

**ICANN
Transcription
EPDP Team F2F Meeting
Tuesday, 25 September 2018 at 15:30 UTC**

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Kristina Rosette: Kristina Rosette, Registry Stakeholder Group. I am pleased with the progress that I think we made yesterday and I'm cautiously optimistic that we will continue at that pace. But I will also say that I think it's extraordinarily important that we continue at least that pace if not faster if we're going to have any hopes of meeting our deadline. And I think it would be helpful for us at some point today to talk about what it is exactly we need to deliver at, before or shortly thereafter Barcelona and kind of how we're going to get there. And to the extent that we believe as a group that we may need to change our working methods (unintelligible) how we do that.

Julf Helsingius: Julf Helsingius of the NCSG. Just a very small practical thing but some of our members actually try to listen to the audio transcripts during the night and it turns out that mobile microphone is actually not very good. Yes, just...

Gina Bartlett: Okay, I'll channel my inner rock star. Sorry about that. Okay, we'll try to – if everybody can just point to me (unintelligible). Other thoughts?

Thomas Rickert: I think we should try to limit interventions to 30 seconds, a very brief...

((Crosstalk))

Gina Bartlett: Everyone try to be concise in their comments, is that what you mean by intervention?

Thomas Rickert: Yes.

Gina Bartlett: Okay. We did talk...

James Bladel: Let's say 60 seconds.

((Crosstalk))

Gina Bartlett: Sixty – 30 to 60, brevity is appreciated. I think also we are going to ask, you know, we were talking last night, David and I, at dinner about who manage the queue because the truth is this is a topic or a set of topics you all care lot about, come a long way to talk about them, and there are 30 people. So it is not an easy thing to manage. So we do have a few ideas that we can spring on you in the moment, you know, one idea is that we could occasionally spread to try to resolve some particular thing when a lot of cards go up, but we can't go six deep, because it changes too much. So we can kind of play that and see if a couple people can help like close out something.

The other thing is we may like invite you – if we've got 20 cards up we may just invite you to turn to a neighbor and chat for like five minutes and then pick up the thread again. So we have some techniques and we're going to ask your permission to bear with us and try it out because we think that some of these things that we use elsewhere could be helpful in furthering the conversation.

And it's not to take away from the group conversation, I know there's sensitivity around transparency and all of that, and we're very committed to honoring those concerns, but we do have some techniques if you'll bear with us and allow us to introduce them; I think they can help you and we'll – but

the truth is it just takes a long time for 30 people to work through tough complicated issues.

Okay so what we're going to do, we have the morning planned out and then we're going to see where we are at lunch and regroup and, you know, Kristina's suggestion to talk about the initial report we have a couple ideas of things like that that we might want to pause on the data elements and go and talk about those just even to give our minds a break.

But what we're going to do is we have just handed out new materials, hot off the press, they were also emailed to you. We have the revised purposes that is our working draft that we're going to use for the purposes of our conversation and talking and worksheet exercises today. So we're – we have a new draft of that.

And then you all received a worksheet which Caitlin walked us through an example of how the worksheet works and the intent around that. We're going to go into more detail and review that again in a minute. So you have a worksheet for each purpose.

So what we're going to do is we're going to go into and organize ourselves and look at four of the purposes and walk through the worksheet and we're going to break into groups to do that. Okay? We will have a scribe in each group and a facilitator and you can divvy up across our interest groups and you can also float, if you don't have enough, you can float from group to group.

And the purpose of those groups is to just start the process of answering the questions so that we can then benefit from that in the larger group. We'll do that for about an hour and 20 minutes, then we'll have a break and we'll come around and tell – someone will come around and explain all that when it's time to go to a break. And then we're going to come back into the full plenary and discuss purpose and then walk through the data elements of the

worksheet so that we can all join that conversation and we'll take it to lunch and we'll see how it goes and then we'll revisit what we do in the afternoon.

Kavouss, this is Gina. Good morning or good evening I think for you.

Kavouss Arasteh: Yes.

Gina Bartlett: The proposal we were thinking for the online participants is that you would work through the worksheet during this long group time and then we would incorporate your contribution and good thoughts when we come back to the full plenary. Which would be...

((Crosstalk))

Kavouss Arasteh: Good morning. I don't want to oppose to the American type worksheet and so on so forth. This is what at every meeting that American comes they bring these worksheet, they bring dividing the people in small group, getting together, putting some views and someone put all views on the table or on the board, and pick up that one and put – I don't think – I don't agree with that. I am remote control, a remote participant and for me it's difficult to decide, difficult and worksheet. I don't know the history of worksheet. I think the most method should be agreed by the people.

I think maybe you have some predetermined arrangement to do whatever you want, without taking into account the views of others. Maybe you have some supporter – supporting view as usual, because most of the people are American, or American oriented, but I am not oriented by any group, I am just working individually and I don't understand this worksheet arrangement and so on so forth.

Yesterday the people were against to have a small group saying that is not consistent with the charter and now you want to have small group and then you want to have a big group. So I don't understand your working method at

all, so in other way, not only I have been excluded to enter in the country to attend physically, I am now excluded to select whatever or whenever I want going from one group to other group having the freedom and so on so forth. That is another sort of operation that you apply to me. This is number two.

Number three, yesterday I did not have any opportunity to – very little – not any – very little opportunity because you or your colleagues said that you have two line of the queue, that is wrong. First come first serve means queue, should have one single line but not two lines and so on so forth.

Fourthly, when I was speaking, somebody interrupted me swiftly. When I propose something nobody take this suggestion (unintelligible) somebody else from your colleagues, oh yes, that's a good idea, yes, this is constructive and so on so forth. So I think that it is the way that I am not satisfied, I'm very sorry to be so clear, and so direct. I apologize to you from the bottom of my heart, madam. Thank you.

Kurt Pritz: Hi, Kavouss. This is Kurt. Let's you and I take right after this introduction and so we can do two things; one is better coordinate your participation at this meeting because we actually have taken measures to anticipate that, but if you're thinking they haven't been adequate I want to make sure we address them. And two is in this attempt at multiplying our efficiency by four, in accordance with, you know, some of the people in this meeting have already mentioned that we need to actually accelerate our work, we're doing this as a trial to see how it works. Let's you and I also talk one on one on how you can best participate in the experiment and then, you know, make sure we get your reaction to it when it's done. So let's talk – I think we'll be 15 or 20 more minutes and then let's get on either Skype or the phone. I sent you both my Skype name and phone number so you can pick which one.

Kavouss Arasteh: I'm sorry, I have - only have time during the break. I don't have time during the meeting to just be away from the meeting and not listening to the meeting

even if I am not participating and so on so forth, unless the working method is totally exclude me to participate in any way. If that is the case, yes, I'd...

((Crosstalk))

Kurt Pritz: Okay.

Kavouss Arasteh: ...and then I wait for your call, you have my telephone number, you can call me. But I don't know whether there is a way that the remote participation is possible or not. If it not possible, it is not possible. So I am excluded.

Kurt Pritz: Okay well.

Kavouss Arasteh: Thank you.

Kurt Pritz: Yes, so we want to make that possible. So I'll – I will call you on your phone number.

Gina Bartlett: All right, so what we're going to do is remind ourselves what the worksheets are, that's (unintelligible) right? Thomas is going to help us – Thomas, I'm sorry, Thomas is going to help us with the worksheet. So are you going to use a specific example? Okay, going to start? Great.

Kurt Pritz: Good morning, everyone. I don't have a bottle of water yet. So as – oh that's okay, no it's just...

((Crosstalk))

Kurt Pritz: Too early for scotch. I want to flag some things about how we think going through these worksheets will operate and some of the considerations you should make. So I'll make those briefly but then ask Thomas to elaborate as most of this is his work.

So for each worksheet, as you see, the ICANN purpose that we developed yesterday is at the top and then below that there are three GDPR subsections from Article 6 that define the lawfulness of that processing and that's the order in which they should be considered. So we want to pick the Article 6 element, Article 6 subsection, that would apply to make the ICANN purpose lawful.

Then you see on the left are the data fields required for that subsection and that's where Berry went through after dinner last night and went through the – and all day yesterday and went through the agreements and understood what data elements are currently required for that purpose. And so what you see here is the data elements that are currently collected for that purpose. So at that point you'll look at these data elements and say are these the ones necessary for this purpose? This is where the principles of data minimization apply.

And you'll ask yourself, do we require more data elements, or do we require less? Obviously if it's in parentheses, right, it's an optional data element. Right, so that's the – the second thing. Berry's included the links to the agreement so you can test your – test whether it's required by the agreement or not if that's important to you.

In Question 1 I'm going to ask Thomas to opine on this a little bit because it's sort of a little bit of a compound question, but this is actually where we bang the purpose up against the GDPR and test whether it's lawful or not. I think this is where we ask ourselves whether it's sufficiently specifically worded to be GDPR compliant. When answering Question 2 about ICANN's bylaws, you'd want to indicate the provision in the bylaw that best justifies the purpose or demonstrate that the purpose is not in violation.

A lot of these – I think these are pretty clear. Maybe I'll ask question, Thomas, to expand on Question Number 5 on the transfer of data so in certain cases data is transferred so for example, to a – in data escrow where

it's transferred to the data escrow provider and then maybe transferred again to a successor registrar. Same thing for Number 6 when it's published, so this is where it might be published to a successor registrar or published in public.

We included the question about the picket fence, you know, we – our feeling is that most of these things are within the picket fence but that certainly requires scrutiny. So that's – and we can send you this list that I semi-read to you as marching orders, I think that might be a good idea. I don't know, Berry, if you'd want to word-smith these questions at all. And we could just send them to the group as marching orders.

And then Thomas, can you elaborate on any of that and how we might best and most efficiently go through each one of these?

Thomas Rickert: Yes, thank you. And I'd like to invite Farzaneh who's been working with me on this to add to that if I forget anything. So I think the sheet is a great tool but we all need to be aligned on how we use it. And a few minutes before we started the session, we already had a discussion about what specific questions mean and how the response – or what the responses should look like.

So basically what we're taking now is the ICANN purpose as a starting point and I should say that the 30 second limitation doesn't apply to me now, I hope, right?

((Crosstalk))

Thomas Rickert: So I've practiced speaking fast the whole night but I'm not that fast. So basically what you should do is for the purpose that you're tasked with assessing, you're looking at the purpose and then you will look at the existing set of data elements that we have and say, okay, what of these data elements need to be processed in order to fulfill this purpose? And you tick those boxes and you should also, if you can, write up very short rationales

about the things that are not obvious. So when we discuss the collection of data for the registrant we had a discussion whether the fax number for the registrant should be collected.

Right? And that would be a data element where we say, okay, if that is something that we think should be collected then we should explain why that is required on top of the registrant name and address, for example. And if you think that the admin C or the tech C should be collected, you should be able to explain as to why you think those additional data elements are required.

You will go through this spreadsheet three times. First, you will test 6.1(b), you will check whether you need or what data elements you need to process to perform the contract and the contract is the contract in the registrant and the registrar. What is required to fulfill that?

Once you've exhaustively responded to that, you go to the second step, say, do we need to collect more data elements than are required to perform the contract based on a legitimate interest? And if so, you know, write up some ideas why you think these legitimate interests outweigh the rights of the data subject. And I think we need to go into more granularity when we come to those things because there are legal techniques to be applied to carry out those balancing tests. But just come up with rough ideas as to why you think this is required.

And the third thing is if you think that there are yet more data elements that should be required based on consent, you should mark those as consent-based data elements. And then you move to the questions. And Question 1 and B, you might not even need to invoke but those are I would call them by now, the Milton test questions. These questions are only there to make Milton happy. Is Milton in the room?

So you might remember that when we discussed what data elements need to be processed to perform the contract between the registrar and the registrant,

I think Margie and others said, well there are ICANN consensus policies and other requirements in the RAA and in the RA that require data processing, can't we use those requirement to justify the processing under 6.1(b)?

And as, for example, inclusion of UDRP and URS would be a good example. ICANN forces that to be part of the contract with the registrant. Then you would say, okay, that's an okay ICANN requirement. But there might be other cases and this is the Milton test, consumer protection, the unlimited publication of Whois data as it's currently required by the RAA. So you would then check whether this ICANN requirement is in itself a lawful requirement.

And the second test would be whether you think that this requirement violates ICANN's bylaws. And a broad brush requirement to process data for consumer protection purposes I think we might all agree, would not be lawful. So it needs to be further specified. That's the place where this information would go.

And then you would say, for whom you collect the data, who's interest is that to – who's interests are we pursuing here? And then Question Number 4 is an important one, that's not what you think is – would be desirable to be collected or processed, but you would say what is necessary to perform the contract? So you might say, name and address is good enough to allocate the domain name to a registrant, but phone number, not so much. And then you need to explain that more, right? So it's a need to process and not want to process basically.

So the transfer question – I'm not sure whether you – Question Number 6 is more about redaction, you know, do we want to publish or does the – data need to be published? That might not be applicable to all of the purposes. And then picket fence you've already discussed. Data retention I think is a good one because we need to explain why we are keeping data for that long. And so try to imagine from real life examples why you think you need to retain data.

ICANN requires two years beyond the expiry of the contract with the customer and we need to explain why the two years, why not six months, three months or five years. So I think you should put some thought into that as to how long that data need to be retained. I think I should leave it there.

I think once we come together back as a group we will need to put this all together, revisit, potentially narrow down the language of the purpose opposite to the findings that we've established yesterday, and then I think we need to do another run through to clean things up, you know, do we need multiple escrow activities to take place based on the principle of data minimization? But those things are for later.

Kurt Pritz: Thanks. We have a few questions, Thomas. First is Kavouss and then Mark and Alan and Berry. Kavouss, go ahead. Berry, did you have something very specific you wanted to mention about this that might inform these guys' questions? Okay, go ahead.

Berry Cobb: Thank you. Berry Cobb for the record. So just to make very clear about the fields and the ones or the optional ones that are designated on the left, I'll never claim 100% accuracy in anything that I do; this is probably best effort, it's not an easy task to extract exactly what fields are required for what out of these contracts. Specifically, those of you that might volunteer for letter E, about the escrow, one is for registrars; that one was fairly easy to identify the fields that would be involved in the deposit. As I was talking with Marc last night, I could not translate the registry EBERO specification so I really have no idea what fields are...

Kavouss Arasteh: Please be so kind, do not interrupt me until I finish.

Kurt Pritz: So, Kavouss, we have not heard anything you've said and so...

Kavouss Arasteh: I said that could you please – could you please kindly do not interrupt me.

Thank you.

Kurt Pritz: All right, so Kavouss, listen – listen.

((Crosstalk))

Kavouss Arasteh: Yes, my word goes to Thomas. Thomas, thank you very much, there is no doubt about your ability and your capability to do these type of the work. But the term “purpose” you use in all these is not appropriate. Purpose of ICANN is already in the bylaw, in the mission and core value. Purpose of registry and registrar are already they are either mentioned in one way or other in the bylaw, or they are fully in the contract or contractual arrangement. There is no particular purpose of the third party. You have to replace the purpose by something else, action to be taken, requirement or somebody, is not purpose, I don't think that it is a purpose at all. This is one.

Number two, you said that you put question X and Y to satisfy Z and L, I don't think that the aim of this meeting that you satisfy somebody or you dissatisfy somebody. If you're taking any action, you should work for everybody. But not saying that you put these for satisfying X and Y. I don't agree with that. I'm very sorry. I don't agree with that at all. Thank you. Please change the purpose by something else, purpose is wrong, absolutely wrong. Thank you.

Kurt Pritz: So one response I have to what you said is we agree – I think we agree that many of the things you say that are obvious and already in the ICANN bylaws are in fact in there but we also think that our report has to be sufficiently supported with references to those things we know exist in order for the report to stand on its own. So for certain things that you say we – that are obvious and already supported, we agree. But we think they need to be included in the report and that's why we include the reference to those on this spreadsheet.

And secondly, I think Thomas -- I don't want to put words in Thomas's mouth -- but when he refers to something like Milton's request or what Margie said, he's saying, you know, something that Milton brought up that the group essentially agreed with that this should be a test that's included in the testing. So it's not an individual's request but it's the -- it's sort of the genesis, you know, the starting point of that.

((Crosstalk))

Kavouss Arasteh: I had another point. I had a point that the purpose is not the correct term, use purpose of ICANN, purpose of registry, purpose of registrar. There is no purpose as such here. We should say requirement, course of action and something else but not purpose. I don't think that we should define the purpose of registry or registrar. They existing for many years, is not purpose, is the action with respect to the GDPR or requirement of registry or registrar in action with respect to the GDPR but not purpose. I don't understand term purpose here. Thank you.

Kurt Pritz: Thanks very much, Kavouss. Berry, did you finish with your -- okay.

Kavouss Arasteh: Yes, I am finished and thank you very much.

Kurt Pritz: Thank you, Kavouss.

Berry Cobb: Thank you, Kurt. So Berry Cobb again for the record. Just to continue on, so in terms of the data fields identified as Thomas mentioned, you know, if there happens to be another field that's not on the list you'll see at the very bottom that there's kind of an other data section that was kind of creative license for me to allow some space for example if in your deliberations the billing contact does need to be included in the purpose, I'm not saying it does or doesn't, that's kind of some area to allow for that. Obviously there's not enough room there so if there are additional fields or justification for removal of fields you

would really want to apply that into the Question 9 area which is just really more free form text.

And I'll just note that lastly, from previous versions of the Thomas Farzaneh spreadsheet, you know, it included a lot of other fields such as billing contact and I think on Row 74 a bunch of other data that registrars may collect. That's not included in this version first just to keep this short and concise but more importantly because again, this is kind of taking the view from an ICANN purpose perspective and so those had been extracted out. So thank you.

Kurt Pritz: Thanks for those clarifications. Mark.

Mark Svancarek: Make Svancarek for the record. Thomas touched on this but I wanted to say it explicitly, data minimization does not mean we have to be incomplete or inefficient. We can use whatever fields that we need to accomplish our purpose so when you are trimming the fat, do not cut the muscle. Someone famous, supposedly Einstein, said things should be as simple as possible and no simpler. And that should be our philosophy of data minimization.

Kurt Pritz: Thank you, Mark. Alan.

Alan Greenberg: Thank you. Two things. Number one, Thomas, when you were talking about consumer protection, I think I heard you say that – and I'm paraphrasing, is consumer protection important enough to justify publishing all of the data? Or words to that effect. And I don't conflate making them publicly available with using the data for consumer protection to selected parties who are involved in that process. So I think we want to make sure that we're going forward, we're not conflating how the data might be used by these parties, or to what extent it is made public with the fact that it is an appropriate use. Now I may have misheard you but I heard words very similar to that.

Okay, the – my second comment is similar to the previous one, we're dealing in the real world and asking for multiple forms of contact is a practical way to

make sure you have a form of contact that will work. So we have to make sure that we're not trimming things so much so that it only works in a theoretically ideal world. Thank you.

Kurt Pritz: Okay, thank you. Berry.

Berry Cobb: Berry Cobb again. Sorry, and just one other clarification, you know, hindsight is 20/20. It's a lot easier tracking through these things on electronic file as to know which one you're working with; when they're printed out like this it's probably impossible. Your main key identifier is in the ICANN purpose box and there's the purpose by actor, which is the key to the purpose by actor sheet whether it's A, B, D and so forth. So that's kind of your key to know which one you're actually working with. And apologies that that wasn't like in bold red and big and flash. Thank you.

Benedict Addis: Hey, Berry...

Kurt Pritz: Well, Benedict, that takes away your criticism, doesn't it? Go ahead.

Benedict Addis: Benedict Addis, SSAC. Berry, thanks for this. One question, you've collected these data elements from policy and the example I went away and read the registrar data escrow policy. It's based on the 2001 RAA when we didn't collect email address as part of the registrant details. In practice these days, registrars do escrow the registrant's email address. I was kind of surprised to not see it on there. And this is one of the dangers of course of writing policies that don't get updated automatically as other policies change.

Do you think we should like think to the policy or should we think to the practicalities? And I'd be interested if other registrars have a view on this as well because this isn't a statement of what happens right now, this is a statement of a 17-year old policy and that's not a criticism, it's just what we're working with. Thank you.

Berry Cobb: Thank you, Benedict. As I mentioned, best effort so it's definitely not 100% accurate. Also notice at the bottom of every sheet I've tried to create links to the documents which are actually the contracts. I don't know that I call them the policy that have the fields that were identified. And so specifically for registrar escrow as posted on ICANN.org under the registrar data escrow program there's also a RDE spec sheet and it has a date of 9 November, 2007.

I was advised that that's still the most current form and so that's the document I used. I think for the purposes of this exercise let's assume that they're not written in stone now. I think we have latitude to say, you know, still a question are these fields necessary for the purpose or not? That may or may not change the policy down the road.

Kurt Pritz: Great. And at the end of the day we want the data elements that are required to just write number of data elements so it's, you know, you could have a zero-base discussion or you could have it from the starting point. Okay great, everyone. And thank you very much Thomas and Farzi, thank you very much. Oh go ahead, Georgios.

Georgios Tselentis: Hello, good morning. Georgios Tselentis for the record from GAC. During our discussion yesterday there was also the – in the small group the discussion about accuracy. And this was agreed that the questions would be deferred for later on. I don't understand why we should not tackle this issue now when we talk about the specific data and be one of the questions. For example, as we have question about retention, or others, then we could – we could add also the accuracy question there.

And try to see whether it is necessary to have a validation point for accuracy of those data and how much this is necessary for the purpose that we are discussing. So I'm asking the question also to people who designed this sheet – the spreadsheet so whether it's the time to discuss it now.

Kurt Pritz: If no one has a response I'm – I'll answer your question and I think my answer is inadequate so maybe somebody could help me out. So in response to that, yesterday we convened that small group outside and captured the, you know, our first real policy statement about that whatever we do here it's not going to denigrate the accuracy requirements that are currently required under the contracts or change any of the other accuracy – Whois accuracy efforts. So I thought we addressed that through that policy statement. So I just want to scan the room to see if my – go ahead, Margie, thank you.

Margie Milam: That was the policy statement from yesterday but there was also an agreement to talk about this during this meeting. So Georgios question is when the additional accuracy discussion, not the – we're not doing anything that, you know, takes away from the accuracy requirements under 2013 RAA. So his question is, does it make sense to add a column about accuracy, for example, if there's a field that's validated currently maybe we point that out and see whether, you know, there's anything else to add related to accuracy, that's his recommendation for this exercise.

Kurt Pritz: I'm trying to figure out how to handle that at this stage. Go ahead, Milton.

Milton Mueller: So let's not lose sight of what we're doing here; we're talking about this specific purpose, the establishing the rights of a registered name holder and a registered name and ensuring that the registered name holder may exercise its right in respect to the registered name. In this case the registered name holder has the right under the GDPR or most data protection to access the data and see whether it's accurate and correct it themselves or demand that the data controller correct any mistakes.

You know, if you want to add a question, what would it be, 10 regarding accuracy issues or we could just add it to the end of our list of things to ask, but I think – is that what you're asking us to do, right? So that question could be answered with respect to this purpose very straightforward way, would that be the kind of answer that would satisfy you? That the registrant could

actually look at their record with the registrar and say oh you've got my address wrong.

Georgios Tselentis: Can I answer directly? So the purpose would be yes, to add another Number 10, and then C, for the specific data element that we're talking about, whether this is not a misleading information which is there, which is according to what the data protection authorities were asking to be according to GDPR.

Milton Mueller: Right, what I would be concerned about is that you're not trying to, in effect, create new policies, what we're doing now is a very static exercise, we're saying how do purposes map onto data elements and, you know, do they violate the bylaws and so on and so forth. We're not saying oh, we need to have stronger policies here to ensure accuracy, right? We're just doing a static exercise that says – that map these things to each other right?

Georgios Tselentis: No, I'm suggesting just to be compliant because GDPR as I said, says that personal data has to be accurate and reliable, that it's a compliance question there.

Kurt Pritz: Go ahead, Margie, go ahead and then I'm going to wrap this up.

Margie Milam: I suppose like said, we could at least identify what the verification requirements are currently and then at some point, maybe it's not through this exercise, there'll be a discussion on whether they're adequate for complying with GDPR. But that's, you know, I don't know that going through this exercise is – we'll be able to do that, but I think that we want to make sure that that conversation happens at some point.

And at least – because I'm not sure if everyone fully understands what the verification requirements are right now, and so at least identifying what they are, you know, if you have a section and say, you know, current requirements are, and we list what they are and then we can discuss at some point whether it's here or, you know, or in another discussion, whether they're sufficient.

Kurt Pritz: So could we park this with these conditions? Berry, I'm looking at you but I'm really asking – this is a broader question for ICANN staff, so can we capture what the, whatever the validation or verification requirements are in the current agreements and capture those somehow and then we'll append those requirements to what's in this current sheet, not in time for this discussion but for later on? So I really want to kind of move on from this. Go ahead, Alan.

Alan Woods: Thank you. It's Alan Woods. I kind of disagree; I don't think that is necessary because I think this is a bit of a red herring. So the first thing is that accuracy, as Thomas has pointed out yesterday and today, is different under the GDPR, number one. But the second thing is that if you were to look at the ICO, the UK Information Commissioner Office, they say that if you see that data and you know the data is not accurate, well then you must take reasonable efforts to make sure that that data is accurate. And that feeds into the data subject request.

We already have those reasonable requirements in the RAA, that would be considered reasonable because you have to consider things such as the state of the art, the technology available, the cost of implementation, all these sort of things. And what you're asking is an impossible thing that is not within, to be honest, the scope of this EPDP so accuracy. And just also then say that what happens if we were in the situation where a data subject said, hey, the data that you have for me is wrong, Article 16, rectification request, and you say well actually, I believe that your data is not right, and you don't do that.

Which would I prefer? Is would I prefer them to complain to ICANN Compliance or to a data protection authority with a \$20 million fine at the end of it? You know, we have to take our data from the data subject, so...

Kurt Pritz: When you say it's not in scope of this EPDP, what do you mean?

Alan Woods: I mean, that what they're talking about is accuracy that is a different policy of accuracy as in the verification of the data, that is not something within us; we don't need to verify the data because the data subject provides us that data and that's what the...

((Crosstalk))

Alan Woods: It's already...

((Crosstalk))

Alan Woods: And it's already provided in the RAA.

Alan Greenberg: In line with what Alan – the other Alan is saying, like in ICANN where we use the same word in multiple different ways, this is a case of accuracy. GDPR is treating accuracy solely as whether the data subject believes it is accurate.

((Crosstalk))

Alan Greenberg: Okay then let me finish and then you can read. My understanding is it does not contemplate what happens if the data controller thinks you're giving inaccurate information but you claim it's correct which is our version of accuracy. Now if that is indeed in the GDPR, where the data controller can challenge the data subject about whether the data is accurate, that will be really interesting for us but I didn't think it was there.

Kurt Pritz: Okay, I'm going to let Margie talk and then..

((Crosstalk))

Margie Milam: Sure. And the reason I'm bringing up now – again, we were going to talk about this later and I'm okay with talking about it later, but I just want to correct the record that the ICO website says specifically that GDPR includes

a clearer proactive obligation to take reasonable steps to delete or correct inaccurate personal data. So it's not just rectification. And you can go to the ICO site to look at it. And so we'll talk about this later, but I'm just saying there's a disagreement on what the law says.

Milton Mueller: That's a right of the data subject she's talking about, not of, you know, third party.

Kurt Pritz: Stephanie.

Stephanie Perrin: The data has to be as – this is Stephanie Perrin for the record – as accurate as is necessary for the purpose of the collection. It does not give the data controller a mandate to demand continually accurate data. I will argue, and probably already have, that two weeks is a ridiculous time limit to get your address changed after a move or lose your domain, it's other high a forefeet and it is unprecedented in other activities including those run by government. So, we already have to scale back the accuracy provisions, not build them up again. Thank you.

Kurt Pritz: Yes, so my reading of the charter is that there's no questions in there about data accuracy, nonetheless, I take Georgios's request seriously and we – so I don't think in filling out these forms we should bring up that topic because obviously we're disagreed on it, but that we won't finish until we have this discussion so we can settle what the law says – what our understanding of GDPR requirements are. So I really want to go onto the next thing and I've got Kavouss and Mark in the queue. So Kavouss, can you briefly comment?

Kavouss Arasteh: Yes, yes, comment, I don't know whether (unintelligible) sorry, people talk for five minutes, then I have to talk, I should be brief, so everybody should be brief, including the chair. If you look into the GDPR, if you look into the (word) format of that, just type "accurate" and "reliable" and you have tens of times that this accurate and reliable data comes. So you cannot forget about that.

You cannot put it at the end of the list because there is no priority or order, end or a beginning or in the middle. Thirdly, someone says that we should not have policy for the accuracy and for the reliability, it is not – we don't agree with that. We must have. As far as the governments are concerned, and we want to have a (unintelligible) of the law, they could not enforce of the law based on inaccurate and non-reliable data.

This is essential, important as I mentioned in the chat, I fully support Georgios that this must be in and should not be at the end and should be a policy on that. If this EPDP failed to put that, I don't think that we should take it as a success; we should take it as a failure. Thank you.

Kurt Pritz: Mark.

Mark Svancarek: Mark for the record. I have a question as opposed to a comment since the term “accuracy” here is overloaded, there is a GDPR definition, there is an ICANN preexisting definition. I’m wondering what do we call the act where you validate that the email address that was given actually works? What is that called?

Benedict Addis: Yes, Margie and I wrote this for the 2013 RA but so validation is checking that it's internally consistent, semantically correct; verification means doing some external check for example sending an email to someone.

Kurt Pritz: All right thanks. Gina. David.

David Plumb: Okay great. So accuracy...

((Crosstalk))

Kurt Pritz: Ashley, go ahead.

David Plumb: Ashley, sorry.

Ashley Heineman: I won't belabor this, this is Ashley from the GAC. But perhaps this – a starting point at least, at least to maybe build a bridge here is I think Georgios and Margie, what they're recognizing here is that there are requirements in the GDPR for accuracy. And what I'm hearing from the other parties is, well there are already things built into the contract that require that. So perhaps the simple step of just in our documentation in whatever we come out with just recognizes that so then that ticks the box that we are working towards compliance of GDPR and there are steps articulated in the existing contracts, at least as a starting point.

David Plumb: Great. So that – okay, great. So we put in the parking lot here the accuracy discussion as well to help clarify exactly what the mandate of this group is on that and to figure out exactly how to do what Ashley is doing, so suggest, right, of doing this check and making sure that this group, if it is required to do that, is doing some analysis. So let's put that aside for just a second because we know that's important, we're not going to be able to solve that right now.

And let's go into our exercise of trying to fill out these sheets and using the filling out of the sheets to test our purposes, okay? The way we've structured the conversation as Thomas and Kurt have said is the first thing you do is you look down through the data fields and based on the different legal bases, look at is that the right set of – are those the right set of data fields that we should be collected, etcetera. Then you go through the questions on the right hand side and then you finally look at this and say, what does this mean about how we're writing this purpose or articulating this purpose? What changes need to be done to this purpose?

We're going to have four groups going at the same time to be efficient and go through different pieces of this puzzle, right. We're going to have one group here in this room with Gina working on what's now Purpose A, or has always been Purpose A actually. Yes, so we'll have one group doing Purpose A in this room. We'll have another group in this room with me doing this combined

– what is C now which was our combined C and D. Okay? We'll have a group out in the kitchen outside here with Marika doing M. Remember M from yesterday, it was here on our sheet. Okay. And that group is going to be working on M right, which is the dispute resolution.

And finally there's going to be a group upstairs with Caitlin in that kitchen area upstairs with Caitlin working on E, okay? E is the safeguarding in the event of a failure. Okay? All right. So as Gina mentioned, let's try to distribute ourselves as evenly as possible, feel free to get up and walk to the other conversations if you wish to. In the middle we're going to take over an hour plus, about an hour to do this. Okay? So feel free to get up, check out what's going on in the other conversations.

There will be a scribe and somebody taking notes because all of this comes right back here into this full group after the break and we're going to go through it all of us, with the microphones, etcetera. Okay? All right, so the idea here is think about how you want to distribute yourselves among your different stakeholder groups in these four different conversations. Again, feel free to get up and move between them should you choose to, okay?

And we'll give ourselves a little over an hour to do this, we'll take a break and we'll come back here.

Hadia Elminiawi: Hadia for the record. So I wanted to ask about B, N and F...

David Plumb: Later.

Gina Bartlett: We have to come to those later. We feel like it's too much to do eight groups because you'll be too dispersed. So we're going to come back to the others later; we're just starting with these four.

David Plumb: And it is no accident we're starting with these four, right? These four are somewhat more straightforward, right? Our big consolidated, you know,

compromise yesterday with what's B now, is a much more complex piece of work, right? And so we're going to either take that up in the afternoon or we're going to leave that for tomorrow morning, we're still trying to figure out how things go with these four.

The beauty of this is if we make progress and we're able to consolidate that progress before lunch, we can really see how this tool works and really see if it's starting to answer our gating questions because the tool is directly linked to the gating questions in the charter in this group. Yes, Gina.

Gina Bartlett: I think there's one other thing I just want to note. So when you're answering the questions ideally you would come to some type of an agreement but if you're unable to reach agreement the scribes will just document the issues, okay, just so we have a documentation of the issues. The other thing just to be a little school-marmy, if you do move around (unintelligible) you can pick up and move, but you – please be sensitive that you're entering a conversation that's ongoing so please just be respectful of the group if they say, you know, we just talked about that for 25 minutes and we just moved on, you know, to wait until the full group to bring the issue forward, or just an example of that.

David Plumb: Okay. Okay. People clear what the instructions are? Is that a question you want to make? With the mic.

Farzaneh Badii: Farzaneh speaking. Please do not get really upset but I think dividing us into groups for all these purposes might not be the best option and especially because we have remote participant. But also I have a feeling that if we can take the most important ones that we want to work on and then for the ones that are easier we can be divided into groups. But I think you also had that in mind for tomorrow so these purposes you think that these are like the easier one.

David Plumb: That's correct.

Farzaneh Badii: Okay.

David Plumb: So we're going to ask you guys to let's try this, let's invest a little over an hour, let's see how it goes. If you guys remember yesterday some of the biggest fastest moves we made was when a smaller group of folks were looking at a white board or going outside and they came up with some ideas. All right? So we're going to test it again this morning and see how we make some progress. If we hate it, then we won't do it again, okay? All right?

So basic etiquette in the groups, folks, share the floor, don't monopolize, one conversation at a time, okay? Don't have multiple conversations going on in the same group, one at a time, share the floor. We'll be there to help. And so let's do it. So again, A and C are in this room with Gina, myself, we'll be at like the far ends of the room. This floor, kitchen is M, all right? And upstairs kitchen is E. okay, take a moment to confer with your colleagues about how you want to spread yourselves out and then let's get going within the next three, four minutes. Okay? Thanks so much.

END