

**ICANN
Transcription
EPDP on the Temporary Specification for gTLD Registration Data
F2F Meeting - Day 3
Friday, 18 January 2019 at 12:30 UTC**

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Gina Bartlett: Okay, good morning, everybody. Can we get started, Kurt? So, Thomas, we were just going to walk through the agenda. Did you want to ask your question first?

Thomas Rickert: If I may, because it might have an impact on how we approach things today. And my question is, how we're going to deal with questions where we asked Ruth. And I think Ruth, so far you've been splendid in giving advice more or less on the spot so that's much appreciated. But there were points where you said you want to think about it and provide written feedback.

And I think that for the questions that we have on the agenda today, your input might even more relevant than on the aspects that we discussed yesterday. So is our plan to plow forward and nail down language on the recommendations and purposes today? Or are we going to just pause, wait for your feedback and then reconvene and bake that into our decision making?

You know, I think the best example of that was yesterday when we discussed the legal setup joint controller, independent controllers, so we read the memo, nonetheless we more or less moved forward with fixing the language,

which I think we need to do because we're under pressure. But absent having had feedback from Ruth on how this might play out I think it's difficult to make an informed decision about what we want to code in our final report. Thank you.

Kurt Pritz: So I'll answer that, Thomas. And let's see if you agree with this, so, you know, that's a really fact-based question, right, so as we approach each issue we might have a legal question and at that time we'll determine whether the answer to that question is on the critical path to making a finding. We might make a conditional finding based on the final response from Ruth on a legal issue so it could be sort of a choice; or we could decide to, you know, take our discussion as far as we can and then wait for a decision. But, you know, I think we'll all have a sense of those conditions where that occurs.

((Crosstalk))

Kurt Pritz: Yes.

Thomas Rickert: The other question that – maybe you've said this earlier, so if you did, I apologize for stealing your time. But Ruth, what are the terms of your engagement, because when we discussed in the legal team there was talk about, you know, using a similar model than we did in the CCWG where ICANN Org would pay the bills but the CCWG would be the client. So who is your client? Is it us or is it ICANN Org?

Kurt Pritz: Do you know the answer to that one?

Ruth Boardman: I think I might need John here for that one. The engagement letter is with ICANN but John said that question might come up and I need – it's come up so...

Thomas Rickert: I guess he was thinking of me when he said that.

Gina Bartlett: Okay so go ahead, Berry.

Berry Cobb: I'll just point out – and certainly I'd defer to Dan or JJ of the formal-formal answer but my understanding is both, ICANN Org and the EPDP pretty much as you requested a while back in terms of optimizing costs and avoiding conflicting advice between the two groups and that's my understanding.

Gina Bartlett: Okay. Thank you. All right so I'm just going to set us up for the day and then we're going to jump into Recommendation 1.

Marc Anderson: Sorry, Gina. Marc Anderson. I just want to tack onto one of the things Thomas said, you know, just from, you know, this maybe, you know, getting ahead of things a little bit, you know, I see your white board said, what issues merit group discussion? And just from a practical matter, we have more topics than time today. And so, you know, I think, you know, we're going to have to, you know, I think what Thomas said I think is, you know, some of the topics we may want to get advice from Ruth offline and react to that advice.

But I think also, you know, we're going to – when we field some of these issues we're going to have ask ourselves, is this something we can do offline, you know, via email, via our list, and, you know, we're going to have to make some hard decisions today because just from a practical matter we don't have time for everything today.

Gina Bartlett: Right. So that's the perfect segue. So what we are going to kind of go back to where we were on Day 1. We're really driving to the final report today, right, because we want to maximize the time you have in person to work through the remaining public comments on key recommendations that we think, and you helped us prioritize, that really needed to benefit from face to face time, right. So you guys did that and we've also thought about it.

So what we have planned for today – so over here on this side, if you're interested, we have all the purposes and recommendations that you have

addressed the public comments, you've, you know, refined the language as appropriate, and those are all there and you've received the notes in your inbox from Caitlin and Marika, okay.

Then here for today what we're going to do is we're going to start with Recommendation 1, the public comments, there are some other purposes that were recommended, so we want to discuss a couple of those and make sure we've addressed the public comments. Depending on the timeline of that, we may or may not pick up Recommendation 13 on controller agreements. Then on – we're going to take Recommendation 9, redaction, and – I'm sorry – 8, redaction and 9, organizational field together.

Then we're going to go to 10, email communication. And then if possible, and this is super ambitious and we have a Plan B to peel in these other things, we also have Purpose 1 to revisit and come back to which shouldn't take long. But after lunch, no matter where we're at, we're going to pick up the implementation and the transition, which came up yesterday because a number of people wanted to weigh in on that, so we're going to go to that after lunch.

And then our next priority is to do Recommendation 12, reasonable access; and then Recommendation 7, contractual compliance. This would be the ideal scenario, right, but it's very ambitious so we'll have to just see and kind of regroup. The only thing that we were going to really stick to is after lunch do the implementation just because we know people are leaving later.

Then post-3:00 pm we can go into a small team format for people who are still here and we won't have complete – I mean – I don't know that we'll have complete representation, but we could do Recommendation 4, which is data elements to be collected by registrars and Recommendation 5, data elements to be transferred to registries. However, these can also be picked up once we kind of manage the data elements workbooks, so we can make the call on that a bit later.

And then the last thing that we've already deferred to later was other general comments of the initial report and the ICANN.org questions on the temp spec. Staff feel like that could be dealt with later and that there are some smaller conversations that might occur like some questions to be answered that would inform, you know, make it more streamlined for you all to review that. So that's our plan for the day. All right.

So we're just going to do a couple more formatting setups with David and then we're going to jump into Recommendation 1, other purposes.

David Plumb: Perfect. I'll hand off to you. Great. Good morning, everybody. It's good to see you all. Thanks for making the heroic effort at 7:30. Okay so as Marc says and as Gina says like, this is ambitious. We've got on the wall what we started to talk about on Day 1, which actually worked remarkably well for us on Day 1, right, which are three mantras on dialogue, right. Prioritize, focus on what's really most important to each of you and then take a deep breath and walk away from some of the things that perhaps are not as important.

Joint problem-solving, we need to solve for each other's problems, that way we move more quickly, we're not just trying to convince each other, and then our creativity when we need to when we're working through things that require some new thinking, okay. We have our basic share the floor, be present, right. And we're going to work within our groups and build our group's alignment right here in this in-person meeting, okay.

So if you guys are okay, Gina and I are going to be increasingly aggressive on some of the ground rules and sharing the floor, keeping us focused, okay. And in that spirit I'm not going to say anything more about that. I will say that when we start in on this first thing I'm going to hand it over to Kurt for a second, but when we start in on the Recommendation 1 and other purposes, right, we're going to be talking about how do we get to the final report, right? Let's set ourselves a high bar because we're going to prioritize as we go

through the public comment and make sure that we are tackling the critical things and the other things we're just moving forward. Okay?

But, in that spirit, Kurt, I know you wanted to say a few words about that.

Kurt Pritz: Thanks. Even though we're working as quickly as possible, remember, besides finalizing language for the final report we're also in the midst of the task of evaluating and measuring, or weighing public comment. And I think in the small group meetings we did a really good job of in our deliberations calling out the specific comments especially those who are not represented at this table to ensure that we signal that we have read all the comments. And so what I found to be – so I encourage you to do that.

And what I've found to be particularly valuable in the 5 or 10 minutes of reading time we get for each one, we can read the staff summary which is uber-helpful but also it gives you time to like gaze back through the PCRT where all the comments are listed and we can identify particular comments that interest us. So they may or may not affect our outcome but I just want to make sure that we walk away from this not only with good language for our final report but also with the record that we've evaluated and looked at the, you know, looked at the public comment. Thank you.

David Plumb: Thank you, Kurt. Thank you, Kurt, that's exactly right. Okay, should we get right into it? Any other pre-business? Now, folks, if you all need to leave – if someone needs to leave prior to 3:00 pm please come and – what time? 1:00? Oh. Anybody else before 3:00 pm? Okay. So we're going to aim for 3:00 pm stop, yes, and – use the microphone if you want to talk. Sorry, you don't need to raise your card.

((Crosstalk))

Woman: I'm so conditioned. Since Margie is leaving at 1:00 we'd like to see if we could push the reasonable access discussion a little earlier?

David Plumb: Okay. Noted, thank you. We'll try to make that work, okay. Great. All right, we ready to dive in? Should we go there? Let's go there. Okay, so our first thing to do, Gina, if you're okay, I'd just roll forward? Yes, okay. Our first thing to do is Recommendation 1, which is essentially the purposes and in that we should go back and read through the public comment with a particular eye to these suggestions of additional purposes, okay.

But let's do our usual routine as Kurt suggests of taking five minutes, yes, to look through – or actually let's give it 10 because I want you to talk to each other to look through the summary tables, does everybody have the summary table on Recommendation 1 or know where to get it? Yes, anybody need it? I'm sure our colleagues here can send it out again. It should be on the wiki, right? Okay great. So that summary table, and then PCRT. Yes, go ahead, Marc.

Marc Anderson: Thanks. Sorry to interrupt. Just a thought, suggestion I guess, some of the concerns in here, you know, come from people around the table, not just like general public comments, and, you know, I'll pick on Alan a little bit, not pick on but, you know, the first one is about ARS, which I know is his favorite topic. We might benefit before the group breakout if...

((Crosstalk))

Marc Anderson: ...like just tee it up quickly, like not discuss it but a little bit from Alan on the first one might be helpful before we go breakout into our individual groups.

David Plumb: Yes...

((Crosstalk))

Marc Anderson: Like one minute like...

David Plumb: I think – why don't we go for just a quick tee up and then we'll take a break – take the 5 minute break if that's okay, Gina, okay. So I think there's two things people want to tee up, right, and this is obviously – we've also done our homework going through the public comments and certainly staff has, and ARS is one of the ones that jumps out which we can hear about right now. The old Purpose O, right, which Benedict and I believe others have spoken about, and there's other stuff in there.

So in the spirit of what Marc says, not to have a conversation about it but if Alan, you want to say, you know, a minute about what you're trying to achieve with the ARS purpose, let's do that. And then I don't know whoever want to speak to Purpose O would be Benedict? Okay, let's do that then we'll take our break. Yes.

Alan Greenberg: Okay thank you very much, Alan Greenberg speaking. I'll start by telling you what the acronym means, excuse me, it's Accuracy Reporting System. ICANN, the GNSO Council commissioned an accuracy study of Whois contact data around about 2009. And the results came back and demonstrated that there was a significant accuracy problem.

The first Whois Review Team, which was part of the Affirmation of Commitments at that time, now part of the bylaws, reviewed it, found there was a significant accuracy problem from their perspective, made a number of recommendations including to – that ICANN should take action to remediate that, to get accuracy problems addressed, changes in the RAA were one of the results of that.

Another one of their recommendations was to monitor it, so we had some idea; is it getting better or is it getting worse? And ICANN staff started building what became the Accuracy Reporting System. They went through a number of phases and had planned to go to a third phase to sample records so every six months, as it turned out, they ended up pulling 12,000 records

from a larger subset randomly selected with a couple of modifications to make sure that all TLDs were addressed, things like that.

And looked at the contact information, looked whether it met validity, the validity standards including some, you know, the less obvious ones; I believe there was including a manual phase for some of the problematic ones because street address, for instance, it's really easy to see – have a street address that doesn't meet the postal union requirements but works, so lots of things like that.

Just about finished. The bottom line result is they went through six of these six-month phases. We're still seeing accuracy – of the 12,000 domains that are selected each time, we're still seeing about 40% of them having data that is not accurate for one reason or another or does not look accurate, most of them ending up not being accurate. And at this point the process is stopped because they don't have access to the data.

David Plumb: So as of the temp spec it stopped, okay. Great. And I think what I'll do is I'll put – do you want to add to that quickly?

Trang Nguyen: Yes, just a quick clarification. Alan, it hasn't really stopped. We, meaning it won't ever be done again, we paused it in order to do some further analysis under the GDPR to determine what needs to be changed in order for us to continue to carry out the process.

David Plumb: Great. Okay.

Alan Greenberg: Or what we need to do to provide access to the data that was used before.

David Plumb: Great. Okay. And what's not in the public comment is a specific purpose language. And actually Alan wrote something up last night and we can stick it in the chat so when you're looking with your group you can see some specific

language for a purpose that Alan is suggesting for ARS. Okay. Benedict, Purpose O, give us the one-minute version of what's going on there.

Benedict Addis: One minute time has started.

David Plumb: Yes.

Benedict Addis: Registries used to send full thick data to ICANN under a system called BRDA. And ICANN Legal mandated that that be stopped in May in what I perceive to be an overabundance, or an abundance of caution. Probably the right decision but this leaves ICANN internal security team with no way to research and correlate badness amongst domain names. What they used to do, look at a contact object for one domain, compare it with the contact object for another; if the two were the same there was a likelihood that that was the same registrant. So a relatively trivial way to identify one domain from another.

That obviously doesn't require full contact, full contact information, so the GDPR compliant replacement proposed is to take a secure hash of the contact object and pass that up to the – to ICANN alongside the weekly BRDA uploads from each registry, it's a registry-initiated process. Doesn't work for thin registries so we need to talk about whether that's – that fits in for registrars as well or whether we wait for the coming thick implementation. Thanks very much.

David Plumb: Great. Trang, you want to clarify? Sure.

Trang Nguyen: Yes so I just wanted to come in on one quick clarification. The BRDA, I'm trying to parse out what the acronym stand for, Bulk Registration Data Access, is a requirement that's in the new gTLD Registry Agreement and the requirement was that the registries need to at minimum send over to ICANN the thin data but many registries sent thick data to ICANN as well. But the

requirement wasn't to send thick data; it was just to send thin data and some registries sent thick data.

The temp spec clarified the requirement to – or limited the requirement to ensure that the registries only sent ICANN thin data. So just wanted to make that clarification.

David Plumb: Great. Marika.

Marika Konings: Yes this is Marika. And if I can just add to that as well, as you know there were a couple of questions asked to ICANN Org as well concerning the access of – to data, so just want to point people – I can post a link in the wiki to the responses that ICANN Org provided on – in relation to the impact and the need assessment in that regard.

David Plumb: Fantastic, okay. So Marc, is that new? Great. So we just had a little bit more information on the proposed Purpose O in the public comment, the proposed purpose around ARS and then in the chat you will have some proposed language for a purpose on ARS and in the chat you'll also have what Marika just mentioned in terms of ICANN Org response on the issues that Benedict brought up. Okay.

So with that folks, let's pull back from the table in our groups, take 10 minutes – Terri, if you could pop that on the – and read through the public comment in detail and think how your group wants to react to that comment with a particular eye, but not exclusive eye to the issues we've just talked about which is ARS and Purpose O, right, there are some other things in there too; take a look at them.

Let's take 10 minutes, go through that public comment and then let's come back to the table and see where we are on Purpose O, ARS and anything else in that public comment that you all consider merit group discussion,

okay. Please take 10 minutes in your groups, once again, group spokesperson is the best way to go coming back from that conversation.

Alan Greenberg: Could we have a pointer to the draft Purpose O – the OCTO one?

David Plumb: Say that one more time.

Alan Greenberg: The purpose that was drafted by Benedict, that was not included, can we have a pointer to it please?

David Plumb: Oh where is it?

Alan Greenberg: Yes.

David Plumb: Oh, great question. Where is that? Does anybody know – can we stick that in the chat as well, the original like Purpose O that was – we'll look – we'll put it in the chat. Thanks, Alan, yes. Yes.

Gina Bartlett: We're reviewing – I'm sorry, reviewing the comments for five minutes and then in your groups to discuss and have a spokesperson come back. Oh, Terri, can you grab the other group? Okay. Okay we're going to do something a little bit different. Before we jump in, I want to – we know we need to talk about Purpose O and we know we need to talk about ARS. Are there any other of the public comments that you feel we need to discuss? I just want you to name the topic; we're just trying to track how many topics we're going to have on this one, yes.

Margie Milam: There's several purposes in the public comments we need to discuss in addition to those two, so there's – I'd say there's at least three or four that are listed by different parties that are to be included in the purpose discussion.

Gina Bartlett: Okay. Marc, what other topic?

Marc Anderson: Thanks. Marc Anderson. I guess the – so the – it's Number 3, comment Number 3 from the RySG is on the workbooks.

Gina Bartlett: Okay.

Marc Anderson: And just you know, what, you know, what the Registries concern on this one and what our comment was was that, you know, we, you know, the workbooks have been out there for a while but many aspects of them just weren't deliberated by the working group and that's important in our view.

Gina Bartlett: Okay thanks. And then, Milton do you have – just we're naming the topic only.

Milton Mueller: We object to the whole idea of any new purpose.

Gina Bartlett: Okay.

Milton Mueller: It's out of the range of this group. There's no way you're going to get one new purpose properly vetted much less three or four of them. And most of them are just policies that people like not purposes anyway.

Gina Bartlett: Okay. And is that because you're – because it doesn't go through – what's the rationale that there can be no purposes, could you just say it briefly from your point of view?

Milton Mueller: We discussed what purposes we needed in Los Angeles, is that right? Some of these were discussed and rejected in Los Angeles; some of them are coming completely out of the public comments but they have no merit as purposes, they're not needed. So it's just – and we, you know, in terms...

Gina Bartlett: Okay.

Milton Mueller: ...of the way we're prioritizing our time...

Gina Bartlett: Okay.

Milton Mueller: ...I think this is a huge mistake. If you think of how much time we spent on Purpose 2, or even Purpose 1...

Gina Bartlett: Okay.

Milton Mueller: ...you think you're going to get three or four new ones today?

Gina Bartlett: All right. Thanks for clarifying. So I'm just going to go to the staff to confirm whether or not it's possible to have any new purposes at this stage or Kurt? Can you help me understand?

Kurt Pritz: Yes, so let me bring up an example of this that's not even on the list yet, is that ICANN staff identified the possible requirement for a purpose for disclosing personal data at the registrant and sent it to be disclosed. So say a registrar has a consent mechanism so that the personal data can be displayed in public Whois, the display of that is a processing of data and every processing of data needs a purpose. So and that's not addressed in – I'm just – I'm just wrapping my head around this issue myself.

But in order to accomplish that we either need to figure out how to stick that in an existing purpose or define a new purpose for it. So to a certain extent we're uncovering issues we had not uncovered before. I'm really sympathetic to what Milton says because we could spend three days looking for other things that are undiscovered and never get to the end of our work, so, I understand that. But also we found this issue. So I think that if we recognize an issue we should try to deal with it if we can.

Gina Bartlett: Right. So I'm not going to go whether we can have purposes. We have to respond to the public comments so I'm going to say that what we need to figure out though is that I've heard from multiple people that we're worried

about this being a huge time sink, so what I'm going to propose is what if we put on the clock an hour, about one hour, I was going to say less but after his now I think we need – is an hour – or 45 – maybe 45 minutes we start with 45 minutes and we're just going to try to see if we can address the public comments.

Fully understand that there's a number of you that may say no public comment – we don't support any more purposes, but let's just try to, in a really clipped fashion, try to move through this. So is there any other topics I've got – there's three or four proposals for new purposes, there's comment Number 3 on the workbooks, any other topics that we need to flag? Georgios, a topic? Okay.

Georgios Tselentis: Sorry, but I just wanted to say that there are two main things in this discussion. One is new purposes that are coming in from the public consultation and the other is proposals from the public or from the constituencies present here about the current purposes. So if you can cut this though in two pieces, if possible.

Gina Bartlett: Okay. Okay. The existing. I'm sorry, David, I didn't understand your comment. So I'm going to go...

David Plumb: And just to be clear, Georgios, yes there are comments on existing purposes and we've been working through those as much as we can when we go through the individual purposes, see what I mean? So we don't need to reopen all those purposes because we've been going through that.

Gina Bartlett: Oh that's your point, okay.

((Crosstalk))

David Plumb: Yes, we've been working our way through it, yes.

Gina Bartlett: So we're only looking at the comments on new because we've addressed the comments on our existing purposes. Okay so 45 minutes on the clock; bear with us. At the end of this we'll regroup. Purpose O research, we have proposed text. Is there anyone that can't live with the proposed text for Purpose O? Yes, okay. Stephanie and then Marc. Purpose O?

Stephanie Perrin: Stephanie Perrin for the record. It's the NCSG position that we don't need this. Any normal organization does research, any normal organization does quality control in the operation of its business, that's a regular management practice. So unless you're doing something completely out of bounds you don't need to state it as a purpose.

Gina Bartlett: Okay. Thanks, Stephanie. Marc Anderson.

Marc Anderson: Thank you, Gina. Marc Anderson. On this one, you know, I think our view from a Registry standpoint, you know, this is – this is more of a use case than a purpose. And, you know, and as Alan put, a secondary purpose at that. And so it's not, you know, it's not, if you will, on a critical path to registering, activating and allocation a domain name. And, you know, I think, you know, as I'll piggy-back on Stephanie, you know, there's, you know, there's ways to accomplish this outside of the work of our PDP.

Gina Bartlett: And so would that be – what would that option be, to move it to Phase 2 or what would the option be?

Marc Anderson: Drop it. This is not, you know, this is not required for our work to achieve GDPR compliance. You know, if, you know, and I'm not going to stay on like is this a problem or not, right, it's not our problem to solve.

Gina Bartlett: Okay. Thanks, Marc. Margie, and then I'll come back to you, Alan.

Margie Milam: This is Margie. I think Stephanie's observation is incorrect because ICANN doesn't have the data to do the things that Stephanie was mentioning, kind of

the operational checks; that's the purpose for this purpose, that's the reason we're asking for this. And I just don't agree that it's too late to add new purposes or that we're only doing this to do the bare minimum; that is not – has never been the rules, maybe it's the rules on behalf of, I mean, maybe it's how you guys are looking at it but that's certainly not how we're looking at it.

And if you look at the breadth and depth of the comments received from multiple advisory committees and commenters, there's a significant amount of support for this in the public comment period and I feel like we would not be doing our job if we do not consider it and at least explain why it's unacceptable at this point.

Gina Bartlett: Okay thank you. Alan Greenberg...

Alan Greenberg: Thank you.

Gina Bartlett: ...and really appreciating everyone's brevity. Thank you.

Alan Greenberg: Thank you. If we aren't – can't allow any new comments, why did we ask? Why do we taunt the public by saying, do you want anything new and now say no, you can't have any. Sorry, not personally. On the subject, Stephanie's right, any normal corporation could do this kind of thing themselves; they don't need to ask, don't need a purpose.

However, in this case, as Margie pointed out, we don't have the data; we're a very unusual controller of one form or another where we don't have access to the data. If this group believes, and we're willing to put in writing, that ICANN as the controller can demand data from registrars and registries to do this kind of thing, and they have to – and we can put that into the contracts, then we don't need these purposes, you're right. But if later on we come back and say, sorry, there's no way we can put that into the contracts, then we have a real problem. Thank you.

Gina Bartlett: Okay. I see you want to respond. I'm just going to pick up a couple people to be comprehensive. I'm just going to say that we heard from Kurt that we can have new purposes so I think we're taking – is this a purpose, right? Is this a purpose that you can support? Alan W, James, Hadia, I see Stephanie and Milton but then I think we're watching the clock so we'll check in and Alex, okay.

Alan Woods: Alan Woods for the record. So just in direct to Margie, I think what you just said actually pointed out the opposite of what you were trying to prove in that and that's saying that ICANN don't have the data therefore what you're suggesting here is the creation of a new process within the ICANN field. We can say they can already get the data because under the GDPR research is a purpose that a organization can apply for data or use data for without necessarily having a purpose, it's a secondary purpose.

But specifically, you know, what you're talking about there is creation of a new PDP. Let's just call a spade a spade. In time it is a different use of the data. We are not here to discuss what we could possibly use data for in the future. Punt this, make a recommendation for another PDP that this is something else but for us today it is not crucial or critical for compliance with the GDPR.

Gina Bartlett: Thank you. Hadia.

Hadia Elminiawi: Hadia Elminiawi for the record. So I quickly would like to remind the Non Commercial Stakeholder Group that they were part of – that Farzi, a member of the group, who was one of the drafters of the purpose along with Benedict. So going back to what Marc and Alan said, well actually prior to GDPR ICANN used to use the Whois registration data for purposes that cannot be fulfilled now like the OCTO purposes, the Chief Technology Officer used to use the registration data in trainings related to security related trainings.

For example, they would use the data to show how you could contact the registrant or a host provider in case the machines were compromised. So now this is not possible. And so we're not doing something that was not done before; this is a function that ICANN used to do and for that used the registration data and now it is not possible. So this purpose is to allow a function that already existed before to continue to exist. Thank you.

Gina Bartlett: Thanks, Hadia. Alex.

Alex Deacon: Yes hi, it's Alex. Yes it seems to me this Purpose O is pretty important. We've heard this morning even from Trang that ICANN doesn't have access to the data or they paused access because there's concern that they do – that they, you know, handle any data that they do have in a GDPR-compliant manner. So it seems to me that it's pretty high on our list of things to do to ensure that ICANN, at a minimum, has the means to complete all of the – all of the jobs that it has whether it's ARS, BDRA and others. Thanks.

Emily Taylor: Gina, just a point of order, could you call on James please? He was in the queue before Hadia.

Gina Bartlett: Oh I skipped you, James, I'm so sorry. You're way up ahead. I apologize. Yes. And then I'm going to hear from the new people and then I'm going to go back to the folks who have spoken. And I apologize, James, for some reason I took you off the list. Go ahead.

James Bladel: That's okay. I'm very forgettable, that's what my mother keeps telling me. So, yes, just a couple of quick thoughts, and I think the conversation is also going down the road. So just a couple of quick thoughts, ARS, to me sounds a lot like it belongs under the broader umbrella – yes?

Gina Bartlett: We're on Purpose O.

James Bladel: We're on Purpose O; we're staying on Purpose O. Okay, I had a two-for but I'll table ARS.

Gina Bartlett: No, we're on Purpose O, research. Purpose O, research.

James Bladel: How about I start with Purpose O and you can come back to me when we're on ARS, because...

Gina Bartlett: Yes.

James Bladel: ...I have one for each.

Gina Bartlett: We're on Purpose O – we're on Purpose O.

James Bladel: All right, I'll put the ARS back in my pocket and talk about Purpose O. Purpose O to us – to me in particular and I think some of my colleagues would feel more comfortable discussing this under the umbrella of the broader access discussion and can Purpose O be rolled up into Purpose 2? It is a type of access; it is a form of access; it is a different flavor of access. That's the first thought.

The second thought is – and I think I'm looking now towards Ruth's end of the table – is that everything I've seen in the – in the industry that involves research, and let's be clear, the data we're talking about is not monolithic, there is a lot of publicly available research that doesn't include people's names, addresses, telephone numbers and email addresses. So there's a wealth of research data. However, if the research require that level of personal data, it seems like we should also attach a consent ability to – for individual data subject to participate in the research and, more importantly, to opt out of any types of research participation.

So for me, that's where I'm kind of thinking that Purpose O, if we're not going to roll it into an access discussion it should also kind of fall under this idea of

where is the legal basis for a researcher to possess and to transact in personal data if their research requires and who decides that their research legitimately requires something beyond just the publicly available Whois data?

Gina Bartlett: Okay so the last person I think we haven't heard from yet is Milton, oh and then we've got Milton and Benedict. And, Marika, I know you were going to – you had said that ICANN.org had responded to a few questions on this, could you just add that into the room, if you want to just say it or – you're just going to put it up? Okay. So go ahead, Milton and Benedict. I'm getting the new voices and then I'm going to sort through where we go.

Milton Mueller: Well Milton Mueller. James covered some of the concerns we have but I want to put a somewhat sharper point on it. So when we talk about Purpose O, when we talk about research, are you talking about this as a purpose that justifies additional collection? Because as somebody who does research in this area, the data elements that...

Gina Bartlett: Lots of nos.

Milton Mueller: ...are relevant to operational stability, reliability, security, global interoperability, resilience and openness, goes well beyond the Whois. So if it's a "no" then it's very clear that we are not talking about a purpose, we're talking about access. You're saying there's a bunch of data we already have and I want access to it to do research so it is an access question, not a new purpose. Thank you.

Gina Bartlett: Milton, I don't think you were looking up but people were shaking their head "no" that there's no information. They were shaking their head "no." Okay.

Milton Mueller: And I just made the conclusion, based on that...

Gina Bartlett: Okay.

Milton Mueller: ...they've just sunk their case for the purpose.

Gina Bartlett: Okay. Benedict.

Benedict Addis: Hi, folks. As the proposer of this purpose I'm just going to take some of your concerns and answer them one by one.

((Crosstalk))

Benedict Addis: I'm just responding to you, Stephanie and Milton. Stephanie said normal organizations do research so why do we need this purpose? And the answer is of course this isn't a normal organization; ICANN does not currently index this data, okay? Marc said, this isn't a purpose, or – and then he said this is a secondary purpose. He's actually right. Again, in a normal context this would be a secondary purpose; you wouldn't need to inform the data subject.

There's a broad carve out for research in GDPR, where the data subject doesn't need to be informed that their data is being repurposed for research, normally as we know, that's totally out of bounds but the data subject doesn't have to be told that their data is being used for research and – which I think addresses a subsequent concern as well; this is not a repurposing. So why does it need to be in there? Transparency for one thing, being clear that the data – to the data subject, this is going to be used for research; and the benefit to the ecosystem.

Marc also said, this isn't on a critical path for us. Do we need this to finish our job? And I think the answer is no, if we're going to be absolutely honest with ourselves. You could drop this purpose and still say that you finished the EPDP, if we're going to be completely honest. But it would not resolve the damage done by the implementation of the temp spec.

And one of our mandates is to look at what the temp spec has broken and fix it. This is a systemic problem that will continue to get worse if we don't fix it, the ability to not look at the personal data for one domain. Security researchers really don't care about that; they want to be able to correlate, as I've explained before. And this is – if they're unable to do that in a privacy-friendly way, as I've proposed, we're going to be stuffed.

Alan, I think I hope I've – you've mentioned that this is a secondary purpose as well, that it doesn't belong here. I think hopefully I've answered those concerns with my previous response. James, you said, why doesn't this go into Purpose 2? Again, I think I'd agree with you with some language modification. My biggest concern is that Purpose 2 explicitly doesn't include ICANN as a third party. So we either need to change that or recognize that we do need a separate Purpose 2 – excuse me Purpose O, research.

I think I might put a question back to you, Milton. Do you – in your thinking about Purpose 2, the access which I think the word we used was “enables access” do we envision that some bulk access will be provided under that? In other words, will an organization be able to make more than one request at a time?

Milton Mueller: I think that's an issue that could be resolved in the...

((Crosstalk))

Benedict Addis: Sure. Okay. So you brought up the idea that you didn't want a bunch of personal data floating around there. And to be absolutely clear, the point of this purpose, to be distinct from Purpose 2, is that it doesn't involve any personal data.

It never has done, because Farzi – I made a decision from the start from October to involve Farzi in this discussion and Farzi has correctly stated that pseudonymization should be included and so this is all about- this purpose is

about providing standardized pseudonymized data from the registrant data and only ICANN acts as the gatekeeper for that data and that's the privacy controls because if you have bulk – a bulk access in some sense, you need to be damn sure that that bulk access is constrained so we don't have the leaky submarine problem that you mentioned over breakfast the other day, that the data just gets (unintelligible) past all our privacy controls again.

Thanks for your time and attention and any responses, please, stick your cards up.

Gina Bartlett: So I'm a little – I'm not quite sure what to do with this because I'm hearing like really divergent viewpoints. I'm hearing, you know, quite a bit of support from a number of you and then from a number of you I've heard a few concrete proposals to move it to Phase 2 for access, but then concern because ICANN is not treated as a third party under Purpose 2, that may not work.

So I'm going to come back around to the – and I'm going to start with Stephanie because she's been waiting the longest but – and I've got Stephanie, Alan G and Margie. Oh, I thought that was – but what I'm going to ask is, you know, problem solving, how can you bring us to closure, not just a repeat of what's already been said; bring us to closure is what I'm urging you to do. Stephanie.

Stephanie Perrin: Thank you. Stephanie Perrin for the record. I really think that we could come to closure in this if we could accept and explain ICANN's role in the ecosystem. They are not a third party, they are a data controller of some sorts and we need them to own the pieces they own. They manage the commercialization of the DNS; that is their mandate and mission. So what parts – Alan is quite correct, they may not have the data but they have the authority to request the data as part of their management role.

The fact that ICANN has never set up any systems that acknowledge data protection and the resultant processes that you have to put in place is a

problem we're all facing. Now, not to sound like a broken record, or that I'm beating a dead horse, or a few other metaphors that I could beat to death, for heaven sake, if we had a data map like a normal corporation, and we had the access points and the control of data points well mapped and owners tagged so that they could figure out their role as a processor, as a controller, as a recipient of data, it would help; it would really help because there is no way data's – that ICANN's a third party.

Now, okay, so that's an overall comment. In the absence of ICANN coming forward and stating clearly how they see themselves, as controller, joint controller, in some cases possibly a processor, we have to figure that out. But I'm stating quite clearly that as far as I'm concerned ICANN's a controller, I've held that position since 2005 when I was with the Data Protection Commissioners of Canada, and they ought to have owned this as part of their routine management.

They have co-controller arrangements they have to make with the registrars and registries, but they would retain, through contract, an arrangement where they can do data sampling, quality management, research, assistance in their core mandate of security and stability, ownership of the pseudonymization techniques that Benedict was just talking about; that's what we need to reach a solution. And for us to argue about it and try and put it in as a purpose, it's not a purpose.

Gina Bartlett: Okay. Thank you. Hadia – oh wait, no, I'm sorry, I have Alan G, sorry. Alan G, Margie, Hadia, Alan, Mark S and then I think we'll check in. Should we have...

((Crosstalk))

David Plumb: Folks want to hear what Ruth might have to say on this?

Alan Greenberg: Yes.

Gina Bartlett: Great.

David Plumb: Okay great. Ruth, why don't you weigh in?

Ruth Boardman: Okay. Thank you. I was going to ask if people wanted to hear what I had to say so thank you for asking the question. The first point, there was a comment made that where an organization already has the data and wants to use it for research purposes but it doesn't need an additional purpose, that is absolutely clear. GDPR does give research a somewhat privileged position and it makes clear that research is considered to be compatible with the original purpose for which the data was collected so you don't need a new lawful basis, you can just do the research.

There was a question about whether you need consent, whether you need opt-out, etcetera, in the situation I mentioned where one organization already has the data and wants to use it for research, then GDPR is clear, you don't need consent because this is already covered by the original purpose.

There is, however, a right for individuals to opt out and it's the protective measure which the regulation includes as a balance really, so it's a quid pro quo for research having a somewhat privileged status; individuals have a right to opt out. That right to opt you is not absolute, the individual has to be able to demonstrate specific factors about their situation and you can override the opt-out in certain situations.

There was a comment made that you don't have to tell people you're doing research; I don't think that's correct. There's no exemption from notice because you're doing research. Some member states may choose to introduce an exemption to that effect, but it's not automatic in GDPR so that would need further research if that was an important point.

What I think is less clear under GDPR is where an organization which does not already have the data wants to use it for research, to my mind it's less clear whether that privileged ability to use the data would apply because in that case this is the – the sort of the primary reason that the organization is wanting to use the data. I'm not saying it wouldn't apply, I'm just saying I don't think it's clear. Now it might be with further research that we'd get more clarity on that.

Gina Bartlett: So would the last point apply to ICANN, Ruth?

Ruth Boardman: Yes, that's why I made it – because that's why I made the point.

((Crosstalk))

Ruth Boardman: Because I don't think it's clear, at least to me, whether that privileged position would cover ICANN because it's not the person who's collected the data.

Gina Bartlett: And would a purpose address that or resolve that or do you have an opinion about that?

Ruth Boardman: Yes, but it may be that it's not necessary, that's where further research might be helpful to clarify that point.

((Crosstalk))

David Plumb: Yes.

James Bladel: Sorry, so just to be clear that ICANN has – in order to conduct that type of research, ICANN has to possess that data, or you're saying that's less clear? I guess I'm trying to understand is you were saying that if you have the data, if the organization has the data then all of what you've described is allowable under the research purposes of GDPR...

Ruth Boardman: Yes.

James Bladel: ...and the organizations that have the data, in this case would be registries and registrars, but transferring the data to ICANN or to some other party you lose all those protections?

Ruth Boardman: Well I'm saying it's not clear to me.

James Bladel: Not clear. Thank you.

Ruth Boardman: So GDPR says that further processing for research purposes is given a privileged position. I don't think it's clear whether there is an expectation that because it talks about further processing, does that mean by the same organization or not because if it a different organization is doing the research is that further processing or is that initial processing by that other organization?

James Bladel: Okay.

Ruth Boardman: The fact that the regulation has used the term "further"...

James Bladel: Yes.

Ruth Boardman: ...seems to suggest that there was an initial reason why you had the data in the first place. But it doesn't say this has to be the same organization which is why I think it's somewhat unclear. I don't think I've helped with that, have I, given your puzzled expression.

James Bladel: I thought I had it but then I lost it.

Ruth Boardman: Yes.

Gina Bartlett: Go ahead.

Kurt Pritz: So here are some things I heard that I think there might be agreement across the room. One is, ICANN was doing research before GDPR so is an ongoing activity just like all other ongoing activities and so we should work to maintain that under existing GDPR, now that we're under GDPR. But we also heard that there might be a way to provide this data under Purpose 2.

We have some legal uncertainty we have to solve that was just described by Ruth, and the third point is that – that's in the chat is that OCTO's, you know, affirmatively answered that they don't use personal data in their research, which means to me that if they did need personal data it would be sort of a one-off request that they would make under existing GDPR that it was a legitimate reason.

So for those reasons I would suggest, and because the charter, our charter for Phase 2, allows us explicitly to introduce new purposes at that time, I think we should do some work to resolve those legal issues and ensure that if ICANN needs personal data there's an avenue for them being able to receive that and then pick up that discussion again and explicitly, somehow, put a bookmark in that we're going to discuss that at that time.

Gina Bartlett: Okay so there's – Kurt has made a concrete proposal and I just want – the concrete proposal, as I understand it, is do a little further research on the legal, flag the issue, check in with OCTO on whether or not they need the personal data. Right now the understanding is that they don't.

((Crosstalk))

Gina Bartlett: They don't need it. Okay. And then if this reemerges again in Phase 2 that you can consider it in Phase 2. Okay, I'm ignoring all the cards for just a minute because you guys have said we have such a tight time. Is there anyone who can't live with that proposal that Kurt has made? I only want a

card if there's any group, any group that can't live with that proposal. The proposal is to redo the legal...

((Crosstalk))

Gina Bartlett: Kurt, say it one more time. What's your proposal?

Kurt Pritz: Yes, to resolve the legal issues we have and pick it up in Phase 2 with the goal to ensure that there's some way that ICANN can receive the data it needs to do its research.

Gina Bartlett: Okay so I'm...

((Crosstalk))

Gina Bartlett: Okay so I've got three cards that don't support it. Go ahead, Benedict and then I'll come to Alan G and then back to Stephanie.

Benedict Addis: Just as a point of order because there was some shouting, ICANN have said – OCTO said clearly that they do not use the data post-GDPR. So they've been – they've said quite clearly they don't use it at the moment. So that's...

Gina Bartlett: So you'd like to amend the proposal..

Benedict Addis: Just to be...

Gina Bartlett: ...to check in with OCTO on a go-forward if they were able to?

Benedict Addis: So the question is what they needed the data for prior to the introduction of GDPR and what they – what would be required going forward...

Gina Bartlett: Okay. Thank you, Benedict. Alan G.

Alan Greenberg: Yes I just wanted to point out that one of the other purposes we already have on the table is Contractual Compliance. We're talking about three different departments within ICANN. ICANN is a single legal entity. We are already going to have to find a way to give Contractual Compliance quick and effective access which probably means, you know, RDAP will be set up to allow their IP address to do queries or something. I'm not going to do implementation. We're talking about other departments within the controller. And I agree completely with Stephanie, we're a controller of some sort of another so we're now saying we don't trust the controller with the data, interesting concept.

And if we can come – go ahead and have a high level of assurance that when we go to the access discussion that departments of ICANN that can justify its access to the data for all of the purposes we're talking about, including Compliance, will get access, then yes, I'd like purposes for openness; Ruth has introduced a concept that maybe we have a legal reason why we need a purpose. Kurt says Phase 2 can introduce new purposes. Now I'm happy to go ahead with it as-is. I don't want to hear later on, sorry, it's too late to do new purposes; we didn't do it at the beginning. But...

((Crosstalk))

Alan Greenberg: ...subject to all of that I can live with going forward and shelving it until the access discussion. You know, I can't ask for a guarantee of everyone around this table that you'll agree at that point but if we don't come out with that we're going to have a real problem.

Gina Bartlett: Okay.

Alan Greenberg: We have a real operational problem.

Gina Bartlett: Thanks, Alan G. I forgot Margie was ahead of you, Stephanie; she's been in the queue. I'm going to go to Margie.

Margie Milam: This is Margie. I think the reason why I disagree with what Kurt suggested is because Purpose O is not new; I mean, we were – we have it in our initial report, we mentioned it, it's been talked about since Los Angeles. And so if there's a way to get the legal analysis before the final report that's what I would push for. The other purposes I think, you know, are essentially ones we haven't spent a lot of time talking on but as was mentioned before, Farzi worked with Benedict, there's a lot of support in the public comment forum, so my suggestion is if there's a way to get the legal thoughts now I think we should do it before Phase 2. Thank you.

Gina Bartlett: Okay.

Alan Greenberg: If I may add? I think we really need a statement in the final report saying these two were considered as purposes. We believe at this point the issues can be addressed as access issues but I think we need to be completely straight that we're looking at these processes as implemented one way or another. Thank you.

Gina Bartlett: Okay. So I'm trying to bring this to closure. So I think there's a friendly amendment which is – to the proposal which is to try to do the legal analysis if it sheds some light that – that come back into this conversation, otherwise it goes forward the notes Alan mentioned go into the final report and we can put this to rest. Stephanie was waiting and then Emily and Hadia, I'm going to ask you to just be as concise as possible because we're about ready to move on. Stephanie.

Stephanie Perrin: Stephanie Perrin. I'm happy to park this. I raised my flag just on a point of clarification that I'm not sure at all that OCTO and this group, well namely me anyway, agrees on what the definition of personal information is with respect to the data that they're pulling for this analysis. In my view anything associated with an individual's file is personal information until proven

otherwise and the pseudonymization techniques are probably not robust enough to disqualify it as personal information.

So amongst the other work that we have do in legal analysis, we have to identify the elements that remain personal information. And that could be and probably is something like date of issue of the domain name.

Gina Bartlett: Thanks for that amendment. Hadia – oh I'm sorry, it was Emily and then Hadia.

Emily Taylor: Just very briefly, I think Kurt's made a very constructive suggestion. There are a lot of complexities around this issue and that doesn't mean at all to say that access for, you know, genuine research issues to improve the security of the DNS and so on, these are aims that we support, but there is a lot of complexity. It's very unclear what, for example, a cyber security researcher means and we need to flush out the issues, we need to be able to recognize that this is an access issue. And I think that Phase 2 is exactly the right way to do it.

Gina Bartlett: Thank you. I'm going to go to Hadia and then I think we're going to move on if we can to ARS.

Hadia Elminiawi: Hadia Elminiawi for the record. So my question actually is to Ruth. So as you mentioned, well GDPR definitely aims to enhance the privacy of the data subjects but it also encourages innovation and tries to find this balance between the values of innovation and the values of privacy. And for that GDPR did provide research with this like let's say privileged position in the GDPR itself, and did spell out research as a purpose. And for reasons that has to do with data subject's right to objection and other reasons related to consent so research does have this kind of privileged position in the GDPR.

And so my question is, you know, if we don't spell the purpose out as a research purpose and just put it under access, our Purpose 2 which speaks

about disclosure and access, will that still be seen as a research purpose? I think my question is, you know, do we need to spell out, you know, that...

Gina Bartlett: Hadia, I'm so sorry but we have a proposal on the table and I think...

Hadia Elminiawi: Yes.

Gina Bartlett: ...I'm hearing another proposal?

Hadia Elminiawi: No, no, it's not another proposal. I would like – okay so I do agree with Kurt's proposal...

Gina Bartlett: Okay.

Hadia Elminiawi: ...and – but subject to what Margie and of course Alan said...

Gina Bartlett: Yes.

Hadia Elminiawi: ...that we do need to put a few lines in there in the report pointing out to this purpose. And my question to Ruth aims to point out to this as a research purpose and not just point out to it, you know, as a disclosure...

((Crosstalk))

Gina Bartlett: Great. We'll get that language in there and make sure that it's explained in the final report. Benedict, bring us to closure on this please.

Benedict Addis: Hey folks. Well thanks for the robust discussion. I didn't expect any less I guess. I heard just a couple of misapprehensions and I want to clear those up. Emily mentioned a couple of things that made me think that this had been misunderstood so I just wanted to clear up, this is only about transmitting pseudonymized data to ICANN so that they can produce reports. So this isn't an access issue, this isn't an accreditation of cyber security professionals

issue; this is purely about making sure that ICANN can perform research in an analogous way to the purpose we produced for Contractual Compliance.

In an ideal world we'd have rolled those purposes together so that ICANN internally had – could perform its functions in this weird system we live in. But we didn't and we are where we are. So it would be great if we could remember that. This is a very limited purpose intentionally designed to be privacy-friendly, not involve personal data and not involve access. And on that I was hoping this would be a slightly easier conversation but that's the world we're in. Thank you, all, for listening. Cheers.

Gina Bartlett: Thank you, Benedict. So I just want to recap, we're going to have the legal research if we determine that there is some ambiguity that necessitates us to come back to this, we will trigger that back to the research team based on that analysis. But otherwise it's moving to Phase 2 with an assurance that we will explore this seriously as a solution for ICANN to do the research, including a possible purpose in Phase 2 and that we'll have a really clear explanation in the final report summarizing this discussion in response to the comment because so many people have expressed interest in it. Okay.

David Plumb: Okay?

Gina Bartlett: Thank you. All right so now we're going to move to ARS, and we're going to start with Alan G because he just came and whispered something to us and we want him to just say it to the group for ARS. And, James, that's right, you had an ARS comment.

Alan Greenberg: Okay. Yes.

Gina Bartlett: Go to Alan and then to James.

Alan Greenberg: Okay. Thank you. Alan Greenberg. The discussion we just had with one major difference is the same one as for ARS. The difference is, we are not

talking about pseudonymized data; you can't check accuracy on a transformation of the data and we're talking about more than just email addresses. So we're talking about the real data, the real personal data here. But we are talking about it being accessed by the controller on a limited case.

And I believe when we come to the discussion on Contractual Compliance we're going to realize that if we cannot give Contractual Compliance really good access, we're probably increasing by a factor of five or something the resources we're going to have to put into that department because it's really a serious issue. So assuming we're going to be able to solve that problem, and we're going to be able to have a trust level of the controller, I think this also becomes an access problem and we don't need...

((Crosstalk))

Alan Greenberg: And Kurt's discussion or proposal applies there as well. So there are differences between this and OCTO, they're critical differences, but I believe they're ones that we have to solve any way for another department that is on the critical path. Thank you.

Gina Bartlett: So, thank you, Alan for that proposal. I'm going to go to James because he was waiting from earlier and then I'll check in with everyone that you can live with the refined proposal.

James Bladel: Can I – before I go off on just whatever that I was going to do, can I get Alan to repeat that proposal please, because I was trying to manage a chat where someone was asking me a question but also trying to – and I wasn't giving it my full attention. I apologize for that and if I could ask you to repeat your proposal please?

Alan Greenberg: Okay. What I said was I believe the discussion we had for OCTO and Kurt's proposal is comparable understanding that there is a difference between the two; we are talking about real personal data as opposed to pseudonymized

data, but it's a problem we're going to have to solve for Contractual Compliance unless we want to triple, quadruple, multiply it by 10 the amount of people in that department. So we're going to have to solve it operationally and if we have a commitment to address it under access I'm fine. So it's a different problem than OCTO but it can...

((Crosstalk))

Alan Greenberg: ...but it will likely have a similar solution.

James Bladel: Yes, so I think I can probably just short-circuit my whole thing and say yes okay, we can move it there. I mean, I think it falls – it does fall under a broader umbrella of accessing data for the purposes of compliance and audits and all the other stuff and I thought we had flagged that somewhere else, but if we want to move it to access I think that's where it probably lives, but I think that we just need to kind of identify that ICANN is one of the groups that needs access to data. So yes, okay.

Alan Greenberg: Yes.

James Bladel: I guess what I'm saying is okay. I was thinking on the fly and watching Skype chats blow up but I think that's right.

Alan Greenberg: I think when we get to Contractual Compliance we're also going to move a large part of it to the access discussion.

David Plumb: Great. So just real quick, so folks, just in the spirit of time here, what's being proposed is to do the same thing with ARS we just talked about with Purpose O, okay, which is fundamentally a commitment to look at this seriously when we move into Phase 2. Okay? And recognizing we may pull up a new purpose in our conversation in Phase 2 or it may come up with other solutions to solve these particular problems, whether it's the accuracy problem, the research problem, okay?

Can anybody not walk forward, not live with that and do we consider we have addressed sufficiently the public comment by pushing these into our Phase 2 conversation? Can we move forward? Yes? Okay. Do we – yes. Okay. And we are going to look at Contractual access later and we may end up having a similar conversation in that. Okay.

Great. Do people need a – just a moment to stand up?

((Crosstalk))

David Plumb: Yes? Okay, so let's do a 10-minute break, folks. And sorry, they're going to be short breaks like 10 minutes. Let' do a 10-minute break and we'll be right back and we'll dive into it but well done, folks, on working on these...

Gina Bartlett: Forty minutes, we did it.

David Plumb: Yes.

((Crosstalk))

Gina Bartlett: Okay it's time to go. It's time to start. So I'll just tell everybody outside that we're starting. Starting. We're starting. Oh somebody – Mark had a comment on the workbooks. You want to run it? He's right there.

Okay so we've asked Terri to put 10 minutes on the calendar – we've got 10 minutes up, you can start it, Terri. We're going to – we have a couple ideas to finish, Recommendation 1, and it might not even take 10 minutes. So here comes Marc. You want me to stall? So there were three or four other comments, public comments on Recommendation 1. This is not for the existing purposes; these were for new ideas. And we were just talking to Margie and she had – we talked to her about an approach so, Margie, do you mind summarizing for us? And I know you wanted to talk to Mark, I'm sorry.

Margie Milam: Yes, and I wasn't able to talk to Mark about it. But the...

David Plumb: Oh I'm sorry.

Margie Milam: That's okay. The suggestion is for the other purposes that were raised in the public comment that we would just move that to the discussion in Phase 2 as the rest of them. So, you know, and we would put a note in the final report to that effect so it's...

Mark Svancarek: I do support that.

Margie Milam: Is that okay?

Mark Svancarek: Yes.

Margie Milam: Yes, sorry.

((Crosstalk))

Kurt Pritz: ...especially to sort of memorialize the public comment, could you mention what they were?

Margie Milam: I don't have it open right now.

((Crosstalk))

Gina Bartlett: Okay while you're opening those up, if one of you could open those up that would be great. Berry.

Berry Cobb: Berry Cobb for the record. And in response to the Registry's comment here about reviewing the workbooks, we'll just note that we plan on doing a breakout team or a small team early next week so that we can do that task.

We think it can be accomplished over the phone or remotely and not take up more valuable face time if that's okay.

Alan Woods: Alan Woods for the record. Yes, I would fully support that. I think as long as we get it on the record that we have done the review and that there are issues and we can point it out and deal with them at the time.

Gina Bartlett: Okay great. So the comment – the public comment on the workbook, Comment Number 3 on the workbook, there's going to be a team meeting next week to go through those workbooks and look at those issues. And then we're just waiting to hear what are the three – name the three or four public comments that we, you know, want to acknowledge the input received and the value of that input but recognize that it needs a more in depth consideration with the suite of issues around access and Phase 2, the standard processing model so we're just going to hear what those are.

Mark Svancarek: Actually I'm not sure that's a great idea. I mean, some of these public comments are very straightforward, ARS, OCTO, Purpose O; others really kind of require a certain amount of parsing and I'm not sure I can come up with a pithy summary of some of them off the bat. Can't we just say as in the public comments?

Gina Bartlett: Yes. Yes that should be fine.

Mark Svancarek: Thank you.

Gina Bartlett: So we've looked at the others in the comment that demonstrated some new ideas and we think those ideas are helpful but we need to look at them in more depth and we're going to do that in Phase 2. Okay. I don't have my timer anymore but I think that was less than 10 minutes. Yes, Milton.

Milton Mueller: I would have a different summary of those comments. I have read them all carefully and I'd say that there is the thing about research which is being

addressed as part of Phase 2, but a lot of them are simply asking for policies that make the world a better place and they want to call that a purpose. I mean, I think that we need to – if we're responding to these comments we need to make it clear that they're not actually proposing a purpose for data processing when that is indeed the case.

Gina Bartlett: Go ahead, Mark.

Mark Svancarek: It's my position that without actually vetting them we can't say that they are without merit or that they are not purposes.

Milton Mueller: I have vetted them, Mark.

Gina Bartlett: So what we...

((Crosstalk))

David Plumb: Let's push that – I think to request to move forward to say we will, again, look at those public comments in the Phase 2 process and they'll be duly considered by you all and we'll make sure that you have that consideration in Phase 2. Does that work?

Kurt Pritz: So this is Kurt. So Milton, let me take you up on your offer. If you could divide for us those that you think might be purposes and those that you think are not purposes for processing registration data, during this phase, maybe as part of a easy discussion we can decide that some of them aren't purposes.

Milton Mueller: Mailing list?

Kurt Pritz: Yes.

Gina Bartlett: Yes, okay so we'll do that as an action item...

Mark Svancarek: I'm fine with that.

((Crosstalk))

Gina Bartlett: Okay that sounds good. So Milton, you have your action item there to do that analytical work and propose back out to the mailing list. Okay, so now we are moving on to – we're going to go – we've kind of been re-jiggering the agenda so now we're going to tackle 8, 9, and 10. Eight is redaction; 9 is the organization field; and 10 is email communication.

David Plumb: Might I suggest our pathway on this folks is let's take 8 and 9 together because they are very similar. And what we would ask you to do is the same process as before, pull up those very handy-dandy workbooks that staff has put together for 8 and 9, Recommendation 8 and 9, pull those up, read through those public comments, confer with your groups and the let's take 10 minute to go through that and we'll come back to the table, okay? Is 10 minutes going to be enough for folks? Does anybody need more than 10 minutes?

Gina Bartlett: We're doing Recommendation 8 and 9...

David Plumb: Eight and nine.

Gina Bartlett: And just a friendly amendment to David...

David Plumb: Yes.

Gina Bartlett: ...these are the discussion summary tables but then to understand the comments you have to go to the PCRT.

David Plumb: Exactly.

Gina Bartlett: All right?

David Plumb: Wonderful. Okay.

Gina Bartlett: Alan just wanted to ask a question.

Alan Woods: Alan Woods. Don't hate me, please, but I just see that Ben put something into the chat there which I think is very important. I would ask people to read that and specifically note it in the record for our next conversations, but it's going back to the previous topic but I think it's very important.

David Plumb: Yes. Okay. Again, am I in the way? So but I really would encourage people not to get sucked back into that conversation, Alan, I would really – so that's an important piece of information and let's pull that important piece of information into the conversation you have about this when you do that in Phase 2. Yes. Thank you, Alan. Okay great.

So that's an important piece of information that we'll pull forward in the next conversation. Okay, so as Gina says, folks, we've got these very well done tables that consolidate the information on Recommendation 8 and Recommendation 9. Please look at those tables, read through them. Go back to the original comment page to understand in more depth.

Does anyone need more than 10 – it's actually two things, I wonder if we should take 15 – 10 minutes?

Gina Bartlett: Ten minutes. If you need more time than 10 minutes let us know.

David Plumb: Okay so let's take 10 minutes. We can, Terri, start that clock. And you know the routine now, guys. Oh yes, go ahead, Marc.

Marc Anderson: Sorry, real quick on – Recommendation 8 is the organization field, right? And...

David Plumb: No.

((Crosstalk))

Gina Bartlett: Recommendation 8 is redaction I thought.

Alan Woods: Eight is redaction.

Gina Bartlett: Eight is redaction and nine is organization field.

((Crosstalk))

David Plumb: They are kind of like joined at the hip.

Marc Anderson: So I just want to flag for everybody, I don't know if it's readily available but ICANN Org responded to questions from the EPDP on org field, right. We have a...

Gina Bartlett: Yes.

((Crosstalk))

Marc Anderson: We have a response from that so I think when we're breaking out into groups and reviewing that you know, it might be useful if you took a look at ICANN Org's response for Recommendation 9.

David Plumb: Yes.

Gina Bartlett: Thank you, Marc, we forgot to mention that.

David Plumb: Is it too long to put in the chat?

((Crosstalk))

David Plumb: Okay great. We'll put it up in the AC chat, you can download it. Thanks for reminding us; that is exactly what we wanted to do.

Gina Bartlett: We'll put it in the chat to download.

David Plumb: Okay so that's the response to 9 but 8 and 9 are joined at the hip so let's read them both.

Gina Bartlett: Okay we're going to restart the 10 minutes. Okay we're going to get started in like one minute. Oh are the treats out here now? Is that good? Oh my gosh, I just saw the look on your face. Okay, grab a treat because we want to start.

((Crosstalk))

Gina Bartlett: Okay everybody, we're going to get started. The snacks are outside; there's yogurt and Whoopie pies, which I guess is an Iowa tradition. Okay David – where'd David go? Oh there he is. So for – I'm going to give us 45 minutes on the clock. Let's try to see if we can get through 8 and 9 in 45 minutes. I know that's a really tough issue.

((Crosstalk))

David Plumb: All right okay we're getting going now folks. As we did in the last time, let's set ourselves an agenda of topics that we believe need to be addressed before we start diving right into substance, okay? So when you – great, you'll write that up, super.

When we looked at both the summary and the actual public comments in the PCRT tables and documents what issues are new and merit conversation right now amongst yourselves in order to move toward some conclusion on these recommendations or any modifications? So let's make a little agenda list. What are the big ticket items here, folks, that jump out at us when we

read this public comment? And we need to deliberate them amongst ourselves right now. What do we got? Email. What to do about email. Okay.

Can you say just 15 seconds about what the actual dilemma is on email as you see it?

Alex Deacon: Yes hi, it's Alex. Yes it's just the, you know, the importance of email for communicating with the registered name holder but also kind of understanding, you know, in making connections using the email address.

David Plumb: Okay so how to have communication and also deal with the redaction issues around email.

Alex Deacon: Yes, and the fact that it makes it hard to kind of analyze and investigate when email is redacted.

David Plumb: Right. Some of you may describe that differently. Can we just call it email for now and know we're talking about email? Okay great. So what's another issue that we want to deal with that's not email? James, is that another issue or is that an email?

James Bladel: No, go ahead, skip me.

David Plumb: Okay great. What's another issue we need to deal with that's not email? Great. Is that what you were going to say, Stephanie, org field? Okay. So org field is one, hang on one second, Stephanie what were you going to say?

Stephanie Perrin: Stephanie Perrin. I just wanted to make the point that this whole question is somewhat conflated. There is the issue of the legal determination of what you have to delete under the GDPR and then there is the policy determination as to what you have to delete because it is impracticable to distinguish between personal and legal. And that's a distinction that a few of the commenters made but it's a really important one.

David Plumb: Okay. So we need to make sure in our conversations we're making distinctions between what GDPR requires you to delete and what your policy requires you to redact or delete because it's impracticable to make a distinction. Is that a accurate summary? Okay.

Stephanie Perrin: I would say so, yes. The risk is too high.

David Plumb: Great. So we've got the org field, we've got this thing, we've got email, what else do we have before we – I don't want to dive into any one of those real quick. Go to Benedict and I'll come over to Mark and Alex.

Benedict Addis: The policy discussion would be discuss for deletion rather than have to delete.

((Crosstalk))

Gina Bartlett: Can you speak into the mic?

Benedict Addis: Sorry, I'm not very good at that. So the policy discussion would be discuss for deletion or retention rather than delete because it's impractical, so it's a balancing discussion, would you agree, rather than a...

((Crosstalk))

David Plumb: Before – hey, whoa, whoa, whoa, I don't want to go there. We just know we got to talk about it. We know we got to talk about it, okay great. Is there any other topic – yes – is there any other topic? Mark. Yes.

Mark Svancarek: The city field.

David Plumb: City field, great, yes. Alex. City, okay great. Okay folks, so this is our agenda of things to talk about, email, the org field, this issue of making sure we're

making a distinction between these two things that Stephanie mentioned with clarification of Benedict, and then the city field. Okay. Anything else, Thomas, on the agenda?

James Bladel: Just a point of order.

David Plumb: James, yes.

Thomas Rickert: Just on our approach, may I suggest that we discuss all those points but only take a decision after we've discussed all of them because they're...

((Crosstalk))

David Plumb: Not try to go one by one, yes.

((Crosstalk))

David Plumb: That's fine. Thanks, Thomas.

((Crosstalk))

David Plumb: Oh hang on, let me grab James first and I'll come back to you, Alan.

James Bladel: Yes, so also point of order with Thomas I agree with him on that; let's take them through that. And I also would like to allocate some time maybe briefly for a response either at the end all at once or for each one to hear from our legal advisors on that with Ruth.

David Plumb: All right.

James Bladel: And just make sure we save some time for her and don't kind of get the queue going roll over.

David Plumb: Got it. Thanks. Yes. Alan.

Alan Greenberg: Yes, thank you. What does that third line say?

David Plumb: So...

Alan Greenberg: Microphone.

David Plumb: Yes, so...

Alan Greenberg: Okay.

David Plumb: Stephanie was making a point in our analysis we should distinguish between things which GDPR says you must redact or delete versus a policy that...

Alan Greenberg: Okay thank you.

David Plumb: ...an organization like ICANN makes that says we can't distinguish therefore we will.

Alan Greenberg: Okay it's not the legal versus natural issue which is another item. Thank you.

David Plumb: Yes, no.

Alan Greenberg: Just wanted to verify.

David Plumb: It's not that, no. Okay great. And I have one other question for folks. If we put email – sorry if we put email on our list do we need actually to read the comments from Recommendation 10? Isn't that the email thing? Help me out folks, right?

Gina Bartlett: Recommendation 10 is email communication.

David Plumb: It's different than when you guys are talking about email? Different, same, same?

Mark Svancarek: Well, you know, it's one of those overlapping things.

Gina Bartlett: Okay.

Mark Svancarek: You could easily come to a conclusion in one place and then have to revisit it in the other place so...

David Plumb: Okay.

Mark Svancarek: I don't know what the most practical approach is.

David Plumb: All right. Well let's recognize that there may be comments and important things in that table in the public comment in 10 that is relevant when we start talking about email, okay. Okay. Benedict, is that new or old?

Gina Bartlett: Kurt's waiting...

David Plumb: Great. Kurt, go ahead.

((Crosstalk))

Gina Bartlett: ...try to get in.

David Plumb: Yes.

Kurt Pritz: Yes I just want to point in the public comment the Registries made a wording modification to the purpose itself so we should capture that.

((Crosstalk))

Kurt Pritz: I know. In the public comment the RySG made a comment that we should reword – make a slight rewording of the purpose itself so summary wording of the purpose so we should talk...

((Crosstalk))

David Plumb: In the recommendation itself?

Kurt Pritz: Yes, sorry.

David Plumb: Okay. So slight rewording of recommendation – do you remember why or what that was?

Kurt Pritz: Yes, they wanted to replace “freely accessible directory” with “a free public-based query access.”

David Plumb: Okay so it's the language referring to how we're talking about the directory? Okay. All right. So let me suggest as an organization let's start talking about the org field, the city and then we'll work our way to email, does that sound like a good plan? Okay. Yes.

So this might be a great time to go to this, right, because if we're going to start with organization we have this scripture from ICANN about what they need. It's impossible to read on the screen so you have to read it yourselves or look at your computer. I don't know if folks had a chance to read it. This is important – this is important information. Should we take just one minute and read it everyone? Let's do that because I'm not sure everyone had a chance in their deliberation. Let's just take one quiet minute and read what this document says. If you need it emailed for any reason let us know but it should be right in the chat.

All right, guys, we ready to talk again? Hadia, you're going to get the first word, but before you do – you guys ready to start up? Org, starting with org

yes. Okay, all right, Thomas and guys, you guys ready? Yes? Ready to roll? Alex is ready to roll. Diane? Okay. Okay, folks, so this – these are topics you have previously discussed, right? You have previously shared viewpoints. You didn't reach agreement, okay.

So what we need to do now is figure out how to solve for each other's concerns. So it's important to state, you know, what your core interests and priorities are. At the same you need to think about how you're going to be addressing someone else's concerns, not just trying to convince that person that your viewpoint shall prevail, okay? So in that spirit, how are we going to solve these things? You've got to say what's important to you and you got to think about how you're going to solve those other concerns that you've read about in the public comment. Hadia, you're up first.

Gina Bartlett: Oh and I just wanted to clarify, I just checked in with Ruth...

David Plumb: Yes.

Gina Bartlett: ...and she would like to listen to the discussion for a little bit to better – go deeper on the understanding before she jumps in, so I just wanted to flag that, you know, we heard the suggestion and she just needs a little more time to hear your comments.

David Plumb: Great.

Hadia Elminiawi: Hadia Elminiawi for the record. So because I'm thinking about other's concerns and because I think we cannot really go forward without having an answer to this question, a lot of concerns around the org field were because the org field might contain personal data like the name of the registrant. So I think in order to go forward with this, we need to have some kind of clarification about this point. So my question is to Ruth, and I know that Gina's just said that Ruth wouldn't like – doesn't prefer to start the

conversation, however, I think this is a crucial element that needs to be clarified at the very beginning.

David Plumb: Can you say the question very clearly as you would pose it to Ruth?

Hadia Elminiawi: Okay so one big concern about the org field is that the organization field might contain personal data. So as an example, the organization could contain the name of the registrant, so he could have his company in his own name. So and I think this is – the main concern – and many concerns related to this field in the public comments referred to that. Thank you.

David Plumb: So I think in addition, guys, in addition if you have a question for Ruth that's great. So I guess also we're at a stage where we need to start proposing potential pathways, right? So it's okay to float the concern as you do, but we need to really start laying this down. So what does that mean in terms of what we're going to say here, okay? James, you're up next.

James Bladel: Hi, so James speaking. And I'll try to keep this brief. I think when we first came up with the temporary spec and the cookbook and the calzone and the pizza and all that other stuff, that was front and center, Hadia's point was front and center. What do we do when someone uses org to put personal data in there if they were going to be James Bladel Consulting. And I'll tell you from contracted parties, we weren't really sympathetic to that. If you wanted to name your business after yourself and get jamesbladel.com and James Bladel Consulting LLC then you probably have voluntarily given up some degree of privacy by naming everything after yourself, okay. Fine.

Like if you were to build hotels let's say, all over the world, and put your name on them.

David Plumb: That's a slippery slope.

James Bladel: Okay. Point being that there are certain lines – and particularly when you get to the DNS, which needs to be globally resolvable, that it doesn't make sense to start redacting things that are necessary, okay. And I think we were on board with all of that and I think that this is reflected in the Registrar comment and also the comment from my company is that we've discovered a couple of challenges, however, the first one being that dotOrg is not implemented in a standardized way across all – dotOrg – the org field is not standardized across all registrars.

Some, like my registrar, are using it as an indicator that the registrant is not a natural person but is in fact a legal person. And it is – by putting some information in the org field you have effectively assigned it to this legal person. In some cases that's not true and it's not a standard thing, so we have a lot of cleanup in a legacy database of hundreds of millions of domain names.

But here's the bigger problem, since the temporary spec has been into effect now for about 3/4 of a year, we've noticed that the org field is being used as an index to other available data sources to uncover redacted data, to pierce redacted data. And we're seeing this with telephone and phone numbers specifically. And the way that this is being done, I won't go into too many details, but there are other data sources, including archived RDS data, that's available, you know, publicly that are allowing kind of a matching exercise.

And so under GDPR, it's in one of the recitals, it said something about if a data field is not personal information, but could be cross referenced with other data sources to identify an individual data subject, then it becomes personal information. And I think that's kind of the waters we're straying into with dotOrg – goddamn it – with registrant org is that by putting something in that field people are able to look at that public piece of information, look at other public pieces of information and reconstruct what is redacted – the private information that is redacted.

So I think that's why we're saying, to get to your bottom line, David, we believe that although we initially supported having registrant org be available, because of the challenges that we're seeing with the legacy problem and this problem of re-identification of personal data subjects we are saying that now we believe that the registrant org field should be redacted.

David Plumb: Thanks. That's a helpful explanation. Help me with the queue. Gina, I know this whole side. Okay, Alan. If you guys don't mind we're just going to roll right down the – in the line, is that okay?

Alan Greenberg: Thank you. Alan Greenberg speaking. We're dealing in a complex world. And yes, there's lots of other information and lots of correlation sources around and I spend a fair part of my life as a genealogist trying to trace people and find them and it's not always hard, sometimes it is, sometimes it's really easy because there's lots and lots and lots of sources out there that are already correlating an almost infinite number of pieces of information they have. Much easier in the US than other – any other country in the world I'll point out and very difficult in places in Europe in particular.

However, this is an optional field. They don't have to have it. But there are many organizations that want to be identified and I think it's really, really important that that option be available to them. And since this is an optional field where they can simply blank out – they can't stop all the historical information from being there and, you know, in many places in the world corporations and even unincorporated corporations certainly where I live, my home address is available on my company's registration and that's publicly available and I'm not allowed to not make it available.

So I'm not – I'm sympathetic to the problems you're having but there's easy solution to them; the field can be erased and I think that's where it has to sit. Thank you.

David Plumb: Sorry, can you be clear about the solution? What are you saying the field could be erased?

Alan Greenberg: Any registrant can go in and clear the organization field. It's an optional field; it does not have to be filled in.

David Plumb: Okay.

Alan Greenberg: We've already accepted that.

David Plumb: Okay. All right let's keep going down. Thomas and Georgios...

((Crosstalk))

Thomas Rickert: Just to preface what I'm going to say by, you know, this optional is not consensus position inside the room. You know, if you have an optional field that means that you don't need it in the first place and according to the principle of data minimization that's something where you might need consent to collect it in the first place let alone the publication of the data. But I think we, you know, since you've been asking for solutions...

David Plumb: Yes.

Thomas Rickert: I think we might probably be able to approach this from a different perspective because what we will not get consensus on is, you know, whether legal information can be publicized. There are some who say it's – organization information can be publicized – some say it's no problem at all; others see issues with it.

I think it all boils down to the risk of getting it wrong. And how do we give those who are afraid of the risks the comfort that, you know, the risk is not too big? You know, there will be organization fields that have – that contain personally identifiable data. You will not always get it wrong making a

distinction between natural and legal persons. But the question is how big is the risk? And the risk comes from two sources; one is from aggrieved data subjects and one is from the authorities.

So and I think that the risks to be sanctioned by the authorities is the far bigger risk particularly with very low damages being usually applied in Europe. And I guess this is a point more for Ruth than anyone else is help us understand how big the risk would be for everyone involved in this ecosystem; is there a risk that the authorities say, you've built a systemic error into your system by systematically allow for the publication of a data field that may contain personal data in certain cases. Right?

And also, regardless of what path we pursue in that regard, there is the risk of legacy data versus new data. So I think that, you know, operationally there's a big concern of trying to tidy up all the data that's already in the databases. And I think that these two factors, if we get more insight on that, might help resolve the issues and come closer to a consensus position. I think there will be far less resistance getting the org field unredacted if the risk is manageable because there's no free ride, there's no risk-free zone in this.

David Plumb: Okay. Great. Thanks. How's my queue...

Gina Bartlett: Diane's next and then Marc. Diane's card was up first.

David Plumb: Yes, thanks.

Diane Plaut: Thanks, Thomas, for that. Thomas and I always discuss the fact that it really comes down to analyzing risks in association with being commercially reasonable and practical. And really what it comes down to here is, is the question of legal responsibility and where that ends. So from a practicality standpoint but still looking towards of course the need for compliance, the GDPR does not cover legal entity names and there is – this is an optional field which the person actively has the opportunity to fill out or not.

So when it comes to the legal analysis, the risk level is, is that since the legal entity name is not covered by the GDPR, there is the instance in where there are personal names used for legal entity purposes. I had a conversation with Ruth about it and the UK for example, has accepted the ICO and in certain other countries as well but then once you've used that personal name information in a business context it changes the nature of the information. But certainly there are other countries where there might not be the case and she discussed that she might need to be doing more research around what the law is in other countries or where they have landed.

But much to Thomas's point, I think that really the risk analysis is low because if you have – if you've set up – I think really what DPAs are looking for is that if you're setting up a system that you've put effort into, you've shown that you've made it optional, you have rules and regulations, terms and conditions which lay out for the data subject making them aware of their rights and making them aware of what this field means, providing educational or definitional components to it, then the chances for fines seems to be arguably manageable. I know that's not a great answer that provides 100% clarity.

But I think we also have to look here about the need to contact people to much to Alan's point and what's really the basis of wanting people to be able to function and to be able to be in touch with and in control of their domain names and their ability to get service, get technical support and to be really in a functioning ecosystem.

David Plumb: Great. Okay. All right, guys, I'm still not hearing a lot of solutions; I'm hearing questions for Ruth, I'm hearing positions and that's great. Right?

((Crosstalk))

David Plumb: Sorry, let me qualify, solutions that address the concerns of others at the table I think is what I'm looking for. What's next?

Gina Bartlett: We've got Mark, Georgios, Milton, Benedict, Alan.

David Plumb: Mark and then we'll head over to Georgios and Milton, Benedict, okay.

Mark Svancarek: Okay so I have three things. The first one I think is partially a solution.

David Plumb: Okay.

Mark Svancarek: We are sympathetic to the operational issues related to the giant legacy database and we would oppose any policy that forces the contracted parties to clean up the existing database; any policy we create we believe, should be on a going forward basis only.

David Plumb: Great.

Mark Svancarek: So that'd the first thing.

David Plumb: Okay.

Mark Svancarek: Secondly...

David Plumb: Yes.

Mark Svancarek: Secondly, a legal question...

((Crosstalk))

Mark Svancarek: Oh sorry. We are opposed to any policy that would oblige contracted parties to have to clean up the legacy database.

((Crosstalk))

Gina Bartlett: It wouldn't be retroactive.

Mark Svancarek: It wouldn't be retroactive. It seems impractical to clean that up.

((Crosstalk))

Mark Svancarek: I presume – well that's to be decided. But we don't expect that they would clean it up. Secondly...

David Plumb: So let's keep – keep rolling.

Mark Svancarek: Yes, secondly I do have a concern about the interpretation of data minimization that Thomas put forward so that's a legal question. I think that we have to think about systems in terms of capabilities and should we decide to have a system which includes an additional capability of disclosing – of publishing my organization's name, it is clear that adding that capability to the system requires the processing of additional data.

So the fact that you can have a system without that capability, does not mean that we cannot collect the data in order to add an additional capability. I hope that that's clear. I'm willing to clarify that. The alternative would be that you could never add another data processing feature to a software system that already exists.

Then the third thing...

David Plumb: Sorry, Mark, I was confused about that last point. How is that related to redaction of org?

Mark Svancarek: There was a data minimization issue that was raised in a previous intervention and so I was clarifying my position on that. And then the last

thing was an intervention related to James's concern of cross referencing. If we had some certainty that between legal and natural persons, the cross referencing of the org field related to legal persons would not be an issue because that would be the data of a legal person that as being cross referenced.

David Plumb: Interesting. Okay, Georgios.

Georgios Tselentis: Yes, Georgios Tselentis for the GAC. I would like to state here that the position of the GAC is that we want this field not to be redacted just for summary. The reason here that I would like to state is that we believe it's – falls under Recital 14 so it is a protection for – the protection of the regulation is for natural persons and we believe this is the legal entity.

Now, I want to highlight that there are other instances where European countries publicly give business details, including the organization name like for example under the E-Commerce directive, you have the name and the service provider and there is even national registries where you have the name and the geographic address and other stuff that we might talk later on, provided that we're talking about a legal person.

Now, I understand the difficulty here is also – and the risk that was highlighted by Thomas and others, and to this I believe – I could agree with what Mark said about not obliging but at the same time give the possibility also to the registrant to rectify if he wishes so to do the information in this field because as it was also mentioned by Alan, some registrants wish this information to appear publicly. It is so on the interest of the registrant to have this public information and not redact it. So I think this is one.

And also, we should highlight what are the implications of filling this. So it is optional, this field, but when the registrant is going to fill this it should be very clear to the registrant what are the implications of filling this, that it falls under

a legal person category and therefore the implication is that it doesn't – not protected under the GDPR concerning the redacted nature.

David Plumb: Okay. Great. Milton...

Gina Bartlett: Milton.

David Plumb: Then Benedict.

Milton Mueller: Yes so first I want to comment on your attempt to have us move things forward by addressing the concerns of others. Clearly you're not hearing that. And I think that's not just because we're bad people but it's because this is a very...

((Crosstalk))

Milton Mueller: ...this is a very binary thing. Either the field is redacted or it's not. It's hard to think of ways of, you know, finding a middle ground, right? The only thing I can think of in that respect is to trade fields, right? To say we'll give you redaction of organization if you give us city, right? That's about all I can think of as a way of reaching out to the other side. So the other point I want to make is regarding legal versus policy, which Stephanie tried to make but I think from the comments it's clear how relevant this distinction is.

So I think it's very clear that you know, if it is indeed an organization name that is legally incorporated that there's no particular reason to redact the information. The arguments that are being made for redacting it are primarily about a policy concerns – concerning the risks that are created to privacy.

And I was particularly impressed with the information that James created about the identifiability – the use of the, you know, the explicit systematic use of this field for identifying people that, you know, should be a very strong alert to us to exactly how sophisticated the people are using this open data for and

how sophisticated their tools are and how easy it is to come up with individual identifications based on any information you have.

So in that respect it's – it may or may not be completely illegal under GDPR to have the organization field not redacted, but if indeed the intent of the privacy law is being violated by its presence I think that we have a policy case for considering it.

David Plumb: And that's the case you're making, okay yes. Okay Benedict.

Benedict Addis: Hey. Thomas, you gave us a useful mental model, thinking about risk and you broke that down into two kinds of risk; there's the individual risk, so someone's data is in the org field that it shouldn't be; and there's a systemic risk. And I like to think of that – as an example of that as a registrar as for example transposed fields, so they might have put my – the second line of my address in the org field by mistake. Maybe.

Georgios, you addressed the individual risk. Quite rightly you said, under Article 16, rectification, an individual can say you've made a mistake with my data. It's really hard to imagine that a well-organized registrar wouldn't have a rectification process in place to respond to those things. And it's really hard to imagine that a DPA would sanction a registrar for dealing – for having data in its database that was correctable by rectification.

So that leaves us with the systemic risk where there's larger problems going on. And that's the reason that we have audit systems. ICANN reserves itself the right to check data in the ARS to make sure this kind of thing doesn't happen. And the reason for these things is because it provides a shield to registries and registrars when answering questions from DPAs. When we have to make these balancing questions, is this – should we have this organization field or not? It's not a binary as Milton asserted; it's something that has to be weighed up, redact or not. Is there a benefit to having it or not?

DPA's will be looking for controls and a very good control is audit and making sure that the right data is in place and that mechanisms are in place to fix that. And that's how as grownups we address risk in this world. We don't throw everything out; we don't throw the baby out with the bathwater because some data might have crept into that field. We set up robust long-standing processes like audit to resolve these problems. Thanks.

David Plumb: Great. All right, let's keep going and then we're going to see where we're at, okay? Alan and then Stephanie and then Margie and then Alan. That's a little arbitrary maybe...

((Crosstalk))

Gina Bartlett: I have a – yes, so next is Alan W and then Stephanie.

David Plumb: Great, thanks.

Alan Woods: Alan Woods for the record. So both with what Benedict was saying and, you know, what Dan was saying earlier, I think there was a ignoring somewhat of the issues that have been raised and I think there was a misunderstanding possibly in Benedict's point. The point of the organization field and the systemic issue that has been pointed out by Thomas is in a way – I accept that an organization field in its own right should be considered to be a very low risk and legal person and therefore, you know, we should be registering from that.

The whole point of the matter is, is that by the past conduct of certain parties, that organization field, which is not auditable because we don't know until we get a complaint specifically with regards to how it has been parsed, that organization field has now become capable of identifying personal – a person in its own right and that is identifying the address, the email address, that is in a past database but it's associated with that organization field.

So even though technically the organization field is not personal data in its own right, it has become personal data by the other data that is currently available out there. So it morphs because of the systemic issue that is out there and that is one point.

The other thing about the – and it's a pet peeve of mine is this concept that, you know, educational material should be able to inform the person. I mean, let's go down to brass tacks of privacy by design and privacy by default. If we're being honest about privacy by design and privacy by default and the concept is that if we need to supplement our systems and our designed processes by extra educational materials, well then we're not designing privacy into the process itself; the process could be augmented to better protect privacy.

So I mean, it's a small niche point but it's not something we should be relying upon. We need to take care that our process and our policy is on the face of it, going to protect without the necessity to actually sit somebody down and teach them how to them be private or to use their data properly. So in the concept of getting a solution...

David Plumb: Yes.

Alan Woods: ...and this is the solution that I'll go to, at the moment we are trying to say a conservative approach is necessary for compliance until the systemic issue is resolved and that there is a manner in which we can deal with that. So we should be focusing on, for the moment, let's say we'll take the conservative approach but we should use our power to recommend to the GNSO saying this is something that we need to look into, we need to fix, we need to develop the technology and we make that a recommendation for another PDP who has the time, the effort, and the ability to go through these processes because I think we'd all like to fix this so that it worked very well, it lowers the risk for us and it gives certain parties what they need.

So instead of trying to fix it now, which is not within our scope, let us say – let us take the conservative approach in order to ensure the risk is as low as possible for everybody concerned and then move it and provide time in a new policy or a recommendation to create a policy with all due alacrity in order to fix this issue. And that would be my recommendation, to push it.

David Plumb: Okay. Great. Thanks, Alan. Stephanie.

Stephanie Perrin: Stephanie Perrin. In the interest of brevity I have to say I agree with much of what Alan just said and I'll try not to repeat it. I did make the point that there's quite a lot of policy issue wrapped up in this as well as the legal issue. Yes, certainly a genuinely identified legal person is not protected under the GDPR. Our stakeholder group has argued for many years that organizations need to protect the data of employees and even primary officer holders if it would endanger them; they have a right under the charter for human rights protection in the pursuit of free speech in particular, I'll just pick that one as an easy one.

So it's a complex issue on that side. So there is risk to organizations and to the people that represent them and we have people in our own constituency who have been targeted and threatened with murder. So, you know, we can bring the evidence we need for that.

Secondly, there is the point that Alan has described so well. I mean, there are days when I think maybe I should just quit this group and go and start a class action suit against Domain Tools in order for – under the right to be forgotten to get rid of that data. But in the meantime there's an archive and several respondents have pointed that out so that this data can be re-identified. So that's a factor.

The third, and I think it is the critical one here, is that I have trouble determining my status as a legal person myself. And I've worked in these areas for a long time and arguably am above the mean in terms of education.

So I don't see how you can provide sufficient information on a global basis to individuals to help them decide whether they are legal person or not under the GDPR. So if we want a uniform policy then we have to take the conservative approach and assume that we're not going to be able to educate them sufficiently.

There is an option and a way forward which I've brought up a number of times. Those legal persons who wish to have their data published could easily provide the evidence that they have that they are a legal person, get a token that the registrars don't have to examine and make a determination, and from a business number or something like that, and then it would all be automated and not hugely expensive. We do not want to load onto the contracted parties a burden that is going to price domain names out of the market. Some people wouldn't care; we do.

David Plumb: Okay. All right, guys, we've got a lot of hands up and we're sort of – look at our time here and we haven't dealt with any of the other issues, right, we're still on the org field, okay? So it's a – like you say, it feels very binary, it's kind of a yes/no situation. I think, you know, we've got a concrete proposal from Alan on the table that let's be conservative now but recommend strongly that this issue be addressed so that you can take that particular concern off the table, okay.

So in the spirit where are we, Gina, on my – on the...

Gina Bartlett: Okay I've got Hadia, Alan G, Margie, Diane and James, and then maybe we can check in.

David Plumb: Yes, absolutely. Can we be...

Gina Bartlett: Okay?

David Plumb: ...like super quick on these ones, guys?

Gina Bartlett: And especially second round.

David Plumb: Yes, absolutely. If we want to do like a two-minute, you know, no more than two minutes let's just do that, yes.

Gina Bartlett: I think any ancillary stories about your personal life, all of that's got to go.

David Plumb: Yes.

Gina Bartlett: Yes. No more, you know...

David Plumb: Yes, let's go. All right but yes...

Gina Bartlett: Hadia.

David Plumb: ...come on, folks, we're going to – we're going to literally put a timer on folks if we can't be super-efficient at this point. Day 3.

Hadia Elminiawi: Hadia Elminiawi for the record. So to Stephanie's point where she said, you know, that registrants it would be very difficult for them to state whether they're a legal or a natural person, actually this field does not ask them if they are a legal or natural persons, it simply asks for an organization field. And second, the organization field is a requirement – is required by many of the companies and the registrants so actually many companies want to put in this information and want to have themselves known on the Internet. And this does make sense.

Of course I do recognize that some other types, maybe noncommercial organizations for some reasons, might not, so they have the option not to put it in. Third, you know, I've heard that – I've been hearing that the – we have some policy concerns; actually no, the concerns that we've been hearing are purely legal concerns. They mainly relate to, you know, the risks that could be

associated with such a field. So if we have clear responses with respect to the legal concerns then we're good.

And then fourthly, there was something raised about minimization and data minimization and the field is optional not because it's not required, it's required and necessary for some of the registrants and not required for others; and that's why it's optional. And that's certainly abides to – by the data minimization principle. Thank you.

David Plumb: Okay. Thanks, Hadia. Alan.

Alan Greenberg: Thank you very much. The issue of cross referencing is a really interesting one. As I said I have a fair amount of knowledge about it, benefit from it a lot of the time. But the organization field is a nit compared to that. Much of the cross referencing we can do can be done from the domain name itself and we're not going to redact it. Domain Tools and things like that exist right now; maybe someday it'll all disappear but right now it is there. And again, you can be cross referencing from the domain name without having the organizational field there. So although some people may use organizational fields, there are so many other ways of doing it that the process – the practice is not going to change if we suddenly erase the organizational field.

In terms of the PDP, I agree completely that the issue of legal versus natural has to be addressed by – will almost certainly have to be addressed by a PDP and certainly geographic ones. So when we get to those discussions that might be a valid answer. I'm not sure it's the – it's the right answer on the short term but it might be. But the organizational field is just not that field. Anyone can erase it, privacy by design is fine but when you have a legacy database of several hundred million entries it's a bit too late to do the design now, so we are where we are. I believe that field has to be available and make sure it's quite optional. Thank you.

David Plumb: Great. Okay. Going down the line, Margie, Diane.

Margie Milam: Sure. This is Margie. A couple points, I think this concept of redacting it in the policy implications I think it's important to note that it has significant implication in the public interest. The publication of that data helps for a lot of the reasons that the Whois is needed, cyber security, all the other things. And so you're actually harming the public interest by not publishing that – continuing to publish that field.

And so I would, you know, pose that the policy issue is actually very important. And you see that in the public comments, you see it in the GAC comments, in ALAC and others, that it is very important to continue to publish that. The issues – recognize – that there are some technical issues so I appreciate what Alan was saying and Stephanie's comment about a token. I think it is important enough to address and my suggestion would be that we do it in Phase 2 because there's a lot to unpack here and we can see what we can do in this PDP because that way we can maybe perhaps come up with some plan to develop, you know, technology or token. But those are things that can be done in Phase 2 and that would be my recommendation.

David Plumb: Great. Okay. Thanks. Diane.

Diane Plaut: Yes, I'll be quick. I mean, I just think that as Alan G said, that there's a lot of ways to cross reference information to identify people and I'd hate to think that we're setting policy based upon bad actors in the field. So and for any business to make a legal decision based upon bad actors because there will always be people that are cross referencing information. And this is a needed field for public interest purposes and other purposes.

So to Alan, I'm just asking, what would the technology involve so we could better understand the timeframe because I do think, to Margie's point, that if we could come to some determination on this point and whether it be in Phase 2 that it's helpful to the whole community because this information is important to the public interest, so perhaps Ruth could give us a better legal

opinion to give people the comfort regarding the risk so that by the end of this team's work we could at least have made a conclusion that enables addressing that risk and coming to some kind of determination so.

David Plumb: Okay so that's a specific question for Alan. And before he answers it, James, just a few words and then...

James Bladel: Yes, thanks. First off very grateful to those who...

((Crosstalk))

James Bladel: ...are explaining how our industry works; that's helpful and I will be sure to take that back. But on a serious note, I just...

((Crosstalk))

James Bladel: I know. I know.

David Plumb: Easy. Easy.

James Bladel: I've been holding my tongue. But I just want to – one point here – I understand the public interest associated, this is a real problem, there are real harms occurring and we do have a real legal basis for describing why this otherwise innocuous field, in a perfect world, is actually being treated as personal information. But I do have a proposal for a solution.

David Plumb: Great.

James Bladel: To get us out of this binary ditch, which is that if we're going to proceed to making registrant org not a redactable or a redacted field, we have to give the registrants a chance to reset; 130 million plus people put data in that field with no idea that we were going to change the terms underneath them of how it was being used and why. So we have to give some opportunity for folks

who used that either inadvertently or erroneously or a registrar that didn't thoroughly explain it to them or implement it and just threw it out there, whatever the case is.

There's data in there that doesn't belong in there the way you guys want to use it. So I think we've got to give everybody an opportunity – we've got to set a clear break on a go-forward plan but we've got to do a reset on the 100 and plus million legacy folks because we're changing the rules after they've already put their cards on the table.

David Plumb: Okay great.

((Crosstalk))

David Plumb: Alan, do you want to answer quickly the question about what is the kind of technical fix and what's the timeframe, something like that, to deal with the issue? Do you have any idea?

Alan Woods: Alan Woods here. No, I mean, I don't, that's why I say we need more time than just what we would be able to do. I just would also say, the public interest is very important; however we're here to make sure that we are focusing on the rights of the data subject and the data subject is where we are looking at first, not the public interest; that's the second thing we need to look at. So let's be clear who we're trying protect here.

We're not protecting ourselves mainly; that is obviously a great fringe benefit for us, but we're trying to protect the rights of the data subject and if there is a loophole in the systemic issue we need to be very mindful of that. And it goes across other fields and if there are other fields, I agree, that makes it worse, not better.

David Plumb: Okay guys, so this is what I'm going to suggest, I don't know, Ruth, as you've been listening to this conversation if you want to answer some of these

questions. Clearly the guiding question right now it seems to be up for debate amongst the folks is how much of the systemic risk exists because of the bad actors using this field as a way to cross reference?

So even if you make it optional and it's an opt-in and all that good stuff, there's this systemic problem that the registrars have described and registries have described saying, now we've got a problem because there's bad actors cross referencing and doing this. So that's a pretty important question whether that's a legal liability that's you know, how to measure that and get a sense, all right? So among the questions you might have heard, make sure that you answer that one please. Thanks.

Ruth Boardman: Okay. So from the top, I think the first question that was asked was, "If a registered name holder is a company or a limited partnership or similar organization, but includes the name of the individual in the organization's name, is that personal data or not?" So Donna Karan New York, Caroline whoever, as examples. From a UK point of view, I think there is guidance from the Information Commissioner that says no, this would not be regarded as personal data. And I would like to double check that point but I think there's guidance to that effect.

My instinct is that this is an area where different member states may take different views and it's important to have an answer which is going to be correct for all of the different parties involved. So the fact that I think that the UK might have a favorable view is not really enough; we ought to look at whether there will be different views in other member states because that is the only thing that would help the majority and the stakeholders involved.

Two, if this does contain personal data, then that doesn't mean it can't be published; it means that that publication needs to be justifiable under Article 6, so there needs to be a lawful basis. With other information that is being published, my understanding is that the legal basis that ICANN and those present are looking to is 6.1(f), legitimate interests not being outweighed by

the interests of data subjects. That would seem the obvious lawful basis to look at here if this does contain personal data and is therefore published.

As you will be aware, if you rely on legitimate interests then individuals do have a right to object to that and that right has to be drawn to their attention. So this would have to be optional and that would have to be made clear to individuals. Making this optional and drawing it to individual's attention would also of course help to justify why this is in the organization's legitimate interest because there would be a easily exercisable protection for those who do not want this information to be published.

There is a separate point which James and others raised about whether publication of this information would allow cross referencing. It seems to me that that really goes to whether publishing this information will affect the justification under 6.1(f) for publishing other information by making it more likely that individuals can be contacted in situations where that isn't appropriate. So it seems to me that that really goes to, as I said, are we doing something here which makes it harder to rely on 6.1(f) in other situations? And I didn't understand enough of the comments about that to be able to give a view on that so I think we'd need to discuss that further.

David Plumb: Okay.

Ruth Boardman: There were two other points I jotted down.

Man: I didn't understand your last point.

Ruth Boardman: Oh sure, yes. So the comment that was made about cross referencing, I'm not sure I fully understood the question but what I thought was being explained was that if you release organization field that this could be a problem not because of the organization field itself but because it would allow for example individuals to be contacted where without this they could not otherwise be reached so it would allow additional information to be

discovered. And it seems to me what that we're saying there is that by releasing this that affects – that adversely affects the ability to rely on Article 6.1(f) as the justification for publishing other information. But I'm not sure I fully understood the question there so...

((Crosstalk))

Ruth Boardman: Okay, okay. And there were two other points I jotted down. One was data minimization. If you could achieve objectives without doing this, does that mean you can't do this? So in other words, is this interpreted in a sort of strictly necessary – this is the only possible way of achieving the objective and (type test) and there I would say the answer is no. This is more a concept of proportionality or reasonably – is this reasonably necessary to achieve a legitimate objective? It's not is this the only possible way of doing it.

And then the very last question, would I care to hazard a guess as to what fines against would be levered in this example? I think no, I would not like to hazard a guess on that. It seems to me – good question though – it seems to me this all turns on is this justifiable under 6.1(f)? I'm very conscious that that's a question that has been debated a lot in the EPDP. If you satisfy Article 6.1(f), if you meet the requirements then everyone's good; if you don't, then it's not good. There is not enough know-how as to the level of sanctions being imposed by data protection authorities to say anything meaningful on that question in my view.

David Plumb: Thanks, Ruth, yes. All right so it feels like this is going to be one of these issues where we're going to have some disagreements about the perceptions of risk and disagreements about which things weigh higher in a proportionality test, public interest versus rights of the registrant, how risky really is this problem that has been identified? There's differences of opinion. I certainly am not creating opinion right here. Right?

But just to be clear, right? We have folks saying this is a really big deal and we're worried about it and it's in the registrant's interests that we worry about it and it's in the registrars and registries interests that we don't create liability around it, right? And we have others saying, and there's a public interest at stake and we don't really have any clear legal advice to help clear up that difference of opinion around this table, okay. So we're going to need to find pathway forward that recognizes that we don't all think the same around these things, okay.

I see there's two hands up right now. And before we go to that, I think we are circling around some options for going forward, right? Unfortunately they're a little binary because clearly there is an interest for you guys to express a recommendation that people go try to fix some of these problems, right? What Alan said, go forth and try to solve some of these issues of cross referencing, right. So that's in the interest of everybody.

Everybody feels like there probably should be some pathway towards the organizations that want to be listed, that feel like it's in their interest to have it publicly listed and that there's a pathway to doing that. And one option is to have it optional now and then work out a system of – not coupons – tokens or whatever some sort of more secure system, right?

But either you redact it now and sort out the tokens or you leave it open now and sort out the tokens, but we like the idea of sorting out some tokens but we don't really – or some other system, but we haven't really figured out if it's the go-forward is redact or the go-forward is leave it open while we solve these underlying problems of cross referencing, underlying problems of making a more secure system. Okay.

So let's take a few more comments and then realize we're kind of in that zone and we're going to quick test of what we can live with. Yes, Gina.

Gina Bartlett: I just want to add a few more things that I think I heard that might help refine that. So I mean, I heard go-forward with optional but you need to draw individual attention to that; that's what we heard from Ruth and that was mentioned earlier and discounted but it sounds like from a legal point of view that does count.

And then also I think on a go-forward is if you do go forward with option, the complement to that is that you reset for the legacy, for the existing...

David Plumb: Yes.

Gina Bartlett: ...users. I just wanted to clarify that.

David Plumb: Absolutely.

Gina Bartlett: Okay.

David Plumb: Okay great. So I see some hands up. We had Kavouss, Hadia and then we had here and we have there. One of the things we're going to try to do, guys, is we're going to really try to be efficient because we are super slow on time so well we are super slow on our process right now. So let's take another 5-10 minutes and play with this and then see if we have a pathway forward. Kavouss.

Gina Bartlett: So we'll set the clock for another 10 minutes.

David Plumb: Thanks. Kavouss, go ahead, please.

Kavouss Arasteh: Yes, I think we have sufficiently discussed this issue so, first of all, I suggest the closure of debate. We can't go further for the following reason, there is no agreed legal definition of organizations. There are variety of organizations, they differ from each other from structure, from status, from activities and from legalities. There are some organization that will call them the

organization but they are part of the government. There are some organization they would call them organization but they are clandestine organization and so on so forth. Something that we don't know really the situation it is difficult to decide on that so it requires further reflections.

((Crosstalk))

David Plumb: In the meantime, go forward with a disclose and solve the problems approach?

Kavouss Arasteh: Until the time that we are in a position to say that what we mean by organization.

David Plumb: Okay great.

((Crosstalk))

Kavouss Arasteh: I have found some 50 different type of organizations, 50 different types.

David Plumb: Yes.

Kavouss Arasteh: From structure, then you go (structure) there are another one, then you make a combination of a structure and status, then you go to the activities of this organization...

David Plumb: Okay. Okay. Great.

Kavouss Arasteh: So it is not very easy question. There is no black and white answer to that. Thank you.

David Plumb: Okay thanks, Kavouss. Great. Milton, Stephanie and then we'll go over here. Or sorry, Hadia had her hand up...

Gina Bartlett: It's Hadia, Stephanie, Kavouss – oh, Alan G.

David Plumb: Yes, Hadia, you've got it. Yes.

Hadia Elminiawi: Hadia Elminiawi for the record. So three points. First, I would like to note that the organization field already exists so it is already collected and being published right now. Second, organizations are...

David Plumb: Hang on just one second, Hadia. Hey, guys, I'm wondering, do we need a little break to go test some stuff?

((Crosstalk))

David Plumb: Okay so let's do that. But before we take a break – and sorry, I want to hear what Hadia is saying, but before we take a break I want to do two things, Hadia, if you got 30 seconds, and then I'm going to give an instruction and we're going to take a break. So listen to Hadia, please, just for 30 seconds, she had her hand up before Ruth spoke...

Hadia Elminiawi: Okay.

David Plumb: Real quick. Super quick please.

Hadia Elminiawi: Okay, quickly. So first I would like to note that the organization field already exists...

David Plumb: Great.

Hadia Elminiawi: ...so it's being collected and published.

David Plumb: Great.

Hadia Elminiawi: Two, organizations are already published in the public directories. And thirdly I think I heard a proposal from James that says let's keep the organization field but give us some time. So I think I would support that. Thank you.

David Plumb: Okay. That's what he said but let's do this, folks, we have the possibility to pull back and have some conversations amongst our groups about some pathways forward, okay? The pathways forward are definitely going to include making recommendations about solving this cross referencing problem, finding secure systems so that organizations could put themselves out there in a more secure way what Stephanie says, around a token, right? And this reset for legacy, right. So those are three things you seem to all agree on.

Where we need to really test is what do we do while we're solving those other problems? Right? For a go-forward basis, are we okay saying we need to – we don't really know and in the meantime we're going to keep the practice and what ICANN Org is asking for which is allowing it to be published, right? Or are we going to demand that in the meantime it is now a major change to the ICANN community and this is now is redacted, okay?

So but let's pull back from the table, have the conversations, figure out if you're feeling strongly on one way what might sway you to think about what your colleagues might be thinking about differently, right? Okay. But we really need to pull back from the table and have those conversations; everyone's starting to break down. Sure. Stephanie.

Stephanie Perrin: Stephanie. It's a simple point of clarification. I picked on Domain Tools because Domain Tools is the market leader.

David Plumb: Right.

Stephanie Perrin: I think everyone, including legal counsel, has to understand there's a vast archive of material, this data's been scraped for decades and it's not going away unless individuals file for their right to be forgotten.

David Plumb: Okay.

Stephanie Perrin: Or somebody opines against them and makes them destroy the data. And there is the question as to whether that would hold up in a US court. So that's an important clarification; they are not just random bad actors, half the police force is represented in this room purchase their services.

David Plumb: Thanks. Okay. Right, pull back, we're going to see if we can find a solution to go forward.

END