

**ICANN
Transcription
GNSO Temp Spec gTLD RD EPDP call
Thursday, 09 August 2018 at 13:00 UTC**

Note: Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at: <https://audio.icann.org/gnso/gnso-epdp-temp-spec-registration-data-09aug18-en.mp3>

AC Recording: <https://participate.icann.org/p2z1tx9n4wy/>

Attendance is on wiki agenda page: <https://community.icann.org/x/nAtpBQ>

The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page <http://gnso.icann.org/en/group-activities/calendar>

Coordinator: Thank you, Terri. Recording has started. You may now begin.

Terri Agnew: Thank you. Good morning, good afternoon and good evening and welcome to the third GNSO EPDP Team meeting taking place on August the 9, 2018 at 1300 UTC for two hours.

In the interest of time, there will be no roll call. Attendance will be taken via the Adobe Connect room. If you're only on the telephone bridge would you please let yourself be known now? Hearing no one, we have listed apologies from Farzaneh Badii and Milton Mueller from the NCSG and Georgios Tselentis from the GAC. They have formally assigned Collin Kurre, Tatiana Tropina and Chris Lewis-Evans as their alternates for this call and any remaining days of absence. Thomas Rickert of the ISPCP has sent his apologies without assigning an alternate.

During this period, the members will have only read-only rights and no access to conference calls. Their alternates will have posting rights and access to conference calls until the member's return date. As a reminder, the alternate

assignment must be formalized by the way a Google assignment form and the link is available in the agenda pod to your right.

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 updating your statement of interest please email the GNSO Secretariat.

All documents and information can be found on the EPDP wiki space and there is an audiocast for nonmembers to follow the call. So please remember to state your name before speaking. Recordings will be circulated on the mailing list and posted on the public wiki space shortly after the end of the call. Thank you very much and I'll turn it back over to our chair, Kurt Pritz. Please begin.

Kurt Pritz: Thanks very much and thanks, everyone, for being on the call for a timely start. So I've got my dog-eared copy of the temporary specification in my left hand and the spreadsheet that Berry Cobb and ICANN staff have put together that summarizes all your comments on my laptop as well as this page, so I'm ready to go.

Just a couple administrative announcements before we start and then we'll repeat them at the end, we're getting close on deciding on offsite meeting location and time but not ready to announce but hope to get through that today so look for an announcement today so you can plan your travel and for those of us who haven't traveled on ICANN's dime before, or for a long time, we'll include some details about how to go about arranging that travel.

And then there's been questions on the list, you know, we re-jiggered the – the schedule for submitting survey comments so on the third survey, the third quadrant, we'd like those submitted by Wednesday – and this is in writing in the slides – on Wednesday August 15 at the close of business, so essentially

1900 UTC would be great. So that's the only thing I have on the administrative things.

I'll tell you that about three o'clock in the morning I'm laying there thinking about this, which is a pretty sad commentary, and on how this is going. And, you know, we're all concerned about timeline and watching the progress of this triage step in the first day, I had some thoughts. So one big idea that I haven't completely fleshed out in my mind but I want to kind of prep you for, is that, you know, we continue this triage effort because we're required to and also there's great utility to it.

But we can – we could continue this sort of offline, that is you continue fleshing out the survey and the – our staff support takes that on board, summarizes that, we write an issue summary and plug it into our triage report for your review, so we could sort of do this offline and dive into the, you know, dive into the, you know, next – the part of the substantive discussion where we're actually debating the merits of the – and the possible changes to the temporary specification, you know, as early as next week.

So let's see how this meeting goes and how far we get through this work, and then I'll write up my thoughts and send them around to you, but I just wanted you to kind of understand where I'm coming from that, you know, we can't afford this – of the 10 weeks we have we really can't afford to spend a month on triage part of it.

You know, I realize, though that, you know, I personally think this triage portion of it has considerable value so it's sort of a balancing of whether we want to, you know, restart and get into some final decision making or we want to continue with the triage. So I hope that was somewhat coherent and later today I'll try to make that more clear in an email to you.

So before we get into the substance, are there any comments on anything I've said so far or any points of order or does anybody want to bring anything

else up? Okay great, so if you – let's see, I'm just reading – I'm going to try to do a better job of monitoring the chat so I'm – yes, I certainly have that – your comments on board, Kavouss and also Ayden.

So today we're reviewing sections where there's somewhat more agreement on them so I want to try to conduct the discussion in a slightly different way and in the way I described during our very first meeting about essentially going around the room and that might get us through the material faster. So we'll give this a try and see – and see how that goes. Of course anybody raising their hand at any time will, you know, get the ability to speak.

We've seen the beautiful (unintelligible) and green chart that's a little more red than – well I had hoped but nonetheless is very instructive. And I think you know, in my – in the paper that I've started that's going to be the triage document, I'm going to point out that even where there's green, the green often indicates that the sentiment of the section is agreed to but there's still some edits suggested so, you know, universally we're going to have discuss each section and decide on the final wording of that.

So with that, I want to get into where we left off and the substantive discussion of the temporary specification. And we left off with – starting with Section 4.4.7, the famous Section 4.4 at – and so this is – let's see this is helpful or not. One is – so the first one is 4.4.7, you know, enabling the publication of technical and administrative point of contact, administrating the uses of data, administrating the domain name holder at the request of the registered name.

So I note that in that section just the registrars and ISPs have objected to this. The registries did too but on the basic ground that we need to revisit this entire section due to the recent input that ICANN's received. So does somebody from the registrars and the ISPs, can you read the issue summary and does that sort of capture your issue? And even if you question the utility of the voluntary data submission, you know, adding the administrative and

technical contact, does that rise to the level of objecting to make it voluntary?
So I'd like to hear from somebody either from the registrars or the Internet
service providers. Thanks, Emily. Go ahead please.

Emily Taylor: Hi. I can take a swing at it and then no doubt colleagues can correct me or
add or disagree. I think that it was not so much question of voluntary nature
of these but just to say that, you know, we – these technical and
administrative points of contact are now the sort of relic from a former age
and it's very hard to justify on the data minimization principle in the GDPR the
collection and let alone other processing of the data. I mean, on the last call
in the chat I think we were hearing from some (unintelligible) and colleagues
who were like, yes, yes, we never use these. And that would be the only
possible justification that I could think of.

But really these, you know, so if we're thinking about how to fit the collection
of these data into a GDPR-compliant framework, we're really struggling. So
that was where I think we were coming from but obviously other colleagues
may well have further comments to make on that. I hope that's clear and I'm
very happy to clarify any points in my statement.

Alan Greenberg: Kurt, if you're speaking you're muted.

Kurt Pritz: All right so – so I understand but it kind of says that you think the utility of the
information is outweighed by some other interests. You know, okay, so all of
a sudden I'm very concerned about...

((Crosstalk))

Kurt Pritz: ...one item and we have a couple other people in this. Go ahead, Emily.

Emily Taylor: Sorry, yes, it's rather – I think it's a bit stronger than questioning the utility of
the voluntary data submission. It's actually more a question that we don't

think it can possibly comply with the data minimization principles in the GDPR
so it's a stronger...

((Crosstalk))

Kurt Pritz: Right, so I think...

Emily Taylor: ...oh, you know. Yes.

Kurt Pritz: Okay. Thank you. So I think Alex put it well that you're objecting to the collection of data because it's the minimization principle, not the voluntary collection that it's voluntary. Kavouss.

Kavouss Arasteh: Yes, good morning, good afternoon, good evening. In view of the limited time available, I think perhaps, Kurt, you may need to revisit the matters of work of the team. Your earlier message indicate that the answer should have some rationale. I think for yes, we could have two possibilities, absolute yes or yes with some qualifiers. But for no, I think people when they say no, they should include the rationale for no; in that case you don't need to ask them at the meeting to explain why they say no unless for you and others the rationale is not clear. Therefore you gain some time for that.

Kurt Pritz: Yes.

Kavouss Arasteh: This would help everybody...

Kurt Pritz: Thank you.

Kavouss Arasteh: ...to understand. Thank you.

Kurt Pritz: Yes, thank you very much, Kavouss. Mark, that's a good comment.

Mark Svancarek: Yes, Mark Svancarek for the record. I'd seen a number of comments saying that these fields are historical relics and I just wonder, how do the registries know that actually? I mean, you wouldn't be contacted on these email addresses. Microsoft makes the affirmative to supply different addresses, actually I think our registrar and admin are the same and then our technical contact is different.

And people contact us on these addresses, and I for one, you know, had to do a Whois lookup last year because I got a Christmas gift that didn't work, I went to their website and it was down on Christmas day, and so I went to Whois, got their technical contact, emailed their technical contact. The next day their website was back up and I got my software. So in my personal experience, you know, as an employee of Microsoft and as just a user of the Internet, the technical and admin contact fields seem like they still have utility, at least in some cases. I'm just wondering how would the registry know that those fields are no longer in use?

Kurt Pritz: Okay. I think we pinpointed the issue there. I think the basis for carrying it forward. So Margie, have something else different from us?

Margie Milam: Yes, this is Margie. I also wanted to point out that the ICANN policies themselves have different roles and responsibilities related to those contacts. And so we have consensus policies that have been developed over the last, you know, 10 plus years, the transfer policy, the transfer dispute resolution policy, the Whois data reminder policy, UDRP and there's different roles that are specified for policy reasons for those contacts. So I think that's just further support for why this is not an exercise of collecting more data than is necessary, this is actually data that's used to satisfy the ICANN policies.

Kurt Pritz: Thanks, Margie. I'm just reading into the chat, so thank you very much for that. James.

James Bladel: Thanks, Kurt. I believe Mark was ahead of me in the queue.

Kurt Pritz: Oh, I thought he already spoke. Yes...

((Crosstalk))

James Bladel: Sorry.

Kurt Pritz: ...for Mark. No, he had already spoke.

James Bladel: So just to give a little bit of color commentary to this topic and thanks to Mark and Margie for raising their points. It is correct just to note that the ICANN policies do define some functions, mostly for the administrative contact, and mostly in those cases to establish that the administrative contact is equivalent to the registrant contact for certain functions like transfers or to establish that it is subservient to the registrant contact in the event of a transfer dispute between the registrant and the admin. So there are some defined roles in the policies that are relative to the role of the registrant.

But k the, you know, stepping back from the ICANN rulebook and just looking at the law, you know, we found that in – and I think for some registrars we're somewhere north of 90% to 95% duplication across all of these contacts. So I think while Mark's point is valid in the, you know, in specific situations, for the vast majority of domain names, the contacts – the four contacts – admin, tech, billing and registrant, are the same. And that as Emily points out, starts to raise questions of why are we collecting all of this duplicate information and sharing this duplicate information in, you know, and how does that square with data minimization?

And then there is also – and I think Alex put some notes in the chat – there is also a problem of tracking consent when those contacts are different. It's easier for – I mean, I think in Mark's situation if it's a company and you're saying, you know, that, you know, Becky is in charge of admin and Charlie is in charge of technical and Frank is in charge of billing, and I think that's one

way of – to define it. But when it's an individual collecting information on other individuals and not an organizational contact, then it raises the question of how did the registrant obtain and share consent to publication for those other individuals.

And I think that's just again just raising our level of discomfort with tracking this information which has, except for certain edge cases, and certainly in less than 10% of domain names, it has limited utility. So I think that's where we arrived at this. I'm probably speaking generally for all registrars which is probably stretching the generic case into a registrar specific position. But I think ultimately that's kind of how we arrived at this response.

Kurt Pritz: Thanks, James. I think I have a clear picture for how to frame this up for a final discussion. So that was a really helpful discussion. So I'm – to move a tiny bit faster, I want to take Sections 4.4.8 and 4.4.9 together. The latter has to do with providing framework for an access for access to appropriate law enforcement needs and the former has to do with providing a framework for issues involving consumer protection, investigation of cybercrime, DNS abuse and intellectual property protection.

And, you know, in the case of that one, 4.4.8, it was generally felt that, you know, this section is an appropriately detailed to adequately describe the issue. And so when I read this issue I took it as sort of a pointer to other things. So the framework, you know, the framework might well be the access model when developed and the rule surrounding that. So and so the requirement is that for an access model use a framework, you know, the requirement here is commitment to support a framework when that's developed.

So that's how I took it, but, you know, that took a lot of reading and thinking about it. And I'm sympathetic to the fact that for the – maybe the biggest issue in the whole paper, that's a few lines. And then in law enforcement, you know, there was a discussion we've already had that Article 6 of the GDPR

doesn't require this balancing and that's the issue there. But there were several parties, you know, disagreeing with these sections, the GAC, registrars, Internet service providers and the registries. So I'd like to hear from them first but so the question is, do these issue summaries capture that issue or can you put a better point on the issue?

So I went to management training class many years ago and was taught that silence is a powerful tool, so if somebody wants to speak to the very simple question of whether these issue summaries have captured the issues you've raised or not, that'd be good rather than discussing the big broad substance of it. Thanks, Chris. Go ahead please.

Chris Lewis-Evans: Thanks, Kurt. Yes, I think the issue summaries collect our points. I think you know, there's general agreement from the GAC on 4.4.8 and 4.4.9, it's just some of the language that needs change slightly and describing the situation slightly better, so that's I think our main concern with that. But the issue summary captures that I think. Thank you.

Kurt Pritz: Yes. Amr.

Amr Elsadr: Thanks, Kurt. This is Amr. Yes, the NCSG...

Kurt Pritz: Amr, go ahead please.

Amr Elsadr: Yes, thanks. Can you hear me? Hello?

Berry Cobb: Yes, we can hear you.

Amr Elsadr: All right great. Thanks. So we did – the NCSG did put its response to the survey question on 4.4.8 as we do agree but we did, as Kavouss suggested earlier, we did put a little qualifier in there, or maybe not so much a qualifier but just a suggestion. As you mentioned, Kurt, earlier, we will obviously get to the question of detailing a framework for access to the data. But one of the

slight issues we hadn't discussed here on 4.4.8 was really pinpointing who the legitimate – the actors with legitimate interests might be here.

So identifying consumer protection, investigation of cybercrimes, serious organized crime, DNS abuse and intellectual property protection at this point we believe may be a little premature, just in terms of our discussion, not that we're at this time opposed to any or all of these purposes for processing data and having access to it. But at this time since we haven't gotten to the framework and since we really haven't discussed the, you know, in detail ICANN's mission in processing data, collecting it and processing it in any other from.

We did propose a replacement text and sort of replacing all these specific purposes with something like enabling verified and authorized third parties, if any, to request relevant data from registrars and registries in a secure manner to address issues involving domain name registrations. So we feel this gives a blanket sort of statement in that, you know, anyone who is eventually verified and authorized, any third party, that they would be able to request this data from contracted parties. Thanks.

Kurt Pritz: Thanks. That was a good comment. And I have a question for the registrars about that too, but Stephanie, you're in the queue first.

Stephanie Perrin: Thanks very much. Stephanie Perrin for the record. Just a query about this summary under 4.4.9, the suggestion that law enforcement access to personal data needn't pass the balancing. Law enforcement access to data has to pass (unintelligible) protections and there is regularly a balancing going on. It seems to me that this – and much in line with what Amr just said about other actors, it seems to imply that law enforcement requests are always – I don't like to use the word "legitimate" because I'm not trying to imply that law enforcement actors are not in the habit of acting in good faith. But there are plenty of arguments between data protection authorities and

law enforcement over the proportionality of their requests, you know, the manner of them, the detailed nature of the investigation, etcetera.

And I think that this summary, while probably accurate, seems to leave us with the impression that this is true. And I'm sure somebody commented to this effect, but that doesn't make it correct. Thanks.

Kurt Pritz: Thanks, Stephanie. As a – as someone with some experience as a criminal defense attorney, I'm really familiar with the limits or not limits placed on law enforcement and I think an important, you know, side effort that needs to go on is that issue is that if the – if this sort of balancing is not required by Article 6, you know, how does that – how does the law enforcement requests occur? So I think that's good.

So a question I had for registrars was – I have to bring up the page again, but, you know, the registrars said the following should be struck, "consumer protection, intellectual property protection is there outside of ICANN's scope," so from the registrars, does Amr's comment kind of ring true that there might be, you know, there's ways to accomplish these goals but we shouldn't be saying they're within ICANN's remit but rather just put, you know, rather putting that a different way so, you know, and rewording the text along those lines. Is – does your objection sort of line up with Amr's statement? If I got that question clearly. It was a lot clearer in my mind than it came out of my mouth.

Matt, you're the author – author of the registrar comments, does your comment here like line up with what Amr said or are you making a different point?

Matt Serlin: Kurt, can you hear me?

Kurt Pritz: Yes I can.

Matt Serlin: Cool. Yes, I think it does. I think just to be clear, where we were coming from and the feedback we got from registrars in general was the concern really was around getting into content which obviously is something that historically registrars have voiced concern about in terms of being outside of ICANN's remit. So, yes, I think that pretty much summarizes where we were coming from with those comments on 4.4.8.

Kurt Pritz: Okay great. If no one else has – so I have enough information to touch this up and kind of put the, you know, there's two purposes to this, right, one is to do this triage report and the other is to frame up the issues for the next go-around. Margie, do you have your hand up?

Margie Milam: Yes, this is Margie. I wanted to just comment on the statement that it's outside of ICANN's remit to address IP concerns. And I just – I think we fundamentally disagree with that. Obviously the UDRP is an ICANN policy. There's a distinction between content and domain name related disputes that have IP implications. And so I just want to flag that there's disagreement on that particularly from the BC because the UDRP is one of the most important policies that's come out of ICANN and that's clearly an intellectual property related protection.

Kurt Pritz: Right, so and yes, and I'm – but there's – well I don't want to start – try to lead to a conclusion, but I think everybody agrees with the premise that you stated and are concerned how to put that in the right way. So that's a good comment. Benedict, how are you?

Benedict Addis: Can you hear me okay?

Kurt Pritz: Yes. Thank you. Go ahead, Benedict.

Benedict Addis: Hi, can you hear me now?

Kurt Pritz: Yes I can. Thank you.

Benedict Addis: Great. Sorry. Just to draw your attention to the – what was called Spec 11 for the new gTLD contracts, it's now called the framework for registry operator to respond to security threats. And that defines some of the – that were agreed to be in scope and when we last looked at security and what security threats we might consider be in scope and out of scope. And the list you guys can Google – I haven't got the link in front of me, but framework for registry operator to respond to security threats, and what was considered to be in scope was phishing, malware distribution and botnets, I think spamming was left out after lots of discussion, so that was seen as the sort of core cybercrime protection of DNS issues. Thank you.

Kurt Pritz: Thanks. And that sort of is the dividing – okay, I've got it, sorry. Alex.

Alex Deacon: Yes, hi. It's Alex Deacon. Just on this issue of content, again, I'm just – I'm looking at some of the clarifications in the chat which is helpful. But I just wanted to remind everyone, for those of us who were involved or watching, you know, the transition process, you know, we discussed kind of the scope and mission of ICANN at great lengths. And, you know, ended up in the new set of bylaws. I just want to make sure we don't use this working group to kind of re-debate and reopen that decision or where we ended up there. I think that would be a mistake. Thanks.

Kurt Pritz: Thanks, Alex. Right, so I'm going to march onto the next topic and to bundle a couple of them so – because I think they're related. So if you look at – and if I was smarter I would have organized the slides a little better. But 4.4.10 has to do with facilitating the provision of zone files for – of gTLDs for Internet users. And, you know, so my question is really – and our questions really went to, you know, what's the distinction between a zone file and registration data, you know, the zone file contains IP addresses, the name of the registrar, domain name. So I don't know why this was here. And, you know, perhaps some others can shed some light on that.

And then in the next topic, 4.4.10 is – what happened? Right, 4.4.11 is, you know, providing mechanisms for safeguarding registered name holders, registration data in the event of a business technical failure. 4.4.12 has to do with coordinating dispute resolution which was widely agreed to. And 4.4.13 has to do with candling contractual compliance requests. So you know, again, the registrars objected to these. And sort of alone in some cases but I think there's a really valid about the use of different data and something I came to understand, you know, only after several years of being at ICANN.

So I want to hear from them but there's a few others that objected to these, the ISPs and others. So, Benedict, do you want to start on this topic?

Benedict Addis: Hey, I'm really sorry. I was actually wanting to make one comment on 4.4.10, sorry, excuse me, 4.4.9 on law enforcement access before we moved on. Would that be okay or do you want to take that at the end of the call, Kurt?

Kurt Pritz: Sure, no, go ahead. Go ahead.

Benedict Addis: So as some people on the call know, I worked in law enforcement doing this kind of access to data work in the UK. And essentially to sort of framework our thinking, there is data that law enforcement can require, so legally require of organizations. And generally that's limited to the jurisdiction they're in. Now there's some work in the EU to fix that so that you can sort of cross borders within the European Union.

But essentially there is no way for law enforcement agency to go beyond its own borders; it's a really old fashioned kind of 19th Century model of country sovereignty. Law enforcement doesn't have any power outside of its own borders; it can't be considered to be anything other than some guy asking. So I'd like you to think about outside of your borders, it may be somebody in a uniform but it's just some guy asking and so there's no special status for law enforcement.

On the other hand, and what increasingly the tech industry has started doing is to say we recognize unilaterally the right of law enforcement in other countries to ask for certain kinds of data that are not in – that we can give them, so for example, Facebook, based in the US, can give data to UK law enforcement as long as they're not breaching local Californian privacy laws.

So there is a smaller subset of data; it's not everything, it's certainly not intrusive kind of data, but basic – what's called basic subscriber information in law enforcement parlance, that they are not prohibited from handing over to law enforcement that they choose to recognize in other countries. And Internet and jurisdiction projects is working a lot on this kind of area.

So what I'd really like to do is consider this – or at least suggest to the group that we consider that area and not the sort of halfway house and not the sort of Michele – what we'd referred to previously as the Michele view, which is I'll only hand over stuff to a court order from the (guard) in Ireland. So if we can – so I think that's the bit that's ICANN's purview when we're thinking about a framework for law enforcement access. And I appreciate this might be contentious and so I'm sorry that if I've thrown a sort of spanner in the works here. Thank you.

Kurt Pritz: Yes, so I have several thoughts on how to carry that discussion forward, but I think we'll wait for – when we get into that specifically with the objective of approving it, disapproving it or changing it. So but I think it was really helpful. Kavouss.

Kavouss Arasteh: Yes, I hope that the secretariat has duly captured exactly what was said by the commenter, which would help us because in one of the member of the GAC's view this was also implicitly referred to that. But my request for comment is not this, is that I reiterate that in the part of 4.4 there are several one time – one area referred to reliable mechanism and the other talk of mechanism and I would like to have it clear whether it is an agree or with something the other mechanisms is not considered to be reliable. Thank you.

Kurt Pritz: Thank you, Kavouss. I think that's right. And I appreciated your comment earlier about going back to the drafter of the temporary specification and asking some specific questions. Tatiana.

Tatiana Tropina: Thank you very much. Hi, everyone. Tatiana Tropina for the record. I want to address what – I'm sorry – Benedict just said about law enforcement and ongoing work and what collaboration sharing the data. I'm speaking from the point of view of someone who is working in the field of mutual legal assistance in my daily job. And I think that while those initiatives of Facebook to provide subscriber data are certainly appreciated by law enforcement agencies, first of all, they are not legally supported in every country. Some countries prohibit this voluntary collaboration even if is very good for law enforcement.

But I think that in this case, in our case of GDPR and law enforcement access to data, ICANN cannot fix the problem of mutual legal assistance and handing data across border. And if ICANN will take this kind of voluntary steps and obliging registries and registrars to do anything, this will mean that ICANN will conflate its purpose, lawful purpose for processing data with lawful purpose of requesting the processing of data of third parties. And this is exactly what European data protection Board told ICANN not to do in the letter.

So I'd really like to have it on the record, while I'm sure that it's bona fide from Benedict and others to propose this, I do believe that this is pure conflating the purposes. Thank you.

Kurt Pritz: Thank you, Tatiana. Let's get away from this and go onto the more mechanical ones about the use of data, the use of facilitating the provision of zone files and whether that agrees here and providing mechanisms for safeguarding registered name holders and coordinating dispute resolution services and finally contractual compliance.

So I saw James, you stuck your hand up but then you took it down. Do you want to start with that? Yes you do.

James Bladel: Kurt, hi, this is James. I was actually raising my hand to get a clarifying question from Benedict, which he responded in the chat. So I lowered my hand so we can move on.

Kurt Pritz: Okay, great. Well since you're so close to the microphone, can you talk a bit about provision of zone files and whether you think that's appropriate and then providing a mechanism in the event of business or technical failure? I think the registrars were one of the only ones to object to these and – but I thought there was a valid argument to be made.

James Bladel: So thanks. And I think Emily wants to address as well. I know that we had some questions and concerns regarding zone files and the relevance to whether or not they contained personal information and whether they were subject to all of this. I think there are separate processes for displaying and making that data available.

And the other question was for technical or business failure, I think we note that we have the escrow provisions for that purpose. And so this seems to be a conflating of two different purposes. But I wasn't close to the drafting of the response for this particular section so I probably should stop talking now and maybe let Emily do some damage control for what I just said. Thanks.

Kurt Pritz: Yes, that's right. Thanks, James. Go ahead, Emily. Thank you.

Emily Taylor: Yes, I think that none of us are saying these aren't valid purposes but we do question what they're doing in a Whois specification. So provision of zone files to gTLD – sorry, gTLD third party Internet users fine, but what's it doing here? And the, you know, the data escrow is the mechanism that is used in the event of business or technical failure. And so it was just really questioning

what we – what the relationship these provisions have to the public Whois or even Whois data so it's really actually agreeing with James what he was saying.

Kurt Pritz: So I think that everybody agrees that zone file access should be made available and that there should be mechanisms safeguarding registered name holders data in the event of a business or technical failure. But that – what you're saying is that's not a reason for processing data especially making that data public. So especially in the case of, you know, data escrow. So that sort of resonated with me. Does anybody have a comment in return to any of that?

I noticed that the Internet service providers also objected to the zone file data. Ashley, how are you?

Ashley Heineman: Good, how you doing? So I just want to raise the question here that I think it's been raised a number of times in different contexts, but applies here as well to a certain extent which is we're kind of all looking at these questions as collection only, which I realize is part of processing but there's other aspects of processing as well.

So I don't have strong views on this particular example but it's a good example is that is it still necessary to have this purpose and lawfulness language here because there are other activities outside the collection, while there may not be a purpose necessary for the collection but you still would need a purpose for other issues involved in processing. So therefore you still need the language here such as the disclosure aspect of the zone files or making any changes to the zone file information that requires having this language here. So I'm – hopefully I'm articulating this question sufficiently because it's just kind of a fundamental question that seems to be kind of popping up everywhere. Thanks.

Kurt Pritz: You know, Ashley, I think somebody made a really similar comment in the last meeting and that how to categorize these – this processing into their appropriate columns whether it's collection, use or disclosure. And so, you know, maybe, you know, maybe there's a third case where you know, we collect the registration data for the purpose of safeguarding but we don't otherwise use or disclose it. Emily, that's a new hand, right?

Emily Taylor: Yes, sorry to ask for the microphone again. I just wanted to see if I can respond to Ashley's question. And I think I might have been responsible for making that distinction between collection and different forms of processing. I think that if you don't collect it obviously anything with it, subsequently, but part of the justification for collecting data would be thinking all the way through all of the different reasons why it might be useful or valid or necessary or there might be legitimate reasons for doing something with it later down the line, if you can't actually answer that question in the affirmative then you shouldn't be collecting it in the first place, so collection is in important as a sort of threshold issue.

I hope that clarifies that we are certainly from my perspective, wouldn't say we should only be thinking about collection, absolutely not, but we should be viewing it as a threshold if you can't justify why it would come in useful, or it's actually a much stricter test than that, if it wouldn't be necessarily or legitimate reasons for collecting it, then you shouldn't be collecting it in the first place. I hope that clarifies the point for Ashley. Thank you.

Kurt Pritz: Yes and you did a much better job than I did; if you collect it then you have to have a use or a reason for disclosing it. If you don't have one of those two then there's not really a reason for collecting it, so I think that's well put – of ICANN Compliance collection of data, are there any comments? So reading the comments I didn't see an objection to ICANN – what's the word I'm looking for – anyway, done in a narrow way that only accomplishes what needs to be accomplished, so in the pantheon of inarticulateness, that will go at the top. But does – can anybody flesh out what the reasons for ICANN

Compliance having access to data, you know, disclosing data to ICANN for doing their job? Any comments there?

Kavouss...

((Crosstalk))

Kavouss Arasteh: Hello, may I make my comment?

Kurt Pritz: Go ahead.

Kavouss Arasteh: Can you hear me?

Kurt Pritz: I can't hear you yet.

Kavouss Arasteh: Yes, the – my comment was in the chat. The collection of data is something but disclosure of that to public is something else. So we need to clarify the scope of the disclosure. Thank you.

Margie Milam: Kurt, sorry, I didn't hear you. I think you're cutting out. Can you hear me?

Kurt Pritz: ...hearing me. Can you hear me?

Margie Milam: Now I can. Yes, I couldn't hear you before. So the issue related to compliance has to do with being able to actually do the investigation needed for a compliance action. And so as you can imagine, there's all kinds of things that the compliance department does. One of them being Whois accuracy, follow up or Whois access follow up in addition to all the audits that they do for their contractual – contracts with the registrars and registries. So there's a broad array of uses for Whois as it relates to the compliance activity of ICANN and it's really important for ICANN to be able to have access to effectively do their job.

Kurt Pritz: Yes, and I think what we'll ask them is to specify what that job is so that we can, you know, it can be acknowledged that that overcomes the duty that is, you know, to overcome the rights of individuals so it's a legitimate purpose overcoming the rights of individuals. So I'm going to switch over to my phone. I hope this works. Can you guys hear me?

Terri Agnew: Hi, Kurt. We certainly can.

Kurt Pritz: Can you guys hear me?

Terri Agnew: Yes, we can hear you. You may want to mute your speakers.

Kurt Pritz: Okay. I'm just reading the comments. Hang on. Okay, has anybody else got their hand raised on this? I want to – I don't think 4.11 captures our concerns, which is that the response to business type failure is handled – yes, so that's what I thought. So can you – Emily, can you just talk to that – that 4.4.1 does the mechanism...

((Crosstalk))

Kurt Pritz: Yes, go ahead.

Emily Taylor: Is it 4.4.11?

Kurt Pritz: Yes, sorry.

Emily Taylor: Or was it 4.4.13? So I think the, you know, it's just that so we're looking at does the issue summary capture the disagreement or lack of consensus? I think that it's not quite in there because we're saying that the response to business and technical failure of a contracted party is actually handled by a separate mechanism from Whois. So it's not relevant.

Kurt Pritz: And could you flesh that out a little bit more?

((Crosstalk))

Emily Taylor: So I'm reading the – all the 4.4 sub clauses as itemizing processing that is done in relation to Whois data. And so under querying I think we're querying why Whois data is relevant and why it's included here. But I can also see that James is coming to my rescue here. He can probably flesh that out a bit more clearly than I can.

Kurt Pritz: Thanks, James. Good hand off Emily.

James Bladel: Thanks. And I don't know if I'm going to be all that helpful. But I think one of the, you know, counter examples that exists for any claim that Whois data is necessary for business or technical failure is the fact that (unintelligible) like dotComs are often the subject of a registrar failure and we use the escrow system and the escrow deposit to recover the registration data that's associated with any failure of a registrar that's then either – that's either gone under or gone dark or been de-accredited.

So I think that is a clear example of why or a case study of why this Whois data is not necessary to support this purpose and why this purpose can be served by a different process, being the escrow process and really just not relevant to this work.

Kurt Pritz: But just for my understanding, James, because isn't the escrow process escrowing the Whois data?

James Bladel: It's escrow – it is escrowing – well I would say it is escrowing a subset and a superset of the registration data.

Kurt Pritz: That's available to a registrar through means other than the Whois database?

James Bladel: Some of the information that is included in escrow deposit is not published in Whois.

Kurt Pritz: Okay. Margie. Thanks, James and Emily.

Margie Milam: Sure. This is Margie. I think it's James's comments really aren't applicable in this case because the Whois data is something that isn't accessible for consumers. When a registrar goes out of business or has some event, yes it's true that at some point there will be a transfer to a new registrar and that Whois data that – and other data that's in escrow will be transferred to their new registrar, but there could be a gap depending upon what's the situation going on with that particular registrar, where the consumer needs to be able to confirm the details of their registration and that's where Whois plays a really important consumer protection rule.

So it is true, yes, that the escrow service provides that need but it's not a need that can be accessed by consumers and consumers have no rights to access that data; it's only when the information is transferred to the new registrar that the escrow information is, you know, is helpful and can re-establish the Whois connection.

Kurt Pritz: Thanks, Margie. Alan.

Alan Greenberg: Thank you. I must have – I'm a little bit confused. I thought we were talking about processing of Whois data, which includes collection, and one of the reasons we collect it is so we can escrow it or provide zone files or, you know, provide zone files just so the Internet works. So all of these elements are being collected and published in Whois and available under varying terms as we go forward, but since they're all Whois elements, I thought that it is reasonable and necessary for us to list here that we are going to use them for escrow perhaps or zone files.

So I'm not quite sure why we're saying it's not Whois information and therefore doesn't belong in the Whois specification at all. But maybe I'm missing something, but it seems to me as this is one of the prime reasons we're collecting this data and asking for it and I don't see how we can omit mentioning it here. Thank you.

Kurt Pritz: Mark. Thanks, Alan.

Marc Anderson: Hey, Kurt. This is Marc. Just to follow up on what Alan said, I think you know, Alan's point now is that we're actually having a conversation on scope, you know, what is the scope of the conversation we're having? You know, and I think, you know, the conversation around escrow sort of highlights that is, you know, are we talking about, you know, the processing of registration data or are we talking about, you know, what's traditionally known as Whois services?

You know, and I think it's important that we all get on the same page as far as, you know, what exactly is in scope of these discussions because I'm not sure we all are. And, you know, it's important that, you know, we don't end up talking past each other on some of these things. So, you know, I guess my observation is that we're dovetailing a little bit into a conversation around what is the scope of registration data services.

Kurt Pritz: Right. And I think – go ahead, James.

James Bladel: So thanks. James speaking. And I agree with Marc. Maybe I can help untangle this. I think we're talking past each other as he suggests because we are – we're trying to establish the necessary – the need and purpose for collection of data and you could I think clearly state that registrars must collect this data in order to complete and maintain Whois escrow deposits in the event of a registrar failure. But I think where it stops is we need to publish that data in Whois in order to safeguard against a technical or a business failure. And I think what we're saying is well that's not necessary.

We can guard against those scenarios simply by our collection and our deposits in escrow and then that's where that train stops; it doesn't necessarily then require us to A, share with the registries, for example, or, B, publish it in Whois. It simply can be limited to collection by the registrars and deposit into the escrow system.

So I think what we're doing is we're saying like processing as this umbrella term but we're looking at – we're combining a number of different steps which is processing, collection, publication and transmission to other parties when I think our case is that in the case of a business or technical failure it really just stops at collection and transmission to the escrow service. So I hope that helps and not makes things worse.

Kurt Pritz: I think what – so it's helpful to me and I think what would help is some sort of write up about that. So let me – and that, you know, defines with clarity what Whois data is collected and how that differs from the zone file and is completely separate from the zone file and then as you alluded to here, the information that's necessary to protect the registrant in case of a failure. Alan.

Alan Greenberg: Thank you. Maybe I'm not awake yet this morning, but I'm having problems. I mean, if we collect the, you know, what DNS servers there are to put in the zone file or collect any of the other information which today or last week – last one goes into Whois, that information may be used for a multitude of purposes but I don't think we can segregate the two and say, you know, if they are going into Whois then by definition they're Whois information. And I think we're looking at different uses of it some of which is not related to the Whois file, but it's the same information.

And I'm not sure we can – we don't collect that same information twice because we're going to use it for some purposes related to Whois and some purposes not related to Whois. So I don't see how we have any choice but to conflate all of the uses into – under the rubric of it is Whois data because

among other things, it does go into the Whois currently. So that – I'm not sure how I can – we can segregate the other uses and therefore say it's not Whois data when it's the same information. Thank you.

Kurt Pritz: Yes, and I think – and I think, Alan, calling it registration data, you know, sort of points that out. But as James pointed out, there's data that's escrowed that's not included in the Whois data that's necessary for that data escrow function. So to a certain extent it's separated already.

Alan Greenberg: But there may be other information added in. It's not Whois data...

Kurt Pritz: Yes.

Alan Greenberg: ...it doesn't fall under the rubric of Whois.

Kurt Pritz: Yes. Yes, so I think we really need some sort of graphic to help us discuss this in – with clarity and everybody using the same terminology. So I will – maybe I'll combine with some registrars to put something together.
Stephanie.

Stephanie Perrin: Stephanie Perrin for the record. I just wanted to agree with Alan in what he's suggesting here. It seems to me that we should be clear about what our mission is. Yes, there is a temporary spec, our main goal is to go through the temporary spec and determine whether it should become a consensus policy. One of the problems that we have not addressed is whether the temporary spec actually deals with everything that it had to deal with to ensure that ICANN in its policy direction to contracted parties is indeed compliant with the GDPR.

And I would submit that there are some omissions here which we need to discover as we go along or preferably beforehand. And that if we call it registration data, then it tracks all of the data including the data that might be generated in response to an application to registry a domain name, because

that becomes associated with the individual as well. And you have to consider that in a broader focus on what personal information is.

So we really have to look at the RAA and which elements are within the picket fence and therefore not subject to consensus policy and which are not. So that to me is an optional question that we need to also focus on. Thanks.

Kurt Pritz: Thanks, Stephanie. Good. Marc.

Marc Anderson: Thanks, Kurt. Marc Anderson again. You know, and touching a couple things, you mentioned terminology I think that's important here if I can, you know, pick on Alan for a second. You know, I don't think he'll mind terribly. But, you know, he was using, you know, he was talking about Whois data when I think (unintelligible) registration data. You know, Whois is, you know, is simply – is talking about collecting, you know, collecting Whois data for different purposes.

And, you know, I think that's, you know, I think here just to echo Kurt's point, I think we need to make sure we're using the same terminology, you know, or, you know, again we run the risk of talking past each other, you know, Whois is a display mechanism, you know, it's a protocol for displaying registration data. You know, registration data itself, you know, can have other purposes. And, you know, just, you know, agreeing with the points James said earlier about those different purposes and how it's used, you know, I think we need to be clear when we're talking about registration data and registration data services.

Kurt Pritz: Thanks, Marc. And I think – thanks, everyone for this detailed discussion and I think I have enough to put together a cogent description of this issue. But I think too that we all have to get on the same page with respect to what's in traditional Whois, what is not and that distinction and how we sort of homogenize that for this, not homogenize that but gather it all as part of

registration data. Hadia, you can make the last comment on this topic. You have to come off mute. There you go.

Hadia Elminiawi: Yes, I just think – echo what everyone – what many said that why do we insist on calling the Whois data? What we are actually dealing with is the temporary specification for generic top level domain registration data. And that's a great difference. Thank you.

Kurt Pritz: Right. Thank you. But I'm going to move onto section – so we're going to leave the Section 4.4 and go onto Section 4.5, which describes to me that rationale for why the listing of uses of registration data and possible disclosure in 4.4 is – well it says in the document, proportionate, but I take that as appropriate or a legitimate use that isn't overcome by the rights of individuals.

And also to me, these sections in 4.5 are similar to 4.1 and 4.3 in that they're more about rationale and justification for the direction provided in the rest of the specification. And so there is significant disagreement with regard to this section. And again, I think from previous discussions that's why it might be better to discuss the – in the next go around to discuss the sections 4.4 and all the specific uses of the data, all the purposes for collecting it or processing it is the better term, all the actual data that's processed rather than the justification for it because we'll develop in our discussion our own justifications and then can kind of either map them to this.

And, you know, my final editorial comment about this Section 4.5 as well as, you know, those other sections, 4.1, 4.2, 4.3, you know, I wonder if they're necessary in a specification. I wonder if, you know, they don't belong somewhere else. But, you know, the specification is really kind of telling us what to do with regard to the data and doesn't necessarily require this rationale.

So what comments are there on this? Kavouss, could you go ahead please?

Kavouss Arasteh: Yes, I think some of the clarification which will be provided in Section 4.4 may help to better understanding 4.5. However, there are many terms in 4.5 that need clarification, limited personal data, I don't know what the limited means. And then we have something to other terms that unjustified processing, I don't know what unjustified processing means. So there are many things which requires clarifications and in particular 4.5.5, so I don't know whether you want to go through one by one or you want to take it all together. Thank you.

Kurt Pritz: Yes, so thanks Kavouss. I agree with what you said. And for me that's why I'd like to kind of skip this section until we talk about 4.4 and then come back to it. I think you know, writing, you know, such a justification might necessarily include a lot more detail, you know, explaining the terms as you mentioned and then maybe authorities too. Amr. Amr, are you there? No, it's not coming through, Amr. Okay thanks very much.

Is there anything else on this issue? How should we frame this up in our triage report? If not, Amr, when – raise your hand again when you think we have him. Or does anybody have a – he'll try again in a minute, okay.
Kavouss, is that a new hand?

Kavouss Arasteh: Hello? Can I comment?

Kurt Pritz: Hi, Kavouss. Yes.

Kavouss Arasteh: Yes...

Kurt Pritz: Go ahead.

Kavouss Arasteh: I agree with you that we should come back to 4.5 later on once we have clarification on 4.4 perhaps the 4.5 may need to be revisited and redrafted, some of the answer may be found in 4.4 therefore I fully agree with you that

we need not to discuss it at this stage, just defer the discussion on that until we receive clarification on 4.4. Thank you.

Kurt Pritz: Thank you, Kavouss. All right, I'm going to go on, you got to flip pages in your temporary specification that I know you have open in front of you and the first set of comments have to do with Section 1. And most of the comments had to – really had to do with the search capabilities and whether or not search was required. So I think this section raised some uncertainty about whether searchable registration data is required.

So, you know, the Appendix A in 1.2.1 says, "Where search capabilities are permitted and offered, the registry operator or registrar must do these things," so it's kind of an oddly put thing because it doesn't say search capabilities are required. So that kind of obviates the need for the "must." But you know, the way they've captured that is in whatever in here that there's some uncertainty as to whether search capabilities should be a contractual requirement and whether such a provision such as Section 1 is required at all given the current contract that we already have to collect this information.

So the issue that people have raised that is that if you strip out the search capability comment that this is already redundant with what exists in the contract. Is that a fair characterization of the issue for this Appendix A? Marc.

Marc Anderson: Hey, Kurt. It's Marc Anderson. Let me take a stab at this one. And the first thing I'll say is just sort of to confirm what you said is that, you know, search capabilities you know, are not required for all registries, but some new gTLD registry contracts in their Exhibit A, you know, include language requiring that the support for search, so the search capability you know, is – isn't required for all but it was, you know, it was a feature in some of the new gTLD Registry Agreements.

And then the other thing I want to say, and this is, you know, I'm going to quote a little bit here from the Registry Stakeholder Group response to this

question and that's basically that, you know, in case – in the base Registry Agreement it already includes language which we think is sufficient. And here it says, you know, the registry operator will implement appropriate measures to avoid abuse of this feature, this feature being searchable, permitting access only to legitimate authorized users to ensure the feature is in compliance with any applicable privacy laws or policies.

And so, you know, the language in the temporary specification, in our view, is unnecessary and it's actually more burdensome to implement than the existing base Registry Agreement language. You know, so while I think this temporary specification language is probably, you know, well intended, you know, it's maybe not necessary here. So hopefully I've done a sufficient job of representing the Registry Stakeholder view of this. Kristina and Alan can correct me if I've gotten anything wrong there.

Kurt Pritz: Thanks, Marc. So, yes, so I was going to reiterate what you said but I don't see the need to. Benedict.

Benedict Addis: I'm chatting to law enforcement, I think this is probably – search is really important to them and probably more important I would hazard than the actual underlying data which can always be obtained under court order so outside this process.

But search and the ability to pivot off of search, let's say, for an identifier even if that identifier is anonymized, so like let's take a hash tag of an email address, put it in and tell me what other domains that registrant owns, that sort of pivot ability, that – so advanced search if you like, is probably more important to LE and cybercrime fighters than actually getting the person's data, for the purposes of this discussion. And that's probably going to be a redline for LE here, but Chris Lewis-Evans is on the call who actually works – still works at LE, unlike me who hasn't worked there for years. Thank you.

Kurt Pritz: Thanks, Benedict. Alex has a question, “Does the Registry Agreement require the functionality or just allow it?” So my recollection, and somebody correct me, was that during the new gTLD application process, the applicants got an extra point if they furnished the searchable Whois, so it was taken advantage of by some and so it’s in their Registry Agreements but not by others. And it was not a requirement before that. Is that – can I ask Marc or somebody else to verify whether I’m correct or not or – are you guys like James, are you raising your hand to answer that question or another one?

Marc Anderson: This is Marc. I’m happy to jump in.

Kurt Pritz: Yes, go ahead, Marc. Thanks.

Marc Anderson: Yes, essentially you have the gist of it is, if it’s in your contract, if it’s required, it’s not – I should say if it’s in the Registry Agreement contract it’s required; if it’s not in the Registry Agreement you know, it’s not allowed.

Kurt Pritz: Right. And I was trying to explain why. And my recollection of why is that because it’s not a policy but ICANN was trying to inspire new gTLD applicants to furnish searchable Whois that they awarded an extra point in the evaluation process if they did that. So I think that’s the answer. Margie, oh, on Trang said I’m correct, which would be the second time this week. So, Margie, go ahead please.

Margie Milam: Sure. I just wanted to agree with Benedict. And it’s not just a LEA issue but it’s an issue for commercial companies that are trying to do reverse Whois type lookups and do correlation analysis to identify attacks on their platform, their website, or even to identify domain names to include in a law suit associated with one particular registrant. And so what’s happened since the May 25 is that it’s much harder to do that correlation analysis anymore, which is the reason why this particular provision is important and in our view should be required as opposed to optional because the ability to do the reverse

Whois lookup from the past is hampered now as a result of the new temporary specification.

Kurt Pritz: Oh, so, James, go ahead.

James Bladel: Thanks, Kurt. James speaking. And I think registrars have been fairly consistent in the opposition of making any of this functionality mandatory. I think it is currently optional and should remain so. And, look, not seeing the utility of this feature but I think that we're questioning the legality of offering this and also the scope of the temporary – or the EPDP in converting Whois into a pseudo-surveillance system by allowing this sort of pivot searches on private data or even pseudo-anonymized data.

So I think we are fairly consistent in that regardless of the usefulness of this, and I understand there was an ecosystem or a cottage industry of providers, third parties, providing this data and this function that is no longer able to do so after GDPR. And I think that pushing that responsibility onto contracted parties is outside the scope of this temporary spec. Thank you.

Kurt Pritz: Chris.

Chris Lewis-Evans: Yes, I just wanted to echo a few of Benedict's points, how important this is to us and, you know, obviously it's in there at the moment which is why we agreed to it. We I think the GAC as a whole would probably like to firm that up as some from the BC have also indicated. You know, if we look at some of the other data sets that we have access to at the moment, you know, a lot of legal requests that we do we ask for any associated accounts based on, you know, account numbers or other identifiers.

So, you know, it is a fairly standard request. I mean, I think from a data protection and privacy point, it allows some proportionality check to why we're asking for that data. And, you know, a necessity of that, so, you know,

obviously certainly European law enforcements would have to provide that to be able to do those requests on any form of data. Thank you.

Kurt Pritz: Right. Thanks, Chris. So to be clear, and I know you understand this, but, you know, this appendix section in no way requires search capabilities, it just says where they exist. And then, you know, all the other – all the other verbiage in that section has to do with narrowly tailoring access to that search capability in order to ensure that the sorts of data disclosures that some people talked about aren't made, so what this says is where search capability is furnished you have to be very careful about how it's furnished.

So I think you know, there's a couple issues that have been raised here, one is that sections of this are redundant with other requirements and but it's really a restriction on search where it exists. And then others have raised the issue of whether we should be discussing whether search should be more universal and whether that's part of the scope of this or not I'm not sure yet. Alan.

Alan Greenberg: Thank you. Yes, I'm going in the same direction. You know, personally on behalf of ALAC I strongly support the kind of search capabilities that Margie and Benedict are talking about. But that is as James said, you know, has been a cottage industry which probably cannot continue to exist and I'm wondering that even if we required search capability with registrars, does that really – is that really the same thing given that we don't span registrars or registries in any given search?

And so I think we need to separate the arguments and if we need that capability we need to talk about how it can be obtained for those who have legitimate access but I'm not sure that's – falls under the temporary spec. Thank you.

Kurt Pritz: Thanks, Alan. I think that's a good period on this issue. I'm just reading the chat here. So let me go onto the second paragraph – the second section in

the appendix and Paragraphs 2.1 through 2.3 which are on the – on Page 17 of your temporary specification. And having to do with when data is restricted and where it touches on, you know, where we're dealing with either registrants or your market is within the EA or part of your market is within the EA or data is in the EA.

And I think what makes this paragraph controversial really goes back to Section 3 that says, you know, the registrar might apply these requirements where it's commercial reasonable to do so across the board. And so that's what I – in combination with Section 3 of this appendix, that's what I view the issue as being that the GDPR data restriction is going to be applied globally and it's for registrars to figure out how to, you know, when they touch the EA and if it's commercial feasible to parse those restrictions across their registry.

My brief understanding of different registrar business models is in some cases this is somewhat easily done or is – and in some cases it's much, much, much harder to do. So I think that's what the issue is, it's the issue is are the data restrictions, can they be applied globally or just in some way when the EA is touched? And I think Stephanie brought up in another – in an earlier meeting, and I think Kavouss or members of the GAC did too that, you know, we have to be wary of – we have to be wary of other privacy regimes that are being implemented in parallel with this one.

So that was kind of rambling but did I capture the issue there or does somebody want to talk to this one? Come on, I'm still talking; you guys have to talk too. As soon as the joking dies down about the sounds we'll get back to the meeting. Going to take that as you start to say it, Alan. You should be an introvert like me.

So I think we'll close. So what we have left is, you know, we can go back to this section – these early sections too but I think we've got a few more sections to go in the appendix so we'll leave that for next time. Does anybody have any closing comments they want to make in closing on the substance

and this process? And for the – just so I can disclose the mystery to everybody, it was – they were electronic sounds that were made when somebody was trying to close off the call. So all the conspiracy theories were for naught. Kavouss.

Kavouss Arasteh: Yes, if you are still discussing 2.1, 2.3 there is at least one page of comments by GAC members. Thank you.

Kurt Pritz: Okay. There's at least one page. Can you say that again, Kavouss?

Kavouss Arasteh: I'm saying that if you're still discussing 2.1 through 2.3, in the GAC reply there is one full page on comments clarifications with respect to these paragraphs and proposed consensus comment to be submitted in survey which is in the – by the end of the table 2.1, 2.2 and so on, so these are the things that we need to take on board. Thank you.

Kurt Pritz: Right, okay I understand. I'm reading the GAC comment now. Thank you. Marc.

Marc Anderson: Hey, Kurt. This is Marc for the transcript. I guess I just want to make sure I'm clear on where we are and what comes next. So I think I understand you're drawing a line under the, you know, Part 1 of the triage discussion and we can anticipate that the next meeting we'll move onto Part 2. But I think you know, I think you know, we're trying to get to is a triage deliverable that we can provide to the GNSO Council as, you know, as sort of our first deliverable. And, you know, your issue summaries are, you know, are sort of the precursor I guess to what the – what that triage document will look like if I understand correctly.

And so I think what might be useful maybe is if, you know, if we were able to see a first draft of maybe Part 1 of the triage discussion and I think you know, giving members of the EPDP a chance to look at that and provide feedback, edits and comments on the email discussion would be a good way to move

this forward and at least let us draw a line under Part 1 and move onto Part 2. So hopefully you know, I have that understanding correct and that's a good path forward.

Kurt Pritz: Great idea. I was actually hoping to have that for this meeting but I spent 12 hours yesterday in a small moving van so collecting furniture from various places and then delivering them to my daughter's apartment where she goes to school, so I couldn't type and drive at the same time very well.

So I think, yes, that's exactly my goal and we'll have something – we're going to amend the issue summaries based on, you know, everything that's been said in our meetings and then the report will essentially be that green and red thing that we shall not score – call a scorecard because we don't vote, and then the issue summaries and then display and, you know, some well-organized way everybody's comments. So we'll do that and we'll, you know, you'll also have the opportunity to amend the comment if that makes sense to you.

And so somehow I missed Ayden's attempt at rewording 4.4.8 earlier so I'll go back and find that. So just to – just to reiterate, the next meeting will be Tuesday at the same time. And it'd be great if Part 3 of the temp spec survey will be submitted Wednesday essentially close of business. Comments or questions from anybody? Great, well thanks very much, everybody. Have a great rest of your day or evening or afternoon. I'll talk to you soon. Bye-bye.

Woman: Bye.

Terri Agnew: And once again the meeting has been adjourned. Operator, (Mary), if you could please stop all recordings? To everyone else, please remember to disconnect all remaining lines and have a wonderful rest of your day.

END