

**ICANN Transcription
Next-Gen RDS PDP Working Group
Tuesday, 28 February 2017 at 17:00 UTC**

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<https://community.icann.org/x/iqXRaW>

The audio is also available at:

<https://audio.icann.org/gnso/gnso-nextgen-rds-pdp-28feb17-en.mp3>

Michelle DeSmyter Well good morning, good afternoon and good evening to all. Welcome to the Next Gen RDS PDP Working Group call on the 28th of February, 2017. In the interest of time today there will be no roll call as we have quite a few participants online, attendance will be taken via the Adobe Connect room. So if you are only on the audio bridge would you please let yourselves be known now?

Beth Allegretti: Hi, it's Beth Allegretti. I'm only on audio.

Michelle DeSmyter All right. Thanks, Beth. We will note that. And as a reminder to all participants, please state your name before speaking for transcription purposes, also please keep your phones and microphones on the twin are speaking to avoid any background noise. Witness I will turn the call back over to Mr. Michele Neylon.

Michele Neylon: Thank you. Michele for the record, I was not used to being referred to as Mr. Michele Neylon, but we'll take it anyway. Thank you. Okay then. As I mentioned at the top of the hour, Chuck is not with us this week so you have the misfortune of having me as your chair for today. But I will try to get other people to do most of the talking so you don't have to listen to me too much.

As per usual, are there any changes to people's statements of interests, conflicts of interest and all that? Anybody got any changes? Going once, going twice. Okay, then I'll assume that nobody does. If you do need to make any changes to your SOIs you can do so directly online yourselves or if you need assistance the GNSO Secretariat staff will be very happy to help you or at least point you in the right direction.

Okay, so the agenda for today's meeting was circulated in advance and is that any Adobe Connect room. So we have a few items that are in relation to Copenhagen specifically, which we need to deal with probably in the first instance. And then we are going to go back into things that are more to do with the overall movement and direction of this group.

Okay then so one of the things that will be happening during the Copenhagen meeting is that quite a few data protection officials, commissioners and others with expertise in the area will be in attendance at the meeting. So (unintelligible) working with a couple of other people have done some wonderful work on drafting (unintelligible) refining a few questions. And if somebody is not speaking could you please make sure you're on mute because otherwise we get massive echoes.

So Susan, along with a couple of other people have done some wonderful work on drafting a list of questions to pose to some of these data protection people, the idea behind this being that as they will be in attendance and as they do have the expertise in the subject area that we should leverage that when the opportunity presents itself.

Susan and I hand this over to you then so you can walk us through briefly what - where we're at with this?

Susan Kawaguchi: Sure. And is it possible to get the document of all the questions up on the screen? So a sub team was created, as you all knew, with Theo, Tjabbe, Brian, Vicky, Stefania, Nathalie and Stephanie to create and draft questions for the Data Commissioner panel.

And amazingly, you know, everyone came through. We have quite a list of questions, many more than we could possibly ask. And so with Lisa's and Chuck's input, we went through the questions yesterday, Lisa and I, and categorized them, sort of put them by topic into one document. And I don't know if you all have scroll capability, but you can see all the questions and the topic areas.

There was a few that we sort of parked for further consideration, but we have plenty of questions to draw on. But we only need to submit 10 to 12, so we are looking to the rest of the working group to review the document. We will get this sent out to you this morning. And tell us which of these questions you think should have priority and we should submit.

We could always use the rest of the questions in our session with the data commissioners. I think that's Wednesday, I could be confused. But we need to narrow this list down and use the most concentrated questions. So once we send this out to you we will have until Friday morning for receiving input. And then once we see everyone's preferences we will just try to group them by sort of who's said what, you know, in the email thread and express the interest in the top 10 to 12 questions and put that list together to submit to the data commissioners ahead of time, along with a short overview of what exactly it is that we are working on just make sure they have the key background points for this work and the questions.

So that's about it. Any questions from the working group?

Michele Neylon: This is Michele. It's not a question, just than actual comment and then I will pass over to Alex. As Susan said, we on the leadership team, we went through a lot of this yesterday in our call. And a couple of things that we wanted to make - we took on board and which is where some of these edits come from, nothing nefarious.

First off, an overarching question is, you know, with the answer to the question help with the working group's deliberations? We have to make sure that whatever we are dealing with - we're not asking questions just for the sake of them but any questions we are asking can help us in the work we are meant to be doing.

And the other thing as well, which I think it came from Tjabbe but also we agreed as well is that assuming that anybody will understand Whois, RDS, PDP and all these other ICANN terms and all that kind of thing, is a dangerous assumption so we need to avoid overly technical terminology where possible and, you know, lay things out in clear simple terms. So that's where some of this came from just in case anybody is wondering.

Alex, over to you.

Alex Deacon: Thanks. Can everyone hear me okay?

Man: Yes, a little bit faint.

Alex Deacon: I'm just curious - is it safe to assume the questions from us are one of many questions that may be submitted from other groups, SOs and ACs? Or are these questions the only questions that will be submitted to the data commissions - or for the panel? Thank you.

Susan Kawaguchi: Well for the data commissioners panel, the former high-interest topic, I can't remember what they're calling it now, I would assume that these will not

be the only questions, but we wanted to prepare questions to submit to them just in case we, you know, they do have the opportunity to answer. But these questions will also be used in our Wednesday working session with some of the data commissioners.

So, Stephanie.

Stephanie Perrin: Thanks, Susan. Stephanie Perrin for the record. I see Peter Kimpian is not on the call. I understand there are other questions that they are generating for the commissioners probably for that big public interest whatever it's called now panel. So if a lot of questions that they will be trying to find the answers for in the next week. So we should probably try and keep it, you know, as close to what we need as possible because I gather they've already got a view for that other big panel. Thanks.

Susan Kawaguchi: Thanks, Stephanie. Any other questions? Lisa.

Lisa Phifer: Thanks. Lisa Phifer for the record. Just in follow-up to what Stephanie just said, we believe that some of these questions that this working group generated might be addressed in that cross community session on Monday but of course there will be many questions from many groups during that cross community panel.

The idea then would be in our follow-up session on Wednesday, which will just be with our working group, that we make sure we hit any questions on this list that weren't covered on Monday that we feel are really of particular importance to our work. So in terms of reviewing this draft list of questions, any feedback that this working group can provide about which questions may be of most importance, probably would help us in organizing that Wednesday session.

Susan Kawaguchi: Thanks Lisa. Is that an old hand or a new hand, Stephanie?

Stephanie Perrin: It's actually a new hand. I should have mentioned that the eight questions that I had generated, I originally generated as sample questions for Peter or just to get him some idea of anticipated questions that I thought people might raise before we even had the panel down. So obviously I was concerned about what would be useful for our group in particular that they would go either place. So I mean, I think that we will probably want to do follow up from that panel because there's so little time on that main panel.

Some of the questions, so for instance, there's a bit of concern about the transfer of data subsequent to the thick Whois. I don't think the commissioners really even understand thick Whois and what's happening with the data with respect to registrars versus registries versus Whois. So that's kind of a deeper follow up that we might want to talk about if we want to get down to that level, if it's answered in the first panel. So I don't know how you kind of do this on the fly if we are indeed on Wednesday and a lot of this stuff will be discussed on Monday, we may have to (recluster). Thanks.

Susan Kawaguchi: I agree. But, if we have a very focused list of questions to start, you know, coming from the working group generated by the sub team and then prioritized by the working group, I think that will put us in a good place for making some decisions on what has or has not been answered in the Monday panel, and then, you know, maybe, you know, just create a new document for the Wednesday panel on-the-fly to make sure that they are, you know, they know what we're going to be asking on Wednesday and be able to immediately get into that discussion.

It isn't a very long time period, as Lisa has noted in the chat, it's an hour and 15, so we're going to have to think fast and talk fast probably. And if there's no other questions, I'm going to hand this back to you, Michele.

Michele Neylon: Thank you, Susan. Michele for the record. Just before we proceed further with this, just as a personal note, this is a good opportunity for us to ask questions of people who have the expertise. They don't come to ICANN

meetings much, God only knows when they will come back again, if ever, so let's try to make the most of this opportunity that's presenting itself.

Okay then and also as well just another note on this back if you look in the chat Lisa put in a list of, excuse me, people who have been invited to come. And I believe Peter Kimpian is looking after issuing a formal invite to the lady from Interpol, Ms. (Gomens), I don't know how to actually pronounce that, as they would need a formal kind of lettered invite. I'm not sure there's anything else we need to add on that particular topic. Anybody have any questions or anything else or should we move on?

Just please remember, you've got until the end of this week to get your feedback and input on this into us because we have to get the questions and everything over to them as quickly as possible.

Okay then, moving onto the next item on the agenda, the - so the Question 2.3, continuing deliberation on the purpose charter question. So Question 2.3, what should the overarching purpose be of collecting, maintaining and providing access to gTLD registration thin data?

So we sent out another one of those polls there last week and we had a number of people who replied. They are up on the screen there. And I believe, Lisa, was then circulated to the working group as well or not?

Lisa Phifer: This is on the meeting materials page, when we sent out the agenda this has been posted on meeting materials so it is available there.

Michele Neylon: Okay perfect. Perfect, thank you. Okay then so we've gone through - there's a number of people who have replied to this. And the overall participation this time around we had about 25 people, okay 26, 26 people who responded. So, you know, Question 2, showed consistency with ICANN's mission be a goal for each RDS purpose?

And most of you - most of those of you who replied to this seem to think that it should - that there should be an alignment there. Does anybody have any other thoughts, I mean, do we want to go through these individually or do we want to move on? Any comments, any thoughts?

Okay, so the third question then was, showed consistency with other consensus policies that pertain to gTLDs be a goal for each RDS purpose? Marc, please go ahead.

Marc Anderson: Thanks, Michele. Marc Anderson for the record. Sorry, I'm back on the previous one. I'm looking at one of the, I guess it's response Number 4, the person that responded, you know, stated that he or she tried to find a current copy of ICANN's mission statement, blah, blah, blah.

On the previous week's call, the leadership team has put together a really good summary of the relevant portions of ICANN's, you know, mission statement and the portions of the charter that applied, you know, to our effort. You know, I thought that was really good and seems to address this person's question. So, you know, maybe that could be - I guess Lisa is linking to that I think. I just thought that was really good and worth noting and calling out here. Thank you.

Michele Neylon: Thank you. That's very helpful. And thank you, Lisa, for providing a link to it. Vicky, please go ahead.

Vicky Scheckler: Thank you. It's Vicky Scheckler for the record. And I apologize, I've missed the past couple of meetings. And I haven't read the mission either so, apologize in advance. But to the extent there are concerns about using the Whois information for civil enforcement or criminal enforcement, I think we need to address that. It's been a historical way the stuff has been used for a long time. And, you know, people will argue about whether or not I use is within the ICANN mission one way or the other.

So again I apologize for not having been on the past couple of calls, but I just want to make sure that there isn't an issue there with the idea of using this data for law enforcement purposes.

Michele Neylon: Okay. Anybody have any thoughts or comments, reactions? Jim, go ahead.

Jim Galvin: So thank you, Michele. Jim Galvin for the record. I want to be careful, you know, because this working group is carefully stepping through the various elements of purposes. I think the question that was just asked, you know, kind of broad and asking for a lot of - a fairly broad conclusion. I think in general it is safe to say I leave for my point of view, yes, we want to support, you know, law enforcement efforts in security purposes. But we have not as a group really fully deliberated on that particular question.

So I just - I guess maybe it's a question to you as the chair here, just want to confirm that, you know, a general question was asked, you might get a few interesting opinions that we haven't established consensus on that point yet at all, correct? Thank you.

Susan Kawaguchi: I think Michele has stepped away for a bit. Alan, would you like to make a comment?

Alan Greenberg: Thank you. Thank you very much. I'm not sure the question is within our scope. What is admissible in law enforcement basically depends on the law, and whether things gathered, information gathered in some ways or information that is found in different ways may or may not be admissible evidence. I don't think we can stop information that we are making available from being used by law enforcement regardless of what our intent was in making it available. So maybe I'm missing the point here but I don't think that's within our domain to decide.

Michele Neylon: Thanks, Alan. Theo.

Theo Geurts: Thanks Michele. Theo for the record. So I think actually there is an underlying question there, and that is the question of what is actually going to be in RDS, and we are not at that point yet and people are getting sort of uneasy to wrap their hats around this and basically complex thing that we are building. And I think it's a little bit natural to start to ask questions like what's going to happen with this, what's going to happen with that? But we are not at that point yet. So that's my take on it. Thanks.

Michele Neylon: Thanks, Theo. Vicky and then Stephanie.

Vicky Scheckler: It's Vicky Scheckler. Thanks. And I apologize, the question was probably phrased inartfully. I want to make sure that we are not foreclosing that possibility by saying we want to be consistent with the mission and then having a fight about how to interpret the mission. And from what I've heard from the people who have spoken so far, it sounds like we're not foreclosing anything at this point. I just wanted to make sure that was true. So thank you.

Michele Neylon: Talking to the wall there, (unintelligible). Stephanie, go ahead please.

Stephanie Perrin: Thanks very much. Stephanie Perrin for the record. And this could burn a lot of time so I'll make a brief. I think this is, as Theo says, this is a really complex matter. As I said, nothing precludes law enforcement under their own laws, charters, foundations, not foundations but constitutions, from getting access to the data that is collected first by the registrars and their resellers and secondly by the registries. Nothing that we do should preclude that.

However, that is quite different from setting up a disclosure mechanism whose purpose is to allow streamlined access for criminal and civil investigation. Those two are separate. And because many laws interfere with the creation of a publicly available mechanism for finding out data about individuals, not just privacy laws, I think that we have to keep this in mind. We certainly, as responsible stakeholders at ICANN, want to ensure that offenses

get investigated. But it is the how that we are going to spend a great deal of time on in my view. Thank you.

Michele Neylon: Thanks, Stephanie. I put myself in the queue there as well. Just personally, you know, as, I mean, to reinforce what Theo has been saying, I mean, at this juncture nobody is saying that certain things won't be allowed or permitted. I mean, the only thing I think that we could probably agree on is that illegal whatever usage of data if that's happening now, while it shouldn't be happening, we're not going to design a policy that is, you know, spammer friendly or something. Anything beyond that isn't an issue.

Bear in mind that, you know, the entire thing behind this entire discussion in the RDS is to come up with a replacement, a new system, etcetera, etcetera, etcetera. Nobody is saying that, as others have said in different ways, that anything is going to be forbidden. We're just, you know, discussing some of the permutations of this. And if Stephanie rightly points out, it is (unintelligible) straightforward. Okay so I will take myself out of the queue.

Okay then so, does anybody else have anything further on that particular point or can we safely move onto the consistency with consensus policies bit? Okay, moving on to the next one. Consistency with -- should consistency with other consensus policies that pertain to gTLDs be a goal for each RDS purpose?

A number of comments on that. But the bulk of people did agree with that as a general concept. Does anybody have any comments or anything they wish to add? Marc please go ahead.

Marc Anderson: Thanks, Michele. Marc Anderson again for the transcript. You know, just sort of, you know, restate what came up on the last call for little bit on the tail end and then just sort of to echo, you know, my comments. You know, I absolutely agree with this statement, you know, this, you know, this policy should be consistent with other consensus policies, you know, to do

otherwise, you know, would create confusion and, you know, uncertainty as we exit this PDP. So, you know, absolutely our end result should be consistency.

You know, however on the last call and, you know, for those of you who were on that call, I apologize for restating this but, you know, I want to make sure that, you know, our goal of consistency with other consensus policies doesn't unnecessarily constrain ourselves. So, you know, if we feel, you know, something from another consensus policy or another area needs to be revisited or changed, you know, we shouldn't let that constrain ourselves. And that was sort of the point I made in my comments last week. Thank you.

Michele Neylon: Thank you. Lisa, over to you.

Lisa Phifer: Lisa Phifer for the record. Marc, I just want to share with you and everyone else that when the leadership team reviewed the answers to this particular question noting that the level of support will while still a majority was less than the others, we realized that several people made a note that other policies might be affected by this working group's recommendations. And one person even noted that many of those consensus policies were developed with the current Whois in mind. Should this group be looking at a new next-generation RDS, then of course there would be resulting recommended changes to policies.

It may be necessary to actually rephrase this goal a little bit to reflect that, but this working group's policy recommendations might require some updates to the aspects of other policies that specifically relate to Whois and RDS. If this working group's recommendations were to introduce inconsistencies with other policies, the way that would normally be handled would be in the implementation review team, they would be given direction to identify the updates that would be needed to other policies to maintain that alignment.

For example, if there were new data elements or new terminology introduced that would be taken care of as part of the implementation of an approved policy. So hopefully that helps put into context what would happen should there be some alignment needed with other policies that are directly related.

Michele Neylon: Thank you, Lisa. Okay, anybody else have any comments or thoughts? Okay, perfect. Just one note on this - Michele for the record, sorry - you know, some of the obvious thing with some of this is down to the fact that older policies refer to Whois specifically and refer to very kind of Whois-specific items whereas some of the newer contracts and policies use language which is much more flexible. It isn't as kind of tied to a specific system or process.

Okay then, moving on, last one there, so should - to provide a framework that enables compliance with applicable laws be a goal for each RDS purpose? And again, the majority, 88% of you, agreed with it. However, 12% of you, in other words three people, didn't. So does anybody have any thoughts or comments or anything on that?

I'll let Lisa go first and then Marc.

Lisa Phifer: This is Lisa Phifer. I would like to note that the couple of people that disagreed with this question weren't necessarily disagreeing that compliance should be facilitated but that's not all of the purposes are actually going to be related to applicable laws, but there are some general laws applicable that might not apply in certain cases.

So one way to deal with that observation would be to add a footnote or something like that to the statement of purpose that acknowledges there may be some purposes that are not affected by law.

Michele Neylon: Marc. There I go again speaking to my phone, all by myself. Michele again, sorry. Marc, go ahead.

Marc Anderson: Thank you, Michele. Marc Anderson for the transcript. I think Lisa kind of answered my question. You know, personally I think this is a particularly important RDS purpose. You know, I feel as though, you know, we're, you know, within this PDP we are unlikely to anticipate, you know, every possible scenario.

And so, you know, for us it's important to create a framework that, you know, enables the implementers of RDS to be able to comply with applicable law. You know, so personally I think this is a very important goal and so, you know, I was - I put my hand in the queue there, you know, to sort of try and get the people that disagreed with that to provide a little more color around why they disagreed. But, you know, Lisa's comments made sense there; I thought that was helpful. Thank you, Lisa.

Michele Neylon: Thank you. Yes, I mean, just if you look at some of the comments - Michele speaking for the record - you'll see that some of them - some of the people who kind of disagree I think might be disagreeing more with a specific choice of words as opposed to the spirit of the concept. So generally speaking I don't think there is anybody actively disagreeing.

Okay then I think we are done here. Any final comments or thoughts or queries or anything? No? Okay perfect. I'm trying to work out where I am on this agenda. So I have to scroll up. Okay.

Right then, so we're now back to the draft here. Sorry, Stephanie, go ahead.

Stephanie Perrin: Stephanie Perrin for the record. Just a quick question, Michele, is the leadership team finding these polls useful? And it's an honest question. I'm just wondering if it's helpful or are we going in circles because some of the questions are so hard to answer, (unintelligible) in our discussion of the last one. Thanks.

Michele Neylon: That's a good question, Stephanie. How do I answer that? Okay, I can answer for myself, I'm not going to even try to answer for Susan, David or Chuck. I think in some respects, I think it depends on what we are asking about specifically. And I think when it comes to - to this particular exercise, the refinement of the statement of purpose, trying to go through each and every kind of comma and full stop and choice of words and everything else in some respects probably isn't that helpful - isn't helping us in the overall.

I think that's what you're seeing to a degree in the kind of answers that we are getting back because the questions themselves are quite difficult; which I suppose is part of the reason why anything around Whois or changes to it always causes headaches. So I think it's helpful even when it's not being helpful, which I know sounds terribly counterintuitive.

But I suppose in some ways because you're not getting clear answers on some of these things that can actually help you, just kind of realize okay, then - it's as confusing or it's as difficult as we thought it was. I don't know if that helps you.

Susan or David, maybe you want to jump in and totally disagree with me, which would be perfectly okay.

Susan Kawaguchi: Wouldn't be the first time, Michele. This is Susan Kawaguchi for the record. No, I think these polls serve a purpose. And, you know, as Lisa indicated in the chat, you know, we're adding these, you know, rough agreements to a document to be reviewed again later. So I think it's such a - we are dealing with such a large issue that we have to just break it apart in pieces.

Michele Neylon: Okay thanks, Susan. Mr. Deacon, good afternoon.

Alex Deacon: Good morning. So I probably should have asked this a few minutes ago, but, I noticed in a comments to the poll several times someone asked, not sure it

needs to apply to each purpose. So I think that's a good question, assuming I understand the question. You know, we've listed sort of goals for each purpose. Is the assumption that each purpose must meet every one of those goals? I didn't think that was the case. I'm not too sure that could even be the case. But I just want to clarify as to what people have been assuming with regard to the purposes and how or if or how much they meet the goals that we've outlined there in that document that's on the Adobe. Thanks.

Michele Neylon: Thanks, Alex. Anybody have any thoughts? Okay. Right then, sorry, Stephanie, go ahead.

Stephanie Perrin: Sorry. Stephanie Perrin for the record. I clicked the wrong button there for a second. This is probably not going to be construed as helpful, but, I think that this is one of the fundamental flaws of approaching such broad policy questions from a multistakeholder perspective. I mean, I do hope if the criminals showed up at ICANN and formed their own constituency and intervened on these matters that we would not consider them a valid stakeholder group.

Nevertheless, that point illustrates one of the flaws of the multistakeholder model. A group shows up, has a purpose, that does not necessarily make it a legitimate purpose for the data collection of the end-users, who we all ultimately serve and for whose benefit ICANN was established. I mean, it wasn't established just to regulate the land office business of sale of domain names; it also was established to serve end-users.

So, I think our perspective on it is going to be fundamentally flawed - fundamentally different on that question. And it's an important point about Alex raises. And probably something that needs to be (unintelligible) along with the rough agreement that we reach. There are points of tension that we obviously reach in some of these questions, and I hope they are being noted as well so that we can say oh yes, we ran into that a while ago. Thanks.

Michele Neylon: Thank you, Stephanie. Michele for the record. The criminal stakeholder group concept, it's an interesting one. Not something I'd actually laugh at for the simple reason that due to the nature of the way ICANN work, it's almost a viable. It would make things quite interesting. In another community that I'm involved with, how can I word this genteelly?

Somebody who themselves personally and their employer, or maybe they actually owned the business, make their money from DNS abuse and actively engaged quite weird discussion with an anti-abuse working group. It was quite interesting. And eventually they overstepped the line and are removed but it was still quite an interesting and weird experience.

Okay then, moving back to this. The draft purpose document, I suppose one way of approaching this, and I think this is something that we did discuss a little bit in the leadership group, you know, trying to go through every single line in this line by line by line and kind of discussing each and every angle of things, could take a rather long time. Probably wouldn't actually advance us too much.

So I suppose in some respects, looking at this more at kind of a high-level in terms of are there any things in here that people disagree with violently, if they could flag them, and also to specify exactly what they are rather than trying to trying to go through each and every single one. Lisa, go ahead.

Lisa Phifer: Thanks, Michele. Lisa Phifer for the record. One of the reasons that we circled back to looking at the statement of purpose was actually where we had gotten to when we were deliberating on the charter question of privacy. We had a couple of weeks of trying to ground ourselves in why data protection laws mean when they refer to the purpose of collection, the purpose of access, the purpose of processing.

And so that led us to, if you recall, a couple of poll questions about whether we needed to develop a statement of purpose. And now we are back to the draft that we had previously created I think last September.

So as we revisit this it might be helpful to think about those data protection concepts and whether this statement of purpose actually supports those concepts, that is if it covers the aspects that a good statement of purpose should include, and if there's anything here that would not make it, I don't know how to say this, but pass muster as a statement of purpose from a data protection law perspective. And maybe those who are data protection experts in the group can comment on that.

Michele Neylon: Thanks, Lisa. Stephanie, I'm going to pick on you. In the first instance.

Stephanie Perrin: Stephanie Perrin. Sorry, can you run a question one more time, Michele?

Michele Neylon: Okay sorry. I didn't actually ask the correct question. I was asking you to answer the question that Lisa had posed. So the question is...

Stephanie Perrin: Which is again?

Michele Neylon: Does the draft statement align with the concept requirement of concepts and requirements for data protection that a party been discussed? So is there anything in here, I mean, put another way, from a data protection, data privacy perspective, is there anything here that you find completely (unintelligible) and if so what is it and why?

Stephanie Perrin: Okay, so hang on while I enlarge everything because I'm having problems reading it. Okay so definitely no problem with - about the lifecycle of the domain name. An authoritative source of information about domain contracts, domain names and name servers for gTLDs, not a problem. Identify domain contacts and facilitate communication, not a problem providing that the use of

facilitate is moderated, in other words that doesn't mean - facilitate does not mean open access, right?

Provide a record of domain name registrations, yes, that's a good one. And to promote the accuracy, generally speaking, yes, it's the implementation of that that becomes a problem because according to most data protection law, the information needs to be as accurate as necessary for the purpose. And so continually refreshing data so that it's accurate for secondary purposes is not a legitimate activity...

((Crosstalk))

Michele Neylon: Okay, Stephanie, it's Michele. Just interrupting you slightly. I don't disagree with you but just without going into secondary and tertiary and all that kind of thing, can we agree that the concept of accurate data isn't a problem from a data protection or privacy perspective? At a high-level?

Stephanie Perrin: Absolutely, and indeed, yes, yes, at a high level all data protection law says data should be accurate. You don't want it to be inaccurate, that's where your criminal element starts, you know, doing identity theft and all the rest of it.

Michele Neylon: Okay perfect.

((Crosstalk))

Stephanie Perrin: So we agree.

Michele Neylon: No, that's fine. We agree then, okay good. So based on that we can all go home now. No sorry, I'm joking. I know once we get into the finer details, the implementation and all of that, so this is meant to be the statement of purpose which is meant to be at a higher level. So you're happy enough with that, you don't have a massive issue with it. Okay fine.

All right then, does anybody else have any questions or issues with what we have at the moment? Bearing in mind, this is a statement of purpose, it's high level, it's not - we're not getting into weeds or anything else about the actual implementation. Just at a high level, does anybody have any issues with what we have? Theo? Susan? Anybody? Okay.

Lisa, please go ahead.

Theo Geurts: No comments from me, Michele.

Michele Neylon: Thank you, Theo.

Lisa Phifer: So asking your question in a slightly different way, Michele, this is Lisa Phifer for the record. If we were to poll on this statement of purpose as you see it in front of you, would everyone be supporting the statement of purpose? And if not, what objections would you be raising?

Michele Neylon: And objecting to the choice of font color is not a valid objection just for the record. Okay, interesting. Nobody has any objections? Everybody's happy with this? Okay so maybe, let's use the quote, unquote - oh, hold one, we have somebody. Marc, please go ahead.

Marc Anderson: Thank you, Michele. Marc Anderson for the record. I just want to echo what Lisa Phifer put in chat, you know, I don't see anything here that I have heartburn or objection to. I guess I would want a little more time to see - I don't know that this is complete though. You know, so nothing here is causing the concern. But, you know, are there other elements that we might consider? And I guess I feel like I would need a little bit more time to answer that question. Thank you.

Michele Neylon: Thank you. Mr. Deacon.

Alex Deacon: Thank you, Michele. Alex Deacon for the record. I think another question we need to clarify, at least for me, is understanding if these are primary or not. I know we discussed that briefly earlier but my assumption is that these are all primary. That's a question. Thanks.

Michele Neylon: Okay thank you. Just using the online kind of agree, disagree, you know, the very kind of rudimentary polling that exists within the - within Adobe Connect just to take a kind of very rough kind of sense of people - people's feelings. If you could just, you know, signal whether you are supportive of what's there at the moment, just what's there, if you don't have an issue with what's there.

And I'm going to work on the basis that if you don't - if you don't support it or disagree with it, that you just haven't worked out how to use - how to vote on this or something, I don't know. I'm going to assume that you don't care one way or the other or something. I'll make some kind of dangerous assumption anyway.

And just for those who aren't on Adobe Connect, somebody was asking Stephanie whether there were any elements missing and what she pointed out was that (DP)s, will likely ask the question, how does the registrant get access to personal data given the current environment of resellers, ISPs, registrars, etcetera, etcetera. But she pointed out that that is an implementation issue and doesn't belong in the statement of purpose.

And Lisa is also reminding you that you can use the disagree if you do not support any portions of the current draft statement. Though several people have not expressed any either support or disagreement. And I'm confusing the ICANN staffers from other people. So, Tjabbe, please go ahead.

Tjabbe Bos: Yes, hello. Can you hear me?

Michele Neylon: Yes, perfectly.

Tjabbe Bos: Okay thank you. This is Tjabbe Bos for the record speaking. On the question whether these purposes may raise concerns from a data protection perspective, I would hesitate to answer with a clear yes or no at this time. But I would consider that there might be issues from at least from a European Union data protection law perspective, since there might be issues with how specific these purposes are.

As you know, there are some requirements with regards specificity and how explicit purposes should be for the processing of personal data. So most issues might come from the fact that in the exercise that have led to the development of these purposes for both RDS, for the services and for the processing of registration data which I suppose may have complicated things.

So to sum up, I can't say yes or no at this point in time but I think we should carefully review it from a data protection perspective, which we have not done before, and then take into account the requirements that European Union legislation says on the specificity of purposes for the processing of personal data. Thank you.

Michele Neylon: Okay thank you. And this is Michele for the record. Just noting a couple of things that Lisa put in the chat and just connecting this back to what we were discussing at the - the first part of today's meeting. Lisa is saying possibly we could ask the data protection people in Copenhagen for guidance on how specific the purposes must be.

So do we think that there's a way of framing that as a specific question to them? And if so, you know, what would that question be? I'm not asking you to answer that immediately but maybe that's something to look at. We have until the end of the week to do so. Vicky, please proceed.

Vicky Scheckler: Thanks. It's Vicky for the record. While I appreciate that the data commissioners are going to be here, and to get their insight, I did read the (unintelligible) this week and there are several provisions that point to the

local or the national authority where there might be further legislation. So just to caution that there's still a lot of guidance that needs to come out from the EU and each particular state if they choose to take advantage of any of the areas where they're allowed to legislate under that regulation. So you may want to keep that in mind, it may be premature to take the guidance that we hear as gospel. Thank you.

Michele Neylon: Okay, thank you. Just as a side note, as an Irish registrar, just the Irish data protection commissioner, generally speaking, will not make statements on anything unless there's a specific issue and tends to support whatever the Article 29 groups say. They tend to issue guidance when there are specific issues but not in - they aren't going to do something unless a specific issue arises.

Stephanie and then Theo. Stephanie, please.

Stephanie Perrin: Yes, I think - Stephanie Perrin for the record. I think everybody should be clear, they are not going to give legal opinions, they're not going to give determinations. They may well describe how the concept of purpose is interpreted and there are documents in the Article 29 working group that do that. They may add some stuff on how the GDPR will, you know, will be implemented in terms of enforcement. But if anybody thinks they're going to get up there and say anything more than they've already said in their letters to ICANN, and the last word we got from (Budarelli) was that nothing has changed in the letters that the Article 29 group has been sending.

So I think everybody should just go back and read what they've already sent and not expect to get further detail. It's unfair, they're not going to reply off the cuff in 10 minutes. Thanks.

Michele Neylon: Thanks, Stephanie. Theo.

Theo Geurts: Thanks, Michele. And this is Theo for the record. So are we going to get some guidance there may be in Copenhagen it can help us forward. But how about this, and this is just what Vicky just mentioned, it's maybe not - it shouldn't follow the gospel here, but what is the ultimate truth here? And the truth, I mean, we are creating an RDS. And a few years from now that might be even a realization and it might be even working. How would we feel about it that we come to the conclusion that we are still operating against a whole bunch of laws? Maybe not especially EU ones.

And we actually find ourselves in a situation that we are going to get - that ICANN is going to get a fine, just hypothetically. I mean, that would actually be a point for us that we haven't done our jobs. How do we prevent such a situation there? And I know this is extremely complex but I think it's mission critical for ICANN to make sure that we are not going to have any issues here down the road. So how can we turn gospel into facts? Thank you.

Michele Neylon: Thanks, Theo. Okay then, anybody else on this particular topic? I assume, Vicky, that's an old hand so I'm going to ignore it unless you speak up. Okay. Just as an action item based on the discussions we had - we've had so far today, we're - I think what we'll probably end up doing is getting on board a couple things. First off, we will probably poll you all informally on the overall purpose statement, statement of purpose, statement of purposes.

Actually could somebody please tell, is it going to be statement of purpose or statement of purposes? It's going to drive me nuts. Not a big deal but I'd like to know at some point. Purpose, thank you.

Secondly, we are very conscious of the fact that we need to get - take advantage of the opportunities as they present them. And (unintelligible) and make use of (unintelligible) given with respect to the data protection people. I'm getting some weird sounds here. I don't know what's going on. Has somebody left their mic open? If you have, could you please mute it?

Okay then, with respect to the thing here - okay then, so moving past this with the statement of purpose, which contains purposes, thank you, Lisa for untangling that for me. Okay then so during the next - so the next meeting we have is next Tuesday the 7th of March, same time as normal. Then during the ICANN meeting in Copenhagen we have a couple of sessions. We have our face to face on the - on Saturday the 11th of March between 1:45 and 4:45.

And then we have a wrap up on the Wednesday between 1:45 and 3:00 pm. Now there's also of course several other sessions that are being held throughout the week that are on topics that are pertinent to the work of this working group. So I'm sure there's quite a few sessions that people will be able to attend or should be looking at attending.

Now due to the way the schedule has panned out, I know that there are conflicts for some people. Unfortunately those are unavoidable. Just try to attend the meetings that you - the meetings that you can attend and you know, just do the best you can. Stephanie, please go ahead.

Stephanie Perrin: Sorry, that was an old hand, Michele.

Michele Neylon: Oh, okay. I must be blind. Alex, go ahead.

Alex Deacon: Thanks, Michele. Alex Deacon. So because the meeting in Copenhagen does overlap with the PPSAI implementation review team, you know, one of the things we discussed for those of us how are also on that team this morning was that when the agenda - there'll be, you know, time slots and they'll try hard to stick to the times for a specific topic. Hopefully this group when it does finalize the agenda for Copenhagen can do the same. So we can jump back and forth depending on, you know, the topic. I think that would be helpful. I know it's almost impossible to, you know, to coordinate 100% but just anything we could do to make that a little bit more easy would be great. Thank you.

Michele Neylon: Noted, thanks. Alex, do you or anybody else who's active in the PPSAI - sorry, implementation group - has that group finalized anything yet in terms of their activity yet or do we - I mean, has - is that still kind of pending or how is that...

Alex Deacon: No, it's still - this is Alex. You know, we're still in the beginning of it. I think we're making progress. We have an early draft of documents and agreements but there's still a lot of work to do. We also have a plan which so far so good but you know how things are. So it's still early days I guess is the answer to that.

Michele Neylon: Thanks. Sorry, I phrased my question badly. You were asking - and it's not unreasonable that this group provides some kind of schedule for its activities during the collision in Copenhagen, so that people can choose to prioritize which session they attend.

Alex Deacon: Right.

Michele Neylon: Has that other group done similar yet or do they plan to do you know?

Alex Deacon: Oh I see. I'm sorry. Yes, no that hasn't happened yet. I think (Amy) has the action, from ICANN staff, to put that together. And I'm assuming some coordination can happen between us and (Amy).

Michele Neylon: Okay perfect. Sorry, no my question was unclear but the update on that group is helpful because officially I'm meant to be there but haven't been able to attend it because hash tag day job, hash tag moving house, hash tag lots of other things. Okay, right then. Is there anything else that I've overlooked that we're meant to be covering today? Or shall I give you back a little bit of your evening, morning, afternoon, whatever time of day it is wherever you are? Lisa, have I missed anything? Marika, do you want to add anything?

Just in case - for those of you who may or may not know, the ICANN Policy team has - will be doing a pre-Copenhagen policy update which will be running - there are two sessions, one at 10:00 am UTC and the other at I believe it's 7:00 pm UTC, though I probably got the time wrong. And feel free to kill me.

And if you want to sign up for either session there are details on the ICANN Website. This can be helpful to bring people up to speed on what's going on in the kind of - the entire landscape of ICANN policy development and everything else.

Not sure there's anything else logistics wise. So we will speak to you all next week and I'll give you back a few minutes of your evening. Thank you.

Woman: Thanks, Michele.

Susan Kawaguchi: Thanks, everyone.

Michelle DeSmyter All right, thank you. Again, the meeting has been adjourned. Operator, please stop our recordings.

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