

**ICANN Transcription
GNSO Temp Spec gTLD RD EPDP call
Tuesday 09 October 2018 at 1300 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-09oct18-en.mp3>

Adobe Connect Recording: <https://participate.icann.org/p5acnjfn3n7/>

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

The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page:

<https://gnso.icann.org/en/group-activities/calendar>

Terri Agnew: Good morning, good afternoon and good evening and welcome to the 18th GNSO EPDP Team meeting taking place on the 9th of October, 2018 at 1300 UTC.

In the interest of time, there will be no roll call. Attendance will be taken via the Adobe Connect room. Other than Leon Sanchez, is there anyone else on the telephone only? Hearing no one further, we have listed apologies from Kavouss Arasteh of GAC, Georgios Tselentis, GAC, Matt Serlin, RrSG, James Bladel of RrSG and tentative apologies from Chris Disspain, ICANN Board. They have formally assigned Rahul Goasin, Chris Lewis-Evans and Lindsay Hamilton-Reid as well as Theo Geurts 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 a Google assignment form, the link is available in the agenda pod to your right as well as the calendar and email invite.

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

Kurt Pritz: Hi, everyone. Thanks for being here for the on-time start and welcome to the Tuesday meeting. I'll just dive right into the update section of the agenda and then review the rest of the agenda. So first, we've had additional requests for travel support so I'm told in the interest of transparency we need to make that plain for everyone. So the people receiving travel support for the ICANN meeting are Thomas Rickert, Milton Mueller, Kavouss, Amr and Alan Woods so there I've done my job there.

We expected and received your request for independent legal counsel to assist the EPDP and need to flesh that out a bit. And in order for us to, you know, write a statement of work and make the pitch to ICANN to procure that. And I've been thinking about the fastest way to do that. There's two ways, so I propose chasing them both down. One is to create, you know, the bullets of a statement of work in a collaborative phone call, so those of you who are interested – were interested in this topic I'll be in the Adobe Connect room I think it's set up for Wednesday at a time really inconvenient for Europe but Wednesday afternoon US time.

And we can discuss what's needed and maybe, you know, on the fly hammer out the details of what a statement of work might be. Wednesday, you know, that's still a day and a half away though so if anyone wants to write up details

along the lines of the services that are desired or the sorts of questions that need to be answered or any detail that could be provided in order to form a statement of work so we can quantify the effort and then the cost, that would be great. But absent that, I'll see some of you on a call on Wednesday and then hopefully we can make that request as soon as we can.

The lawful basis memo was released several days ago, so I just want to check with everyone to see what – if there's any additional output, so if there is I don't know if you want to raise your hand and say, yes, pause on this but I think the lawful basis memo is – to a stage where it identifies where there's agreement and where there's multiple options and how we pursue those – how we pursue those, can I think be left to later. Before I call on Alex, you know, I just want to call attention to an email I wrote yesterday about this topic that it seemingly landed with kind of a thud but you know, would really help me in my thinking of how we pursue these lawful bases for the purpose of the initial report.

I don't, you know, I don't think we need to necessarily at this stage of the game in the initial or maybe even the final report, pin ourselves down to single law bases but I would appreciate anybody's reply on that. Alex, did you have a comment on this topic?

Alex Deacon: Yes, just real quick, thanks Kurt. This is Alex. Yes, I think I agree that I don't think we should be putting ourselves down to a single law basis at this point. And then I just wanted to mention regarding Purpose B, you know, we haven't had that discussion, I think it's happening tomorrow so, you know, pending that discussion I think especially with regard to Purpose B, I think we're okay. Thanks.

Kurt Pritz: Great. Thanks, Alex. I'm going to leave that behind. ICANN 63, high interest – we have a high interest topic session scheduled for us so we've been really busy doing real work that it's hard to kind of look up from it and work on this sort of thing, which is I guess necessary but not necessarily value-added.

And so I'm going to ask without having pinned down an agenda yet, and we're passing around draft agendas and when we hammer that into shape maybe in the next 24 hours or so we'll pass it around for your review.

But I think you know, on the panel and it might be good if each group is represented by one person – one person – one person so if you could talk amongst yourselves and nominate someone to be on the panel, unless you're adamant that your group doesn't want to participate, please do that. And I think without knowing the precise agenda, I just want to make the point that, you know, as a panelist you're not representing your group or advocating a position, you're just a reporter.

And we want to describe I think, you know, I think we want to describe the substantive details and where we are and that sort of information as well as the experiences, you know, being part of an EPDP and what advice you might have on that. So anyway if you would nominate someone from each group for the ICANN meeting that'd be great.

And then I'm just going to – without even putting it up I just want to touch on the outstanding action items and maybe this is why Matt and James are hiding from the meeting today, but registries, and especially registries have the bulk of the action items and it's really important that we tackle these. So the registrars and registries are collaborating I know on a draft elements workbook for Purpose B but this really needs to be done in the next 24 hours or so.

The RySG was also going to provide additional processing steps for the lawful basis memo that I think Kristina identified that some processing steps were left out and in order to fully flesh out that legal basis memo we need all those processing steps, so we're looking forward to that so we can complete that memo. And then registries were also going to complete the data elements for data escrow, which so we did that escrow for registrars, now we

need it for registries. So registries, I'm looking at you. And really need your help. Excuse me, I'm really hoarse this morning, I hope I'm not too annoying.

So let's get into the substantive part of the meeting. I'm sorry for taking up so much time when we have important things to talk about. And so we're going to complete, we think, Workbook A, or Purpose A which is, you know, collecting and processing data for – to ensure the rights of a registrant and, you know, obtaining and using a domain name can be maintained. And in this we're looking at the charter questions having to do with the transfer of data from registrar to registry. And Berry has done quite a bit of work on that so I'm going to introduce that in a second.

So we're going to talk about that and then at the end of the meeting we're going to just update the status of the remaining data elements workbooks and take stock of where we are. So rather than – David, we're lucky that David Plumb is on hand, so instead of – we have three sets of introductions, mine, David's and then Berry into the work that he's done on this over the last several days. So I think rather than multiplying introductions I'll turn it over to David now if it's okay with you, David?

David Plumb: Thanks, Kurt. This is David Plumb. Good morning, everybody, good afternoon. So we are going to be looking at these transfer questions first, so let's focus on this third item on the agenda. And Berry has put together some really helpful sheets that can allow us to have this conversation. I want to say just two things before Berry walks us through the logic and shows the work that's been done and how that can help us answer these questions around transfer.

The first thing I want to say is when we look at the issue of transfer and what data needs to be transferred from registrars to registries, we want to build that from the ground up based on all of your work on purposes and processing activities. Right? And the reason I say that about building from the ground up is because we are sailing very close to the question and the

debate around thick Whois. And I'm eager to not dive straight into that debate, I think it's going to be much more productive if we start from your own work and build that from the ground up. And so Berry can really help us frame that up.

The other thing I want to say before Berry walks us through is that when we look at some of these sheets that Berry sent around, they're also going to raise questions that aren't really directly related to transfer or we don't need to resolve them to have our conversation about the transfer question. And so it's okay to acknowledge those questions or other issues that come up when we look, for instance, at the consolidated sheet of the data elements. But let's park those off to the side so we don't get sidetracked on all those questions if they're not directly needed to move forward on the transfer questions, okay?

So I can help all of us make those decisions like, you know what, that sounds really interesting, let's park that off to the side and deal with that after we've had our conversation around transfer.

Okay, with that introduction, those two ideas, Berry, why don't you want us through the work that's been done here and how you've helped to consolidate information on sheets and how that helps us answer these questions in the charter questions on transfer of data? Berry.

Berry Cobb: Thank you, Kurt, and thank you, David. Just a quick sound check please?

David Plumb: Sounds good to me.

Terri Agnew: Your audio is good.

Berry Cobb: Great. Thank you. Berry Cobb for the record. Hopefully not to be repetitive to the intros from David as mentioned, you know, we're here to talk about the Charter Question C today. And I think you'll notice that since we've restarted our deliberations after Los Angeles, there was basically an inventory

completed of all of the charter questions and which ones that the group has touched on and which ones we hadn't really deliberated on or didn't deliberate extensively.

As noted in the agenda, there are two that are highlighted in blue in the Adobe Connect room that seemed to not have any attentions to them thus far which is Question C4 about legal reasons of why registrars should transfer data to registries and should registries have the option for the contact data or not?

Our discussion today is not exclusively on these two; I think all six of these should be kept in mind when we're deliberating through this particular topic. So but it's not only just the discussion of the charter questions that's important here because these do relate directly to our workbooks and specifically today Purpose A, Purpose M and Purpose N at least thus far have also listed processing activities around the transfer of this data and we'll get into a little bit more of that detail in a minute.

But what we're trying to do is really build a path for the group and finalizing the – not only the purpose definitions, the subsequent processing activities under each of those purposes as well as a more detailed view of the exact data elements that make up that particular processing activity. So what I'll be talking through here hopefully won't take more than seven or eight minutes. I'd like to postpone any questions to the end and then of course we'll open up for overall deliberations.

I'm going to move on – and I think at this point it is kind of important just to walk – or to be paying attention to what's being shared in the Adobe Connect room. It's not always readable, all of these attachments have been sent to the list but again I'm just going to scan through these quickly to help, again, build this path and then we can dive into these a little bit more deeper.

As Kurt and David have mentioned, so this lawful basis memo was sent around yesterday and I think you had saw a prior version on – sent to the list last week. The intent of this work – or this lawful basis memo was really to create a tool by which the group can try to formalize and finalize the specific legal basis for each one of our processing activities as nested under a more general purpose.

And it was – this is an output that was created from the small team that convened Wednesday morning in LA to better understand the legal basis behind the purposes we had defined thus far. So I don't plan on going through this entire document, but as noted earlier, we're more or less going to spend a majority of our conversations around Purpose A. And what you'll notice that is new to this particular document are the processing activities that are listed under this particular purpose.

The first one of course being the collection of data essentially required for the registered name holder to establish its rights and use of the domain name. And you'll recall from our workbook that was essentially the first column where we identified what data elements would be a 1, which ones would be optional, and which ones weren't required. Based on that small team's discussion on the legal basis I think it was then further flushed out, well, some of this data in regards to this purpose also needs to be transferred from the registrar to the registry.

And as it's currently documented, there are essentially two purposes – I'm sorry, two lawful basis that – bases listed for this particular processing activity that further delineates between certain fields that might be a 6.1(b) or a 6.1(f). And I'm not making any notion that this is final but this is what has been developed thus far. And it's this delineation of processing activities that's going to require us to further do an inventory of data elements based on each processing activity.

Okay, so now I'm going to switch to a newer work product which is basically a summary of our data elements collected thus far. For sure this will be difficult to see in the Adobe Connect room, again, we'll go into this in detail a little bit later. But what this is is essentially a collection of all the data elements that have been inventories across all of the purposes. Each column is specific to its particular purpose. What you'll notice is that there are a few that are left blank meaning that we still haven't conducted that inventory.

And essentially the intent of this after the inventory has been finalized, you know, finalized within the workbooks we'll extract out these data elements and what we're going to be mostly focused on is what is happening over into the far right which is essentially the collect or not. Now, this particular summary matrix, which again is based off of our current version of our workbooks, and certainly not finalized, is mostly focused about what data elements need to be collected.

You know, of course what this call is all about is the transfer of some of these data elements between a registrar and a registry, and perhaps what this is going to lead to is that we walk away with a summary matrix of data elements that are collected for any processing activity around collection then we may have a second version which would be a summary matrix of data elements that may be transferred and then down the line a third summary matrix that which may result in disclosure.

A lot of that is still kind of to be determined until we further – but the end goal here, as I mentioned on the right, is essentially a column called Collect or Not. If it's highlighted in green essentially the rule set here is if there's any one (unintelligible)...

David Plumb: Berry, this is David. It seems like your audio's gone out.

((Crosstalk))

David Plumb: Berry, can you repeat the last 30 seconds or so?

Berry Cobb: Can you all hear me?

David Plumb: We can now. We lost you for 30 seconds.

Berry Cobb: All right, my apologies. So I'll just kind of takeaway here is this column...

((Crosstalk))

Berry Cobb: Go ahead, Kurt.

Kurt Pritz: I was just going to say start with your color coding, that's where you dropped off, I'm sorry.

Berry Cobb: Okay. So the column over to the right is the collect or not. Essentially it takes one data element across any purpose that is marked as required for collection and the logic behind it is that it will appear as green. If there's a data element that is strictly optional that would be yellow. And then of course any data element that is not identified across any of the purposes or really subsequent processing activities then that will mark as red. And essentially we can filter is out and this provides us a master list of data elements that would be needed across (unintelligible) processing activities.

So again, this is really just a starter draft of where we're at today. This will certainly evolve as we continue to mature our workbooks and expand the inventory across the various types of processing activities. Okay, so the last thing I'm going to show you is something that is familiar to you and that is our workbooks and specifically I'm – we're referring mostly to Purpose A today. And I will unsync this one because this is a longer document and I just really have a few talking points on this one before I turn it back to Kurt and David.

So the three workbooks that I sent yesterday are all in redlined form. We're maintaining this redline until we get to a comfortable point where we can accept all changes and then we can kind of start from a fresh version. So any time that you're looking at these it's better to try – if it's – if you're looking at it in Word it's better to go to final mode view, it's much easier to read. But there are two primary changes to the template that we're going with now.

First you'll see kind of a new section under the lawfulness of processing which is our standard 6.1(b), (f) and (a) language from the GDPR. But now I've imported the lawfulness of processing test which as mentioned earlier, contains our two processing activities, one for collection of the data and then of course a second one for the transmission of that registration data from registrar to registry.

In addition, in the data elements inventory matrix running down the left hand side, you'll also now see a corresponding column related to – which is filled out blank at this point in time related to us completing this inventory as it relates to the transfer of the data. And as I mentioned earlier, at present there seems to be a distinction between legal or lawful basis for the transfer of this data as it relates to this higher level purpose.

And so I think it's, you know, one of the first things this group will want to discuss is, you know, is this distinction necessary and this lawful basis distinction is necessary and if it is, do we need to conduct this inventory in a different way based on that lawful basis? You know, of course 6.1(b) being more contract-focused whereas 6.1(f) also includes the balancing test.

And it may produce results that if there is this further distinction of law basis between the two elements, then it will force us to re-ask the question is this distinction still necessary as part of the overall purpose? The last thing I'll basically say is over on the right are the lawfulness of processing questions. I placed some comments over to the right. I didn't feel empowered to make any edits to the answers of these questions. Most of this is mostly still notes

that are contained within the earlier breakout group for Purpose A as well as a few edits from Caitlin when she was building out that lawful basis memo.

At some point, and I believe that we're going to kind of have owners of each one of our purpose documents but we'll need to be more thorough in answering the questions that we have outlined here. And one thing that I'll note, and it's obviously this was a process that is evolving, but Question 5, for example, you know, is related back to the charter questions that we're actually discussing today and as, you know, do data elements require transfer to meet this purpose. The intent of that question was really kind of doing what we're here to do today, but I think it's been recognized now that we need to be much more thorough in our documentation other than just saying yes or no; we need to specifically identify those data elements.

So I think that's all that I have for now. I will turn that back over to Kurt and happy to help however I can. Thank you.

Kurt Pritz: Actually I think David's the appropriate guy here.

David Plumb: Thanks, Kurt. Thanks, Berry. This is David Plumb. Okay, that was really helpful, Berry. And I feel like, you know, the reason that we've put this out here for discussion and as a pathway into the transfer conversation is because you've done all this work on these data elements worksheets about the data that you would need to collect for these various purposes or transfer or do some other data processing and the so the idea is we look across these sheets and you say where does data need to be transferred? And is it the same data that gets collected? Is there a different legal basis for this given that it is a different processing activity even though it's nested under the same purpose?

When we looked across Purpose A was the most obvious one where you had said, yes, transfer is needed. And so it seemed like a good place to start to

talk about transfer, right? As opposed to just jumping in and talking about it more generally.

So I'd love to open it up and to say, are people – is anybody not following the logic of how we're having this conversation about answering the charter questions on transfer, this logic of a bottom up approach? And let's try to clear that up first. And then let's look at these sheets and say, you know, when I look at this I see a different legal basis for transfer and I see this kind of difference between the data elements that need to get transferred and follow Thomas's suggestions around let's do this element by element more than say just the (unintelligible).

So let me open it up and say first of all, any questions about the logic of how you go about answering this transfer question based on your own work to date? Any folks want to chime in here or have a question about that? Okay, all right. If that's the case, I think one of the key things to talk about now and get everybody's input on is does it make sense then to go send off a bunch of you or send off some folks, we can talk about it right now and probably need to follow up with some other group, but to really think about how you take say, Purpose A and then make a subset or a full set of that same data and that would be contained under a processing activity of transfer from registrar to registry.

Does anybody want to chime in on that in that exercise of doing it? What does it mean when you see this sheet of Purpose A and this extra column now about the fields that need to be transferred from registrar to registry? Folks want to chime in on that? And how to go about this work of really building from the ground up the answers to questions on transfer? Amr says he's not sure he understands the question.

So I think what we're trying to do here is answer some charter questions around transfer and then where we're doing it is starting with these sheets like Purpose A and as Berry said, one of the questions on these sheets is, is

transfer required? And now what we're doing is we're building out the sheet, adding in a whole new processing activity around transfer of data, and we're saying, well, what data elements would need to be transferred as part of this purpose and the processing activity of transfer? So, Amr, why don't you go ahead and you've got the floor.

Amr Elsadr: Thanks, David. This is Amr. And thanks for the follow up on my question in the chat. I think your explanation was helpful. But I still do have one further question, are we meant to – apart from identifying the data elements that may require transfer, also meant to evaluate the responses to the questions in the far right column such as lawfulness of processing and, you know, what is the purpose is in violation ICANN bylaws? Are we meant to also use the existing the ones on this sheet and sort of determine whether they are applicable to the transfer column as well as the collected column? Or are we meant to develop an entirely new sheet with new answers to these questions? Thanks.

David Plumb: Yes, Amr, I think we're in the process of figuring that out right now and I do think it's important, and I think Thomas and Farzaneh and everyone have been emphasizing all along, let's look at this from processing activities in addition to purpose. And so when we put the lens of processing activity and transfer from registrar to registry we may find we have some different answers to these questions including lawful basis, what Berry is saying, you know, maybe this is a different legal basis for that processing activity under the purpose.

So I think yes is the short answer. We can go through some of those questions and see how it feels when we're using the processing activity of transfer as opposed to collection.

Milton Mueller: Should I go ahead? This is Milton.

((Crosstalk))

David Plumb: Yes, sorry, Milton, I was on mute. Sorry, go ahead, Milton, yes.

Milton Mueller: So the question I have is under the column on lawfulness of processing questions, we're told, which seems correct to me, that the small breakout team agreed that 6.1(b) seems to be the case but it seems to apply here and then it says, "Can we rely on this? If not, then 6.1(f)." So I guess my concern there is if we decide that 6.1(b) doesn't work as a lawfulness of processing criterion then we just throw it into 6.1(f)? Is 6.1(f) kind of a default that we just assume is lawful or is there some other reason that this wording is here?

David Plumb: Yes, that's a great question. I don't – this really gets back to the legal basis memo and I'm just going to jump to Kurt quickly to say, Kurt, do you have a response to that and how we can tie this all together into that legal basis memo?

Kurt Pritz: Yes, and actually, Berry might be better than I, but there's some data that must be transferred to a registry so that the domain name resolves and works so that the rights of the registered name holder are preserved, so those are 6.1(b) reasons because they're necessary for the performance of the contract. There might be business reasons depending on the business model of the registrar for transferring additional data, and that aren't actually necessary for the resolution of the domain name or the working of the domain name but in legitimate interests for helping the registrant out. And so that would be a different data set under 6.1(f).

And I think where we are right now is looking at those 6.1(b) reasons, you know, what is the data set necessary to be transferred to a registry in order to affect the operation of the domain name? And I see Marc's in the queue, so I hope a registry operator can sort of tick these off. Berry and the rest of us had actually filled in these – filled in these data elements but then we thought it was presumptuous so that's why they were left blank. So unless Berry has a comment we'll get back into the queue, if that answers your question, Milton?

David Plumb: Right, so thanks, Kurt. And Stephanie, you're up.

Stephanie Perrin: Thanks very much. Stephanie Perrin for the record. I just wondered if you could clarify the definitions you're using of transfer versus disclosure? We don't actually have a data map that we're working to here. I presume that a transfer is a (unintelligible) of personal information to another processor in the system. If so, I think we should define these terms anyway because transfer is a – a coded word, as it were, in the ICANN community and we should clarify the definitions here. Thanks.

David Plumb: Thanks, Stephanie. That's really helpful. And Berry, or someone, could we just be super clear about how we're using the word and how the charter question is using the word "transfer" here? I open it to Berry or someone else on the leadership team.

Berry Cobb: Thank you, David. I'll try my best to answer this noting that Stephanie is much more of an expert about this than I. As of this moment, we're specifically only talking about the transfer of the data again as it establishes the rights of the registered name holder. That transfer of the data as Kurt mentioned and which is, you know, specifically listed the transmission of the minimal registration data from the registrar to the registry necessary to allocate the string to the registrant.

I guess you're right in that the transfer of data is also a disclosure of that data but it's not – it's not – the purposes of what is this discussion today for transfer is not in the traditional sense of disclosure like meaning should any of these minimal registration data fields be publicly available, it's just this specifically understanding what data is necessary that the registry would need to make the domain name fully operational and properly allocated.

And I think to maybe Milton's question or what he placed into the chat and I will also defer to persons that were on that lawful basis subgroup in LA, they made the distinction for 6.1(f) for registration data that is not necessary to

technically allocate a string to a registrant. And I think that that's where a lot of the discussion should focus on today and, you know, is it necessary that the registry receive actual contact details of the registrant in terms of again, mapped back to this purpose that we have identified of establishing the rights of the registered name holder? Or is it sufficient to say that only the minimal registration data to allocate the string and make it operational is enough? I hope that answered it but probably not.

David Plumb: Thanks. Thanks, Berry. This is David. That's – I think that's a good working answer and let's keep toying with this but clearly what we're talking about here is transfer of data from registrar to registry. And we're not talking about further processing activity that would happen afterwards.

Hadia, I think you're up.

Hadia Elminiawi: Yes thank you. So I was wondering if among the purposes ensuring the protection or preservation of the data. I think this should be among the purposes. And we could argue that escrow is used for this purpose. I think also the transfer of the data from the registrar to the registry is also for the protection and preservation of the data. And I don't know what others think about that. And if so, of course all the data would be deemed – will – we will need to transfer all the data from the registrar to the registry. Thanks.

David Plumb: Hadia, this is David. I just want to make I understood what you said, are you saying that there should be a whole new purpose that talks about protection and – of data?

Hadia Elminiawi: I'm saying that – I'm saying yes, that among the purposes that I see for the transfer of the data from the registrar to the registry is the preservation of the data itself, the protection of the data. And this is of course for the benefit of the registrar.

David Plumb: Okay.

Hadia Elminiawi: ...because it also has rights.

David Plumb: Okay. Thanks. And I just, again, sorry to insist on this and I'm just trying to understand, are you saying that this Purpose A is about that or are you saying that we should write a whole new purpose, you know...

((Crosstalk))

Hadia Elminiawi: No, I'm not – no, no I'm not saying that to write a new purpose about that. I'm saying that among the lawful basis or the purposes for Purpose A is the protection of the data.

David Plumb: Got it. Got it. Okay great.

Hadia Elminiawi: Yes.

((Crosstalk))

Hadia Elminiawi: So, no, I'm not suggesting to have a separate purpose, I'm saying that under A goes reason, which is to ensure the protection or the preservation of the data.

David Plumb: Got it. Okay. Thanks. That's helpful. Marc, you're up. Anderson.

Marc Anderson: Thanks. This is Marc Anderson for the transcript. I raised my hand when Milton got in the queue, he was asking about lawfulness of processing questions. And I just sort of, you know, wanted to note that the wording that we used – that we have here for Purpose A, you know, isn't super clear. And I think this was raised by somebody, I forget who, in our face to face meeting but exactly what established the rights of a registered name holder means is open to a little bit of interpretation.

When I look at Purpose A I think, you know, we're getting to what Berry was talking about, this is, you know, your primary purpose of allocating a string to a registrant. And so I think that's the intent of Purpose A, but I'm not sure, you know, and I think based on Milton's questions and Berry's response, you know, I think it's fair to say that, you know, we're not all looking – or we don't all have the same exact definition or same exact thing in mind when we read Purpose A which is a little bit dangerous when you go into a conversation about a purpose.

So I think it maybe behooves us to make sure we're all on the same page as exactly what we're talking about for this Purpose A and, you know, like I said hopefully I'm right and that we're talking about the allocation of a string to a registrant and that's the purpose we're talking about here.

David Plumb: Thanks, Marc. And before you mute, just quickly, Kurt had a sort of specific question for you as someone who's a registry and about when you look at that second column of data elements that would need to be transferred in order to do what you're saying needs to be done, which is the fundamental allocating of a string to the registrant. What do you see when you look down that column in order to do that job as a registry?

Marc Anderson: Thanks, David. And that's a fairly loaded question actually. And so I think you know, part of why I raised my hand to talk about clarifying what the purpose is is I think in order to answer that question I think we need to be very clear on what the purpose is that we're trying to solve because depending on what that purpose means, you know, I might answer that differently, which is again why I want clarity; are we talking about simply the purpose, the task of allocating a string to a registrant? If that's the only task then that makes my answer easy. But reading the ICANN Purpose A it's not super clear exactly what that means to me.

David Plumb: Okay so you're taking a pass for now. We'll come back to you. Folks, let's make sure we are circling around Marc's question, which is are we all

understanding Purpose A to be the same thing? Are we fundamentally understanding Purpose A about this allocating of the string to the registrant? With that, Theo, you've got the floor.

Theo Geurts: Thanks, David. And this is Theo for the record. And basically Marc just summed it up here and this is one of the important points when we are into this kind of exercise. What is the purpose here? And that is, in my mind, somewhat missing. We don't have a clear purpose, we are talking about legal basis but we don't talk about purpose first. Purpose is key in this matter.

And as soon as you figure out a purpose, the second question is, what happens down in the chain here because as soon as you start moving data it is the data from the registrants and we need to keep that clear that it's the data of the registrant, it's not our data to toy around with, we need for every movement of data we need a legal basis what happens down in the chain as soon as we start moving data around the world because that is basically what we're doing.

And I'm not sure if that is in scope or is to everybody's understanding what the implications are, but as soon as we start moving data to say registries, there's liability issues and there's issues for ICANN Org as an organization, there are compliance issues at work here. So that needs to be all taken into mind. Then we are talking about all the different jurisdictions where the data is going. I mean, we are not dealing with one country here in the world, we are dealing with hundreds of countries in the world so getting a legal basis might be more complex in more exotic regions of the world compared to the Europe.

This might have implications on registration volume. So this is extremely very complex and I'm wondering if we have that all in scope when we're starting to discuss purposes here? Thanks.

David Plumb: Theo – thank you, Theo. This is David. Before you go, Theo, I just want to test with you how Alan was framing up this purpose in saying fundamentally Purpose A, while it is written perhaps in a way that's a little confusing, fundamentally Purpose A is about allocating a string to a registrant and the actions that are required to make that work. Is that how you see that, Theo, as well?

Theo Geurts: I see that in the sense that when it comes to the single registration we don't need to move any data through the registry.

David Plumb: Okay. I wonder – just, Theo, for one second, I wonder if – Terri, can you help eliminate that beeping on the line?

Terri Agnew: Yes. Yes, we're trying to locate the line. It'll be a moment. Thank you.

David Plumb: Thanks, Terri.

((Crosstalk))

David Plumb: Appreciate it. Sorry, Theo, can you repeat that?

Theo Geurts: Yes, so when it comes to the allocation of the string, I don't think there is any movement of data to the registry required but that is a too simple of an answer because we haven't delved into the purposes and again, this is the purposes again, because there might be very good reasons to have that data. Does it answer Question A? I'm not sure there. I think it's more of a complete sum of it all.

David Plumb: Okay. All right. Thanks, Theo. Margie, you have the floor.

Margie Milam: Thank you. This is Margie. In looking at Purpose A and I don't understand why we're taking such a narrow view that it's just allocating the string. So Purpose A talks about establishing the rights of registered name holder in the

registered name and ensuring that the holder can exercise its rights in respect of the registered name, and that to me is broader than just allocating the string. When you think about, you know, ICANN's role in creating the you know, the whole system and what the registry is for, it's not some random registry, it's a registry in the ICANN system subject to the ICANN rules and policies.

And a lot of the things that, you know, that are written into the bylaws such as protecting, you know, securing the stability of the Internet, are kind of reflected in the policies that go into setting up the registries. And so I just think we're taking a far too narrow view and this comment we've said before and it actually was referenced in the document but it was only referenced in a footnote and I'll just read the footnote.

The footnote said, "Members of the BC and SSAC," and then at others, "take the view that Purpose A is Purpose 6.1(b) for all processing activities including registries checking on patterns of abuse as protecting against abuse is considered necessary for performance of contract."

And so I think that concept is something that shouldn't be relegated to a footnote, it should actually be part of the text. And it sounds – and this is very much in line with what Hadia was saying, and so it seems like not just BC and SSAC but actually ALAC supports that point of view. And I don't know where the GAC is on that. But I would strive to encourage us to include that in the body and to think about this purpose broader than just allocating the string.

David Plumb: Thanks, Margie. Okay, great. So we're getting into the conversation, let's keep this conversation rolling if we can. Alan, you were just – ALAC was just mentioned, Alan Greenberg, do you want to weigh in on this?

Alan Greenberg: Sure. Look, we spent an unbelievable amount of time on the thick Whois PDP. I understand those rules maybe changed now, but it wasn't done flippantly and there were good reasons, I believe, for ultimately the PDP

deciding, and that was a recommendation ultimately of the GNSO and then the Board deciding, that there were strong and good reasons for having information transferred to registries.

Every registry that has been created since ICANN existed, has been done with a thick PDP – with a thick Whois and transferring information to the registry because it's been viewed and there's been lots of discussion on it, that that was a more reliable and resilient place to put the information when we needed it instead of relying on the thousand plus registrars to provide the information on demand when it was needed for a specific case. Registrars come in all sorts of forms, some easier to deal with than others.

And registries were believed to be a more reliable redundant – resilient source to use for that. So that discussion has been held. We can hold it again, but let's look at it from that point of view and not, you know, look at it as a purely arbitrary transfer that was done flippantly without any logic or reason behind it. Thank you.

David Plumb: Okay. All right. Thanks, Alan. And I think you know, I'm eager to maintain the conversation focused around this purpose and then we can bring in other purposes that are relevant for transfer of data. But I think it is helpful to start with this sort of more basic purpose about establishing the rights of the registered name holder.

Marc, it's swung back to you. How are you interpreting this conversation you're hearing?

Marc Anderson: Thanks, David. It's Marc Anderson. And, you know, how am I interpreting it? I guess, you know, I guess I – to me it just, you know, sort of validates my point that, you know, we're not all looking at Purpose A exactly the same way. You know, I think you heard from Theo who took a narrow view that it's, you know, simply about, you know, the minimum needed for allocation and we heard from Margie that it's, you know, we should take a broader view in

that, you know, ensuring the registered rights of a name holder implies a lot more than just allocation of the domain name.

And so I think you know, I think it's critical that, you know, we're not going to be able to answer all the other questions in this worksheet if we're not in agreement on what that purpose means. So I think, you know, one way or the other we need to agree on what the purpose is. Personally I think it's useful to start with allocation.

We can add to that as we go, you know, there are, you know, there are, Margie spoke about some of the other you know, I guess purposes that, you know, establishing the rights of a registered name holder includes and I think it's useful to talk about those but it might muddy the waters if we try and look at all of them at once, so I'm of the opinion that breaking them out and trying to take them in smaller chunks of a better path forward. But I think you know, whichever path forward we take we need to have, you know, as a group have a common understanding of what the purpose means so that we can come to consensus on the items listed in the worksheet.

David Plumb: Thanks, Marc. Really appreciate that. And folks, I think it's a very interesting way of looking at this where if we're all in agreement that yes, it is about allocation, and it may be about more things, when we talk about those more things let's think about very specifically what they are, are they covered under other purposes that you've already identified from the LA meeting? And then whether they're actually part of Purpose A or they're part of something else.

My queue just got a little odd. Okay, Amr, I think you're up.

Amr Elsadr: Thanks, David. This is Amr. I'm going to try to respond to what Alan Greenberg said just a little while ago, so, David, please don't be angry with me. But, you know, because my understanding of thick Whois and the benefits of thick Whois are a little different. And my understanding was that they were more benefits for contracted parties as well as customers of Whois

data, so folks who want to look up Whois information but not necessarily you know, the data subject, which is the registered name holder.

So, yes, we can all take time to go back to the thick Whois PDP final report and go through that. But I also want to make clear, and this may be more relevant to what we're doing here right now, is that the thick Whois PDP did reach a conclusion on the issues of privacy and data protection laws and how they're applicable. And remember, this was pre-GDPR, this was back in 2013 and part of 2014 if I recall correctly.

So the PDP working group actually reached a determination that it lacked the competence at the time or the capacity to address the extent to which the thick Whois policy may or may not be compliant with the existing data protection laws and recommended that, you know, during implementation if an issue came up that it should be identified and communicated back to the GNSO Council for further policy work.

And this did actually happen. You know, when GDPR did kick in, the thick Whois – the thick Whois IRT, the Implementation Review Team, sent a letter to the GNSO Council, I think it was in December of 2016, and it raised a number of issues and it made references to some ongoing court decisions that were at the time I believe in Germany and Ireland that determined that, you know, either I think it was an issue of consent actually so it might not have been an issue of, you know, being – entering into a contract with the data subject.

So basically they raised concerns and said that, you know, there may be more work that needed to be done on the issue of transferring of data especially in large and massive volumes on an ongoing basis, that in order to be compliant with data protection laws. So it might be a good idea for us to maybe touch base with the thick Whois IRT and see where they left off. I think actually Marc was on that team so he might be able to help us with that, Marc Anderson.

So yes, I just think that there is some work that might have been done. We may be able to touch base with another group and find out how their work may be helpful to us. But yes, but I just didn't want to leave it on the record that, you know, thick Whois PDP thought thick Whois was a great thing and we should think so too. Thanks.

David Plumb: Great, thanks Amr. Again, I encourage everyone to really build off the basis of your work so far around purposes and processing activities and from there we can start to build up and if folks want to reach out to the thick Whois IRT folks, that's great too. But let's start from the basis of all the good work you've already done. Milton, you've got the next word.

Milton Mueller: Yes, thank you. This is Milton Mueller. So I think we have confusion about two things here. One is some discussion which I think is – can be cleared up pretty rapidly about what Purpose A means, and the other is an attempt to conflate purposes and cram them into the framework of Purpose A so that registries can get access to data for so called security and stability activities.

So let me deal with the purpose of A. I agree with those who say it's too narrow to talk about as simply being allocating a string. The whole point of Purpose A is to establish the rights of the name holder in a registered name so you're not just allocating a string, you're associating that string with the name or identity of a particular registrant. And that's the whole point of Purpose A is what do we need to do to give the registrant control so that they may exercise their rights?

Now so when we're talking about transferring, we have to talk about in what sense does data need to be transferred in order to allow the registered name holder to exercise their rights? And one of the rights that we have – want them to exercise is the ability to transfer the domain name from one registrar to another. And I think that's what this is all about. So whatever data we want to be transferred in this case, really has only to – we have to do so to

establish those rights and to allow the registered name holder to exercise those rights.

So I'm not sure exactly what the data elements are but I do know that that purpose has absolutely nothing to do with allowing registries to do, you know, data mining on Whois records to do security and stability studies. I think those are completely different purposes. So I hope I've cleared up any confusion that people might have about Purpose A. It's a registrant right-centric purpose and I think that's very important to us.

David Plumb: Thanks, Milton. That sounded clearer and I'm hopeful that others can flesh that out about what we really mean by Purpose A and establishing registrant rights. Benedict, you're up.

Benedict Addis: Hey, absolutely agree with Milton on making this registrant-centric and would add that another registrant right is to participate in a clean ecosystem. One of the ways that that is accomplished and we need to discuss this if we don't like it, is that registries are able to correlate across registrations for multiple registrars to suspend bad domain names. We'll talk about what "bad" means later.

That is not something that's possible at the registrar level. And by cleaning up their zone, they permit the registrant to participate in a more functional ecosystem. I don't see an alternative way to accomplish that without a transfer of data from registrar to registry but acknowledge that this could be expressed under another purpose in which case I'd invite those who think it doesn't belong here to suggest another purpose if that makes sense? Thank you.

David Plumb: Great. Thanks, Benedict. Exactly, so that's exactly the kind of analysis that would be really helpful. Benedict is putting out there this idea of a clean ecosystem, registries have a particular role in that. Does it fit under this Purpose A? Should it be somewhere else? I think those are the kinds of

pieces of analysis that would be really helpful. Hadia, you want to jump in on that? Jumped off, okay. Hadia, jump back in if you want to. I see only Alan Greenberg's hand up, and Alan, my only word of caution here...

((Crosstalk))

David Plumb: Oh wait, Hadia, are you trying to jump in?

Hadia Elminiawi: Yes, I just wanted to quickly agree with everything that Benedict said. And I was not really clear when – in my first intervention but what I really wanted to express is establish the rights of the name holders and ensure that the registrants can exercise their rights (unintelligible) data and protect it. And among the ways or the means that we can do this, it is the transfer of the data from the registrars to the registries. And again I totally agree with – I'm not going to just repeat what Benedict just said but if others see that this does not fit under this purpose, then let's put it under another purpose. However, I think it could fit here so. Thank you.

David Plumb: Great. Thanks, Hadia. Helpful. Alan Greenberg.

Alan Greenberg: Thank you. You were going to give me some caution but I'll hopefully I'll understand what it is without you saying it. I strongly support what Benedict said, and I said the same in the chat earlier on effectively that if A is not the right place for it, if we – if A is not the right place for it for registrant rights, then it needs to go somewhere else.

However, I know there's an inclination not to want to invalidate all of the work we did in Los Angeles, we spent a huge amount of energy there and we decided in our wisdom that all of these elements belong in Element A at least for collecting, and at that point it's reasonable to keep them there including for the transfer. But ultimately we can – we invented A in Los Angeles, we can invent an X and move them there. I'm not quite sure what the benefit is. Thank you.

David Plumb: Great. Excellent. Thanks. And Milton, why don't you jump in on this and we'll see where we get to.

Milton Mueller: All right well I think that where we're getting to is precisely the kind of confusion that I talked about in my first point which is the people who want to data mine Whois data are trying to load a purpose into A where it doesn't belong. This argument about a clean ecosystem is really absurd from a careful definition of purposes standpoint. I think it's a legitimate concern, the clean ecosystem, but it has nothing to do with establishing the rights of a registered name holder in a registered name. The language is very clear here.

Purpose A is about establishing a title to a specific string and allowing the registered name holder to exercise its control over that specific string. If you want to say that the health of the overall Internet ecosystem is somehow tied to that, you're stretching things way past the breaking point. And that kind of loading of functions or desired policies into a purpose where they don't belong is really holding us back. We've made progress by breaking down purposes and collection and legal bases into very clear elements and, you know, we're just not going to make any more progress if people start saying, you know, reading into purposes these gigantic broad desired things that they want.

Somebody tell me how the mining of domain name registration data by a registry is in any way related to the rights of a registered name holder in a specific registered name. I don't think you can do it. And so, you know, we may continue to have a debate about the importance of that, but I think Alan has essentially agreed that this has nothing to do with Purpose A, he just thinks it should go somewhere and so let's park that issue of where it goes but let's continue to finish Purpose A which has nothing to do with these other things.

David Plumb: Okay, great. Thanks, Milton. So what I'm hearing is first of all, everyone agrees that Purpose A is a registrant-centered purpose and the key core of that is ensuring the registrant can exercise its rights, right? And so that that string is attached to that registrant and the registrant can exercise rights. Where there's disagreement is how then broadly to put out, there's Milton's comments right now that, you know, let's not get too far afield in things like overall health of the ecosystem, gets us too far afield; others are not so sure.

But it seems like one pathway forward for us right now is what Milton suggests which is to park over to one side the broader pieces about health of ecosystem, recognize we'll get to that perhaps under a whole new purpose or a different purpose, and for the moment let's stick to the more narrowly focused issues of registrant-centered, registrant exercising its rights and see where that takes us in our analysis. Stephanie, you've got the floor if you want to move forward.

Stephanie Perrin: Thanks very much. Stephanie Perrin for the record. I just wanted to reinforce what Milton was saying by adding that there seems to be a problem in our legal interpretation whereby if we find a broad purpose of ICANN, e.g. the resilience of the DNS, that that seems to justify every single transaction that we do with personal data within the ecosystem and that's not the case. Every single data disclosure or transfer as we're using it in this case, has to be justified at the data element basis.

First of all, does the registry – is it the primary actor in achieving some of these what Milton referred to as data surveillance activities, and if not, then why would we transfer the data? There are some very, very small subset of data elements that need to go to the data registry in order to make the name resolve. And so we have to take this transaction by transaction which is hard to do without a data map with all the players on it. Just saying. And I commend the Eco playbook because it takes a very granular approach to these matters. Thanks.

David Plumb: Great. Thanks, Stephanie. We've got Mark S next.

Mark Svancarek: Thanks. Mark Sv for the record. First I wanted to (unintelligible) all the transfers (unintelligible)...

David Plumb: Hey, Mark S, it's David Plumb. Listen, it's very hard to hear you. I wonder if you can get closer to the microphone or somehow change your audio.

((Crosstalk))

Mark Svancarek: Can you hear me now?

David Plumb: You're quiet but you're better.

Mark Svancarek: ...my microphone, this is a – is that any better?

David Plumb: Much better. Thanks, Mar.

Mark Svancarek: First I wanted to agree with Stephanie. Second, I wanted to address sort of a recurring theme on the chat and in some of the comments that, you know, if we can define a purpose and in this case there seems to be a purpose defined that some set of data must be transferred to the registry for purposes of say transfer, okay, once we've defined a purpose and identified the data that needs to be addressed and then disclose the purpose and the processing to the registrant, then there's, you know, it's going to be legally defensible. I just see that this thing going on in the chat that says well, you know, a contract doesn't necessarily have to be legal or, I don't know, just general stuff like that, which is of course true at some level. But I feel like it's a distraction.

So whoever it was who said, look, let's just define another purpose for this, and move on, I think that that might be a constructive way to do this rather

than just staying wrapped around an axle which is what I feel like we're doing right now.

David Plumb: Thanks, Mark. Thanks, Mark. That's great. And Kristina, as we switch gears over to you, I wonder if you can help us make this distinction and say, hey, if I'm just talking about a registrant focused – a registrant-centered interpretation of Purpose A really about assigning the registrant's rights here, I look at this way, if I took a broader look, I'd look at it that way. Kristina, why don't – you've got the floor.

Kristina Rosette: Great. Thank you. Kristina Rosette for the transcript. And I apologize, David, but I think I'm about to disappoint you because I have been participating up to this point by phone and this is not an easy subject to follow when you can't actually see the worksheet. In any event, I am hopeful though that I might be able to kind of provide a reference that might be useful. At one point, and I think it probably hasn't been updated for many years, ICANN published a Registrant's Benefits and Responsibilities document, and it's linked on the ICANN site. I put a link to it in chat.

But to the extent that we are still struggling, and it sounds like we are, with trying to reach agreement as to the scope of Purpose A, this existing ICANN document might provide a good starting point. And I don't necessarily want to read it into the – I'll put the link again in the chat for anybody who doesn't have it. But it talks about – it basically breaks down into three categories that the registrant's rights are domain name registration and any privacy proxy services must be subject to a registration agreement with an ICANN-accredited registrar. You're entitled to accurate and accessible information about, and then it lists the whole number of things.

You can't be subject to false advertising or deceptive practices by your registrar or proxy services. And then with responsibilities it talks about complying with terms of the conditions posted by registrar or registry, ICANN, obligation to assume – to read the registration agreement, etcetera. I realize

again to be clear, I'm not saying that this is one for one, I think we're kind of a little in Venn Diagram land, but I think it might be a helpful starting point to at least maybe refocus us a little. So that's all I have.

David Plumb: Thanks, Kristina. That is very helpful and please do share again that document that can help talk more specifically about what we mean by rights and registrant rights. Okay. Benedict had his hand up but it's not there now. I'm not quite sure if you want to jump in, Benedict. Okay. Kurt, I see your hand.

Kurt Pritz: Yes, thanks David. To gain some clarity way, way up at the top of the chat Emily Taylor listed what you know, listed a few data elements that she said were required to make the domain name operational. And actually Berry from our staff had done the same work and got to, you know, essentially the same set but slightly more augmented and I think in line with this document that Kristina just pointed out. So maybe a good thing for us to do is ask Emily to state what those fields are for this purpose, which are few. And then I think there's a few more and Berry could state those and see if the group generally, you know, agreed with those. So if that's okay with you, David, maybe Emily could jump in and then Berry could follow.

David Plumb: Yes, this is David. Please, Emily, go ahead.

Emily Taylor: Hi. Yes, I hope I haven't started off a great big red herring on that – with that spread because I do think that Purpose A is a bit wider than simply making the domain name work. I think that that was what – was saying to me in the chat. And this is about enabling Purpose A – I'm now understanding is about enabling the registrant to be identified and to, you know, service it can exercise is right in respect of the registered name, which the drafting might well need to be tightened up because it's clear that various of us are interpreting the exercising the rights in respect of the domain name quite differently.

But if you sort of going to start narrow, and think about what's the absolute minimum data that is needed to go from registrar to registry in order to make the domain name work, then it's just the domain name string and the name servers, in fact, no personal data whatsoever assuming that the domain name itself doesn't disclose personal data. So that was, you know, I think the way I've been trying to break down this exercise into reasonably digestible portions is to think about well what's the absolute necessity, what data needs to be transferred to make a domain name work? And then, you know, because if you're in the world of necessity for the GDPR, you're on strong legal grounds.

And then of course as you get to further purposes as we've been outlining in this document, then you're having to rely on different aspects of the GDPR. So that was all I was trying to do in the chat. And I think Berry pointed out that that's a bit later on in the document so apologies if I've confused everybody with that, but I do think it's potentially a good exercise to go through. And just to pick up something that Ashley mentioned I think others have as well in the chat, is didn't we just live through this in the face to face meeting?

Apologies if I'm reopening things that have been closed down and agreed during the face to face meeting, which I wasn't attending. So I hope that's clarified my point but of course I'm very happy to make further clarifications if needed.

David Plumb: Thanks, Emily. This is David. Emily, before you mute yourself I just want to quickly test with you if you were to go out one more level than just making the domain name work and to do some of the things that Milton had said about exercising rights, how does – how would that change your answer about the data elements that would be needed to do some things around exercising registrant rights along the lines of the Milton's explanation was?

Emily Taylor: So what rights? Do you mean the right to be identified as the registrant? Well clearly if you need to be able to find the registrant and bill them and sort of

some way attach that registration to a person, then clearly you'll need to be able to identify them. But I think that part of the reason why we're finding it so difficult to make progress is because we don't ask ourselves who is doing the identifying and for what purposes, so it might well be necessary for the registrar to have the contact details of the registrant but it doesn't follow that it's – that everybody else in the supply chain, ICANN, registries, the public at large, also need to have the same information.

I think part of – and we, you know, part of the reason why this becomes such a strangely confusing subject is that you're dealing with such small number of data fields, but they are used by multiple actors for multiple purposes. And just because you can get home with one actor for one purpose, doesn't mean you can do the same thing or, you know, great we've got that and we can do it for everybody with everything. So I think that this is part of the feeling and a sense of frustration I'm picking up amongst the participants in this call is that we're all slightly talking across purposes so I don't know if that helps at all, David.

David Plumb: I think it does. And before I jump to Marc I'm going to ask Berry to jump in for a second to help clarify a little bit. Berry, go ahead please.

Berry Cobb: Thank you, David. And I'm glad that Marc is in the queue as well as other registries. So I think it was asked earlier by Kurt, you know, what was my impression when I had first filled out the second column about data transfer. As Emily had mentioned in the chat, when you get to narrowly looking at what is truly needed for the domain to resolve, because I think it's clear that the registry needs some information to populate that domain into the zone so that it can resolve and function.

And as noted, you know, there are other sub-purposes for lack of a better word, under establishing the rights of the registered name holder, but I would question, you know, what about the expiration date, what about the domain status and a couple of other fields that are necessary for the registrant to

exercise its rights as it relates to the functioning of that domain name? I mean, is it important for the registry to understand if the domain gets lost at a registrar level and the other – and I can't answer those questions, I think this is really a registry's type question. What's the minimal data they need as at least it relates to the transmission of the data from the registrar to them?

And I'll just lastly say, so – and this is the reason why we deleted what I had put in is because what I had listed originally just as a starter draft to invoke conversation, was perhaps it was somewhat in line with what we know as a thin Whois today. Does, you know, is that data really necessary for the registry to have because ultimately – and I hate to mention this – but ultimately it gets disclosed at the registry as that thin model. But like I said, we removed that out because it wasn't – A, it was too presumptuous of us but secondarily, you know, we weren't the experts to really know what is that minimal data set that they need to make sure this domain resolves and can be operational. Thank you.

David Plumb: Thanks, Berry. Marc, help us out here. And certainly in my mind it would be really helpful to walk us out to these different layers of understanding of what we're trying to achieve in Purpose A and the implications for data. Marc, you have the floor.

Marc Anderson: Thanks, David. Marc Anderson. And I want to build on what, you know, what Berry and Kristina said, you know, they made some good points and so just trying to build on that a little bit. You know, I hope by now everybody's hear me talk about activation and allocation a lot. These are the, you know, the two most fundamental activities when we're talking about domain name registration, you know, allocating it to a registrant but then activating it in the DNS is interesting because it's an optional activity.

And so what you need in order to activate a string in the DNS are the name servers. And, you know, that's fundamental to the service that's being delivered but it's also optional for the registrant to provide it. And so with

allocation it's an optional activity but required to support. And here – there I'm borrowing language from Next Gen RDS a little bit when we talked about name servers, you know, optional, you know, it's an optional data element but required to be supported. And so I think that's – that's something to keep in mind as we're going through this.

And then building on what Emily said, and Berry as well as far as you know, what is necessary, when you start looking beyond the string itself, obviously you can't have the registration without the domain name string. You know, there's a couple interesting fields, and Berry brought up the dates, the updated, created and expiration date. And here, you know, our task gets a little more complicated because you know, frankly, you know, it's not complicated enough already, but these dates, you know, the updated, created and expiry date are not generated at the registrar or, you know, or by the registrant per se, rather they're artifacts of the registration itself that are created by the registry, by the fact of registering the string or updating it in the case of the updated date.

And so it's not, you know, it's not a, you know, a straightforward task of saying, okay, this is data collected from the domain name subject, the registrant, by the registrar and transferred to the registry. It's not that straightforward, you know, the updated date, created date and expiry date, you know, are artifacts created at the registry level about the data subject's registration.

So, you know, I don't know if that provided, you know, help in moving us, you know, hopefully that helped in moving us forward. I think, you know, Berry and Kristina started us off on a good path towards looking through these various elements and seeing how they are used and what you know, what is needed in order to deliver the service.

David Plumb: Okay. Thanks, Marc. That's helpful. And before you jump off, Marc, I just want to press back to say was it clear to you when someone like Milton says

this is more than just allocating, this is about giving registrants control and to exercise their rights. And when you hear that, first of all, does that make sense? And second of all, can you imagine a different set of data that are required to do that kind of – fulfill that kind of purpose from a registry standpoint?

Marc Anderson: I'm – you asked if I could imagine that. I think you know, absolutely, you know, but I think we need to be, you know, super clear on what we mean and why and defining why it's necessary that the data be transferred to the registry in order for the registrant to exercise those rights. And so, you know, exercising their rights is kind of, you know, that's – that to me is a little bit nebulous, right.

And so I think in order to, you know, in order to take that to the next step we really need to define that further, it's like what, you know, what exactly is the activity there? What data is necessary for the registrant to exercise those rights? And why is it necessary for that data to be at the registry level in order for them to do so? And so, you know, that, you know, those things I don't think we've done yet. You know, is it possible? Yes, but I don't think we've done it so far.

David Plumb: Thanks, Marc. Emily and then Kristina.

Emily Taylor: Hi. Thanks a lot, Marc and Berry for raising the points about expiry dates, created dates, last updated dates. I suppose I had just not really been thinking about them because I don't directly think of them as data and I suppose I'm very much in a GDPR type of trap and thinking about personally identifying information but quite clearly those are data elements that relate to the domain name registration and are really necessary for both for the registrant to maintain and remember to renew if they want to and for everybody in the supply chain to know when to take action and to ask – to ask for money.

There was one suggestion I think made by Alex in the chat about trying to clarify the language around registrant's rights in Purpose A and I think that's a very helpful avenue for us to explore because I think part of the sort of problem, if you like, with the current formulation is that it – the idea about registrant's rights sort of invokes domain name disputes or ownership type of rights whereas I think what we might be talking about is just something a lot narrower about using a domain name and being identified as the registrant. Thank you.

David Plumb: Great. Thanks. Kristina.

Kristina Rosette: Yes, Kristina Rosette. So getting back to – I think one scenario, and I agree that there is definitely a difference between necessary for activation and necessary for allocation. And I think some of the activities and registry business model and registry requirements that are captured in Purpose N are illustrative of some of the data elements that I think are also potentially relevant to just that entire concept that are relevant to Purpose A and that would then need to be transferred from the registrar to the registry whether it is, you know, a registrant that – a registered name holder that has registered its domain name during the sunrise period for trademark owners in which case it has to provide the (unintelligible) data file. And verification of that needs to be provided whether it's a – providing compliance with the community registration policy or the like.

I think those are definitely some circumstances where establishing the, let's just say, benefits of a registered name holder and a registered name would implicate data elements that would be transferred. And I don't want to get too far ahead of ourselves because I anticipate we'll be coming back to Purpose N but I thought that might be useful to kind of connect the links here.

David Plumb: Right. Thanks, Kristina. That – absolutely, I think that's the kind of mental exercise that's really helpful to say, oh by the way, in Purpose N we've got these other things that are super relevant that's a different purpose and

requires some transfer. Okay. So I'm not seeing hands in the queue and I'm seeing lots of activity on the chat. And I just want to test something with you all, I think there's a pending piece of work here around clarifying what we really mean by "rights" and whether we want to use some of these suggestions in the chat that's coming up to talk about responsibilities, benefits.

But I feel like in LA we were a little loopy-goopy with how we used that phrase, "registrant rights." And so I think there's – I need some volunteers in the next couple days to work together and maybe some small group or something to be very specific about the types of things we're referring to. And in that group I'd love to have people who have expressed some real opinions about this, I'm thinking Milton for instance, it seemed to be super clear in your mind. I know others have expressed some ideas of what it really means to have rights here.

So that is my suggestion for moving forward because I fear we're going to be spinning – and Kristina, great, that would be wonderful. We're going to be spinning our wheels if we don't provide some more clarity about what it is – what's the actual purpose and what do we mean by rights?

Okay, that being said, we've actually made some progress on this call in showing that once we can talk about what we actually mean, for instance, resolving the domain name, then we can be clear about what the data elements are. So I feel like let's take this into a discussion with a smaller group, really name what we mean by "rights" and then start to say well what does that mean in terms of data that needs to be held by registries in addition to whatever is held by registrars.

Okay, great. I think that's where we're going to leave it today, folks. Benedict, oh your hand is up, Benedict, why don't you go ahead and you get the last word on this.

Benedict Addis: Yes, it's a good last word. I just wanted to make sure that when we're thinking about this language we put in the right – we think about the rights of the Internet users that use of domain names affects, so that's the rights of Internet citizens to be free from harm as well as have their privacy protected. Both of those I see as two sides of the same coin. Thank you.

David Plumb: Okay. Great. And obviously, Benedict, you're more than welcome to join in on that small group conversation to ensure that everybody is understanding that clearly as you've just said it. Okay. Great, folks, so what I'd love to do is round this up now and I hope that folks on the – like Marika or Caitlin or somebody has been tracking the chat of people who have been putting their hands up in the chat to say I'd like to be part of this group. We're going to follow up with you and schedule a quick time to try to nail this issue down so that we can walk into Barcelona with much greater clarity about what we mean by Purpose A and the implications for transfer.

And I think part of that could be weaving in the other purposes like N or others where clearly transfer is part of the story. Okay, great. Thanks, Marika. So this brings us I think to the end of that conversation and while it may be frustrating that we didn't really conclude I think we teased it out in a way that's really going to help us move forward.

The final conversation of today, if I just pull it up, is about looking at the status of – on our data elements workbooks, different purposes, what are the open items that need to be addressed? This is now one of them. And what are the other ones and I believe Marika had sent around – check your email, everyone, from a – I believe there's a worksheet from Marika. If not it can get sent around now or put up on the screen, that really lays out what's open.

Oh, Marika says no it's not on email yet, sorry. Maybe it can get sent around or put on the screen. Marika, do you want to say a word about that document just quickly before we jump in?

Marika Konings: Yes, thank you, David. So yes, so what you see on the screen is a list that staff pulled together in relation to the different data elements workbooks and, you know, we'll circulate that together with the notes so you can also look at it. You know, from a staff perspective and I think as you've seen as part of this conversation, you know, completing the data element workbooks and making sure that you know, all the issues are addressed or at least, you know, any remaining open issue are identified is really key, you know, before we all start traveling to Barcelona as I think as you may have seen from you know, the draft chapter for the initial report, you know, many of the responses to the different charter questions are dependent on, you know, that work being completed.

So what we've tried to do here and you'll see a lot of names and question marks, so, you know, these are just suggestions and we're hoping that people are willing to raise their hands for these is that for each of the data elements workbooks we're able to assign a lead. So that the lead is responsible for, you know, addressing or looking at some of the open questions that we flagged here, you know, some of these have come through previous conversations and again, have another look at the workbook to see, you know, are there any further updates that need to be made based on, you know, additional conversations that we've had since Los Angeles or are there any further questions that need to be called out as a result.

So again, you know, for Purpose A I think we've, you know, discussed today some of the open items and, you know, we have at least two volunteers that raised their hands for this so hopefully there are some more people willing to take that on. And I see some others are stepping forward there. Then there's Purpose B and you know, I think Kurt already mentioned at the start of the meeting that, you know, we're still waiting for the registries and registrar teams to, you know, provide their homework on that. It would be really helpful if one of the representatives can confirm in the chat or by raising their hand that we are going to see that later today as it's an essential element for our conversation on Thursday's meeting.

Purpose C, as you may recall, I think there was a conversation on the, you know, the optional data elements in relation to admin and tech and, you know, Alan provided a rationale on the chat on the mailing list in that regard so, you know, the question is, you know, no one I think responded to that so I don't know if that means people are agreeing. But again, you know, Alan, if you would be willing to hold the pen on Purpose C and have a look at that document to see, you know, what if anything needs to be updated or changed or flagged for further conversation that would be really helpful.

For Purpose E, and I know it's easy to assign people who are not on the call, but on the registrar escrow, again probably would be really helpful if that could be a registrar rep. I noted down Matt Serlin as I believe he was a member of that small group that worked on it, but if any of the other registrars are you know, willing to raise their hands for this one that's of course perfectly fine as well, or anyone else that was part of that conversation.

Noting as well that for Purpose E that's another outstanding action item coming out of the LA meeting, to work on the registry escrow data elements workbook. And I believe Marc Anderson had the action item on that so hopefully that's another one that will be able to be circulated shortly. I note for some of these there may be dependencies on other work that's being done but I think you know, as long as we get something on paper and, you know, even if that flags where, you know, there are question marks or where you know, there's linkage with other conversations that we're having I think that is already an excellent starting point so at least we have something to all look at.

Then there's Purpose F, contractual compliance, I think you may have seen the additional responses that Compliance provided to the list based on the conversations we had last week. There's actually also a letter that went from the Registrar Stakeholder Group to ICANN in relation to some questions they have with regards to the current enforcement and interpretation of the

temporary specification and a question that was flagged here, you know, if how is that relevant to what we're doing and should that, you know, be discussed in the context of this workbook?

And then of course again there's a need then to look at the latest version, see how that needs to be updated. Again, you know, I know James is not on the call but we had listed him here as a potential candidate for this. Of course if there are any other volunteers, you know, please feel free to raise your hand.

Purpose M, similarly there were some outstanding questions coming out of LA, you know, first of all should the registry DRPs be eliminated based on the ICANN input that was provided in response to that question. And as well there were some questions in relation to, you know, does additional processing activity need to be included and I put the link in here that the question actually came up in the context of the lawful basis conversation. And I noted Kristina here as a potential lead for this as she also led the conversation on this topic in LA.

And similarly for N, you know, sorry Kristina, I know your name is on a lot of these so please feel free as well to say if this is not something you're able to take on so we can find someone else. And then there's the additional research purpose that Benedict and Farzaneh are working on and Benedict sent me a note that that is in the works and I believe the hope is that that would get circulated tomorrow to the group.

So again, the objective is to have all these data element workbooks in a kind of, you know, I don't want to say final but a near final state by Monday as that would allow for everyone to look at these before getting on the planes. It would also allow for the leadership team and staff and CBI to kind of look at, you know, that are some of the outstanding items that need to be on the agenda for the Barcelona meeting, as again, you know, getting to conclusion on these is a critical element in being able to finalize the initial report.

And again, it's not problem if there are open issues or items or areas where there may be disagreement, as long as we're able to identify those and flag those and hopefully then work through these during the Barcelona meeting or at least be able to mark in the initial report where the different positions are so again, you know, the broader community has the ability to opine on those.

So with that, David, I don't know if you want me to hand it back to you or if you want me to manage the queue? Let me know. I see that Alan and...

((Crosstalk))

David Plumb: Why don't you go ahead and – yes so Marika, why don't you go ahead and manage the queue since it's your doc. Thanks.

Marika Konings: Okay great. Alan, so please go ahead.

Alan Greenberg: Thank you. I'm willing to take a try at C but I don't know – are we having a meeting next Tuesday? If so, I won't be there so I may not be the optimal person.

Marika Konings: Thanks, Alan. This is Marika. Yes, I do believe we have an agenda scheduled for Tuesday, a meeting scheduled for Tuesday but I don't think we have the topic for that meeting confirmed yet. I think we had it as a kind of placeholder so any of the sub teams or any of the data element workbooks that would require further discussion could be brought then back then but, you know, obviously if you're taking the lead on C, you know, we wouldn't schedule that as a topic for that meeting.

Alan Greenberg: Okay. I'm willing to if that's okay with the rest of the group.

Marika Konings: Thanks, Alan. Marc.

Marc Anderson: Hey, Marc Anderson. Happy to have my name on Purpose E, maybe happy is not the right word but willing to maybe is the word I was looking for. And I have started working on it and I just wanted to sort of highlight for everybody, so the registry escrow encompasses well over 100 fields, you know, and so that's not a trivial list. But I think forgetting about the volume of fields involved, there's a lot that maybe is dependent on both Purpose E, registrar escrow. You know, for example, I don't think for Purpose E, registry escrow, we ever settled on the legitimate basis reason; I think that was one that was largely debated. And so I don't know that I want to even try and propose a legitimate basis for registry escrow until that's nailed down for registrar escrow.

And then also for registry escrow, that's a little bit dependent on the question of what data gets transferred to the registry. And so while there are, you know, I have started working on this and there's some things I can do now, there are maybe some initial questions that really need to be answered before that one can be completely closed. So just wanted to tee that up.

Marika Konings: Thanks very much, Marc. This is Marika again. And I said before, you know, anything you can provide even if it's kind of flagging where you need further information and maybe even identifying you know, who may be able to help with that or where the group can look for that information I think will be helpful starting point.

And I see some conversations going in the chat so just clarify, you know, we're not looking at, you know, setting up new groups or small teams, you know, similar to the separate small teams that we're having, this is really to look for someone that's willing to kind of take the lead, take that, you know, the latest version of the data elements workbook and kind of look at it and say, okay, you know, here are some things we probably should flag for further conversation because, you know, we've kind of moved on from what the group originally did in LA and I'm not sure if it's still relevant. So, you know, highlight it, mark it, you know, there are some additional input that has been

provided that may need to be reflected, you know, for example, you know, the feedback that Compliance provided.

So again, we're just looking for someone to be, you know, to take the lead and be able to – on next Monday to kind of say, okay, you know, here is, you know, the latest version of this data element workbook, you know, here are some of the changes I've, you know, made or I'm recommending based on these conversations, you know, here are some of the changes or items that I think require further conversation and either we can start those on the list or state those for Barcelona. But again, we are sure or clear that all these data element workbooks have been looked over and we're clear on what is still missing and needing to be discussed.

So I hope that is clear. Again, you know, maybe some of these leads will reach out to the list and ask specific questions that may help inform, you know, their work. They may reach out to specific people on the group, they may have certain expertise but again, you know, the whole idea is that, you know, before we all start traveling to Barcelona we are clear n, you know, what is still missing from the data element workbooks and what are still areas that may require further conversation.

So I'll – after this call I'll go back to the list, or the mailing list and see because I see several people speaking up. And of course as said, you know, a number of people that we kind of volun-told are not on the call so we'll be reaching out to them as well to see if they're willing to take it on if no one else has stepped up for those. And as said, you know, we'll share this list and update it as needed together with the notes.

David Plumb: Thanks, Marika. This is David. And I'll make one small addition to that which is we did on this call talk about the need for a new small group or a bunch of folks to come together and define better the – what we mean by registrant rights in Purpose A because that will allow us to work better on our transfer

questions. So that is something new that's being generated on this call in addition to what Marika said about this list.

Okay, great. So we are in the great position of being – finishing up a little bit ahead of schedule. We just need to do wrap up and confirm action items. I know that Kurt and Caitlin, you guys do a great job of finishing up the meeting with action items and confirming any questions for ICANN.org. So could one of you lead us to the finish line here, either Caitlin or Kurt please?

Marika Konings: David, this is Marika...

((Crosstalk))

Kurt Pritz: I think Marika has...

((Crosstalk))

Kurt Pritz: Yes.

David Plumb: Oh go ahead, yes.

Marika Konings: So this is Marika. And I think you just noted the action item that I had listed as well and that we'll add to the document, you know, volunteers needed to specify what types of rights are included in Purpose A and what does that mean for data that needs to be transferred to registries and we noted two volunteers, I think some more are in the chat so I'll dig those out.

There was an action item for staff to update the document that you just saw on the screen and reach out to those that are not on the call to see if they're willing to take the lead on some of these items. I did note – I did not note any specific questions for ICANN Org as a result of this meeting although I note there's a – there's some conversation going on in the mailing list and I think

some additional questions have been asked there, so it may be worth for the group to confirm whether those should get submitted or not.

And then if I can maybe call again on some of the registry and registrar reps for Purpose B, that is an item that is lined up for further discussion on Thursday's meeting. There was an open action item coming out of the LA meeting for registries and registrars to take a first step at filling out the data elements workbook from the perspective of a registry and a registrar as at that stage there was no agreement whether it should also be an ICANN purpose to again, you know, have a kind of starting point and see where that conversation would lead.

So if I can maybe call on, you know, any of the registrar or registry reps to at least give us an update on where that stands as it is a crucial aspect for Thursday's meeting. So it would be really helpful if they can provide an update you know, whether that is going to be shared later today as obviously, you know, people will need some time to review that and also for the leadership team to prepare, you know, Thursday's conversation so to make sure it's a productive and conversation.

So if no one's raising their hands and I may need to take on people, I see Alan is first registry rep in the queue. Alan, could you give us any insight on where that stands? Or Kristina?

Kristina Rosette: Yes, it's Kristina. We have been working on it. It was discussed during the Registry Stakeholder Group meeting last week. There was a separate sub call, I want to say it was Friday to discuss it and we have been chasing folks for input. So at least on the registry side it's something that is – a fair amount of time is being dedicated to it.

Marika Konings: Thanks, Kristina. Do you also have an indication as to when this will get shared with the full group?

Kristina Rosette: Not – we've already extended the deadline once for input so, you know, certainly well before Thursday's meeting. I can't speak to whether it's today or tomorrow.

Marika Konings: Okay great. Thank you very much. And if I can ask any of the registrar reps to also give an update or is this – is it going to be a joint submission? Kristina, could you talk to that? Is it a joint submission or otherwise Lindsay or Theo? Emily, do you have any insights?

Kristina Rosette: It's Kristina. It's intended to be a joint submission but in the interest of trying to reach – I hate to use the word "consensus" but agreement what we – the way we've been approaching it is to have the registries go first, although I think at this point we'll send the Google – the link to the Google Doc over.

Marika Konings: Okay great. Thank you. And sorry for putting you on the spot. And I think that's all I had as – when it comes to action items and questions.

Kurt Pritz: Great. Thanks very much, Marika. Unless anybody – David, did you have anything in closing?

David Plumb: No, we're good on my end.

Kurt Pritz: All right. Thanks very much everybody, for being on the call. We'll see some of you on the small group call tomorrow and everybody on Thursday, so thanks very much. Have a great day.

END