

**ICANN Transcription
EPDP on the Temporary Specification for gTLD Registration Data
Thursday 06 December 2018 at 1400 UTC**

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

<https://audio.icann.org/gnso/gnso-epdp-gtld-registration-data-specs-06dec18-en.mp3>

Adobe Connect Recording: <https://participate.icann.org/p9mo88vo20t/?proto=true>

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

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

Coordinator: Thank you. Recordings have started.

Terri Agnew: Thank you. Good morning, good afternoon and good evening and welcome to the 32nd GNSO EPDP Team meeting taking place on the 6th of December, 2018 at 1400 UTC.

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 could you please let yourself be known now? Hearing no one, we have listed apologies from Ayden Férdeline, NCSG; Diane Plaut, IPC and Emily Taylor of the RrSG. They have formally assigned Tatiana Tropina, and Lindsay Hamilton-Reid as their alternates for this call and any remaining days of absence.

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 form must be formalized by the way the Google assignment form; the link is available in the agenda pod to the right and also in the meeting invite email.

Statements of interest must be kept up to date. If anyone has any updates to share, please raise your hand or speak up now. Seeing or hearing no one, if you need assistance updating your statement of interest please email the GNSO Secretariat.

All documentation 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 and I'll turn it back over to our chair, Kurt Pritz. Please begin.

Kurt Pritz: Great. Thanks, Terri. And hi, everyone. So we're two hours away from my favorite time of the week. So if you'll scan – you've already scanned down the agenda, there's a couple other items I want to cover today that I will in the – so I think I'll just start with that.

One is so the very first thing is the outstanding action items. And I think there's two. Marika, I think they're kind of both on my plate but you want to mention those, Marika? Or are you having...

((Crosstalk))

Marika Konings: Yes, thanks.

Kurt Pritz: Go ahead.

Marika Konings: Yes, I'm having some other reconnect issues but I'm still on the phone. So the two that are outstanding are in relation to two messages that are supposed to be sent to ICANN Org, first one regarding the data processing agreement with escrow providers and the other one with dispute resolution providers, so I think those are still outstanding. And then there as well a couple of people that indicated that they were interested in participating in the small team conversation on the controller related questions that have not filled out the Doodle poll yet so please do that as soon as possible so we can schedule that call.

Kurt Pritz: Thanks very much. And so I'll take care of those notices – those write-ups with the questions to ICANN today or tomorrow and we'll make sure they're out by the start of the week. Okay, so with that there's three items I want to cover at the outset of the meeting. One has to do with the letter to the European Data Protection Board, so I don't know if you want to put up a version of that. Stephanie did some great work on that; Hadia added some thoughtful edits and so did Kavouss.

And I think what's coming up here is – it's not the clean version but close to the clean version of – maybe so it's easier to read – I don't know what that comment says. I'm just making it bigger so I can see it. Okay so can you like really quickly just take that comment off so it's bigger and easier to read, Caitlin, it's already small enough so making it 1/3 again smaller is kind of – makes it hard.

So I have – what I have some comments to this and then a plan for getting it published. So first, you know, this is – this is going out over mine or Rafik's name so with your indulgence I'm going to make some final edits and to put it kind of in Kurt-speak because, you know, I just want to put it in my style but I plan to change none of the substance but I do want to run a few questions by you. And then after I make changes I'll check those over with Stephanie as the primary author and then also with Rafik on this side. So that's what I plan to do and I hope that's okay with everybody.

I just had a couple questions and I want to go back to an email I wrote where I wanted to add a couple things and I wanted to get your take on it. So I wanted to provide a notice that I don't think is in here but maybe it's in because I just read the last versions in the last few minutes, but, you know, I wanted to let the Data Protection Board know we were working on this with all due care but all due haste also; that you know, this ICANN team is picking this up as a matter of urgency.

I also thought we might point out that there's a summary in the initial report that's kind of easy to read and that it's been translated into the UN languages if that's helpful to them. I also thought we might point out that we do have legal questions and we're seeking outside counsel in consultation with DPAs. And I also wanted to provide a notice that our final report was – would be forthcoming so part of the reason for this is so the final report doesn't come as a surprise to them. So those were the additions I wanted to make but they're not in this version so I wanted to get some feedback on those. Ashley.

Ashley Heineman: Well to answer your question I don't really have any feedback on that. I was going to provide some other edits to the document. I'm happy to reserve those until you get responses to your questions if that's more appropriate.

Kurt Pritz: No, go ahead, Ashley. Please do.

Ashley Heineman: Yes, and I apologize, I'm having a hard time keeping up with all my emails lately. But I just wanted to propose – and it may have already been proposed and shot down – in the first paragraph where we're talking about the role of ICANN and it now says something along the lines of "ICANN is a global nonprofit organization responsible for ensuring the stable and secure operation of the Internet system of unique identifiers." I just wonder why we can't say the domain name system rather than unique identifiers?

And the only – the reason why I’m saying that is because when we start talking about unique identifiers and then spelling out, you know, protocol parameters, IP addresses, we really start confusing this with the IANA functions as opposed to ICANN’s mission and domain name policy development. So I just really would like that we stick to the domain name system if at all possible as I think it probably includes what people are trying to refer to here anyway.

Also when we get to the second paragraph and we’re talking about I think it’s – I’m trying to find it, hold on, let me pull up my notes, I’m sorry, it is the last of the first paragraph and it’s the sentence that is talking about ICANN to develop GDPR compliant policy to govern operation procedures relating to the processing of personal data by stakeholders and domain name industry. Rather than saying “stakeholders and the domain name industry” would it be possible to say instead here “personal data by ICANN and its contracted parties”?

Because I think we’re not really – there’s no responsibility here beyond that and I would hate to kind of muddy the waters by being less than precise so basically just not referring to stakeholders and referring to ICANN and its contracted parties. And that’s it. Happy to fight it out, whatever. Thanks.

Kurt Pritz: Okay just taking notes. Anyone else? Ashley, I support those edits and just would encourage I think some of the language you mentioned was just lifted right out of the mission but I think your edits are good and so if anyone has – I’m reading the – Stephanie, you and I, let’s – we’ll talk about this and make some decisions. Marc.

Marc Anderson: Hey Kurt. Marc Anderson for the transcript. I just wanted to clarify where we are with this letter. I guess my understanding you know, was and, you know, I want to make sure that it still should be that we haven’t as a working group agreed that we, you know, definitively agreed that we will be sending this

letter and that this is more discussion; if we do send this initial letter this is what it would look like. Is that – is my understanding still correct?

You know, I think that's what the indication had been coming out, you know, previous, you know, the small group calls and the previous updates that, you know, we were still – had not definitively decided if this letter would be sent or not.

Kurt Pritz: Thanks, Marc. I probably didn't do a good job introducing the topic because I was pulling some other documents together right at the start. So I think that's right that we hadn't decided whether or not to send the letter and the exercise was that we were going to beat the letter up some and stare at it and say this seems like an appropriate thing to do. So I think that's right.

I'll also say something that I should have said at the outset and that is because this letter's been edited by a few people there's a few typos in it and we recognize that so those will all be cleaned up before we send it out.

Marc Anderson: Okay. Thanks, Kurt.

((Crosstalk))

Kurt Pritz: Right. And in the email I sent with comments about the letter I'll say that after thinking about it quite a bit I think it's appropriate to send the letter. I really like the idea of keeping it to one page and to show that we can be succinct and to the point and just, you know, just communicating very few points that we think are important to the Data Privacy Board.

Marc Anderson: Okay. Thanks for clarifying. I mean, you know, I just, you know, I just wanted to make sure that that was still the case and, you know, just sort of – you know, I'll say for my part, you know, I think I've heard from some people that think sending this letter is a good idea; some people that think it's not. And, you know, I sort of, you know, at this point I sort of find myself, you know, in

the middle. I think there's arguments to be made on either – for either case. And, you know, I guess I want to, you know, with that being the current case I want to make sure we have an opportunity as a working group to deliberate and come to a proper decision on that. So thanks for clarifying.

Kurt Pritz: Yes. James.

James Bladel: Thanks, Kurt. James speaking. I agree with Marc. I think throughout the editing process there was a presumption that the more we edited this the presumption that we would be sending it grew. And we never really explicitly as a group made that decision. I think that to address Marc's point, I think that the benefits of sending this are, you know, in doubt or in question. I think we have eliminated the potential harms by – through the editing process and I think it's probably, for lack of a better word, it's a safer letter now.

It essentially just notifies the EDPB of the, you know, of the initial report publication and invites them to comment. And so I don't really see any harm in sending the letter. So I would just ask Kurt and others on the call if we can come out of this call with that as a concrete decision one way or the other I think that would be a good outcome for the next two hours. Thanks.

Kurt Pritz: Thank you, James. Georgios.

Georgios Tselentis: Yes, hello. I was not in the second decision, if I remember well, two calls. And I remember in the discussion that we said that as it was the initial draft and as the questions were formulated we couldn't see that we would get some answers at least what we wanted. However, what I think the current draft, and I think I said it last time, is – and this is in the last paragraph that in a sense we are waiting from the European Data Protection Board to provide comments in general. And I think this is a wishful thinking and this will not happen.

If – so if this letter is to – if this letter it is the purpose of sending this letter now as it is now, it's just to inform the European Data Protection Board that we are doing – we published the report, we have advanced the – some of the issues that were discussed in the previous communication with ICANN, I think, yes, I see no harm but I see no value either at this point. For me, and I think I said it in the first meeting, sending something more precise and more accurate would probably give us some shortcuts to questions that are contentious between the group.

But if we don't have the material in a good and the questions are in the right condition to send those questions, I think we shouldn't do it – we shouldn't do it at this point. Thank you.

Kurt Pritz: Thanks very much, Georgios, that's thoughtful. And so, you know, I think it was the sense of the group that it was – that we have questions that need to be answered but they should be answered by others. Everybody recognized the same thing you did is that it's not likely that they're going to read the initial report and comment on it. And additionally, they're likely not to receive specific either/or type questions, we have very well and that we should seek other avenues for getting them answered and that's – so that's what we decided to do with the retaining of legal counsel and perhaps consulting with DPAs.

I've lost the queue but I think it's Kavouss. Kavouss, go ahead. How are you?

Kavouss Arasteh: Yes good morning, good afternoon, good evening to everybody. I also did some edits. First of all I thank Stephanie and Hadia for their work. And I add some edits so this is my professional activity that I do many, many letters per day for this type of thing. But I don't see anything in our letter which is interesting. We just humbly, and with a lot of courtesy, are saying that what the ICANN is, what the EPDP is and what the GNSO is and then what the GDPR and then saying that please, look at our report. Why we need to formally write a letter to the body and inform them, please look at our report.

EU has representatives with us; they can raise it. And if they have any question or any – not question, any comments, they will raise it. So I don't see any point in the letter. The letter is very (poor) and almost empty. So I have difficulty to send that but you could keep it in your archive after the later stage maybe we find some other interesting elements if some people allows to send those elements, questions, specific question you do that even though somebody says that they are so selfish that they don't want to be questioned by individual and they considered ICANN as individual so in that case we don't send anything at all.

If somebody doesn't want to talk with us we (don't) talk to them. So that is the situation. But if everybody agree that we need to send them, we need to send them something useful. This letter has nothing inside that except saying that please read our report. They are part of public comments – public people, why we have to remind them? Why not remind others? Thank you.

Kurt Pritz: So, Kavouss, before I let you go I have two questions for you. One is were you suggesting that instead we notify the GAC EU rep and let him know so that he can tell people through channels – he or she can tell people through channels what's going on? And my second question is, you know, what would make – in your opinion what would make the letter meaningful but still appropriate?

Kavouss Arasteh: My answer to your first question is, we have representatives from the EU and they could raise – not raise – they could remind them that there is a initial report if they are (unintelligible) to read that please read that and make a comment like other people. That is the answer to your first question. Second question, if you want to ask European Data Protection Board as a Board, we need to have a valid question. Questions that we need to raise and ask their comments. In this letter I don't find any question. So should we have any questions, please put it in a letter and send it.

But this is conditional because some people they told in your small team meeting that the Board does not want to receive any questions. If they don't want to receive any questions, why we send them? So in summary, in conclusion, don't send anything (unintelligible) unless everybody agrees that there is a valid topic that we need to ask specific comment or comments from the Board of the Data Protection. Thank you.

Kurt Pritz: Any perspectives on Kavouss's comment? And, Georgios, maybe you want to come back to respond, should we be working through the GAC and you as the EU rep or...

Georgios Tselentis: Thanks, Kurt. If I can briefly respond, from what we know so far on how to approach the Board, there was a certain – already with ICANN what we know there was a certain fatigue on the issue with this official letter. So my position was not to have a formal letter exchange with the Board. And also the Board was – and this is what I was understanding from the reactions, is that as long as we don't have something specific very, very to the point question describing also the whole process, then they will not make general comments, they will not say – and this is what I'm saying – we are not in a position now, we don't have the right questions or the right – the right queries to address to the Board.

So and this is referring to what we have in the letter currently. We will not get any response because we don't ask them anything specific. I don't think even they will look at the report, maybe they will – some DPAs that are more close to the issue they will have a look but I was not – I'm not expecting anything in the current formulation as we have it in the letter to have any added value, as I said before, from the European Data Protection Board.

I'm more inclined to see whether there is an informal way to ask DPAs, even specific DPAs that are more into the issue, but again, with specific questions. And there we are not, I mean, we don't have any formulated the right

questions to get the right answers. I see a value there but we are not at all in this format that we have now.

Kurt Pritz: Thanks very much. That was really thoughtful. So I want to get a sense of the room here, so, you know, I'm not, you know, clearly as you guys know me, I'm not from that world. But from my world as a manager my thinking was this, that, you know, somebody in the chat said, Data Protection Board is very busy. So for me if I'm creating this work product that's pretty intense I don't want and I don't wait to the very end to tell the customer about my work product and say here it is. And then they're surprised and they look at it and, you know, may like it or may find fault with it.

So as manager and the word "manager" includes, you know, managing expectations I think the letter has value in that we're saying look, we're working on this, we've done our initial report, the final report is coming, you know, you're free to look at it if you're so inclined. I think that provides us some degree of – I mean, cover is too strong a word but, you know, we've gone to some effort to say hey, we're working on this and we're halfway through and here's our work product so far so that when a final report comes out it's not a surprise and, you know, we have a way to say, you know, we showed you our work halfway through. So I see that as the value of the letter.

But my ego's not tied up in it at all and I'd be perfectly fine to, you know, write to the GNSO and say, you know, we've listened, you know, we've got some really valuable feedback from some of our members and we think it's inappropriate to write to the Data Protection Board at this time, you know, what do you think, GNSO? So I'm for either thing. I just want to rule out.

So let's use our hands up and down thing. What kind of option do we have? Do we have green and red? So if you want to send the letter out check Agree and if you don't want to send the letter out hit Disagree and let's see what happens. Yes, great. Can anybody count higher than three? Okay so six to six, pretty darn good.

Stephanie. One, two, three, four, five, six. One, two, three, four, five – eight, nine, ten. All right so here's what I'm going to do, I'm going to read my Skype messages, yes more reds than greens. So I'm going to – nonetheless I'm going to touch up this letter so we have it in our back pocket because I think we're 90% done, some good work's gone into it and I want to have it ready.

And then I'm going to write to the GNSO Council and – or maybe ask Rafik to do it- I'm going to write to the GNSO Council with Rafik's good advice and say we're going to hold off on sending this letter right now but not preclude sending it into – in the future as we have a, you know, get some feedback from the Council. And we can even provide, you know, a draft of this letter. So if that's okay with everybody we'll leave this agenda item behind. And, you know, I think it was a really good discussion and I'm sorry it took up so much of our valuable time but I guess it was necessary.

Okay, the next update item is the SOW, the Statement of Work for legal counsel that I just sent around that Stephanie and Diane worked on – Diane and Stephanie worked on over the last 48 hours for us. So if you would put that up?

You haven't had a chance to look at this so I'm going to give you a chance to read it. I'm going to provide some initial feedback and that is I really want to – so what Diane and Stephanie suggest here is the scope. And then they provided two sample questions to provide an idea of the type of questions we would be asking. So, you know, I haven't had too much of a chance to read it even though it came out last night I think.

So I have, you know, you can scan through it and then, you know, we'll take comments online. But, you know, at the end of the day I think what's going to be sent out is going to be massaged some by ICANN so I think we need to realize that and so not be too worried about word-smithing even the sample questions are just samples and to not be answered but just are exemplars.

The changes, you know, I'd make to this is I really want to manage the expectation of those that bit on it. So I view this as sort of a – not a, you know, pay so much per month but really we're buying these services by the pound, right? So we have questions, you know, and we have this – we'll have a process where we'll compose questions, send them, the law firm will respond in writing and then, you know, then if need be we have a conference call later to, you know, to iterate the answers and make sure we have a clear understanding of what's going on. So I want to manage the amount of time spent by us and by them and the expense by creating that sort of process in this.

So while they may be on call for five months, you know, there's certainly going to be a period – a flurry of initial activity that we hope will go (unintelligible) to zero pretty fast and that the retainer will be, you know, used up as they spend time and the actual time working on things and not as some sort of monthly fee.

So I want to make that clear in there and then – and then I think it's pretty clear but I want to make it clear too that the sample questions are just samples and to indicate the sort of expertise we're looking for. So I'll pause for a minute and see if there are any questions about this. Kavouss, I'm going to assume that's a former hand and go to Ashley, so please go ahead, Ashley.

Kavouss Arasteh: Yes, Kurt, I can come to (unintelligible) the previous one; this is an important letter. I don't know at what stage this draft is. I receive it three minutes before the meeting. Perhaps I was lazy; I have not opened it before. But I have not studied it, I just give a very quick look, two or three minutes. But I think the content of this letter is very important. We should look at that very carefully because it seems some sort of the scope of the activity and work that we expect from the counselor or counsel or law firm, so we should look quite carefully o that.

I don't have any specific proposal at this stage but perhaps we should ask people, maybe one from each constituency or maybe some other people, to look at them quite carefully to see whether there is – whether there is any need to have an edit to that because this should be quite clear what really we expect from that because this four or five months and in fact would be less than five months because they have to find other things before that 5.5 months.

So I suggest that you and all distinguished colleague agree, we just think it over a little bit, sleep on that for one or two days or a few days, and then try to finalize that if everybody is comfortable with the content of the letter and the views of everybody is satisfied. And that is the suggestion that I make. Thank you.

Kurt Pritz: Thanks, Kavouss. And you're right, I sent it out just before the meeting and with the idea that you would review it after this meeting and come back with comments. You know, I'll also say that of me anyway, SOWs are sort of like conversation starters, right, you want to find the right firms with the right level of expertise and then get into a negotiation where the final statement of work and the fees and all the negotiations are tightly honed. So I agree that we have to be – we have to read this carefully and get it out but also realize you know, it's a conversation-starter for ICANN to get the right people on board. Now, Ashley, please go ahead.

Ashley Heineman: Thanks, Kurt. So having been on at least one of the calls where this conversation got started, I'm still not – while I like the idea of getting some kind of neutral informed guidance other than through the formal Data Protection Board channel, I'm still not 100% convinced that procuring services is going to best service us in large part I think folks have already indicated the cost but also the process of actually the time that it takes to procure services. And I would just hate to find ourselves in a situation where

we spend a lot of time and potentially monetary resources and don't really get much out of it. So I just wanted to flag there.

Also when looking at this, I will have to look at it again more clearly and more – in a more detailed fashion because I do think that there's some improvement that needs to happen with the questions. And I thought we had indicated the need to add more to this. But I think something else that would be helpful if we do go down this route, whether it's, you know, procure legal services or something else is that we make it clear that we expect them to refer back to the guidance we've already received from Working Party 29 as well as through the European Data Protection Board because I think there's a lot there already.

I think we have a lot of information that's been provided to us, it's just, you know, we haven't really maybe necessarily been able to use it the way we should have been doing or perhaps we have some differences of opinions and being able to benefit from someone with more of a GDPR legal expertise would be able to sort it out for us, because I think we have quite a bit of information available to us and I think it would be unfortunate if we second guessed that information because I think it was pretty spectacular that we got that kind of feedback and we shouldn't throw that out. Thanks.

Kurt Pritz: Thanks, Ashley. I think that's right. And I think the exercise of really honing our questions is – will be as helpful to us going through that exercise as it will be in getting the answers. I also want to point out in the second small group meeting we had on this, you know, Thomas Rickert did point out some advice we got from the Data Protection Board that seemed very vague to us that we'd need clarification on so there are – there do exist questions where I think we'll want some outside advice. Marc.

Marc Anderson: Hey, Kurt. Marc Anderson for the transcript. I like the other side, I didn't get a chance to read this before the call so I will do that and comment appropriately. But I raised my hand because, you know, there's a

conversation going on in chat around budget implications. And, you know, I think, you know, I think maybe that's maybe important that we bring that to the forefront.

You know, if the working group decides that this is important and we need independent counsel, you know, I think we, you know, we need to make sure this can be paid for, you know, and, you know, Kristina pointed out, you know, if money's an issue, you know, the GNSO Council has asked, you know, what we need and if, you know, if there are issues here with how we're going to pay for it, let's, you know, let's raise that to the forefront now.

You know, I think there's probably somewhere money to be had for paying for this and so if we determine that this is what we need let's make sure we can pay for it and make sure, you know, if there's red tape or hurdles to getting this paid for, let's bring that to the forefront now so that we can, you know, we can get that addressed. As others have mentioned, if we, you know, if we need this we're going to need it quickly and so I'd hate for us to spin our wheels with red tape getting this paid for.

Kurt Pritz: Thanks. And I would hope – thanks very much, that's a good comment. And I'd hope that, you know, my job and Rafik's and certainly the support staff is to navigate all that stuff. And certainly you know, we wouldn't spend money we don't have to even if we had the budget and we wouldn't not do something we absolutely have to do because of a budget issue. So I think we walk that line pretty well. And part of this effort is to demonstrate, one, to ICANN that we really need it; and two is to demonstrate we're doing it in the skinniest way possible and still get what we need. Margie, please go ahead.

Margie Milam: Sure. This is Margie. A couple observations. One, what's the process for actually selecting the counsel? And will there be a question regarding whether they've already provided advice to, you know, contracted party or other party in the ICANN stakeholder model? So I think that may affect the analysis provided. And also, is this list of questions – I'm not sure how we got

this – has someone gone through the initial report to glean out all the areas where there were questions? And how do we add to it? Because I imagine there's other questions we might ask.

Kurt Pritz: So the process is that ICANN procures the services, they will go through a process where they look at potential – they solicit potential vendors, interview them, you know, the typical procurement stuff. They have an expedited process for doing that as they have done for us in the past. I think that to try to answer your real question I hope is that if you think there are certain prerequisites or experiences that should be required of this firm, in order to do the things we need them to do such as working in this multistakeholder model before or providing certain types of advice before a certain experience, I'd ask you to add those to the SOW to make sure that – to make sure that those really valid concerns are addressed. So that's the answer to Number 1.

And then the answer to Number 2 I think is that we – the thinking in putting these questions in there was that we'd show them some examples or exemplars of the type of question that we would ask so it's not supposed to be an exhaustive list, it is just meant to illustrate the level of complexity of the question. I'm not saying they're particular complex, I'm just saying that, you know, it's meant to demonstrate the sorts of things we're interested in so it's only an example; we're not asking for answers to these questions at this point. And so I think – and I think the SOW has to be you know, triply clear on that, that these are just exemplar questions.

Margie Milam: Sure. If I could reply...

Kurt Pritz: Yes.

((Crosstalk))

Margie Milam: ...hard to find a counsel that understands the industry and hasn't already weighed in on this? I'm just trying to, you know, I'm not sure, you know, I'm

saying that it's completely off the table but I think knowing that they represented, you know, a contracted party or not or someone else that's actually in the industry.

I think at least helps, you know, inform, you know, whether they have a particular perspective and, you know, we may or may not still go with them because if you can't find someone you can't find someone but at least we're going in knowing that they've already provided advice in this area for, you know, a registry or a registrar, as an example because, you know, I think understanding who's, you know, understanding our industry is actually really important so that – you may end up with those. So I just think it's something we need to ask.

Kurt Pritz: Thanks, Margie. Kavouss.

Kavouss Arasteh: Yes, as I said before I have not read the paper quite carefully but a quick look again while the other people are talking I think the Question 1 is part of – Question 2, sorry, Question 2 is a (substantive) part of Question 1. I think we have an experience before whenever there is something of legal status or legal nature we need to raise it with someone outside to have a fresh look from the outside point of view. We did that during the CWG, the Cross Community Working Group on Naming and during the CCWG Work Stream 1 when we had legal questions.

But we should also consider that these legal people, I don't know, they are (expensive) people and costs a lot of money even though we have the budget we should not spend the budget without any reasons; budget could remain and could be appropriated to elsewhere. Nevertheless, the Question 1 for me for the time being is (treated) to be a question if it's further developed and so on so forth.

But I believe that it may be early at this stage to raise this question. We have to wait until we receive the public comments which is the 20th of December,

so maybe about 5th of January or 10th of January they are clear answer of the public about these sort of thing between natural and legal and if the legal has a representative it could be the natural person and if information is not correct or is considered to be not correct what we have to do.

So I think we have to wait but once again I think we have to look at the question and we have to put it in a proper order whether Question 2 is a part of Question 1 or not, and then wait until we receive some answers, maybe some of the answer help us. But I don't believe that there are all answers available as Ashley mentioned. There are some, the different views between the people, so we have to find it out. And we had (unintelligible) in the CWG or CCWG we had different views and so on so forth and that would be good to raise the question once it's approved by the group. So I'm not against sending this but I suggest that perhaps we should wait until we receive information on the public comment. Thank you.

Kurt Pritz: Yes I think it'd be – Kavouss, I think it'd be dangerous to wait that long because there's going to be a process by which, you know, we solicit, you know, it'll take time to get somebody on board and we'll want to be asking them questions right away. So that's a balancing we'll have to do. I'm also kind of – in thinking about it because I've just seen this too, you know, I'm sort of a proponent for putting in some sample questions because you know, just putting in, you know, we need EPDP – or we need GDPR expertise or something like that is broad and if sample questions can help identify an appropriate service provider I think that'd be helpful. Thomas. I think it makes the SOW more meaningful. Go ahead, Thomas. How are you?

Thomas Rickert: Good. How are you Kurt? Hey everyone, two quick points. One, I think in the letter there's one component that I would like to see added and that is that the advisor should provide some training on or coaching on methodology. You know, specific questions might lead to specific answers. We should, you know, as we tried with the various temp questions at we've done for the worksheets, we need somebody to do sanity checks on the – that we're

covering all areas that need to be covered for, you know, somebody to be able to establish that we have made the system compliant. That's one.

The other point is on cost. While it's true that, you know, any legal counsel that we retail would produce costs, I see bigger cost risk in us seeking legal advice from an independent counsel and ICANN seek legal – ICANN Org that is seeking legal advice in parallel and then we might end up with contradictory or, you know, inconsistent advice probably during the drafting phase of our report but maybe also during the phase where the Board is checking whether or not they should adopt our report.

And I guess that could easily double the costs or even enter into a battle of legal expert opinions that we've solicited. So maybe this is something that's difficult for Trang or Dan to respond to now, but I think the most cost efficient way would be if ICANN Org and this team could agree on asking just one independent counsel and then taking their advice for you know, for what it should be, right, and not enter into competing or soliciting various legal opinions that might be conflicting.

Kurt Pritz: Sorry, I was on mute. I think that's a terrific point, Thomas, and something that we should explore. Alan – Alan Woods.

Alan Woods: Thanks. Yes thanks, Kurt. I was about to do a mini-moan there and then Thomas came along and gave us brilliant suggestion so actually I like that concept and I certainly would like to think more about that. But I think my point is just the conversation that we're having now can I just suggest that we perhaps move it to the list at this point because we're already 50 minutes in the meeting and I know this is important but a lot of us haven't really digested what is in that letter and I think we should just read it first and I think we should probably jump a little bit into the substance because we're coming up to an hour left and we have a lot to get through today.

So apologies, it was a mini-moan but also well done, Thomas, you kind of took the words out of my mouth.

Kurt Pritz: Yes, see, it was worth it. Go ahead Alan Greenberg.

Alan Greenberg: Thank you. I just wanted to respond to the comment of – that we should defer this. Past experience says if we end up needing counsel that ICANN does not currently have a business relationship with, it can take significant time for ICANN to do all of its due diligence and paperwork. So we really can't defer in starting the process. We can defer asking questions but we can't defer in starting the process. Thank you.

Kurt Pritz: Thanks. So let's take Alan Woods's suggestion if you have other concrete suggestions to make to this statement of work, and I have a few, please add them. And then, you know, unless somebody thinks it's a really bad idea I'm going to take Thomas's suggestion and, you know, write that in the cover letter that would go with the statement of work that we send to ICANN. And so Stephanie's still voting no, so I don't know if she's voting no on what I just said or something we said a long time ago but let's move that to the list.

And so please give your input on the statement of work and you know, I understand that we've taken up a lot of time but I think, you know, they were not substantive but important discussions to have. Amr, please go ahead.

Amr Elsadr: Thanks, Kurt. This is Amr. Just a quick question on do you envision a deadline of sorts by which we should be done with the SOW and – or at least at which time we should be introducing the proposals on how to add topics to it?

Kurt Pritz: Yes, thank you very much. I bet you if I look at Skype Marika's asking me to make the same suggestion. So I'd like the input on the SOW by the end of the week so we have today and tomorrow and then we can polish, you know, put it in a draft form and send it to ICANN. And gives us the right to amend it

but I want to get the process going. And like I said, I view the SOW as kind of a conversation starter so I think we won't let the perfect be the enemy of the good. But I think we heard several good comments on the discussion so far and I'm sure we'll get more thoughtful comments in email. So thanks for that question, Amr.

All right so let's go to the next thing in the agenda which is Purpose O. And Benedict asked me to take up the first 20 minutes of the meeting so he would be able to speak after that. I exceeded his expectations. We asked the team to provide some feedback on this on the list. And we've got essentially none, so this is kind of like the O for orphan purpose because it's kind of late coming and then there's not a lot of passionate discussion about it.

I do have some questions but, Benedict, I know you've introduced this in the past but if you could briefly introduce it, flesh out a little bit of the detail if you can anticipating what questions we might have and then, you know, we have to come to a decision whether or not we want to include this amongst our purposes for processing data. So, Benedict, if you could take that and then, you know, we want to decide whether we toss this or adopt it as a purpose or have to do more work. Go ahead, Benedict.

Benedict Addis: Hopefully you can hear me okay. You can put I think – thanks very much for covering the first 50 minutes, everyone. I think we did really well there. Why have I proposed a Purpose O? The answer is is that ICANN does internal stuff with registration data like compliance that's covered by Purpose F that we don't kind of have covered elsewhere in the – in our report right now.

It's – the kind of activity I'm talking about is research to write reports, so looking at longitudinal trends in domain name registrations, and looking for – and more tactical research on security so things where ICANN is going to be position of being able to sort of look at, you know, look across domain names and particularly as it seems that that ability is going to not be available through the likes of Domain Tools and so forth.

We kind of from the security side we mourn that loss but we also understand that, you know, this is a new world. So I think that creating a purpose for ICANN to achieve this kind of research is – reflects what happened before the 25th of May and it's something that's required within ICANN to deliver some of its work and support its mission.

There are two ways – Thomas and I chatted about the sort of legal side of things. There are two ways of going about this under GDPR. You're allowed – you're – essentially an organization is permitted to do research in a really broad way as what's called secondary processing and that's not something we really talked about in this group. So we can take registration personal data that's been collected for another purpose and then without (unintelligible) consent there are some areas that – where secondary or subsequent processing is allowed without having to go and get consent of the subject again.

And that's dealt with by Article 6.4 and is specific research exemption is Recital 50 so if anybody wants to go and look those things up, Article 6.4 and then Recital 50. So this is something we can do without a specific purpose and ICANN can feel – is allowed to do but in the interest of transparency Thomas and I – and I think I'm characterizing correctly eventually decided that it'd be better to have a separate purpose so that it's completely clear to registrants what – where their data is going to be used.

And it's a really limited and just coming onto the lawful bases, so the – and the – it would still be under 6.1(f) and the kind of data that would be processed would be extremely limited. We'd purely be talking about a limited set of pseudonymized data probably – and again this would be open for discussion but probably email address and we've put registrant name, address, and email but those would be securely hashed.

Separately SSAC have also developed a secure hashing function to demonstrate this is a proof of work and I'll circulate that to the list now so you can have a play and put your own email addresses in there but basically you put an email address in and you get a hashed version out. And to be very clear, this data would not be shared anywhere beyond ICANN; this would purely be for ICANN's internal work. I hope that's clear.

So on that I've probably forgotten a few things but so please give me some questions and hopefully you'll hear me – I think – I can hear Farzaneh saying, I'm whispering. And I hope you can hear me okay. Thanks very much.

Kurt Pritz: Thanks, Benedict. So let's hear the questions. James.

James Bladel: Thanks, Kurt. James speaking. And thank you, Benedict, for teeing this up, this conversation, and I think you offered some important clarifications there at the end. So just so I'm 100% clear, this data would be – or sorry, this purpose would be for ICANN to collect the data for research purposes and then that data would not necessarily be shared with third parties but the results or findings of the research would be shared. And is that my – am I understanding that correctly? The data would not be shared but the findings would be shared and is that a function or a role that ICANN is willing to take and is looking to take?

And I guess then I turn the question away from Benedict and now point it squarely at Dan and Trang, is that, you know, is that a case and a justification that ICANN the organization believes is part of their mission and they would like to undertake that role? So those are just my questions. And again, if I've missed something, I apologize, but I'm just trying to get a handle around the roles. Thanks.

Kurt Pritz: I think...

((Crosstalk))

Kurt Pritz: Go ahead.

Benedict Addis: Sorry, Kurt. So yes, this is purely for disclosure to ICANN and in a pseudonymized way. This – the idea is – and some of the language I just discussed with Farzaneh would be is about research and published reports, so in other words so ingest the data, pseudonymized only, and publish on – so publish open reports on threats to the DNS. So yes, absolutely it would be intended – the output of this process would be intended for public consumption but there would be no disclosure there.

Then I have spoken to Dan about this and he's – the people he needs to speak to are mostly in (OPTO) and SSR so that's folks like John Crane and Dave Conrad. And I happen to know they're just on their way back from Moscow right now and so Dan hasn't had a chance to speak to them yet, so he has got back to me about this; he hasn't take a decision or ICANN hasn't taken a decision collectively but so I'm – and I need to be very clear, I am to some extent putting – creating this purpose so that ICANN can continue doing its work.

This is by no means the only way to achieve this goal but it seems to me to be the most transparent way to achieve research, to be clear to the registrants about what's required and to bind the work to make sure that it's not too wide because I noticed that Amr has said how can we make sure that it's guaranteed that only – is only used for research. And Amr, that's what we use GDPR for, it's the risk of fines that guarantees that. Thank you.

Kurt Pritz: Oh I'm sorry, go ahead, Alan Greenberg.

Alan Greenberg: Thank you very much. Alan Greenberg speaking. Given that we are working in a different environment where we no longer will have the public data available we used to have, given that it is ICANN's responsibility to look at the identifier system, and that includes evolution of the identifier system, and to

consider risks to that identifier system, I don't see how we cannot do this. I would think whether there is a need on the books today that says they must have this, and whether they have done it before I think is quite irrelevant because the world we were looking at before was very different and the data was available without asking anyone's permission for it, I don't see how we can restrict ICANN from doing this or even attempt to.

As Benedict pointed out, we might be able to do it anyway under the current procedures, you know, even if we don't have an explicit purpose, but I agree that it should be there and it should be blatantly clear that ICANN does have a responsibility to ensure that things are okay in the future and understand the environment well. And I don't see how we could tie its hands behind its back by saying it can't do this. So I really think it's a no-brainer that there's no question we've to be able to do this.

I would also presume, but I ask for clarification, that if we do this, this also would allow ICANN, under appropriate nondisclosure, to subcontract some of this work if that's appropriate. Thank you.

Kurt Pritz: Thanks, Alan. Benedict, do you just want to manage the queue and then you can choose when to respond or when to go ahead?

Benedict Addis: Sure. James, is that a current hand? Is that a follow up on your question?

James Bladel: Old hand, sorry.

Benedict Addis: Sorry, I saw it disappear, I'm using my phone so apologies. I'm a little slow on the uptake. Kavouss, I've seen you've written in the chat – you've asked a question about the secondary purpose. Would you like to clarify your point please?

Kavouss Arasteh: Excuse me, are you asking me to clarify? I heard somebody say second purpose, I said what is secondary purpose? Thank you.

Benedict Addis: Thanks for asking the question. This isn't – this is something new to this group as a concept. So but it's something I've been reading about. Essentially there are certain limited exemptions in GDPR where you can – you can take the data that has been collected, processed for other reasons and repurpose it without going back to the registrant – the data subject and ask for that (unintelligible) know by now, you know, (unintelligible) and you can't switch courses midstream. (Unintelligible) that was a terrible mixed metaphor. You can't (unintelligible) you're allowed to take that data and perform a search with it without going back – without going back to the data subject, is all we mean by secondary purpose.

So when I'm talking about that, this is an alternative way of (unintelligible) so I'm sort of owning up - I'm leaving it up to you guys to say look (unintelligible) separate purpose or ICANN can feel comfortable doing this anyway but, you know, the reason I proposed this is I think this is more transparent. Thank you. (Unintelligible) any further questions or can I move onto Marc, please?

Kavouss Arasteh: Yes, I'm not sure that this sort of action you mentioned would not have some unintended and unforeseen consequences and be a way to have some (unintelligible) of something that somebody decides that this is a secondary purpose and decide not to comply with what is, what one would say, primary purpose and so on so forth. You try to create a sort of category which will be exempted from some actions or in fact have some (relaxation) which I have difficulty for that because that may cause problem with those who are not subject to this sort of (action).

So this so-called secondary purpose issue may create problem for the primary because secondary is not subject to certain rules, to such restrictions and it is subject to some (unintelligible) and that may create difficulty. So I am not against but I'm not (unintelligible) say that we could understand and we could address that. So that is a issue.

But I raised my hand not because of this because I raised the question in the chat but I have another question about what we are talking about this new data that ICANN will use for research and so on so forth, I have some difficulty with that if you could allow me I will say that I am not in favor of that if ICANN or anybody wants to use any data for any case outside the GDPR it is under its responsibility and should not intervene and should not justify or give any justification with the actions to be taken otherwise given the responsibility, the team is responsible that provided this sort of justification which I think we are not authorized to do that. Thank you.

Benedict Addis: Thanks very much, Kavouss. Perhaps you could have a read of Articles 6.4 of GDPR and you'll see how that – how this processing is justified. Alan, you seem to have jumped to the front of the queue. I you feel that's your rightful position, crack on please.

Kurt Pritz: So I think, Benedict, I think you're looking at a different queue than I. I don't know if it's the interface or what. But I see Marc Anderson being next in the queue, so if you want to go ahead, Marc, that'd be great.

Benedict Addis: Sorry, Kurt. Thanks.

Marc Anderson: Thanks, Kurt and Benedict. Marc Anderson for the transcript. You know, I have a number of comments I guess, but, you know, I want to focus on, you know, something that, you know, I guess Thomas raised initially and Ashley pointed out in chat that it's, you know, the purpose – it isn't clear what ICANN wants to needs and gives pause and sort of semi-quoting Ashley there. And that's sort of you know, the initial point I think I want to make on this one.

When Marika forwarded the Purpose O document around, she also provided the responses from ICANN Org on the use of registration data by other ICANN departments. And I read through, you know, the responses to, you know, Questions 2 and 3 there. And from reading their responses, it's not at

all clear to me that this purpose solves an actual problem or is something that ICANN is asking for.

And I think before I would even support considering Purpose O, I think we would have to hear very specifically from ICANN what they need and why they need it. And in my view this, you know, Purpose O, you know, is – this is a, you know, you're making up something new here. And this is not something that's currently being done; this would be a new obligation on contracted parties to take registration data, anonymize it and transfer it to ICANN Org. And it's not at all clear to me that that's necessary for GDPR compliance, that ICANN is asking for it, that this is within the remit of this working group or something that we should even be talking about right now.

And so, you know, I guess, you know, Kurt asked when he teed this up whether this is, you know, something we, you know, we scrap or decide to discuss further or decide is something we need as a purpose. I just – I'm not seeing anything in here that makes me think this is something we need as a purpose.

Kurt Pritz: Thanks, Marc. Mark S.

Mark Svancarek: Thanks. Mark Sv for the record. Two questions and maybe a follow on question depending on the second. So the first one, my comment would be, you know, noting that we don't have to get subsequent notice from the data subject in some cases, it feels a little too clever to me; why can't we just disclose that we're going to be doing this processing at the time of collection anyway just like it will, you know, should we accept this it'll become a typical thing that ICANN engages in. So feels to me like we should just disclose it right at the time of collection.

And then the second question is about the pseudonymization, is this an ad hoc pseudonymization or are we generating global unique identifiers?

Because I think – and then the answer to that goes to my third question, so please clarify.

Benedict Addis: To clarify on your first point, we are – there is – my proposal does not rely on secondary processing, I'm suggesting that we've got two ways to approach this and the way I'm proposing it is the transparent way where we're up front and clear about this to the data subject initially. But as I pointed out, there is no need to do that under GDPR because there is a broad exemption for research. So I think we're agreeing with one another.

Mark Svancarek: We are agreeing. Thank you for clarifying that. Yes.

Benedict Addis: Okay so on the second point, there is no sense of global unique identifiers here because this is – we are purely creating pseudonymized data for internal use within ICANN so there is no – so you can play with the pseudonymization tool that one of my SSAC colleagues built for fun, but I've just put on the chat, (HM Hasha), you can go and have a look at that and see what sort of results it – it uses the (wildly) secret key "I love bacon" so that's his secret key there. So that prevents anyone reversing the data. Obviously you don't (use) that key in practice but it allows the – allows data to be passed to ICANN without disclosing anyone's personal data. We're not talking of a public service here.

((Crosstalk))

Benedict Addis: Also I don't really like bacon.

((Crosstalk))

Mark Svancarek: Third question would be okay, since – yes I guess I would call this ad hoc pseudonymization. So it seems to me like one of the types of research that would be conducted by this (DARS) would not be supported by this, is that correct?

Benedict Addis: (ARS) is not a – is not an OCTO function and so we'd need to either include GDD, who are the owning body in this purpose or we'd need to create them a separate purpose. I don't know how the group wants to approach that. I think it's one to ask GDD about.

Mark Svancarek: Okay, yes, okay thank you for clarifying all my questions.

Kurt Pritz: All right, let's draw a line under the queue. I think I know where we're going here, so but there's a good chance we're going to learn something new so please go ahead, Alan.

Alan Greenberg: Thank you very much. Two points, on the secondary purpose usage, I'm not sure that that applies in this case, I mean, legally it applies but it really seems to be designed for a case where the controller already has the data and just chooses to use it for a secondary purpose. In our case we don't have the data and applying the secondary purpose rationale we would have to then convince essentially all of our contracted parties to provide the data for us on that secondary purpose and we've already heard things such as what Marc Anderson said, that there could well be pushback.

So since we don't have access to the data we can't unilaterally decide to use it for a secondary purpose and therefore I think that method has a question mark on it and whether it would really work. The question of whether ICANN is doing this today I think is completely irrelevant. What we have done today basically is respond to the world we were living in. The world changes, we know that, not only by GDPR just because things change.

And, you know, saying that we're not doing it right now therefore we don't need it is akin to the old joke sort of, you know, you decide whether you need a bridge in the middle – across a river by putting a boat in the middle and seeing how much traffic there is. Well, there's not any traffic because there isn't a bridge. You can't use that as the gauge for whether you need the bridge or not, and the same thing here; you can't gauge whether we may

need this in the future based on whether we needed it last week. And I think it would be foolish to not give ICANN the ability to do work to progress and address issues as they arise. Thank you.

Kurt Pritz: Thanks, Alan. Go ahead, Kristina.

Kristina Rosette: Yes, Kristina Rosette for the transcript. Just to put kind of a little finer point on it than Marc Anderson did, and to be clear I'm not speaking for the stakeholder – this is not a Registry Stakeholder Group position at this point.

I am going to have real difficulties in going any further with consideration of this proposed purpose unless and until we get something in writing from Dan on behalf of ICANN Legal that basically says everything that Benedict has said about this purpose, what it's intended to do, what its scope is, is accurate and complete, we endorse it, and by the way, we're not going to try and use any adoption or proposal of this purpose as an indirect way to get data from contracted parties that they are not currently contractually obligated to provide. That's what I'm going to need to see before doing anything further with this. Thanks.

Kurt Pritz: Thanks, Kristina, that was to the point but constructive too. Alan.

Alan Woods: Everybody is stealing my thunder today so thank you, Kristina. No, Kristina actually made my point very well. I think I just want to also add to it that, you know, I do applaud Benedict and I see what he's trying to do from the transparency aspect of this. But again when it comes to things such as research, I mean, it has not been a stated primary purpose of ICANN in the past. I agree with Marc, you are trying to create a new purpose out of this and I think it makes it a lot more difficult stance considering where we are and what we're trying to achieve in this particular PDP.

So what I would suggest is, I mean, I would still think of it as being a secondary purpose and just to say to Alan's point where he's saying, well

they don't have the data in the first place, the temporary specification actually removed their receipt of that data under the (RDA) data so, you know, it's a chicken and an egg type situation in this one.

But then Kristina's point is absolutely right, you know, there is no contractual obligation under this type of purpose for us to provide this data or transfer this data to ICANN for that purpose. So you know, we're entering into a huge minefield here so I just wholeheartedly support Kristina and what Marc has said but also to thank Benedict for, you know, putting this on paper and having this conversation with us.

Kurt Pritz: Benedict, I see you've added yourself to the queue, did you want to interject now or can I march through the queue and I can wrap it?

Benedict Addis: I just wanted to ask Alan a question. I didn't understand what he said about the (RDA) but also thank you for saying nice things, I know this is tricky. But, yes, did you say that the (RDA) was – has been modified at some point?

Alan Woods: Yes just under the temp spec, we have to now provide only thin (BRDA) and not thick (BRDA), so basically ICANN removed the only sorts of data that they received within the terms of the temp spec itself.

Benedict Addis: Okay good to know. I was envisioning this as being transmitted this, you know, this scrambled data being transmitted along with the (RDA) pack so if that's been changed then I need to have a re-think about that. Thank you very much.

Kurt Pritz: Go ahead, Hadia.

Hadia Elminiawi: So first off I would like to say that I support (unintelligible) comment and I have two other comments. First of all, those who say why do we need this purpose – what does this purpose need data, we have already established that this is what's being done and that's why this purpose is being achieved.

To Marc's comment, how does this purpose relate to our work, well this purpose relates to the usage of Whois data and that (unintelligible) is in our mandate.

But my second comment is that we also have in the purpose it says that the findings will be published, and I think that would be beneficial not only to ICANN but to other parties as well operating in the field. I have two questions to Benedict, I wonder why you did limit the – why you've put the wording in the purpose as reports on (unintelligible). Why only (specs)? So my understanding that reports could also work on advancing this area and not necessarily (unintelligible). And my second question to Benedict is with regard to thin registry, talk about the thin registry.

Kurt Pritz: Benedict, do you want to respond?

Benedict Addis: Yes, if you don't mind. Two quick questions, and things I'd wondered about myself. Why did I just put threats and because that's what I worry about but I also – I think it would be a really good idea to include things like reports on country uptake, for example, you know, if a country isn't taking up domain names as much as its neighbors, that might be interesting for ICANN to write a report about and it could be achieved quite easily through the use of Whois. So, you know, I'm open to opening that but I just wanted to be really careful that we, you know, we're not opening the door to abuse – to abuse of the system.

Number 2, sorry, remind me what your second question was?

Kurt Pritz: It had to do with thin registries.

Benedict Addis: Oh yes – yes, if my – I wasn't sort of – I didn't want to sort of pitch a technical implementation, and I think – but my gut feeling, if you're asking, is that this does sit better at registries rather than at registrars but it could equally be implemented by registrars. You know, my suggestion and if you look at the

way that I structured the data processing flows on sort of Page 3 onwards, is that it be part, you know, the registry pseudonymize the email address etcetera, scramble it, and then pass it as part of its normal upload to ICANN, the normal – the (RDA) process so it's just adding another element to that.

And remember, there is already a contact object going out to ICANN so this isn't a massive stretch on that. It's not – we're not, you know, this is an existing function; it shouldn't be too painful. Obviously it doesn't – if we're doing it from registries, that doesn't include VeriSign thin registry. My feeling is that, you know, VeriSign has acknowledged that it's going to go thick at some point so we just wait for that process. You know, if that's something we still think is going to happen and I hope it does, then let's wait for it. Thanks.

Kurt Pritz: Can I – I just want to interrupt the queue for a second and – because James is leaving and he had, you know, I think we're going to wind up here with a collaboration with ICANN on this issue. But Dan or Trang, can you respond to the point where ICANN is on this and then we'll talk about next steps later, but considering questions of collaboration on this or if specific questions have been posed to the Chief Technical Office or what the stated play is on this and then we'll go onto next things later, but I'd like to hear from one of you guys if you have something to say before James drops.

Dan Halloran: Hey, Kurt, it's Dan. Can you hear me?

Kurt Pritz: Yes, we can.

Dan Halloran: Okay. Thanks, Benedict, for bringing this up and thanks, everybody. We want to, you know, support the discussion and support the team in any way we can on this. And appreciate, you know, I mean, everyone agrees that Benedict is kind of looking out for the common good here and so we want to support that too.

I think we did ask – there were earlier questions to ICANN Org on this general issue and we answered one question, went back and consulted, you know, with the team and OCTO. And then there was a follow up question. And I think the answer – I'll try and speak up, yes, thanks, Lindsay. The answer boiled down to a question of want versus need. I think Alan Greenberg put a really fine point on it about his analogy with the bridge.

You know, we don't currently have access to this data and I think there's a sort of hidden idea behind this, and it looks like – and Benedict, seems like needs to maybe think this through whether this purpose implies that there would have to be a new obligation on registries and registrars to hash all their data and then send all their data to ICANN. That requirement does not currently exist.

It used to be the option for registries to send bulk data to ICANN and we didn't require them in the past to strip out the contact data when they sent us the bulk registration data. Under the temp spec that is now required, you know, there were GDPR issues with bundling up all of the contact data and sending it to ICANN and we told registries to stop giving that.

So in order for this purpose to become operative there would have to be a new obligation. It sounds like the idea on the table is that registries and maybe registrars would be required to hash all their data and send it to ICANN to conduct this new purpose. And I think it really, you know, so we can go back to OCTO, I think like Benedict said at the beginning, it'd be good for us to be able to go back and actually consult with them. You know, Trang and I can't speak for OCTO here.

And see to what extent they, you know, this data would be useful to them to support their mission which is to support ICANN's mission, you know, for the security and stability of the DNS in a nutshell. So we'd be happy I think to take on if the team can – wants us to go back again to kind of come up with

a, you know, a written question we'll take back and consult with the team on it.

I think though too, there's still room for discussions in the team, like I've heard as Kristina and a couple others have asked, you know, would ICANN Org support that? And so you're looking for an official ICANN Org position on whether or not we would I guess take on this purpose and if we'd be willing to accept that new obligation if registries and registrars were going to be required to send us all this data in hashed form.

I think though it's also fair for the team to consider whether, you know, like assume do you want us to do this and we would accept that. Really, you know, our job is to kind of carry out the – implement the policies and carry out the wishes of the community as expressed these policy processes. So assume, you know, we would be willing to take that on, do you – does the team have an appetite to give ICANN all that data anyway I think is the fair question. And I've seen Lindsay and others raise questions about that in the first place whether they want to give that data.

So again thanks to Benedict, fully support the discussion and want to support this. And we'll be happy to follow up with any written answers. Thanks, Kurt, and thanks, Benedict.

Kurt Pritz: Thanks, Dan. Okay, let's see if we can march through the queue. Margie, please go ahead.

Margie Milam: Sure. This is Margie. Regarding whether this is new, I think we heard from ICANN that before May 25 they had access to the data and now granted it wasn't coming through the, you know, the channel we're talking about now but and that I thought we asked them a question regarding whether it was helpful in helping facilitate the mitigation of some of the, you know, security incidents that have happened in the past, you know, I believe that OCTO had,

you know, worked with different folks when something like, you know, something malware thing happened.

And so this is new in that – from that perspective. What's I think different is that since May 25 they haven't had access to the data but before that they did. So I don't really look at this as something new other than perhaps the hash concept which is more of an implementation detail. I would support this. I think it's something we need to include it as a specific purpose and think it's important for, you know, security and stability purposes. Thank you.

Kurt Pritz: Thanks very much, Margie. Marc.

Marc Anderson: Thanks, Kurt. Marc Anderson for the transcript. You know, I guess, you know, I'm trying to, you know, limit my comments to new things and not just reiterate what I've said before and what Alan and Kristina have said. But, you know, this is, you know, it's, you know, it's not clear to me that this is something that addresses a specific need and is something that ICANN is asking for. You know, I, you know, I heard Benedict, you know, when he was talking say, you know, oh wouldn't it be nice if we could do this? Wouldn't it be nice if we could do that?

And, you know, I don't look at that as what we should be doing here during this Phase 1 is sort of dreaming up new obligations for contracted parties to provide OCTO with data that they might want to report on. You know, this, you know, this seems like a, you know, a growth in scope; this seems like a, you know, an overreach of the scope of the work of what we're supposed to be focused on and that's GDPR compliance. It doesn't seem to me that something is broken here and that, you know, that OCTO is saying, you know, I've not heard OCTO come back and say, hey, you know, we – there's something we need here to do our job that we're, you know, we had before May 25 and now we don't have; please, working group, fix this for us.

I'm not hearing that being said. So, you know, and I don't look at this working group as just a blank piece of paper to, you know, to, you know, to do, you know, anything and everything with RDS. That is what Next Gen RDS was, you know, that was a pretty wide open scope to look at anything and everything related to RDS. Our scope is a bit narrower, and I think there's, you know, there may likely need to be follow on PDPs to address some of the broader scope items that, you know, were part of Next Gen RDS but were overcome by GDPR.

This seems like a distraction from the work we should be focused on. I think it's maybe a nice idea and well intended but I think it's a distraction; it's not solving an immediate need. And, you know, and I think, you know, I think we'd be better off focusing, you know, strictly on the issues that are necessary and core to our charter and moving on from this one. Thank you.

Kurt Pritz: Thanks very much, Marc. I feel a little bit like the loaves and the fishes here. I've – I drew a line under the queue and somehow it's magically grown. So let's try to keep our comments to something that hasn't been said before and because I think I know where we're going to go. So Kavouss, please.

Kavouss Arasteh: Yes, I agree with you, I fully agree with Marc and many others that said that we are not clear about this purpose. I don't reject that at this stage but I defer consideration until we have sufficient clear in what we are talking about, what is the justification of that, any consequences intended or unintended consequences and any – there are possible potential coverage using this purpose for some other thing just we devote another hour, I don't know, half an hour, 45 minute discussion at the next time, whatever time would be and then try to – I'm not clear to accept that. Thank you.

Kurt Pritz: Thanks, Kavouss. Benedict, I'm going to give you the last word so I'm going to Mark S first.

Mark Svancarek: Thanks, Kurt. Mark Sv. I agree with the comments that, you know, the actual usage and the need of ICANN or OCTO or however you scope it does need to be clarified. But I always thought that we had been asked and we (are) on the initial report the question are there any purposes missing? And so considering that, you know, we always thought this before, yes, that's totally fair; but the fact that we haven't talked about it before I don't think that automatically makes it out of scope. We have a question are there any purposes missing? If we can include that this is a missing purpose then I think it is within our scope. So I'm open to comments on that but that's my opinion.

Kurt Pritz: Thanks very much, Mark. Okay, Benedict, you can close and then I'll take up some if you don't mind.

Benedict Addis: Well I just wanted to say thank you, everybody, for listening and giving it, you know, good faith consideration. I know that it's contentious but, you know, and – but I really appreciate the person who said I'm, you know, this is coming from the place of trying to do the right thing, you know, that's our aim.

I'll say one last thing which is illustrative, as some of you know, and I've worked with several of you over the last couple of weeks, we've been taking down an organized crime gang (unintelligible). What's been different this year is it's been really hard to distinguish the domains that are owned by like innocent people because of the loss of some of this data. We've dealt with 850,000 domain names across 40 TLDs. That's a huge amount of data.

Picking the sort of good – the legitimate, the false positives, the crossovers out of that data has been a lot harder because of the redaction. And I think it's – so I think I'd encourage you to all be mindful of the sort of unintended consequences of what we're doing and maybe have a system where ICANN can – we can rely more on ICANN to do some of this work rather than sort of outsourcing it, so, you know, random third parties like me. You know, that's what I'm envisioning here I think. And this is the situation where ICANN is

taking more of an active role in cyber security and, you know, because this is the new reality we're in. So thank you very much, all, for listening.

Kurt Pritz: Thanks, Benedict, and thank you very much, everybody for investing a lot of time in this discussion. So I think the bottom line is that a lot more coordination is needed with ICANN first to understand the purpose – the specifics about the purpose more perfectly, well more perfectly is wrong but more exactly and not only the purpose for which the data will be processed and the benefits of it, but also the risks, right, and the costs.

So, you know, I listened to I think Kristina put it best, but we'd want to hear from ICANN directly and probably from David Conrad directly about the program and benefits of it and then get enough into the implementation details to understand that it wouldn't inflict any material costs on contracted parties but rather you know, ICANN could take up the extra tasks in some way and then understand you know, about safeguarding data and understand the, you know, how the data would be analyzed and the form of reports and what would be made public.

So, you know, and then how, you know, the lawful basis 6.1(f) attaches to those things; does it attach on a study by study basis or universally? So quite a bit has to be worked out for us to get to the point where we understand the lawfulness and also the costs and benefits involved in this. So clearly, you know, from a long time ago in the discussion I think we all recognize that close coordination with ICANN and having them become a proponent of this is required for us to get behind this purpose.

And, you know, Dan and Trang are our liaisons but, you know, and if it's okay with them, you know, I'd strongly urge, you know, Benedict and any others to get in front of David Conrad and have a conversation. And, you know, there are some hard digging – there's some hard digging to be done to get this over the line if you want to and that's the sort of work that needs to be done.

So I would suggest that, you know, we don't bury this but we penned it out until Benedict and ICANN can have the right people in front of us with, you know, the backing of this purpose and some implementation thoughts or details how it can be done in a – what I would call a cost-free and risk-free way even though it's not free but low. So I think that's where we are.

I think you know, I also agree with Mark, you know, we're supposed to be identifying additional purposes and this is a purpose so I think that's where we are. And I'm just going to look at the chat for a second or if anybody disagrees with me.

Okay great. So I think that's where we are and, Benedict, I'm happy to talk with you after this call sometime and maybe we can coordinate with Dan and Trang and set up the right set of meetings to provide the additional information if that's all right with you.

Okay so we're – I'm assuming that's a retired hand, Mark, so I'm just going to keep plunging ahead. So the next item in the agenda is the discussion about Whois accuracy and ARS. And you know, so I think that, you know, we're obviously going to take this up in the next meeting. You know, in the previous meeting we asked Margie and Alan to lead off the discussion with, you know, the objectives for this group in that discussion you know, and how it hooks into the temp spec and the charter but what are our objectives.

And you know what'd be great is if however brief it is – whose interested in having a specific outcome on these issues if you could put it in writing in some way so we'd have something to chew on. You know, I'm concerned with the time we're taking and it's, you know, on some of these topics and it's partially my management. But I think we want to get to the nuts and bolts and what the goals of this topic are.

So Margie, Alan and anyone else, if – under this heading if we could identify the sorts of objective and but the sorts of outcomes we're looking for from this group, I think that'd be really helpful for our discussion. Alan.

Alan Greenberg: Kurt, what I was going to suggest is if I could take a couple of minutes and go into the history of what the accuracy reporting system is and why we have it, that may be a good primer for those who are not – have not spent a fair amount of their life looking at that as perhaps sadly I have over the last year or so.

Kurt Pritz: Yes, that'd be fine.

Alan Greenberg: Okay. Thank you. Among the recommendations from the first Whois Review Team, going back to 2011 or so, was noting that studies had been done looking at the accuracy of Whois contact data and noting that there were – appeared to be very significant problems with it. The Whois Review Team made several recommendations, one that we should – that ICANN should annually report on how accurate the data was, so in other words, institute regular reviews to understand if the – how the situation was changing; moreover they also recommended recommendations that ICANN put in place processes to reduce the failure rate by very significant amounts and probably unrealistic amounts.

One of – so part of the process that ICANN instituted was to build this accuracy reporting system. It took a while to do and there were a number of phases. Currently the process – the process was prior to GDPR – that twice a year about 100,000 domain names were sampled and from that a subset was picked out, again randomly but making sure that we had geographic coverage and gTLD coverage, that was statistically significant for all you know, all significant areas.

We – so from that sample we end up taking 12,000 names and subjecting them to a number of tests to see whether they meet accuracy requirements.

We don't actually try them. The email ones I believe are validated to make sure that they actually are addressed. We don't send paper mail or make telephone calls however; those are just syntactically checked.

Based on the results, the ones that do not meet the cut are submitted to Contractual Compliance. Currently the numbers that we are seeing is slightly under 40% of the 12,000 sampled domain names have problems. So it's not that there's a small tail end of domains that aren't accurate or aren't potentially accurate, we're talking about 40% and the number is actually increasing, not decreasing.

And since the data is not going to be visible until it is made available under the various legal needs that – legal purposes that we're looking at, it's quite clear that right now the data is not particularly accurate on a global scale and but it's going to be less and less possible to even determine how accurate it is, never mind how inaccurate it is, in other words, we don't have any measure unless we can continue running this program.

And since it was mandated by reviews that we instituted under the then AOC, now under the Bylaws, the Board approved it, and the numbers indicate that the first Whois Review Team was correct, there is a problem and it doesn't seem to be fixed just because of the new accuracy requirements that we have put on – in the RAA. I don't see how we can turn our back on it and say we won't do it anymore; it's not relevant.

I believe this is an exceedingly relevant issue that we cannot ignore and the kinds of methodology that Benedict was talking about for the research would apply to this as well. It's a different group within ICANN but it's still within ICANN. And I believe it's something that we need to look at in some depth.
Thank you.

Kurt Pritz: Thanks, Alan, that was good. Stephanie. We can't quite hear you yet, Stephanie.

Stephanie Perrin: Okay, can you hear me now?

Kurt Pritz: Yes we can.

Stephanie Perrin: Wonderful. Stephanie Perrin for the record. When you are evaluating accuracy, one of the first things you have to ascertain is the impact of the inaccuracy. I have said before previously that I've never seen in government a situation where somebody could lose permanently a valuable asset for not changing their address within (unintelligible) of moving. In my view, the accuracy at ICANN is disproportionate to the actual impact of inaccuracy.

If you can't contact someone and you have to go back to the registrar, who has contact information because they have billing data, and they actually get paid, what is the downside to that? How many arrests were not made because you couldn't contact people? Why would you introduce new costs, thus nullifying one of your key mission objectives at ICANN, namely, to make the Internet available to everybody, why would you drive costs up if there hasn't been measurement of the negatives?

So I just want to say A, we're off topic here; and B, accuracy needs a whole lot of work before we start imposing burdens on the system to cover accuracy that is not necessary for mission purposes. Thanks.

Kurt Pritz: Thanks, Stephanie. And I think – so first, you know, on, you know, first I agree with all the points you're making. And you're asking really hard question that will get us off course. And I think you know, I think – I'm not sure but I think the way for us to handle this is to say that this was an ongoing program that was approved and if it was, you know, I think we have to make the assumption it was approved for some good reason and so we should see if it can be retained without, you know, undo costs or burden to contracted parties or risk of exposing personal data to the outside, you know, those sorts of things.

So I'm not for inventing new things I don't think but you know, since this – I'm kind of, you know, if this was something that we're doing right now if there's a way we continue – can continue to do it easily, you know, we should look at that. So I think, you know, we're out of time for the meeting. I'll let, you know, Hadia, Lindsay and Marc go ahead and then I got a couple things I got to say so I need a couple minutes, you guys.

Hadia Elminiawi: Thank you, Stephanie for that. I would just like to mention one of the impacts of being inaccurate. So one of the impacts of that is being not compliant with the GDPR because Article 5 of the GDPR speaks about the personal data and addresses the accuracy performance in its first paragraph stating that personal data should be accurate and that reasonable steps be taken to ensure that personal data is accurate having regard to the purposes for which they are processed.

In addition, Paragraph 2 of the same article says that the controller is responsible for complying with Paragraph 1 which includes the accuracy item and that the controller is accountable in this regard. So that's another impact. Thank you.

Kurt Pritz: Thanks, Hadia. Lindsay.

Lindsay Hamilton-Reid: Hi. This is Lindsay. Can you hear me?

Kurt Pritz: Yes.

Lindsay Hamilton-Reid: Because I've had problems before. Great. Thanks. I think my question is, I'm not entirely sure why we're bring up the topic of accuracy as it's already been said, we already have this in our contracts for us as registrars and registries, we need to have that so we can bill, contact our customers, registrants, etcetera. It's a term of our terms and conditions that the data they put in must be accurate.

So again I'm not quite sure where this is going and why we keep bringing up accuracy. We've already got sort of stuff in place to deal with that and I'm not sure where else we're going with this. And it's of concern that there's going to be even more put on the contracted parties when we're doing as much as we can even under Article 5 of GDPR, it says every reasonable step must be taken. So I think we don't want to sort of go mad on this and certainly put the onus on the contracted parties to do more. Thank you very much.

Kavouss Arasteh: I am on audio bridge if you allow me I have one minute comment.

Kurt Pritz: ...had to unmute himself. Go ahead, Kavouss.

Kavouss Arasteh: Yes I think this EPDP team is not going to resolve all problem with ICANN.

This Whois accuracy is a long, long time ago on the table and why it is put on our shoulder. We have sufficient problem, difficulties and so on so forth we are not in a capacity or in the time to deal with all of these issues. I think there are other entities, other bodies within ICANN who can do that. They were doing that, distributing or (unintelligible). So why we have to contemplate on this Whois data accuracy? Is just qualifies what data we have in the sense that they are, they just protect the data if we can, but we are not dealing with the accuracy as such because there are so many other problems. Thank you.

Kurt Pritz: Thank you, Kavouss. Mark, are you still in the queue? Yes.

Mark Svancarek: Yes, I can go quickly. Mark Sv for the record. I just wanted to make a comment to Stephanie's point about adding new costs. I would guess that very few people on this call actually know what the current costs are. I had a conversation with a vice president of VeriSign in Barcelona regarding a very recent investigation, Microsoft and the policy department of Lower Saxony where we had to go to VeriSign and work directly with them because, you know, data inaccuracy and lack of responsiveness from the registrar. And you know, that's a cost on VeriSign.

And this vice president had never even heard of it and he disputed that it'd happened because, you know, he's a thin registry. But it did happen. So don't be so quick to assume that these things are not going on right now in a lawful fashion over and over again. You may not have been exposed to it. We do expect that these costs will go up of course because of data redaction.

Kurt Pritz: Thanks. So that sets the stage. So I think forewarned is forearmed, Margie and – that's why I was thinking of writing it – if we could have writing and I think you responded positively to that in the chat, will help us keep the discussion appropriately narrow and focused on certain desired objectives.

Benedict.

Benedict Addis: That's the case that I was working on. And we don't tell everybody in VeriSign what's going on because it's done on a need to know basis. So I think it's a little bit of a stretch to point the finger at the thin registry because criminals have targeted them. I don't...

((Crosstalk))

Mark Svancarek: ...just that, you know, the information is not necessarily wide spread and people maybe not clear on the burdens that they already carry.

Kurt Pritz: So I think we shouldn't talk about that anymore. Do you have anything else you want to add, Benedict?

Benedict Addis: All good. Thanks very much.

Kurt Pritz: Yes. Thanks, Benedict. So in addition to those things, so there's some more homework assignments I'm going to pile on right at the end of the meeting and I apologize for that so don't hang up yet. But there were a couple of other

topics in our list of remaining topics that the support team distributed and so there are some topics on the end of that.

So similarly, when we get to those, whoever the proponent of those topics was, or anybody who agrees with the addition of those topics should be discussed with some content added to the final report to address those issues to provide what the hoped-for – the specific hoped-for result is or the objective in some sort of writing, that would be really helpful for our discussion because we're staring at, you know, a line or a couple of sentences in the list of things to do that don't appropriately flesh out the topic.

So we'll put a point on those in an email to everybody so you understand what those additional topics are. And I want to resurrect an old – something from several weeks ago that we discussed and that was the registrar and registry's responsibilities in processing data. It was something we were going to try to get done for the initial report but kind of left to the last minute so it couldn't be done.

But remember when we discussed the temporary specifications and the registrar and registry responsibilities that were listed in I think Sections 5, 6 and 7 of the temporary specifications, the contracted parties stated, and I think we all pretty much agreed that they were – those were sort of overly prescriptive requirements, you know, guidelines would be okay; requirements probably not and that there was more than one way to skin that cat.

And so some of the contracted parties recommended that a more lightweight set of requirements that allowed contracted parties to address GDPR requirements in different ways should be developed. And so I remember Kristina volunteered to head up some writing on that (unintelligible) and all the contracted parties and asking them if they would take a look at those sections in the temp spec. And, yes, you did. Remember, unless you were saying yes to something else in the chat when I brought it up.

But anyway I think it would be – it's addressed in the – it's addressed to a certain extent in the initial report but I think it's good if we replaced what's in the temp spec with what we think is appropriate. You know, I think the contracted parties would – so I'll – so since nobody remembers but me, I'll put this in an email out and describe the issue again.

I'm just watching the chat. Okay. So that's the end of that. And so we have some stuff to do over the week. I'm going to chat with Benedict offline to see if we can move forward on the discussion of his purpose and we'll get the agenda out for the next meeting. So thanks very much everybody for getting on the call and I'll see you guys next week.

Terri Agnew: Thank you, everyone. And once again the meeting has been adjourned. (Ed), the operator, 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