

**ICANN
Transcription
EPDP on the Temporary Specification for gTLD Registration Data
F2F Meeting - Day 3
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David Plumb: All right, guys, so here's - there's a lot of conversation going on over the break and that's perfect; that's what we want. There's also a concrete idea on the table I think that starts to get a lot of concerns and we've tested with several of you but not all of you, all right. So, James, can you just walk us through quickly these - this - what this proposal would be for a go-forward?

James Bladel: Sure. And for the benefit of the folks on the phone who can't see what we're reading from...

David Plumb: Oh right.

James Bladel: ...so I'll try and be as specific as possible.

((Crosstalk))

James Bladel: It's a multistep process and we've already started tweaking some of the steps. So let me try and lay out and then we could kind of hit the variations. The first one is that, you know, as soon as possible, including this EPDP, we would begin redacting the registrant org field and the thinking here is to

acknowledge that it could be, not necessarily is, but could be personal data or be used to re-identify.

We then notify registrants - all registrants - that on some future date, and we threw out January 1 but obviously that's open-ended, but on some future date registrant org will be treated as not non personal data and will be publicized globally. And that in the intervening window, registrants need to come in and review the redacted data that we continued to maintain, if any, and confirm that they want that published; that they understand that it's going to be published. There's informed consent basically; I'm giving you my consent now that you've informed me that this is going to be the industry standard going forward.

For those registrants who consent to that, it could be essentially displayed immediately or we could wait to the date, we can talk about that. And then the final one would be that if they say, I didn't put that in there or I don't remember putting that in there or I had no idea or don't respond at all, which is also a very highly likely outcome, for those we would - the registrar would be allowed to essentially blank out the registrant org field so that we do publish it but it is empty, contains no data because the registrant has either explicitly or implicitly indicated that they are not an organization.

So that's the four-step dance that we're talking about here. There's a lot of markup since I went into the restroom and came back so - but I think that's the gist of it and we're talking now about timing and stuff like that.

David Plumb: Okay.

Gina Bartlett: James, did you speak to new registrants that they would be notified for the new registrants on a go-forward?

James Bladel: Right, new registrants, yes, would be - would, you know, through - and I think we have to leave registrars the ability to innovate here because a lot of them

are different business model and different segments. But essentially there would have to be some sort of a process where registrars would be obligated to inform registrants that this is how the registrant org field is going to be used and to ensure that that consent is captured during the registration process or during the transfer-in process so that we're capturing new ones going forward.

David Plumb: Right. Okay. So I think because we have already spent an enormous amount of time on this issue, I'm going to set an incredibly high bar for adapting this, right, making significant changes because we really - what we need to do is say, you know what, I can live with this, right? If we can't, right, then we need to talk about that but...

James Bladel: I have a question.

David Plumb: Yes, go ahead.

James Bladel: And maybe I'm being overly hopeful or naïve here, but are we obliquely solving our natural versus legal...

((Crosstalk))

James Bladel: No, all right.

Gina Bartlett: Okay.

David Plumb: We won't reach for that gold ring just yet, okay. But I just want to set a very high bar, folks - we don't need to hear everybody's opinion about this; all we need to hear is if I can't live with it and - but I could live with it with this minor change, okay? So I got Alan, I got Benedict and I got Diane, yes, and Mark, yes.

Gina Bartlett: The bottom one says - okay so step 1 is redact all organizations as soon as possible, step 2 is you notify the registrants that org is going to be public as of a certain date, and give them - the registrants then have to confirm that the data is correct and consent to make it public. It'll be like grayed out; they'll be able to see it. If no response or no approval, then they will blank out - the registrars will blank out the org before publication. And then if there's new registrants they will be notified that this - the org will be public and they have to consent to have their org public. That's the proposal. Okay...

Milton Mueller: Okay so it's not opt - it's opt-out rather than opt-in for new registrants?

David Plumb: No, it's still opting in.

Gina Bartlett: No, they'd still have to opt-in for new registrants because they have to have the information that it will be public, so it's opt-in, you have to opt-in.

David Plumb: Okay, Alan.

Alan Greenberg: Two questions to clarify to make sure I understand. Number 1, is Number 1 a registrar may redact immediately or must redact immediately? You know, can they assess their own risk?

James Bladel: I think that's fair. I think we want to acknowledge that it's not personal information but it could be personally - it could be used to re-identify and we also want to give a nod to data minimization, so I think may or must is fine.

Alan Greenberg: Yes, we also have registrars who specialize in corporate customers.

((Crosstalk))

Alan Greenberg: Yes and...

David Plumb: Yes right.

Alan Greenberg: And would it be acceptable to send out the opt-in, opt-out prior to the blanking out date? That is give them notice ahead of time?

James Bladel: I think the important date for them is the date that everything is going to be re-published if the registrar redacts so I think that is, again, this question of timing, yes, whatever. Can be done via email, can be done via Web, could be done with a contract in front of them for a corporate registrar.

Alan Greenberg: And I also presume if you accept the registrar "may" they may choose to redact but on a different - on a later date?

((Crosstalk))

Alan Greenberg: So in other words, they can make sure they're giving their customer the option of keeping it before it disappears.

James Bladel: Yes, the key here is I think to respect the diversity of registrar business models, all the different markets that they serve, whole, retail, corporate and in all the different languages and really kind of give them some flexibility to get this information, this informed consent in front of their customers in a way that after that date and the go-forward date that we can trust the information that's in registrant org before we publish it.

Alan Greenberg: With that level of flexibility I can accept it.

David Plumb: Great, okay. Who do I have? I had...

Gina Bartlett: Diane.

David Plumb: Diane, Benedict and then Mark, yes.

Diane Plaut: Yes...

Mark Svancarek: You sound so disappointed - yes, Mark.

David Plumb: Then I have to hear from Mark. Okay, go ahead.

((Crosstalk))

Diane Plaut: Yes, we're in support of this but we're just wanting to better understand the benefit of doing step 1 and step 2. We tried to discuss that offline but isn't that, Number 1, administratively difficult? Number 2, what's the real legal justification for doing that at this juncture? And also, isn't that in thinking about the protections, you know, protections and availability of information to the community as it exists today, like what's the benefit within this small period of time to not just jump into Number 3?

And also, I just want to lastly just say, you should also, you know, you'll consult legal counsel on whether you need to do that form in that way. You might be doing more than you have to do and it might have negative effects, but that you could resolve on your own.

James Bladel: Yes, I think if I could respond, I think first off all of this stuff is subject to the bossings by various lawyers from all over the world so we can just assume that's going to happen. I always check that box later.

David Plumb: Okay.

James Bladel: The question really of why do Number 1, why not just jump in, and we kind of had this, I think there's a number of reasons, not one slam dunk reason. I think one is because this question of whether registrant organization is personal data or not or can be used to re-identify is very squishy. I think the principle of data minimization of - until we're sure, until we have confidence if we believe there's a vulnerability then, you know, act out of caution, not, you know, not confidence.

And I think the other thing just in practical terms is for the folks who are out there right now as we speak, every millisecond that ticks by, that are archiving and harvesting and archiving new registrations that are going to happen during that now and that future date, those will be exposed forever if we don't, you know, essentially close that window whenever we can, whenever we're legally allowed to close that window.

So that, to Alan's point, may not be the choice of all registrars given that - their markets and their - your mileage may vary I think is what we usually say - but for a retail registrar that's serving, you know, millions of customers all over the globe, we want to maximize protection for them and get their data - only expose their data if they know why and where it's being published.

David Plumb: Thanks so much, James. Benedict.

Benedict Addis: Hi, James. Awesome proposal.

David Plumb: Great. Nothing more to say.

Benedict Addis: That's it.

David Plumb: That's great, seriously.

Benedict Addis: No, not quite.

David Plumb: Seriously.

Benedict Addis: Yes, a couple of things, no, no, really not - this is important. So 1, 2, 3 is one thing; 4 is a different thing, 1, 2, 3 is existing and historic; 4 is about new registrations going forward. The key thing is that we try to solve our legal and natural problem in 4. Forget what's gone before, but 4 should be about taking a declaration. And I'm really fine for that to be opt-in if that makes everybody

happier so I'm really happy for the default for it to be a checkbox, the default is you're a natural person, if it's checked you're a legal person, click here to see what we mean by that. Okay?

But there's no sense - we're so close to a solution for legal and natural with Point 4 that there's no sense in trying to swerve it at this point. So if we're talking informed consent, this is really, really the informed consent bit. So my proposal would be to say - would be to not solution there in Point 4 but to say new registrants, registrars would be obliged to inform registrants that they will be treated as natural persons unless they opt-in to a - as legal persons, and this will - this may mean that their registrant org field, we publish. That's the result of their decision. We're not solutioning for a particular topic, that's my proposal.

James Bladel: Okay.

Benedict Addis: A minor point on 2, we're not - I don't think we're talking about consent and that's a warning for - I think that's a warning for everyone. I think consent is a different regime and that puts you in all sorts of positions of having to manage opt-outs because consent implies opt-out. So I just - I'd just for all of us neutrally I'd say probably avoid informed consent but maybe that's one for Ruth to opine on.

David Plumb: What's the word to use then?

Benedict Addis: You're assuming I put my contact lenses in this morning. I think it's - I think the word Ruth has been using has been a...

David Plumb: Agreed.

Benedict Addis: Not quite, what was it?

David Plumb: Okay, we can come back to it.

Benedict Addis: Anyway, thanks.

David Plumb: Okay. So just as a quick thing on - yes, no, hang on one second. I would love on the natural and legal, I think that's a really exciting idea to be able to fix that problem through this, however I don't want to reach for that ring right now. I would like to put some closure around this and then see if we can plug and play a natural/legal conversation into the back of this, okay? But hang on one second. Alan, please, what you got?

Mark Svancarek: Mark actually.

David Plumb: I mean, sorry, Mark, yes.

Mark Svancarek: Okay yes...

David Plumb: And Milton, yes.

Mark Svancarek: I'm disappointing, I'm unidentifiable...

((Crosstalk))

Mark Svancarek: Okay. Mark Svancarek. I like this proposal, I support it, I just wanted to make - and also I think that it brings us, you know, one step closer to solving the legal natural thing; I don't think it inherently solves it, I just think it's an aspect of solving it. I just wanted to make a clarifying point, I've heard some concern that with the immediate redaction that people who don't want their data redacted people, you know, like Microsoft Corporation who would like to keep published, I feel like that's an orthogonal problem so if you've already agreed that your information will be published then this redaction would not necessarily apply to you, so I think that's a completely separate topic and it shouldn't stop anyone from adopting this proposal.

David Plumb: Great, okay. Okay. Milton and then let's see what we can do, and James, you can close us off and...

((Crosstalk))

David Plumb: Okay Milton first and then...

Milton Mueller: So we sort of like this but I don't think we can live with it unless in Step 1 it's not "may redact" but "the registrar must redact" and that's because I think should be pretty obvious, we - registrars are going to make that decision based on their own risk and not based on the risk to the registrants, particularly if they're consumers. Now I know that that would make it apply to many registrars who have primarily corporate customers, I think that's a minor issue; it would be critically corrected once they were notified.

But for the tens of millions of consumer registrants, I think unless you make it a uniform policy that this is what all registrars are going to do, this is not an appropriate solution to the problem, there would be all kinds of holes in it.

David Plumb: Can I suggest something here? Because this may be just a confusion on timing, what if the language was you must redact, right? And hang on, and there's this date where it definitely is going to get redacted unless all these things happen. And the "may" is about whether you do it like ASAP in which this thing gets blanked out unless you had this affirmative action from the registrant, right? That's part of it baked in; that's a must, right? It's a blank, it's not a redaction at that point. So you see what I'm saying, Milton? There is a "must" built into this, it's just a question of when, right?

And what James is asking for is let me do this now if I see myself as having some risk. Everyone's going to have to do it by this date that we set, January 1 or whatever it is, you see what I'm saying?

So I don't want to - I don't want anyone to get confused with the "may" that somehow it's your skinny-out for the long term. No, this is just may do it right away like tomorrow, whenever this happens; and everybody on his date is going to have this new regime which required for legacy stuff to have affirmatively said yes. You see what I'm saying, Milton?

Milton Mueller: Sort of. But the step that you're talking about where it must be redacted is not in that list, so put it in and I'll be happy.

David Plumb: Okay. So the date - where's the date? It's...

Gina Bartlett: Notify registrants that org will be public by X date. I mean, the date - I just put X date because I think the date - we can put January 1 in there again.

David Plumb: No, it says everything else is - the key is - excuse me, guys, on that date there is no organization information unless you had an affirmative response.

Gina Bartlett: Right. If no response or no approval...

David Plumb: It's blank.

Gina Bartlett: ...it's blanked out before - or at the publication date, it will be blanked out at the publication date.

David Plumb: So you see that? So...

Alan Greenberg: Blanked out is not redacted, it disappears.

David Plumb: Yes, it's gone.

Alan Greenberg: Erased.

Milton Mueller: So in Step 2 you should be saying then all registrars are notifying all registrants that org will be redacted...

((Crosstalk))

Milton Mueller: ...not public, will be redacted by X date unless...

David Plumb: Yes, will be - or blanked out or redacted or whatever, yes. It'll be gone.

Milton Mueller: Unless they tell them otherwise. That would satisfy - thank you.

David Plumb: Yes, great. Thanks. So we cleared up that problem. Super. Okay, given that, James, is there anything else to say? Alan, I really want to just bring us home on this. James...

((Crosstalk))

James Bladel: Yes so I was just going to channel you which is, you know, this is one of those things that we could spend five hours on it and make it much, much, much, iteratively worse and more complicated and less effective...

David Plumb: Right.

James Bladel: ...because that's just our culture at ICANN. Can we just maybe take this away and say...

David Plumb: Yes.

((Crosstalk))

James Bladel: ...this is a pretty close - not a win maybe but pretty close to a win and then maybe come - like socialize it with our stakeholder groups and...

David Plumb: Yes. And Milton's clarification was really important so - because if there was a misunderstanding we had to clear that, that was very important to do. But I think if we all get the gist of what this is about we understand what's happening, we understand that there has to be an affirmative I want this to be there and if it's no affirmative for the legacy stuff it's gone on a certain date, okay. And then on go-forward you have an affirmative, I understand this is going to be made public, etcetera. Okay? Under these conditions. Right.

Gina Bartlett: So Trang - Trang, yes...

Trang Nguyen: I just have a question and a request, that's all.

David Plumb: Okay. But on that, are we able to walk forward with our solution here for org with this? Everybody able to walk forward with this as a good response to all the concern, public comment, etcetera?

Gina Bartlett: I want to remind we're going to go to city and email and then people wanted to revisit the whole package just - I want to have that out there.

David Plumb: Fair enough, yes.

Gina Bartlett: Can you please use your mic?

Hadia Elminiawi: Hadia Elminiawi for the record. Where does it say that it's going to be public again by that date or by...

Gina Bartlett: Well, the org will be redacted by X date or, you know, the date that it will be public if people have opted in. Okay?

Alan Greenberg: So it'll be redacted by one date and erased by another date if you don't take action.

David Plumb: Yes.

Gina Bartlett: Okay. That's a good way to put it, okay. Okay, so can we move onto city?
Okay, Trang. Trang, I'm sorry, Trang.

Trang Nguyen: Sorry, I had a question and clarification on what - some of what Alan said. If we could be clear when the text is written up what is - I'm not sure I understand what "blanked out" means so if that actually means like the field will actually be deleted then let's say "deleted" something...

Alan Greenberg: Yes.

Gina Bartlett: Yes.

Trang Nguyen: Made clearer, so that's a kind of a question and request. And then also just kind of make sure to think through that some of the organizations maybe using the organization field to identify themselves and then just putting, you know, something in the registrant name field as a placeholder type of thing and so if you automatically redact - or delete the org field, you know, what may be the impact? So...

Gina Bartlett: Okay. So I think we should like - this is a go-forward and now we can move to city. Kavouss, can we move onto city? Okay.

Kavouss Arasteh: I don't understand what is on the - or what is this one?

Gina Bartlett: Oh that's the same thing as what's written on the flip chart. The language may be slightly different but we'll reconcile that. It's what we've been discussing as far as the response to the org field that we have written up here.

Kavouss Arasteh: No, if you want to do that you have to be quite clear so there is no meaning, as soon as possible, and there is no meaning this EPDP, what do you mean by "this"? You should have as of the date and put the date in Number 1.

Number 2, there is a - some sort of contradiction with the Number 1 and Number 2. Number 1 say that as soon as possible will be redacted. Number 2 saying that they will be notified that will not be redacted, they will be published. So it seems to be a little bit of confusion. And then again, say 1st January of this - which year. So it is a lot of things to be done.

And then what is the vehicle to implement that? Whom to address? Who will do that? How will be done that? It is sort of the resolution by the Board? What is - so we are not decision making on this, we just recommending something. So there's a lot of administrative things to be done with respect to these five points. Thank you. I don't agree with them.

Gina Bartlett: Thanks, Kavouss. We're - thank you for pointing out those needs for clarification. And I think part of the idea of socializing it and getting more detailed is to really figure out and reconcile those pieces. But for right now we have a straw proposal to move forward with and we'll need to come back to those specifics, so thanks for pointing those out.

Okay so we need to go to city. I've had someone request that we really try to have one spokesperson per group. I know it's super hard. I just said I would put it out there. I know it's difficult to do. But wherever possible if you could identify one spokesperson per group that would be great. I just want to point out that it's 11:30 I think and what time is lunch? Lunch is at 12:30 so I'm just giving you all a time check. Our goal is to get through these recommendations to the greatest extent at least 8, 9 and 10, before lunch. Okay?

So email, can somebody...

David Plumb: City.

Gina Bartlett: I'm sorry, city, sorry. City, I looked at email and it popped out of me. Can somebody frame up the public concern around city? Can somebody do that

for us? What is the issue and how might we move forward? Don't all jump at once.

David Plumb: Do we need to - do we need to do anything else on city that we haven't already done in the recommendation?

Gina Bartlett: So city was one of the public comments tied into Recommendations 8 and 9 and we need to agree on how to be responsive to that public comment and if there's any recommendations out of the team on city. Thanks, Margie.

Margie Milam: Sure, I'll tee it up. So the question is whether city field is considered personally identified information. And we believe that it isn't, so that's why we think it should be published especially because it's an important factor in deciding whether you have venue for lawsuit, as an example, of jurisdictional issues.

And so we don't see the justification for having it be redacted and so that's the - one area that we think would make it a little more - easier to be able to determine whether you have a claim against someone if they're, you know, and where to bring the lawsuit, so that's the reason why we think that city field shouldn't be redacted because it's not personally identifiable information. Thank you.

Gina Bartlett: Thank you, Margie. So a proposal is on the table to not redact city. And I've got Alan and James in the thread and the Trang, are you in? Okay.

Alan Greenberg: Thank you. I don't have a very - a strong position but I have concerns about this one. If we're talking about Los Angeles, New York, Cairo, it's not a problem at all. And I understand in places like California, you may have different jurisdictions within the state so the state does not delineate it enough.

Most places, state will tell you - certainly will tell you the jurisdiction, it may not tell you which court to file in but there are many, many, many places where a - in small towns where the city does effectively identify you. And so I have some concerns about using city unless we could delineate big cities versus small cities and I'm not sure that puts a reasonable load on registrars.

Gina Bartlett: Okay, I'm going to go - thanks, Alan. Go ahead, James.

James Bladel: Yes, I just surprisingly, I don't think that this is something that we have a whole of hard feelings about either. I mean, we heard a number of reasons why a postal code can sometimes narrow things down to one building or, you know, one block and so I think we had some significant - the privacy experts had some concerns and heartburn about postal code but city? No.

Gina Bartlett: Okay, Alan Woods.

Alan Woods: Alan Woods for the record. I think this goes to one of Thomas's points where, you know, we have to look at this at a whole at the end and see if the city would make a difference but on its own right I don't see how it could make a huge issue.

Gina Bartlett: Back to you, Alan G. Given that what you've heard, does that change for you anything?

Alan Greenberg: Increases my level of comfort significantly.

Gina Bartlett: Okay. Back to Margie, and I'll come to you, Milton.

Margie Milam: Sure, I was just commenting that because if it's - think about it, if it's a natural person you're not seeing the name, right, you're not seeing the address, you're just seeing the city and so how does that...

((Crosstalk))

Margie Milam: What's the cross reference I guess...

((Crosstalk))

Alan Greenberg: The name or the purpose of the Web site in a small city may well delineate - I said it's a level of discomfort, it's not something I said I couldn't live with, I was just raising a level of discomfort. And with what - if the registrars are comfortable...

((Crosstalk))

Gina Bartlett: They're okay with it.

Alan Greenberg: ...I'm happy.

Gina Bartlett: Thanks for reminding us of that. Milton.

Milton Mueller: Yes, we're not in favor of publishing the city. We, you know, it's just you cannot look at these things in isolation and so, oh, this particular field does not individually identify a person. We all know that modern information technology allows you to cross reference millions of fields within seconds and that people can narrow it down very quickly and very easily with two items of information. If indeed you're talking about a lawsuit it seems to me that you're going to get not just a city but the name and everything else if you are filing a lawsuit or a UDRP even.

So we're talking about what needs to be published, not what can be accessed at some point or another and I just don't see anything other than - I mean, we know there's a caucus or a faction that wants the old Whois back and as much data in there as possible, and the more fields that there are in there the better job...

Gina Bartlett: Okay.

Milton Mueller: ...why are you interrupting me?

Gina Bartlett: Go ahead. Go ahead. Excuse me.

((Crosstalk))

Milton Mueller: But it's - the point is there's - we're going to have this debate about every data element. There's even people who have advocated that the email not be redacted, now even though we know that's illegal under GDPR. I just - it's obvious that you can die a death by a thousand cuts here. You - we will resist adding any data element, we don't even think that province needs to be in there in the generally published data. So we're against city.

Gina Bartlett: Back to you, Margie.

Margie Milam: Sure. The other thing that I forgot to mention was that with the city, that helps you determine what law actually applies. Like you look at the precedent from that court system to know whether you have a claim at all. So you may not even get to the point of asking for a full Whois record just by being able to know, okay, well if I want to bring the case in that court I'm probably not going to - I'm not going to win, or, you know, and so it's actually an important factor in determining what rights you have.

Milton Mueller: Can I just ask you a question about that? What cities do you know of that have different trademark laws?

Margie Milam: Not necessarily trademark issue. There could be other - we're not focusing just on trademarks, this is - could be a civil claim. And the precedent in the California courts, for example, in Los Angeles you'll have a very different answer on some issues than you will in San Francisco and that's what we're talking about here. Thank you.

Gina Bartlett: Thanks for that clarification to you both. Mark and then I think we'll check in.

Mark Svancarek: I request that Milton not call people factions or assign certain just whatever, you know, pass opinions or pass judgment on us as a group.

David Plumb: So I think on a broader issue there, folks, one of the good practices we can all do is really speak to what's important and what you understand to be the concerns of others but not put words in other's mouths. Okay. So where are we, Gina?

Gina Bartlett: I think where we're at is unless I'm not mistaken, we're divided in the sense that Non Commercial stakeholders do not see a justification for having city be disclosed. They would propose that city be redacted but I have the sense that the others in the room are comfortable with that being disclosed. So...

David Plumb: Can we test that just for a second? Is there anybody else besides the folks here in Non Commercial that are concerned with making public city - disclosing city? Are there others that have concerns about that? Just be a good time to express those. Alan's expressed sort of a low level - but he's good.

Gina Bartlett: He's okay with it now.

Alan Greenberg: And I've withdrawn my concern.

David Plumb: Okay. Okay. So one pathway forward is we say let's just walk forward and make a note in the text that Non Commercial believes that city should be redacted. That is one quick way to do - move forward. I'm not sure what the other pathway is unless you all want to suggest another pathway besides that.

Milton Mueller: Trade you the city for the state.

Gina Bartlett: You mean redact the state and publish the city? I'm sorry, they said I said it wrong. You're proposing to - could you just state it, Milton, I'm sorry.

Milton Mueller: We would withdraw our opposition to redaction of the state - excuse me, to redaction of the city if they allow redaction of the state.

Gina Bartlett: Do you all need a minute to chat?

((Crosstalk))

Gina Bartlett: Okay.

Milton Mueller: ...not a serious proposition? And why is it so insulting for me to call you a faction, which you are, and you dismiss that as a...

Gina Bartlett: All right...

Milton Mueller: ...non serious proposition?

David Plumb: Folks, hang on a second.

((Crosstalk))

David Plumb: Guys. No, no, no...

Gina Bartlett: No, no.

David Plumb: No. No. Think about what's happening. Think about how many things we've been moving over to the other side, right? Think about how constructively we've been working together. Let's not take the bait to go down this kind of path. Okay. Let's not do it.

Gina Bartlett: So.

David Plumb: If we want to stay, you know, I think it's fair to say that proposal doesn't work for me. You have to say that in a respectful way. And now we have to say this is far as we got on this issue. I think if that - if there's one group that doesn't believe it and other groups are feeling fine, we should probably move on and then we'll check at the end and see if there's been any change. I think, Gina, that...

Gina Bartlett: Okay.

David Plumb: ...would be a great - hang on.

Ayden Férdeline: I apologize for speaking up but that was not the approach that we used yesterday. When there were concerns that were raised we had 90% agreement and there were concerns by two individuals in the room and we spent, what, two extra hours wordsmithing to get to a level of satisfaction with the text.

((Crosstalk))

Ayden Férdeline: Yes, and now we're simply looking to brush our concerns aside and to move on.

David Plumb: Yes, I certainly don't want anyone to feel that we're brushing concerns aside; I'm trying to figure out if there's a pathway to addressing those concerns, right. And I don't know if we want to try on the fly to find that pathway or if we want to set aside right now and say we can come back and maybe we can have a quick conversation to see what are some options that might address those concerns.

Milton Mueller: Well I proposed a specific option and it was laughed at, okay? Now...

David Plumb: Okay.

Milton Mueller: ...what does that tell you about the issue we have here? Why should we make any concessions when they are not willing to make any?

David Plumb: Okay.

Mark Svancarek: That is a misrepresentation.

David Plumb: Okay. Folks.

Gina Bartlett: So why don't we do this, just briefly, could someone who does not support the idea of redacting state and publishing city, could you explain why that doesn't feel feasible so that the Non Commercial...

((Crosstalk))

Gina Bartlett: I said it wrong again?

((Crosstalk))

Gina Bartlett: No, you said that to redact state and publish city; that was the proposal we understood from you.

Milton Mueller: I'm sorry, you didn't understand it. So it was that we would withdraw our opposition to redacting state if they would agree to redact city.

Gina Bartlett: You would withdraw - oh thank you, that's an important clarification.

Mark Svancarek: Oh, I misunderstood what you said.

Gina Bartlett: Okay so the proposal from Non Commercial is they would withdraw the opposition to redacting state, thank you, Milton, in return for redacting city. So that's why I said do you need to talk for a couple minutes?

Thomas Rickert: I'm lost. I'm sorry, I'm lost. Can you...

((Crosstalk))

Gina Bartlett: So you would...

((Crosstalk))

Gina Bartlett: You would publish - you would be able to publish state and Non Commercial stakeholders would not oppose publishing state?

David Plumb: Is that what it is?

Gina Bartlett: Yes. But no city.

David Plumb: Milton, can you say it just one more time?

Gina Bartlett: Yes.

David Plumb: I think...

Gina Bartlett: Publish state and not city.

((Crosstalk))

Milton Mueller: It's a complicated thing. We are opposing publication of two data fields, state and city, right? We would say that if they - the people who want to publish both of them are willing to compromise and are willing to not publish the city, we would be okay with publishing the state.

David Plumb: Okay.

Milton Mueller: We are certainly not going to support publishing both.

David Plumb: All right.

Gina Bartlett: Okay does everybody understand the proposal? And to do folks need a few minutes to talk in their group about it? No. Okay so I've got Mark and James and Georgios. I know, we're trying to have one spokesperson per group so maybe the two of you can chat for a second. Yes.

Mark Svancarek: In the United States at least, every state has at least one Springfield, most states have at least one Shelbyville, so having city without state is not a practical solution.

Gina Bartlett: Yes, that's not what he's proposing. He's proposing that you have the state, you publish state, and not city; publish state and not city. James.

James Bladel: So, question, where'd Trang go?

Gina Bartlett: Trang?

James Bladel: Isn't that what we're doing now under the temp spec? So that's what we're doing now.

Gina Bartlett: What is that?

((Crosstalk))

James Bladel: We are publishing the state, we are redacting the city. This is what we're doing now.

Man: State province.

James Bladel: Okay, state or province, right.

((Crosstalk))

James Bladel: And in some cases, like I'm thinking in like Bremen and Hamburg and stuff like that, that there are some situations where the state is - or the city is the state or something, but going down those rabbit holes I just want to make sure I understand because I think we're probably okay with this proposal to publish the state/province and not the city, because we didn't have heartburn about the city. But if this gets us there, okay.

Gina Bartlett: Okay. Georgios, thanks for waiting.

Georgios Tselentis: Just wanted to ask Milton, there was - if I understand well there is a different level of privacy threats in the city and the state; this is what you are saying. And you are happy to leave the privacy threat of the city, if I can see what you are suggesting here, regarding the possible danger of what exactly? I'm trying to figure out in the proposal that we are making, do you recognize that there is a possibility of threat there at the level of the city which is not addressed there? And if not, can you make - why do you put the redline between those two fields? Why you are ready to accept the one and not accept the other? Just I'm trying to understand the...

Gina Bartlett: Thanks, Georgios...

Georgios Tselentis: The justification behind your proposal, not as a compromise, as a compromise...

Gina Bartlett: Yes, yes, yes.

Georgios Tselentis: ...for...

Milton Mueller: So the - I think most questions of jurisdiction are resolved - if you have nation and province I think you've got about 95% of any jurisdictional variation that you could think of. On the other hand, if you go down to city and then with cross referencing information and various kinds of tools, you are getting very close to identification of particular individuals or organizations. And the net gain of that in terms of do you really need to publish this, it's not clear to me that - what the net gain is.

And again, assuming that people who have serious legitimate interests in disclosure will be getting all of the record, it's not like it's - the information is gone, it's just not published for anybody and everybody to harvest and resell.

Gina Bartlett: Okay so we're going to take a one minute break and we want you to talk to your group. I see you, Kavouss, could you talk to Georgios just for a minute and I'll start with you when we come out?

Kavouss Arasteh: Different issue please. Give me the floor, is different issue.

((Crosstalk))

Kavouss Arasteh: No on the same subject but different as he said, yes.

Gina Bartlett: Okay, I'm just going to take Kavouss and then prepare yourselves, we're going to do a one-minute within your group and the question will be, what does your group think about this proposal? Could you live with it? If not, what would you suggest? Okay? And we'll do a round to hear where we're at and then we're going to figure out how to go forward. Kavouss.

Kavouss Arasteh: Yes, I think that the redaction or otherwise of a field should be discussed and debated on its merit. It is not we trade between different field saying that if you accept that I accept this. This is not correct. We are not trading. You accept this one, I accept that one. I withdraw this provided that you agree

with this one. I don't think that that is the case. Case should be discussed based on the merits and the necessity. We are not trading here. Thank you.

Gina Bartlett: Okay, one minute - thank you, Kavouss - one minute in your group to talk about this proposal and then please identify a spokesperson for your group. Please identify a spokesperson for your group. Can you live with this proposal or is there anyone who can't in your group - is there any group who can't?

James Bladel: I be the spokesman and we can live with this proposal.

((Crosstalk))

Gina Bartlett: It's still my first one so I guess I'm not...

((Crosstalk))

Gina Bartlett: Okay so we're going to come back together. Can we get everybody back together?

((Crosstalk))

Gina Bartlett: Okay, folks, so everybody took a break to see where they were at on the proposal that came out that - I just want to clarify as I understand it - that previously the group has talked about publishing state but in the Non Commercial Stakeholder comments on the initial report they registered their opposition to publishing state. That's correct, right, Milton? And so the idea was that they would withdraw the opposition, Non Commercial Stakeholder Group would withdraw the opposition to state if city would be redacted.

So we heard from the Registrars, they're open on this. I've got Diane down here to respond. If we are unable to agree then what - I've talked to Kurt - what we're going to do is set this aside and go onto email and we agreed

early this morning we would revisit the whole package, so we will set this aside if you cannot agree and come back to the - go onto email and then come back to the package. So, Diane, where is this end of the table on the proposal?

Diane Plaut: This end of the table, including the IPC...

Gina Bartlett: ...use the mic.

Diane Plaut: Oh pardon me. This end of the table, including ALAC, BC, IPC, we don't agree to this; we don't think this was ever on the table as a proposal. This item is not in there for litigation purposes. As Margie said, this information is needed. And there's no legally justifiable reason otherwise to agree to it.

Gina Bartlett: I got to call my son.

David Plumb: Okay I'll deal with it. Okay, all right so you see no pathway forward with this, folks? No? No pathway forward. Okay, Alan, for you guys over here in ALAC?

Alan Greenberg: I'm sorry, I thought we worked by consensus, not necessarily unanimity?

David Plumb: Yes. Yes, we're just testing. Like...

Alan Greenberg: So - all right so...

((Crosstalk))

Alan Greenberg: ...I think we have a pathway forward but maybe I'm misunderstanding...

David Plumb: Which? Which? Which? This one or the - or what we were talking about before, to redact...

Alan Greenberg: I've lost track. I cede.

Matt Serlin: This is Matt for the record. Sorry, so just to be clear, this is not the status quo. What we have right now in the temp spec is simply to publish state and province. What they want to do and what set Milton off was to add city, so this is not - the status quo would be what we've got up there, what Milton was proposing, so we are not left with the status quo.

David Plumb: Great. So but to be very clear, you all are saying the temp spec status quo is something you don't want to agree to as a result from this deliberation? Okay.

Milton Mueller: Can I ask Trang a question?

David Plumb: Sure.

Milton Mueller: Trang, the temp spec was pretty much a product of ICANN. Why did you decide to redact city in the temp spec?

Trang Nguyen: Not sure that I can answer that question on the spot, Milton, and we would need to confer with some of the other ICANN Org folks that contributed to the drafting of the temp spec. But happy to take that question and then come back to the group with the response.

David Plumb: Okay great. Just hang on one second, Stephanie, I'm going to go down to this other group here. Are you all - Benedict, were you going to speak for you and Ben?

Benedict Addis: Yes, we're generally good with the status quo. I was going to make the...

((Crosstalk))

David Plumb: Being this...

Benedict Addis: Yes.

David Plumb: ...as the status quo? You're good with this.

Benedict Addis: The status quo - yes, the status quo. I'll make one observation that law enforcement in the US prosecutes based on district and there are - in some states that are multiple districts per state so this will be difficult, this will add complications for them.

David Plumb: But you're okay with it?

Benedict Addis: I think there are ways to manage this as Milton has described.

David Plumb: Okay.

Benedict Addis: Thank you.

David Plumb: Great. And folks from the GAC, how do we feel about this proposal, which to be clear, is what is in the temporary spec right now, right? So this would be a continuation of - it's essentially continuing the temporary spec. How do we feel about continuing the temporary spec with publishing state or province and not - and redacting the city? Kavouss, yes.

Kavouss Arasteh: I have no problem to continue discussion, I have no problem to set - to act on any issue but I don't want to make an exchange between the two. You agree with this, I agree with that. It should be discussed separately on their merits. Thank you.

David Plumb: Great. Thanks, Kavouss. And just to be clear from the GAC's perspective, looking at the merits of what's in the temp spec which is this - what's right on the board there, which you publish the state, province, whatever level that is, and you redact the city. How does the GAC feel about the continuation of the temp spec?

((Crosstalk))

Kavouss Arasteh: Yes.

Georgios Tselentis: Yes, the GAC made comments and we were against the redaction of the city. We gave the rationale and it was discussed thoroughly before. We don't want to repeat the discussion.

David Plumb: Okay. Okay. So we're going to need to just note where we are, folks, which is the continuation of the temp spec, which is this - what you have on the board. If we go forward with that, we would not have a full consensus and we would probably have two stakeholder groups, the GAC and over here, the Commercial folks, would make some other opinion that they think it would be appropriate to publish the city.

If we go forward with what we talked about earlier, where you publish the state and the city, we would have the Non Commercial folks making a minority opinion saying we don't agree with the publishing of city, okay. That's where we are right now. I just want to say let's put a pause button on it to say we don't have a consensus pathway forward, full consensus pathway. We have two options that drop various people off depending on which option you take. Okay. All right...

Alan Greenberg: A point of order.

David Plumb: Yes.

Alan Greenberg: I'll like to register my dissatisfaction with how we've handled this. We had a proposal on the table; we should have addressed that proposal and closed it out instead of halfway through switching to a different one. Thank you. Noted.

David Plumb: Okay. Thanks for that. I will say, and again, speaking in the microphone here, that my understanding, and you all can correct me if my understanding is

wrong, is that when we were speaking about having the city be published, right, we had a willingness to do that from everyone around the table except for one group, in this case was Non Commercial. When we did an alternative proposal, which is to keep the temp spec in place on this and not - and to redact the city, publish the state, then we had a willingness to walk forward except for the Commercial parties and the GAC. Right? And ALAC. And ALAC. So that's what I didn't understand from your position, Alan, on this.

So my understanding is two to three stakeholder groups are not okay with the continuation of the temp spec, what's on the board. So we're just leaving it like that right now because we're not going to put more time into it right now; we're going to see if there's a way to package this and put this and have it make sense, but we're noting it right now that that's where it was when we tested these two alternatives. Okay? All right.

Okay so in that sense, we should continue to wrap up what we have or what we can have wrap up from 8 and 9, right, which email, right, we have an email issue which could bleed into Recommendation 10. And I wonder if someone could frame up the email issue and we can make a quick decision whether we read the public comment on Recommendation 10 before we attack the email issue? Okay? All right.

So in terms of email, what do we have that is - that we have to address from the public comment from Recommendation 8 around email? What do we have to address here? James.

James Bladel: So having - yes I know, I told you, maple donuts. So my understanding is that the public comments had a number of individuals and groups pointing out how the utility and the value of email as a means of identification and contact, while the other comments pointed out that if ever there were a field that we would indicate a slam dunk for definition for personal information and really not collateral damage from GDPR, but the point of GDPR, was email.

So I think we're straying into another binary ditch but I think it's our position I think from the Registrars that email is really very solidly on the side of the redact line.

David Plumb: Okay great. So what James is saying is, wow, this seems like you are in a really weird zone if you're trying to suggest that email should be made public, okay? So I'm sorry to paraphrase...

James Bladel: No, I'm acknowledging the value of having it...

David Plumb: Right.

James Bladel: ...but also pointing out that it's not really in a gray zone in our opinion.

David Plumb: It's a pretty slam dunk zone for you, okay. So for those, quickly, and before I jump to Milton because I have a feeling you're going to echo what James said, correct me if I'm wrong, but for anybody here who would want to make the case for publishing email for the reasons that were set out in the public comment, now is the moment, right? And we're going to see if there's any there, there and then we're going to move on, all right? So if anybody here wants to make the case around publishing email, this is the moment to do it. Alex.

Alex Deacon: I'll give it a shot. In the comments we made we made several points; one is that we felt that the registrant can always be sufficiently informed that publication of the email is required and necessary. And you could also tell the registrant that they have the ability to use an email address that doesn't identify them, there's several free email services that they could use in this case for the registration of a domain name.

We think that the masking of the email addresses unduly - thank you - restricts the protection of consumer's enforcement of IP and commercial rights and prevents parties from settling disputes amicably related to online

infringements. We appreciate the risk associated with receiving unsolicited emails, but we think on balance, they can't outweigh the accountability and transparency that comes with owning a domain name and providing that email address allows.

David Plumb: Thank you, Alex. So I'm going to bounce right back to you, Alex, to say, you heard what James said that this from their perspective and others, you've seen the public comment, is a slam dunk of GDPR in terms of privacy and personal data. And so the bar needs to be extremely high. Can you think of any ways, and maybe this strays us into Recommendation 10, I don't know, but can you think of any ways of addressing what that - those folks feel as a pretty solid situation that they're facing?

Alex Deacon: Not until I have a chance to talk to my colleagues.

David Plumb: Okay.

Alex Deacon: I think I'd like to take a break and...

((Crosstalk))

David Plumb: And take a break before you do it? Okay great. Okay. In that break why don't we do this, folks, why don't we take - jump into reading Recommendation 10, which has at least tangentially involves with the same issue, and while Alex is conferring with colleagues, let's all take 10 minutes - 5? Okay, we'll take five minutes and read Recommendation 10 and the public comment on it.

Okay, Alan, you want to make a comment before we take those...?

Alan Greenberg: I do. Individuals' emails, as James said, as Milton says, there's no way it's going to fly. Yes there are other ways you can find an email address, which is not personally identifiable. The issue of spam to redirect one's, you know, there are other methods of solving that. I think we need to focus on not let us

show everyone's email, because we're not going to do it, it's not going to happen, but are there other ways of addressing the people's concerns with the Web forms and the anonymized email? I mean, the general form...

David Plumb: Right.

Alan Greenberg: ...comment is it goes into a black hole, you know, if I'm knowledgeable I can't do a trace route from one point to the end because it hits a brick wall at some point that I can't see what's going on. I don't know if it was delivered. I have no acknowledgement. Can we try to address, and we're not going to solve it today, but going forward can we try to address the problems with the current email alternatives instead of just saying hitting our head against a brick wall and saying we want email?

David Plumb: Love it, okay. That's a great set of like things to think about while we move into this moment. So let's think about that, let's read through the comments on Recommendation 10, let's take five minutes, consult and then come back as a group and let's see if we can find a pathway and think about Alan's pathways for addressing these concerns.

Gina Bartlett: So we - so I just have some clarifications here. So email redaction, investigation and contact came up as a topic under Recommendation 8 and 9; 8 is redaction, 9 is org field, so maybe it came under 8, excuse me. And then - but what we're observing is that Recommendation 10 is on email communication, so it might be helpful to look at the public comments on Recommendation 10, email communication, because they probably overlap. Okay.

So we're at five minutes. Are people ready? Okay, can we come back together everybody? It looks like Ben wants to be in the queue.

Ben Butler: Thanks, okay.

David Plumb: All right, guys. Let's bring it in. Do you guys need more time? Do you guys need more time to make this - to talk? Yes. So there's a request for a little more time to talk. Sorry to bring you guys in like that. Can we just put another - Terri, can I get another two minutes on the timer? Thanks.

Ben Butler: ...the reason - the publication of a real email address may or may not outweigh the security implications, the balance that has to happen under 6.1(f). I wanted to - and then as a furtherance to Alan's point, it's not just the risk of spam that would happen if you publish the real email address. From a security standpoint, you're publishing a piece of data that is more and more the credential that you log in with to numerous systems.

If you publish somebody's Gmail address you have created a security attack vector so that bad actors can then go access - do a dictionary attack, get access to their email and cause all kinds of problems. So just as - as part of this balancing test, it needs to be noted that this isn't just a spam problem which could, to some degree, be mitigated by effective filtering and so forth.

The second thing is a proposal to address some of the concerns in the public comments as to the perceived ineffectiveness of a Web form as the email functionality. Several people commented that with a Web form there is a lack of trust. Alan commented that there's a lack - or a reduction in the amount of traceability that you can do at a network level to ensure that the email was delivered to the end user. Totally accurate.

As a proposal for a possible way forward, if we - if it's required for the registrars or registries, the contracted party that's making this Web form available, if it's required that they maintain logs in very much the same way that they're required to maintain logs for how they handle abuse complaints and so forth, and if a party, Alex's constituents or whoever, has reason to believe that the registrar isn't doing what they're supposed to do and delivering that message to the end user, they can contact compliance, the

registrar then has short time to produce the logs to show that they're - I mean, there's already mechanisms to ensure that this is happening.

David Plumb: Okay.

Ben Butler: It's not as immediate as a, you know, a trace route or something like that, but there's already mechanisms in place that we can raise the level of confidence with Web forms and still keep the privacy implications that clearly need to happen under GDPR.

David Plumb: Thanks so much, Ben, that's really helpful. Okay so a specific proposal about having the opportunity to use logs and be able to request logs to ensure delivery. Milton then Matt. Right? Yes, Milton then Matt, yes.

Milton Mueller: Well I'm not sure why we are spending a lot of time on whether the email address should be redacted. It's...

((Crosstalk))

Milton Mueller: ...it's a question of how do you redact it while maintaining some kind of communication, is that correct? Okay. So we are not debating whether email address should be redacted because that would be a complete waste of time, it is clearly way outside the balance and we know that you are creating security and stability threats and it's interesting to me that some people are - don't seem to be as concerned about that as they do with access to the email address.

So what I'm concerned about when I hear talk of these mechanisms, elaborate mechanisms to - is that the temp spec has already pretty much solved this problem has it not? Have we not had a system in place now in which we are shielding the email address and what exactly has the problem - what problem has been identified with that? What is not happening that needs to happen?

David Plumb: That's a great question. Matt, do you mind if I jump back to Alex on that?

((Crosstalk))

Alex Deacon: Yes just for the avoidance of doubt, I'm - despite the comments and - from the IPC and a few others, I can only speak for the IPC, we - I'm not going to - I'm not arguing for fully unredacted email addresses, let's just make that clear. I do think - I have, as I mentioned, there are some concerns with the mechanisms described in the temp spec, and I'd like to discuss those. And also just for the avoidance of doubt, I fully understand that no response to an email sent means that no email has been sent. And I also understand that there is no obligations for anyone to respond to an email; I get it. I lived through the PPSAI discussion, so I understand how that works.

But when an email is used, let's just jump into - well when an email is used, an email address, and you send an email, if a hard failure occurs there is an indication back to the sender. And that is what we lose in a Web form and it's an important piece of information.

David Plumb: Great. So you're trying to solve for how do we know about hard failures? Okay, and just quick, Alex, when you heard Ben's suggestion about being able to request logs, how does that sit with you?

Alex Deacon: Well it's complicated and it requires compliance interactions which is always a challenge. I guess I'd need to think about it some more. I mean, I think it is one option.

Gina Bartlett: Okay thanks. Matt.

Matt Serlin: Thanks. Yes, this is Matt. So good points, Alex. Just a couple of things. So I think Ben's idea is a good one but I also want to throw out in the spirit of

trying to move us forward maybe another proposal that we could think about because we agree that the challenges that Alex highlighted are legitimate.

But I think what we'd be comfortable with is sticking what we have in the temp spec and maybe we can include some of that language that Ben proposed in terms of logs and things like that but then include a recommendation that kicks this to the GNSO to form an actual - another working group that looks at the methods by which the underlying registrant can be contacted, because we agree that the Web form and the anonymized email, you know, potentially are not the best means to do that but we also don't think that this group in the timeframe that we have can come up with a better solution. So that would be our proposal.

David Plumb: Love it, okay. So in the spirit of that, let's just think for 20 seconds, so what we named is we're trying to solve this problem of contactability and not lack of hard returns. There's some ideas about logs. And then there's a specific idea that you all make a mention where you name the problem and you ask the GNSO to go try to find some fixes to it. Yes? So we would need to write a recommendation about that. Okay.

Could anyone not live with essentially what Matt has proposed where you all make a recommendation to the GNSO to explore this problem of how folks who want to contact are having this impediment and there should be some pathway forward, but you all don't have the time or the bandwidth to come up with some solutions now. Yes, it's keeping the temp spec, yes. It's keep the temp spec as it is and you're adding a recommendation that names a problem and says, GNSO, please go forth and see if you can find some solutions and we recognize it. Alan, can you live with that?

Alan Greenberg: I wanted to point out that there were also comments, we made one of them but we're not the only one, to say there should be an option that a registrant can specify that their real email address be shown.

((Crosstalk))

Alan Greenberg: Pardon me?

James Bladel: The update is always...

((Crosstalk))

Alan Greenberg: Always - but - that's specified right now, so you're saying you'd be amenable to it?

David Plumb: Please, James, could you clarify that and then I'll jump over here.

James Bladel: I'm not sure whether the temp spec has it or something now, but we have said - I think we maintained that our position is there should always be an opt-in. We do have a segment of our customer base that uses Whois for marketing and advertising purposes and wants to be contacted through that means. So they...

Alan Greenberg: That's advertisement to go to Go Daddy; the question is should we have it in our rule?

James Bladel: I think we said that opt-in or consent-based...

((Crosstalk))

James Bladel: If someone actually tells us - demands that we publish their data, we'll get it in there.

((Crosstalk))

Alan Greenberg: I'll look. I didn't think it was in the temp spec; if it is, dandy.

Gina Bartlett: Matt thinks it's in the temp spec so the proposal is to continue - keep the temp spec, see how you might be able to add in some language around logs and then recommend to the GNSO to look at how to contact registrants to try to unpack that problem more fully in the future. Okay.

((Crosstalk))

Gina Bartlett: Georgios has been waiting for a while and...

((Crosstalk))

David Plumb: Okay. So we'll do Georgios, we've got Margie and I know Benedict wants to weigh in right on that issue of whether it's in the temp spec or not. Georgios, please go ahead.

Georgios Tselentis: Very quickly, I wanted to ask because the option of having anonymized email was quickly disregarded and I didn't hear the reason for that. We have already...

David Plumb: No, it's in the temp spec and it would be - it would go forward.

Georgios Tselentis: It's an option to...

((Crosstalk))

Georgios Tselentis: Okay. Sorry, I misunderstood.

David Plumb: Yes, no that's good. Thanks. Margie, just real quick and then we'll...

Gina Bartlett: Benedict.

David Plumb: Oh Benedict. Sorry, sorry, sorry.

Benedict Addis: Hi, it's a - the redaction is a must at the moment unless - I'm trying - it's not - email doesn't seem to be listed in either field.

((Crosstalk))

Benedict Addis: Sorry, I'll shut up and look...

((Crosstalk))

David Plumb: Yes, yes, let's look at that over lunch real quick and then we'll see what our understanding is what Alan is asking for is permitted under the temp spec and we can clear that up if that's not the case.

Alan Greenberg: Required.

Benedict Addis: No, I've got, sorry, if I may?

David Plumb: Sure.

Benedict Addis: The email is - it specifies specifically, registrant must not identify the contact email address or the contact itself. At the moment there's no provision in the temp spec for opt-in, not in there.

David Plumb: Okay. Can we double check because I feel like there's a little bit of misunderstanding among like what's actually happening, what the temp spec says, so can we just put a pause button on that so we have some time to...

Alan Greenberg: What Benedict said is actually what's written in our - in the current recommendation.

David Plumb: Right.

Alan Greenberg: What Benedict said, that they must not publish the original address.

David Plumb: Right. So just...

((Crosstalk))

Alan Greenberg: Which is not what we were asking.

David Plumb: Before I go to Margie, just real quick, Alan, so what you're saying is you would like a modification of our recommendation?

Alan Greenberg: Yes.

David Plumb: Okay. Okay. So...

James Bladel: ...redacted record...

((Crosstalk))

Alan Greenberg: This isn't redacted...

((Crosstalk))

Gina Bartlett: Can we go to Margie? We go to go to lunch.

David Plumb: Yes, let's pause this for one second because I feel like there's some like informal conversation that needs to happen before we actually as a group talk about that. Margie.

Margie Milam: Alan raised the question that I had. And we've been talking about it but I don't know that we actually have a recommendation that says that consent can be sought to have the fields published. And I don't know that we have that anywhere and in fact we have the opposite saying that the email must not be published, so that's one point.

David Plumb: Yes.

Margie Milam: And the second point is with regard to looking at the pseudonymized email and form, can we also throw in evaluation of role-based emails because that's also kind of a pseudonymization thing...

((Crosstalk))

Margie Milam: ...role-based emails as being explored as to whether there should be recommendations related to that.

David Plumb: Okay.

Margie Milam: Thank you.

David Plumb: Let's go over to Marika quickly or maybe Marika needs a little more time.

Milton Mueller: Could I make a comment while...

David Plumb: Yes, sure.

Milton Mueller: ...while they're generating wish lists of things they would like to have explored you're kind of assuming that we agree that these are things we need to have explored. I don't. I don't. I don't think - most of these are not problems and we would oppose any kind of mandate or recommendations that assume they are problems that need to be solved, just to make that clear.

David Plumb: What would you - what would you be comfortable naming as something to be explored given the concerns you've heard from a variety of folks around the table?

Milton Mueller: I haven't heard...

David Plumb: ...and in the public comment?

Milton Mueller: ...what is the concern? The concern is that the email is redacted and they can't see it; that's the concern.

David Plumb: No, perhaps folks could reiterate, I'll do my best to what I've heard. What I've heard is that because there's these walls between you don't get automated bounce-backs, there's challenges in figuring out if stuff has been delivered. Those are the concerns that have been expressed.

Milton Mueller: And that's too bad. Sorry. But that's a price you pay for having protected information. There are many other ways that they can eventually contact, for example, through legitimate access for third parties disclosure; there's all kinds of things that can be happening but it's not a Whois problem; I don't see that as a Whois problem at all, I see that as a feature, not a bug.

David Plumb: So just one more round on this, Milton, though, if the request is to explore how to solve some of the challenges of that contacting, while you're being extremely explicit we're not talking about redaction or you know, whether you redact or not redact the email, does that still change - is that still, you know, raise the concern?

Milton Mueller: It's really amazing that you are so solicitous of certain opinions and so disregarding of others. So...

David Plumb: No.

Milton Mueller: ...from the privacy advocate standpoint, there is no problem here. There is no problem. This is a feature, not a bug. They cannot get the email address, they cannot - how do you bounce back a non delivery message without saying, oh, this was not delivered to the following domain? You're revealing information about who the intended recipient was. There are other mechanisms that can

be used including a disclosure process in which they can get that information but for the public Whois, this is fine; it's not a problem at all from our point of view. So we just want to make that clear. We don't want this whole thing to be framed as some problem that has to be solved; we don't think it's a problem.

David Plumb: Okay. So given that, the reason I've been doing a little back and forth is that one of the pathways forward that felt like a pathway you could all live with was to leave the temp spec as it is and make a recommendation to say GNSO, explore some of these issues about how to use logs, how to use Web forms, and make that work to address concerns, right? And that was a pathway forward. So if you all are saying I don't want to have a recommendation to explore how to address these issues, then we don't have a consensus position. Okay.

((Crosstalk))

David Plumb: Yes, great. Marika, you want to...

Marika Konings: Yes, this is Marika. Just wanted to make one point on the consent or whether a registrant can indicate or must or may provide consent to publish my information, there's actually Section 7.2.1 in the temporary spec that says a registrar must provide, as soon as commercially reasonable, the registrar must provide the opportunity for the registered name holder to provide its consent to publish the additional contact information outlined in Section 2.3." But having said that, 2.3 only refers at the moment to registrant data so if the group would want to have that applied broader, you know, that's of course up to you then to make that assessment.

And one point to note as well, that of course email address is not redacted as such, it's obfuscated, so you may need to rephrase it in such a way if you would want the registrant to publish its email address and not the obfuscated one that that would be an option as well. And I think Matt, did I get that right?

Matt Serlin: Yes, it's Matt. So interestingly enough, in Section 2.3 and then 2.4 it excludes email address as a field to allow them to opt into. So the way that I read it right now they couldn't opt-in to publish their real email address.

David Plumb: Right, so...

((Crosstalk))

David Plumb: Yes, so folks, yes, so let's take Diane and then let's see where we are and break for lunch because we're at lunchtime now.

Diane Plaut: So, Matt, do you think that...

David Plumb: A little closer to the mic.

Diane Plaut: ...it would be practical then and efficient...

((Crosstalk))

Diane Plaut: Do you think it would be practical and efficient then at the time that you're rolling out the notification about the updated terms and conditions in relation to organizational field that it would be the, you know, a ripe opportunity at that same time to be able to rectify that situation?

Matt Serlin: Yes, theoretically. I mean, I - because I mean, I do think there absolutely should be a valid way for people to opt-in to publishing and I would have sworn that it was in the temp spec but it specifically is not in the temp spec.

((Crosstalk))

Diane Plaut: Yes.

David Plumb: Okay. So folks, why don't we take a break on this? What if we took 15 minute? Let's take 20 minutes to make it a proper break, 20 minutes. There's food to grab in there. Take a walk, get some fresh air, whatever you want to do. And then we're going to come back, we're going to name where we are on these issues and then we're going to specifically make time for a couple issues, we'll have the lawyer in the room and some other stuff. So let's take 20 minute and we'll come back.

((Crosstalk))

James Bladel: And we talked about transition, transition, transition, transition.

((Crosstalk))

James Bladel: Okay great. And then also when we come back we're going to run and check out and then can we, in one of those back rooms or maybe behind the screen start stacking luggage or something like that? All right.

END