks Mary. Sorry, comin from a boxing session, still a bit shaky, not handling the keyboard v well...
Julf Helsingius:Dialed in by phone as well, seem to have issues with computer mic
Cheryl Langdon-Orr (CLO):thx Marika
Heather Forrest:Correct, thanks James.
Stephanie Perrin:Has the live streaming link for this meeting been fixed yet?
Paul McGrady:Staff, I'm told by members of our loyal audience that the \audio stream of the GNSO council meeting https://urldefense.proofpoint.com/v2/url?u=http-3A_stream.icann.org-3A8000_gnso.m3u&d=DwIFaQ&c=FmY1u3PjP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpCigmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=NrZnDpvYQtkw_7vFZWaWbsDKtHzkUvkU9HsB90t6oos&s=OGKYOHAAXDfz3874JtBXCSO6ZjVNY58xfaSfyAlyXd8&e= does not seem to work. Is there an alternative?
Nathalie Peregrine:We will update you once it is Stephanie, apologies for the inconvenience, the provder is working hard to fix it
Michele Neylon:Staff are working on it

Stephanie Perrin:Thanks!

Mary Wong:Most likely, 7 February 1400 UTC for the webinar

Mary Wong:And we will be sure to invite the GAC

Mary Wong:We'll confab with Phil and Petter - maybe we will do one for the GAC after the 7 Feb one

Terri Agnew:Audio Cast update: the issue has been identified and still working on it.

James Bladel:Please mute when not speaking. Thanks!

Mary Wong:From the GNSO community perspective, the work is done

Donna Austin, RySG:Thanks Mary. Perhaps Carlos has a better sense of whether it is necessary to have a separate webinar for the GAC.

Josh Baulch:apologies - the audio stream should be back up in a moment. . .

Josh Baulch:https://urldefense.proofpoint.com/v2/url?u=http-3A__stream.icann.org-3A8000_stream01.m3u&d=DwIFaQ&c=FmY1u3Pjp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpCigmkXhFzL7ar9Qfqa0Aign-H4xR2EBk&m=NrZnDpvYQtkw_7vFZWaWbsDKtHzkUvkU9HsB90t6oos&s=8kgxLtO6zP1C4z9LWxmp41YoM-yMw12Pa-e6y7bViBQ&e=

Terri Agnew:Audio Cast is up and working

Mary Wong:@Donna, thanks - yes, we will consult with Carlos too!

Paul McGrady:Josh, does your chat entry mean it is working again?

Josh Baulch:yup:)

Mary Wong:@Donna, if it helps (or not), the GAC and the Board are going to try to have that call about 4-5 weeks after each ICANN meeting.

Mary Wong:So that may affect the Council's planning and timing for the response

Erika Mann:To be more explicit, is recommendable!

Mary Wong:As a further note, the Board's own response to the GAC Communique (after the call) usually includes the GNSO Council response (if applicable) as well.

Erika Mann:I would absolutely support this, the board can't work well with vagueness

Donna Austin, RySG:@James, I agree, closer to the communique is probably best.

Donna Austin, RySG:Thanks to Valerie Tan for standing in for me with regard to this selection process as I was out on leave.

Valerie Tan:Most welcome, Donna.

Keith Drazek:@James: Can you please describe the discussion with ICANN staff concerning the other SO/AC appointees? The replacement of Eric Osterweil with Emily Taylor suggests other appointees have already been finalized.

James Bladel:Keith - The RSSAC reported their 3 selections last week.

Marika Konings:just fixed the order of the names to make sure it is in alphabetical order (last name)

Keith Drazek:Did RSSAC get 3? I thought they only got 1? Or was that the old process?

Marika Konings:There is no rule to prevent SO/ACs to endorse anyone on the list.

Mary Wong:All candidates were asked which SO/AC they were seeking endorsements from; Eric (I believe) indicated GNSO.

Marika Konings:@Keith - I believe all SO/ACs can nominate up to 7, with 3 being the guaranteed seats.

Donna Austin, RySG:Seems this is something that should be fixed before moving ahead with WHOIS RT selection

Edward Morris:Correct Marika. Bylaws §4.6

Keith Drazek:Thanks Marika and Ed, appreciate the clarification.

Wolf-Ulrich Knochen:I think it should be avoided that candidates try to increase their chances by applying through multiple SO/ACs

Nathalie Peregrine:Please all make sure you are connected via the telephone or by AC audio (click on the telephone icon and follow instructions) for the vote.

Keith Drazek:As I said on email, I support the amended motion replacing Eric with Emily provided Eric has in fact been seated through the nomination of the RSSAC.

Keith Drazek:I took my hand down after getting clarifications in chat. Thanks.

James Bladel:Ok, thanks.

Susan Kawaguchi:@ Wolf, I agree with you and we are going to think about how to avoid this situation as we refine the process

Wolf-Ulrich Knoblen:Thanks Susan

Edward Morris:+1 Susan and Wolf-Ulrich. One of the tweaks we need to consider to the straw man.

Paul McGrady:Well done! Thank you team.

Edward Morris:Thanks guys. Have to go back to the ward. Martin will be taking my place. Have a great rest of the meeting.

Nathalie Peregrine:Thank you for joining Ed!

Susan Kawaguchi:Hope you feel better quickly!

Julf Helsingius:Take care, Ed!

Philip Corwin:Be well, Ed

Philip Corwin:We need very clear ground rules for this "facilitated discussion"

Paul McGrady:James, can you put the proposed discussion group members' names into the chat?

Erika Mann:What do we want to achieve with this debate with the board?

Mary Wong:James, Donna, Heather, Carlos, Thomas Rickert, Phil Corwin, Petter Riindforth

Paul McGrady:Thanks Mary!

Erika Mann:James, I will frame my questions here, not sure if my connection is well enough to allow me to speak.

Mary Wong:James, Donna and Heather as Council chairs, Carlos as liaison to the GAC, Thomas, Phil and Petter as co-chairs of the two relevant PDPs

James Bladel:@Erika - Not sure this would be a debate, necessarily.

Rubens Kuhl - NIC.br:@Erika, I believe that drawing a line of what Board and Council can do and what only the community can do, which is to develop policy.

Mary Wong:@Phil, @Erika, in assisting Bruce, staff understands that the Board is not proposing anything specific in terms of outcome. The objective is to try to reach resolution through facilitation, that the GAC and GNSO reps will then take back and put through their respective processes.

Stephanie Perrin:I think Phil is raising a very good point. I would have to have facilitated mediation be the requirement for other pending issues

Donna Austin, RySG:Precedent in the sense that a facilitated discussion may be a way to discuss areas of difference before PDP Recommendations and GAC advice reach the Board.

Stephanie Perrin:THat was supposed to be HATE not HAVE

Darcy Southwell:Agree with Phil - don't want to let a "discussion" somehow evolve into a method to move GAC advice beyond what it really is.

Mary Wong:The idea is that the GAC and GNSO will enter this dialogue, facilitated by Bruce, based on a previously-agreed set of background documents, including the objective, recognition that the GAC and GNSO reps still have to take back any outcomes to their groups, and mutual understanding of how we got here.

Keith Drazek:I also agree with Phil. I am not opposed to a discussion, facilitated or otherwise, but at some point, the Board is going to have to make a difficult decision. It's not clear to me that yet another round of talks is going to change that reality.

Stephanie Perrin:I think Keith touches on another of my fears, that various organizations punt to a facilitated dialogue to avoid taking decisions on tough issues.

Philip Corwin:Thx Michele. When our preliminary CRP report is published, hopefully tomorrow, all will see that a great deal of work went into a document that is more than 100 pages long and very extensively footnoted so that all can see the legal and factual basis for our recommendations.

Stephanie Perrin:Take our policy advice or leave it is, in my view, a better option than facilitated mediation. This is not to say that there is not a place for constructive dialogue. However a formal mediation session sounds too legally formal to me, as Michele suggested.

Philip Corwin:(noting that much of the hard work was done in excellent fashion by Mary Wong and Steve Chan.)

Philip Corwin:done

Mary Wong:Awww thanks Phil! That's so kind!

Stephanie Perrin:Perhaps you could dub this a "facilitated explanation of the 100 page document which we arrived at after months of deliberations".

Erika Mann:I would recommend to be very clear. And the GAC advice can not automatically prevail.

Paul McGrady:@Stephanie, what happens if the GNSO proposed policy is rejected and the GAC Advice prevail? Doesn't that make GAC the policy development body? How is that not captured by governments? Also, how in heck will we recruit PDP WG members?

Philip Corwin:Noting that the GAC Chair very clearly indicated in Hyderabad that GAC felt it was misled about what it could expect from its discussions with Board, that makes it even more important that there be no misunderstanding about what realistic expectations are for the facilitated discussion, lest GAC become even upset.

Stephanie Perrin:oh I agree Paul, and there are a couple of other issues already in the hopper.

Keith Drazek:It would have to be referred back to the GNSO for further policy work, no?

Mary Wong:@Phil, @Paul, @Stephanie - that's why Bruce wants agreement on both the process and background materials before any dialogue commences.

Mary Wong:@Keith, yes - any agreed outcomes still need to come back and go through the appropriate process. That's a point that has been acknowledged,

Darcy Southwell:@Mary, has that been acknowledged by the GAC?

Mary Wong:@Darcy, it was certainly mentioned several times on the 20 December call, and I believe the proposed Process Framework document Bruce has circulated to those on the call explicitly says that.

Philip Corwin:@Paul--share your concern that it will become even harder to recruit WG members if there can be intervention and decisionmaking before the PDP is permitted to run its course.

Donna Austin, RySG:This is uncharted and largely unique because the Board worked with a Small Group to do what the GNSO does - develop policy.

Paul McGrady:@Phil - and even well after the PDP has run its course. If the GAC has the final say, why bother?

Darcy Southwell:+1 Paul

Darcy Southwell:And then the bottoms up, consensus model is lost.

Erika Mann:Will we have an 'internal' GNSO reflection paper that outlines our strong points?

Stephanie Perrin:The Board also worked with a small group (well 2 actually, if you count the EWG) to work on RDS. I certainly don't want to spend 5 years on RDS and have this happen, we already have the risk of the PPSAI IRT going in the same direction as we try to reflect their advice in implementation.

Mary Wong:@Erika, Bruce will be preparing proposed agreed materials, but GNSO staff can certainly prepare any additional background that the Council may need

Philip Corwin:I would propose that we wait to see Board's proposed process outline and then discuss whether we agree with it or it needs modification.

Philip Corwin:see

Heather Forrest:Just seeking clear agreement that we participate before we do so

Erika Mann:@Mary - Good, didn't see that he committed to it. But it would be good to summarize the more formal and legal points in particular. @

Mary Wong:So far, there have been 3 draft documents - a proposed Process Framework, and a draft Problem Statement each for Red Cross and IGO acronyms.

Philip Corwin:I don't believe I have seen any documents yet relating to proposed objectives and scope

Keith Drazek:Would it make sense to invite Bruce to discuss this, and his views, with the Council?

Maybe after the documents have been finalized and circulated?

Heather Forrest:Excellent idea, Keith

Heather Forrest:@Mary - could you put that link to the wiki here in the chat?

Mary Wong:@James, yes

Terri Agnew:finding line

Erika Mann:Agree with Keith

Susan Kawaguchi:my line just dropped can you dial out again?

Nathalie Peregrine:doing it now Susan

Mary Wong:Wiki for the IGO-Red Cross Discussion Group:

https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_x_eoPRAw&d=DwlFaQ&c=FmY1u3PJP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=NrZnDpvYQtkw_7vFZWaWbsDKtHzkUvkU9HsB90t6oos&s=Qw7vvo-FlvzrKtE0RbkniZxI436vgvUA1UV24KOdx50&e=

Mary Wong:Discussion Group mailing list: <http://mm.icann.org/pipermail/discussion-igo-rc/>

Susan Kawaguchi:Thanks!

Terri Agnew:@Susan, you are back

Mary Wong:Link to the three drafts circulated by Bruce so far:

https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_x_hIPRAw&d=DwlFaQ&c=FmY1u3PJP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=NrZnDpvYQtkw_7vFZWaWbsDKtHzkUvkU9HsB90t6oos&s=VDUzpDGmOEX11PQKZsAQW NZmw3pah52_sf3OeviHPdY&e=

Mary Wong:I'll also send these links to the Council list.

Rubens Kuhl - NIC.br:6 minutes over time, I believe.

Erika Mann:To add to Marika: The EU legislation will become fully valid 0 2018, insofar we still have some time to continue to evaluate

Marika Konings:Thanks, Erika for that addition :-)

Erika Mann:Happy to work with staff to make some recommendations to answer the questions James raised

Erika Mann:I'm forced block somehow

Terri Agnew:@Erika, your mic isnt active

Keith Drazek:It's also important to note that this issue impacts more than just the thin-to-thick transition. It will impact all thick registries and any future RDS evolutions. Does anyone know off-hand if privacy issues are under consideration by the RDS PDP WG?

Erika Mann:I'm on, problem is on somewhere with ICANN, all my settings are ok

Julf Helsingius:My mic was somehow blocked too, I had to dial in

Keith Drazek:Sorry, it actually impacts all thick registries AND more directly registrars sending thick data.

Marika Konings:@Keith - yes, privacy is definitely part of that PDP

Nathalie Peregrine:@ all, to activate your microphones, please click on the telephone icon at the top of the AC toolbar and follow instructions.

Nathalie Peregrine: The microphones in the AC room are enabled, but need to be individually activated by participants every time they enter a room

Julf Helsingius: Nathalie: done that (as usual)

Terri Agnew: @Erika, we are also happy to dial out on the telephone if needed

Erika Mann: Two things to consider: 1) the new European legislation will become fully implemented in all 27/28 Member States in 2018 and 2) the European Board of Regulators are still working out certain interpretations of the law .

Nathalie Peregrine: @ Julf, we can test this prior to the next call if you like, please contact me and I can get it set up.

Erika Mann: With regard to the US, we have a new agreement that is currently valid.

Keith Drazek: @Stephanie: My understanding is that consent could be acceptable in some instances, but not for the transfer of bulk data. Happy to be corrected.

Erika Mann: Yes, we need to re-evaluate!

Marika Konings: The legal review can be found here:

https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_download_attachments_52889541_ICANN-2520Memorandum-2520to-2520the-2520IRT-2520-2D-2520Thin-2520to-2520Thick-2520WHOIS-2520Transition-5FFinal-5F2015-2D06-2D08.pdf-3Fversion-3D1-26modificationDate-3D1434138098000-26api-3Dv2&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmKXhFzL7ar9Qfqa0A1gn-H4xR2EBk&m=NrZnDpvYQtkw_7vFZWaWbsDKtHzkUvkU9HsB90t6oos&s=-EHOP08_l6c20KA9kJYnBPI5bj8h637HJM9A2umXtYw&e=

Keith Drazek: Agree with Erika

Stephanie Perrin: Thanks, do you happen to have a data map for some of the prime candidates for migration?

Erika Mann: You should be able to hear me now!

Terri Agnew: @Erika, I see mic is active

Julf Helsingius: Nathalie: thanks!

Marika Konings: Note that the letter also references a number of mechanisms which are in place that may assist affected parties to ensure that their operations remain in full compliance with applicable data protection laws.

Michele Neylon: Happy to help Erika

Michele Neylon: FYI I'm one of the co-chairs of the RDS PDP

Erika Mann: James, totally understood

Michele Neylon: (for now)

Marika Konings: I will share the legal review on the Council mailing list following this call.

Erika Mann: Thank you Marika!

Erika Mann: Thanks Michele!

Keith Drazek: I agree with Erika (again). I think an updated legal review is a minimum requirement at this time so the Council can assess whether further policy work is needed, or if the current IRT work is adequate. The last version was delivered from ICANN to the Thick Whois IRT in June 2015. A lot has changed since then and it's appropriate to ensure we have a new assessment to inform our deliberations.

Stephanie Perrin: Have the European Data commissioners been consulted on the issue of the THICK whois migration?

Michele Neylon: small number of registries BUT the bulk of registrations

Stephanie Perrin: A small number of pretty big registries...

Philip Corwin: It's a small number of registries but more than 100 million domains, of which some subset have EU registrants

Erika Mann:No, they haven't formally. They were few informal debates. But I would not recommend to consult with them at this stage.

Stephanie Perrin:(look look Steph and Michele agreeing....)

Keith Drazek:The impact here is not on the registries, it's really on the registrars.

Michele Neylon:No - the biggest ones

Michele Neylon:and registrants

Michele Neylon:aka our clients

Stephanie Perrin:Failure to come up with suitable privacy policies in this matter fuels the flames of data localization. That undermines our RDS possibilities, in my view. This is one reason why this issue is important.

Terri Agnew:finding the line

James Bladel:If folks could please mute when not speaking. Thx.

Paul McGrady:Sounds like Darth Vader joined the call.,

Nathalie Peregrine:We are looking into it now

Erika Mann:Agree

Michele Neylon:Mark Hamill's Joker maybe? :)

Rubens Kuhl - NIC.br:Also of notice is that prior to the 2012-round of gTLDs, there were no widely available TLD from European registries. Now there are, and some of them, notably GeoTLDs, are hitting the same issues.

Paul McGrady:For the record, I was referring to the weird noises that were drowning out Keith and not referring to @Keith. :)

Keith Drazek:lol thanks Paul ;-)

James Bladel:Well, if Verisign is the Empire, then I guess that makes Keith the closest thing to Vader. :)

James Bladel:Altho I've also heard that about GoDaddy...

Keith Drazek:hahahahaha

Rubens Kuhl - NIC.br:James, you can be Grand Moff Tarkin.

Stephanie Perrin:I appreciate the point Keith raises, that the impact is on registrars. I have heard the view expressed that the data protection problem now rests with Verisign. My view is that neither party is off the hook, and that consent is a really poor option here (but then my advice is worthless but cheap, since I am not a lawyer). However I think if these views are in wide circulation, we definitely need to take a very thorough look at the issues afresh. See for instance the recent decisions of the Dutch DPA in the matter of WHATSAPP; the fines are real.

Keith Drazek:This question boils down to a question of whether this issue requires additional policy work, and if so, whether it's required for the thin-to-thick transition or the RDS PDP or both. The only way we can determine that is to get an updated legal memo.

Rubens Kuhl - NIC.br:What is the effective date for new registrations need to be thick ?

Paul McGrady:and again and again and again

Paul McGrady:Someone will build a machine to make sure the EU privacy morass survives the end of the universe

Marika Konings:@Rubens - that is still to be determined, as far as I understand

Philip Corwin:If Putin would just leak all the WHOIS data to Wikileaks it would make the whole privacy debate somewhat academic ;-)

James Bladel:That's the thing about Putin: Not very timely.

Rubens Kuhl - NIC.br:@Marika, tks.

Philip Corwin:I see the GAC-GNSO dialogue on IGO/RC is scheduled for 7:30 am on day one. I protest! I am not a morning person.

James Bladel:@Phil - That's not set in stone yet, but I agree.

Mary Wong:@Phil, sadly that (plus the second slot on Day 2) is the only time - these were proposed based on consultations with Board, GAC and GNSO support staff :(

Philip Corwin:Then I see we pick up again at 6:30 pm on day 2. I'm ok with that if we have an open bar to facilitate creative thinking

Philip Corwin:We will deal with it, Mary.

Rubens Kuhl - NIC.br:Phone bridge dropped. Will stay on AC-only.

Mary Wong:I think you will get breakfast for Day 1, we're working on trying to see if tehre's budget for Day 2 :)

Philip Corwin:When is the GNSO Council meeting we usually hold on the weekend prior to the official opening?

James Bladel:@phil - the weekend is now a single day (Day 2). And it's now become part of the "official" calendar.

Marika Konings:and it is not just Council, it is for the whole GNSO :-)

Philip Corwin:Thx James, just saw that

James Bladel:Yes, sorry Marika. That's correct.

Rubens Kuhl - NIC.br:We could replace one of the HITS.

Paul McGrady:I don't want to aggravate the GAC by stepping in when they can't get their scheduling ducks in a row. If this is a government thing, the governments should extend any invites. Sends the wrong message if we do.

Paul McGrady:Let's not swap out the abuse session!

Keith Drazek:For planning purposes, Verisign will be holding a reception on Sunday March 12 and the GNSO Council and ICANN staff are all invited. I'll send an email to the list too.

Philip Corwin:Thx Keith. I'll head straight over when the GAC/GNSO discussion ends

Heather Forrest:Thanks, James. Thanks, everyone.

Stephanie Perrin:I certainly don't want to aggravate the GAC either, but I think offending the DPAs is not a great idea either. We have been working on this since Marakech, and were assured in Hyderabad that it was on the rails.

Paul McGrady:Great call James! Thanks!!

Keith Drazek:Thanks all!

Cheryl Langdon-Orr (CLO):bye for u

Susan Kawaguchi:Thanks all!

Darcy Southwell:Thanks, everyone. Bye.

Martin Silva Valent:thanks all

Julf Helsingius:Thank you all

Erika Mann:Thanks

Philip Corwin:Ciao

Wolf-Ulrich Knoblen:Bye all

James Bladel:Thanks, all. Have a great Thursday (Friday for Heather, Rafik & Valerie)