

**ICANN  
Transcription  
GNSO Temp Spec gTLD RD EPDP call  
Thursday, 20 September 2018 at 13:00 UTC**

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AC Recording: <https://participate.icann.org/p41orlww7g/>

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Coordinator: Recordings have started.

Terri Agnew: Thank you. Good morning, good afternoon and good evening and welcome to the 15th GNSO EPDP Team meeting taking place on the 20th of September, 2018 at 1300 UTC.

In the interest of time, there will be no roll call. Attendance will be taken via the Adobe Connect room. If you're only on the telephone bridge could you please let yourself be known now? Hearing no one, we have listed apologies from Ayden Férdeline of the NCSG, Emily Taylor of the RrSG and Chris Disspain, ICANN Board liaison. They have formally assigned Tatiana Tropina and Lindsay Hamilton-Reid as their alternates for this call and any remaining days of absence.

During this period, the members will have only read-only rights and no access to conference calls. Their alternates will have posting rights and access to conference calls until the member's return date. As a reminder, the alternate

assignment must be formalized by the way the Google assignment form and the link is available in the agenda pod to your right hand side.

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

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

Kurt Pritz: Thanks very much, Terri. And thanks, everyone, for being here for a timely start. Here's the agenda, I have maybe one or two comments to make at the start so that'll go very fast. I'd like to cover these things during this meeting, one is to review and discuss the draft agenda for the meeting in Los Angeles; second, and this one will be time permitting, but in our last meeting we discussed the purposes – legitimate purposes of registration data matrix. And in that exercise we were just going through where new purposes were added through comments. And we had gotten through 4.4.10, so just for that narrow agenda item and to get us launched for the LA meeting we – I'd like to finish off those three.

And then, you know, we've endeavored to discuss Appendix A for several meetings and not got through it. Some people have commented on it already but I think we need to have – and others have mentioned we need to have a discussion in this meeting about it first. So I want to discuss that. So that's the agenda for this meeting. Are there any comments to it?

All right, hearing none, as they say, the only updates I have for – as the team chair are two. One is you know, we had a GDPR training session with Becky

Burr that I thought was very beneficial yesterday, but several members of this team haven't completed their initial training and that's sort of a shame to me. So if you – I'll tell you what, we'll send the link back out to those that didn't complete the training so it's really easy to find so you can do that so please do that.

The second thing I want to mention is that as you know, the company CBI, will be helping us in the Los Angeles meeting so I wanted to let you know that David Plumb, Gina Bartlett and Toby Berkman were in the room I think so you know, yes, there's Gina, so they'll be able to respond directly to any questions you might have during this meeting so those are the only updates I have.

We'll get into the – here's the timeline that, you know, shows us almost halfway done with the time allotted for the exercise we have and halfway home to the Barcelona meeting. I think we've worked on this for seven weeks now.

So with regard to the LA meeting, my thought, and what I've heard from others too so I want to really hear from you on this, is that we should keep the number of topics few and finish those topics or make substantial progress on those. So the – essentially the three meeting topics I have are, first, and this is sort of a brief, you know, 90-minute or so opening to the meeting is I want to discuss, you know, what we think our final product looks like. I still receive emails regarding whether we're redlining the spec or creating a policy or what the final form of our output should be.

Given the time constraints I think that we should agree upon what the table of contents, say, would look like for the policy we're creating so that it has the minimum elements required to, you know, let everybody go on with their operating lives, go on to the next step as soon as possible, which is an access discussion. So I'd like you to – we'll – I'll create, you know, my vision for this but I'd like you to think about that going in. And I think, you know, the

ice breaker topic for our meeting will probably be, you know, a couple one on one discussions, we'll break into, you know, pairs and have informal chats about what we think that will be.

Then I think the two major tests for us are first, completing the purposes matrix that Thomas and Benedict put together and, you know, we're developing ways to march through that but any input you have about finishing that would be great so that's only two lines in the – in this meeting topic slide but probably the most important one. And getting to that would mark this meeting as a success I think.

And then secondly, the data elements themselves, which data can be legally collected, so which data will be collected going forward and which will be redacted, and so – and that redacted part is part of Appendix A. So and we'll take – as discussed we'll take into account the lifecycle of data elements and the handling of data disclosure to various parties and such. And then just have a couple more slides on this. So this slide got really big. Make it a little bit smaller.

So I just wanted to make reference to the – in this slide to the charter questions associated with these things. So the charter questions on the left are those that has to do with the purposes of – for processing registration data and the ones on the right have to do with data collection. And there's a few more of these charter questions with regard to data collection in C, D and E – the C, D and E sets of charter questions which really have to do with sharing the data with others so escrow providers and the like.

So those are the charter questions, so that's – and here's the first day's agenda. But I'm going to pause there and take comments on the agenda. First, the, you know, my questions to you would be is that about the right amount of – is that about the right amount of material, keeping the number of topics small? And then second, is there not just the right amount but are they

the right topics? And any refinements or comments will be welcome. Does anybody want to comment on the agenda? Thanks, Thomas.

Thomas Rickert: Hi, Kurt. Good morning, good afternoon and good evening everyone. Maybe you have this somewhere but I guess that we really need to work through the various processing steps and establish the legality of all those processing steps. You know, we might have a different process for collection then we have for disclosure; we might have different purposes for passing on data between registrars and registrants, there might be yet different purposes for sending that data to an escrow agent or the EBERO. And all these processing activities need to be associated with a legal basis.

So I'm not sure whether the bullet points that just spell out the headings of what we have do are sufficiently granulated to allow for the group to do exactly those tests. And so my – or I think it would be good for the group to have a agenda that is more granulated. And, you know, for full transparency Farzi and I we have taken home an action item a couple of meetings back to work on refined approach to our test and we've actually come up with a more elaborated data metrics matrix that specifies all those steps that need to be assessed and that also associates these processing steps with the chartering questions.

And I think if we take that as a basis, and it's currently with Kurt and staff, then I think that would be a roadmap to allow for the whole group to go through the process in a fashion that allows us to really put checkmarks on all the processing activities for the legalities. Thank you.

Kurt Pritz: Thanks very much, Thomas. And to let everybody know, Thomas and Farzi worked on an elaborate – elaborate meaning in a complimentary way – way of looking at the data and analyzing the different uses to which it could be put during its lifecycle. And so I want to follow up with them. And anyone's welcome to join so I'll you know, but we'll have to do that rather quickly to try to take that whole set of spreadsheets and develop some way of looking at

them so we can get through all the questions associated with them. So thanks.

And I guess the agenda would stay focused on overall goals but we'd want to show a plan for accomplishing that, that shows working through that detail so thanks, Thomas. Georgios.

Georgios Tselentis: Yes, hello. Hello, everybody. Thank you, Kurt. I just wanted to say whether the – several points where you believe in Los Angeles we talk about the accuracy of data as stipulated by the EU Data Protection (unintelligible) obligations of the contracted parties and their contracts with ICANN, personal data shall be accurate and kept up to date. So I'm wondering whether this belongs to the discussion in the first day or somewhere else. So I will go (unintelligible) because I think this is a point that you have a lot of discussion because there's a certain burden to have the accurate and up to date data, so I was wondering whether you foresee this for this part or not at all for the Los Angeles discussion. Thank you.

Kurt Pritz: Yes so Georgios, you weren't quite as clear; there was some distortion but if you're talking about accuracy of data, that's not currently on the agenda and I think the reason for that is – as Thomas just alluded to, that we want to determine the data elements themselves first that are going to be – that are going to be collected and then which data elements are going to be displayed and then I think after that we would get to the accuracy portion.

And I think – so I think this might be part of the discussion about what has to be in the initial report and not, so maybe we could take that topic up in a broad sense during that part of the discussion. So thanks very much for that comment. Alex.

Alex Deacon: Thanks, Kurt. It's Alex. So I look forward to seeing the updated matrix and spreadsheet from Thomas and others. I think that will be very helpful moving forward given the work we need to do. I would also suggest that during the

LA meeting we've talked about this but we work vertically through the matrix and suggest that we – instead of simply debating whether an X or not should be there, but we actually place the text, for example, the registrars have already listed their purposes in James's redline, I think is what we've been calling it, we simply put that text into the cells for the registrar column, if you will. And then we give homework to the registries to do something similar for their purposes for processing, and that text go into the column for registries.

And then the next column would be ICANN purposes, I think on the call yesterday with Becky it was suggested perhaps Dan or someone could assist in detailing what those purposes would be and then they would be listed in that column. And then we could talk about third party interests and purposes. So I think that – just thinking about, you know, how we make progress in the LA meeting, I think that would be – that would be a useful step in the process that we've been discussing. So I just wanted to put that out there. Thank you.

Kurt Pritz: Great. Great, Alex. And thank you very much. And I had a very similar comment via email from another member of the team the other day so I think that's it. So Marika and Caitlin, could we take two actions out of that? One is – one would be let's distribute the work that Thomas and Farzi did on the spreadsheets, you know, right now right after this meeting, so everybody can see them. I want to work on a way to make that discussion manageable because there's so much to discuss but – you know, everybody should see this work in any event and sooner is better than later. So if you would do that?

And then, you know, let's write down that methodology that Alex said and then determine how to send it out in the form of so-called homework. Margie.

Margie Milam: Thanks, Kurt. This is Margie. A couple things, I agree with the request to include accuracy as part of the discussion in LA since there's a very important part of compliance with GDPR. And I think it'll come up when we talk about the purposes because one of the purposes relates to providing

accurate information, so it certainly fits in line with what we proposed here for Los Angeles.

I also want to make a formal request that ICANN staff be represented vocally and participate in Los Angeles. I think it's important to have Dan Halloran as the Data Protection Officer for ICANN really participate and help share ICANN's perspective on the data and the purposes and how the information is used because in the prior calls we've, you know, we've talked about ICANN's purposes and how it's used but I think it's more effective to have ICANN staff actually participating actively in Los Angeles. And I believe Chris Disspain suggested that we make a formal request for that last week and I'd like to go ahead and make that request now.

Kurt Pritz: Okay, and yes actually I spoke to Chris about that too so let's – hi, Dan, how are you doing? So let's – I'll write a note to ICANN immediately after this meeting and Dan and his colleagues can decide how best to staff that. And then I think we probably – I don't know if this is premature but it wouldn't be bad to have somebody from Compliance there too when we talk about ICANN purposes and the data that's required, so I would include that in the request unless somebody on the - somebody on the team here thinks it's not appropriate. Thanks. Milton.

Milton Mueller: Good day, everyone. My understanding is that right now we are going over the agenda for the Los Angeles meeting, and...

Kurt Pritz: Correct.

Milton Mueller: And I'm wondering whether we couldn't actually resolve this question of what does it look like here today on the call and then focus our efforts on adjusting the agenda to take account of the procedures that are being proposed, whether it's temp spec redlining, whether it is answering the chartering questions or the more elaborate approach proposed by Thomas and Farzi. Do you understand my question? It's like can we just get...



Kurt Pritz: Yes.

((Crosstalk))

Milton Mueller: ...off the agenda right now right today?

Kurt Pritz: We can talk about it for, you know, 15 minutes or so. I do want to get to the other agenda items but the queue seems to – I'm going to call on Kavouss right after you, Milton, and then how about I come back to you and you can kick off that discussion? And then we'll see how it goes, and even in the worst case we'll – we might be able to chop off you know, a majority of the time we're going to allot to that or make it much more efficient. So if you'll indulge me to hear Kavouss comment and then I'll come back to you.

Kavouss Arasteh: Yes, good morning, good afternoon and good evening to everybody. With respect to the ICANN purpose, I have no difficulty that you ask ICANN Board or anyone from the Board representative to further enlighten us, but I don't think that there is a need that they rewrite ICANN purpose. ICANN purpose was already in the bylaw under the mission and part of that on the core value because some people at the time of the new bylaw did not agree some element to be in the mission. They said that mission should be very, very high level and then transfer that to the core value.

So if it is some quotation from the mission and core value I have no difficulty, but if there is starting new drafting what is ICANN purpose, I have difficulty. I don't think that we have such a mandate to draft ICANN purpose here and I don't know what some other people doing. I have no problem with the vision of the work as Thomas proposed, ICANN purpose, registrar purpose, registry purpose, third party purpose, but I have difficulty to rewrite the purpose of ICANN by somebody no matter how that person is qualified.

And number two, I don't know, I'm not aware of what Thomas and Farzaneh (unintelligible) that and what they produce. How many people produce how many things and where they are going to merge? So we have so many channels, so many people working on so many things, how we should follow all these things? Thank you.

Kurt Pritz: Thanks, Kavouss. And you know, the latter is a challenge. And when looking at the work that Thomas and Farzi did, I recognize it's deep and I'm trying to think about how to simplify that. With respect to your first comment, I think, you know, the greater ICANN purpose and ICANN purpose as described in the bylaws or mission should not be changed nor debated but I think as it translates into this meeting agenda, how it goes down into the – how that translates down into purposes for specific data elements or which data elements are required to fulfill that purpose so I think has the sort of detailed discussion but we're not going to debate the broader ICANN purpose.

So with regard to Milton's request, I want to go back and, you know, go through my experience a little bit that, you know, I came into this thinking that the fastest way home was to sort of redline the temporary specification and release, you know, release that so we could get into the next discussion topics. But after the triage portion of our discussion, and talking to many of you and, you know, talking to some of the GNSO people that wrote the charter, you know, came to the realization that our product can be markedly different and laid out differently than the temp spec.

And also our discussion showed that, you know, there's some critical elements that need to be in our product, I think, you know, the purposes of registration data and the data that's collected, the data that's redacted, things like that. So there are some elements that are required but, you know, we also identified that if some elements slip by that if we choose not to use meeting time or our time to discuss right now how UDRP or URS is accomplished but because they're being accomplished so that could –

discussion could happen after the initial report that wouldn't be so bad; it's more important to talk about the necessary things.

So the purpose of this initial topic in the meeting in Los Angeles is to discuss you know, what are the necessary parts of the initial report so that, you know, we can get sufficient comment and we can get sufficient comment on these and move forward and do, you know, complete our work and then have another comment period and have all the necessary comments. So I want to have an initial report that's complete enough that has the necessary parts that we can submit that for public comment and then get enough input so that we can finish our work.

So I'm going to – with that sort of background I'll go back to Milton. And thanks for starting this, Milton.

Milton Mueller: Yes, so I think you just stated and, you know, your roadmap or victory list I think we might all be able to agree on that. I think we might have some more discussion about how to get there and I think we can avoid spending an additional hour, hour and a half in Los Angeles on those questions. So you just changed the slides but can you go back to the agenda proposal? I just want to – yes, thank you – so clearly I think you have them in the right order here. We have to first do legitimate purposes, then we have to relate that to the data elements, then we have to agree on what we're going to redact in public Whois and we have to agree on something on retention.

Does anybody not agree that that's what it looks like in terms of our initial report? I'm just trying to say we can probably resolve that now, maybe within this arbitrary 15 minute time limit even to – and take that stuff off of the agenda in Los Angeles and move forward with the more substantive stuff. Does anybody disagree with those required components?

Kurt Pritz: Alan, unless you want to manage the queue, Milton?

Alan Greenberg: Thank you very much. Alan Greenberg speaking. I don't see any of those that we could omit and really have a substantive report to deliver in Barcelona and to add anything I think would be dreaming in Technicolor. So I would be delighted to agree on that and cross our fingers and toes and see if we can get actually get it done. Thank you.

Kurt Pritz: As my boss once told me, crossing our fingers and toes is not a strategy. Anyone else? Amr.

Amr Elsadr: Thanks, Kurt. This is Amr. Just a question really, do these bullets and your views and the views of everyone else also include the required processing activities of registration data? I'm not sure where they would fit in here. I can see some of the bullet points maybe refer to some of the processes but I'm not sure if they cover all of them so just, you know, when you folks are doing your good work in LA just want to make sure that you don't drop the processing activities that need to be covered and matched to purposes. Thanks.

Kurt Pritz: So could you list a few of those processing activities because I – I have a comment but I just want to make sure I'm directing my comment the right way.

Amr Elsadr: Well, I think they're comprehensively listed in Part 2, I think it was, yes, the required data processing activities, and then they're divided, you know, different activities by the registrar, registrar to registry and data escrow, you know, so I think they're listed from A down to I or J so they're all listed in the charter, I think they're all listed under Part 2. So just a note to make sure that none of these sort of slip through the cracks when we're going through this exercise. That make sense?

Kurt Pritz: Yes. So I think to the – we need to take into account those processing activities to the extent that they identify needed data elements so, yes, so yes, so in order to identify the needed data elements we have to look at each

one of those processing activities to make sure that we've identified all the elements. So I think that's right and I think we could not do without that. Kavouss, do you have a comment?

Kavouss Arasteh: Yes, I'm sorry, I see here in the chat somebody said to CBI master plan. What that master plan is? You can have master plan but not CBI, what is master plan? Please, thank you.

Kurt Pritz: I don't know. Master plans are usually great big things. So, you know, it's certainly not a term I've used, you know, CBI is working alongside us to run the meeting and identify areas where, you know, we might break off a discussion topic or to help us narrow issues. And, you know, more generally use mediation and facilitation techniques to drive the topic forward in an expeditious way. So it's not – there's not a master plan, there's a plan to, you know, augment the leadership and support teams here with coordination so that we can more smartly move forward. Does that answer your question, Kavouss or you want me to give you some more elaboration?

Kavouss Arasteh: No, it did not. It means that these 39 people all of them high qualified except me, they don't know what coordination is and three people come in and they want to teach us what the coordination is, how we proceed with the coordination and so on so forth. Still I'm not convinced that, still I'm not convinced. All of you, except me, are high qualified experts on the subject. I don't understand this guidance from the CBI to channel our coordination, to channel our discussion, to channel our (unintelligible). I don't understand at all. I'm not convinced. I'm not against but I'm not convinced. I'm sorry, I apologize before.

Kurt Pritz: That's okay. Alan.

Alan Greenberg: Thank you. It's Alan Greenberg speaking. May I suggest that we proceed with the plan? If an hour or six hours into the meeting in Los Angeles we feel the

CBI people are a waste of time and are distracting us from the real work, we'll say so, let's give it a try. Thank you.

Kurt Pritz: Of course. All right, thank you, Alan. All right – so with – so I think we have agreement here which is very good, the reason I thought this might require more discussion is I want to flesh out, you know, sub bullets or details under each one of these, you know, the issue Amr brought up is an excellent example of that. So we'll redo the agenda and actually, given this direction we'll refine it a bit to make sure all of these things are included in it, you know, in a more specific way. Are there any more comments about the agenda for Los Angeles?

I would appreciate any of you contacting me or anybody on the team with other advice or input with regard to this meeting in whichever way you feel comfortable.

So finally, let's talk about the agenda for the rest of this meeting, so there's two items on the agenda. One is the remaining sections of 4.4 where comments have introduced additional purposes and I wanted to talk about the last three elements of that. But the – but we have not discussed at all, and is on the agenda for LA, Appendix A. And some of you have participated in the comments on the discussion topics on Appendix A. Would it make more sense to go to Appendix A because we can probably accomplish quite a bit there given that we're just a half an hour into the meeting?

So if you could say green for Appendix A or a red for finishing – red for finishing the Section 4.4 you can vote if you want. So it's green if we want to skip down to the Appendix A discussion because there's quite a bit of meat there actually with all the comments that have been made, or finish our discussion on 4.4 would be red.

Okay so let's go to Appendix A and I've added some slides here, it was the slides for a couple meetings ago. So these are the – oh votes are coming in, hang on. Anybody else care?

Milton Mueller: Sorry, can you tell us again what we're voting?

Kurt Pritz: Yes, do we want to talk about – do we want to skip over the rest of the discussion, the last three elements in Section 4 which have to do with who's added Xs to those columns in registrar, registry, ICANN and third party interests and have them explain them. There were three sections we didn't cover in the last meeting, which was really sort of a warm up to the LA meeting, or go to Appendix A, which we have discussed yet where many people have already made comments in the forum that's been established by the support team and there are some people have asked for discussion before the meeting so we're already taking up too much time with this. But Milton, do you want to make a comment before I go ahead? It'd be appreciated.

Milton Mueller: I'm sorry, I'm still looking for a simple yes or no that we're voting on.

Kurt Pritz: What to discuss next, Appendix A or Section 4.4.

Milton Mueller: Okay, let me consult with people.

Kurt Pritz: Farzi.

Farzaneh Badii: Thank you, Kurt. Farzaneh speaking. So I was surprised to see Appendix A especially the access part on the agenda and then when I raised the issue on the mailing list, it was said that because we are like picking two for each of the – for each of the meeting. And well the thing is that, not to be too critical but the problem with our approach of going section by section, appendix by appendix, is that we are not giving attention to the gating questions that have

to be answered in the charter until we go to the access part and Appendix A has access.

Now I am not saying that we should not talk about access at any point; we should definitely talk about access and at any time that the groups feel like that there should – like there are some concerns that something will not be considered and access will not be given, they should say this concern at any point. But then for us the gating questions are important, so I think we need really more holistic approach to looking at the temp spec and instead of going section by section we should look at the questions. And we have no answered the gating questions so we cannot really go to Section J about access.

Now, if we are like working on like this master document that we are answering all sorts of questions on the document, then I don't – you can disagree with me but I don't see a problem. But now I don't think – but maybe it's too late now but I don't think Appendix A we should discuss it now especially the parts that are back.

Kurt Pritz: Thanks, Farzi. Without getting too much into it, you know, there's a section in Appendix A that talks about reasonable access and so we've got to replace that language with something. So let's go to finish this purposes for processing registration data and there's the link to the material but we'll put the pertinent webpage up and the better link is under B, that's the chart we're looking at.

And for reference, when we get through this, we'll have answered these charter questions. But I want to bring your attention to data retention is I think a necessary part of this discussion. And so could you guys put up the chart while I take Kavouss's question?

Kavouss Arasteh: Hello? Can I proceed?



Kurt Pritz: Yes.

Kavouss Arasteh: Yes, Kurt, we are happy satisfied with the way you proceeding. We don't want to change. And what was said it has been said many, many times, and there is no agreement on that. That view is respected by Non Commercial Stakeholder Group and maybe one or more, but it is not agreed by others. At least as far as I know in the GAC we don't share the same views, that we should put access at the end and apply or reply to the whatever so-called gating question, I don't know gating question what does it mean. We do not share that view.

So we don't want to make such (unintelligible) at this stage and argue with each other. So we are happy with the way that you proceed and at the end we have to – we don't want to put access at the end. This is – we have discussed several time in the GAC, and it was mentioned by Ashley and there was some disagreement between Ashley and Farzaneh and they said to each other that they have to talk to each other otherwise and so on and so forth. So something there is no agreement, there should be no insistence. Doesn't matter who is right and who is wrong; there is no agreement on this. To separate access totally, I don't think so. I don't share that view. Thank you.

Kurt Pritz: Thank you very much, Kavouss. And that's – that comment is taken so I understand the differences there. So on this chart I use that you see I actually have the Excel spreadsheet open on my laptop and I've scrolled down to Section 4.4.11, which are providing mechanisms for safeguarding registered name holders, registration data in the event of a failure. So comments or Xs were added by registrars and registries but I'm not sure if the registrars and registries did that – did somebody else put those in? Was that Alex or someone else?

Alex Deacon: Yes, Kurt, it's Alex. It seemed to me, again, going through this thought exercise that, you know, this concept of safeguarding – I'm just looking for the – yes, safeguarding the registered name holder from these failures is –

should be or could be a registry and a registrar purpose so I suggested we may want to discuss if that's the case. Again, now I just note that we're talking horizontally now instead of going vertically as I suggested earlier, but that was my thought.

Kurt Pritz: Right. And, okay. Thanks, Alex. And certainly when we flesh out these Xs with content we're going to- I think the suggestion to go through this vertically is exactly the right approach. Do the – does anybody from the Registrar group have a comment on this in that this is a purpose of this data or anyone from the Registries? Hi, Alan. Thanks.

Alan Woods: Sorry, I just needed to connect my microphone there. I mean, I'll take a stab at this very quickly having talked to my colleagues in this one, at this moment, but the way I read that instantaneously my mind goes straight to EBERO, and we're talking about it is a purpose for us to process data to disclose to – sorry to escrow in the event that an EBERO event occurs. So yes, I mean, I think as a purpose goes, it is probably specific about it, yes, I think, you know, the things such as escrow in mind, yes, that is a purpose.

Kurt Pritz: Great, thanks. Anybody from the Registrars? I think during our conversation earlier that the Registries said that that data comes – that's a different type of data, different source of data. All right, let's talk about 4.4.12, coordinating dispute resolution services for certain disputes concerning domain names. And so Alex, again, who is the prolific commenter to this chart, and I'm grateful for that, has indicated that's an ICANN purpose and purpose determined by third parties so if you would describe your thoughts there, Alex?

Alex Deacon: Let me gather my thoughts. Yes, this is about, yes, dispute resolution services, yes so I think again, this – these are purposes for ICANN and third parties so I think we need to work on the wording. I think if I remember from James's redline it was specific to URS and UDRP but I believe there are

other dispute resolution mechanisms that should be considered when we fill out this column and those were my thoughts.

Kurt Pritz: Thanks very much. I think Matt had his hand up earlier, Matt, did you want to come in on that or just let it slide by, on the previous section?

Matt Serlin: Yes, hey Kurt. It's Matt. I just put in the chat I was going to just reiterate that in regard to 4.4.10 I think our view was that that was covered under the escrow requirements so not necessarily needing to be listed as a purpose in this portion. Thanks.

Kurt Pritz: Okay thanks. And Alan, is that an old hand?

Alan Woods: Sorry, yes indeed it is.

Kurt Pritz: Kristina.

Kristina Rosette: Yes, Kristina Rosette. Question, I guess, initially to Alex but also more broadly you know, there plenty of places in Section 4.4 where the original temp spec wording I think is really broad and vague and capable of a whole lot of meanings, and I think for this PDP in particular the word choice in our policy recommendations and the word choice in our work product is going to be extraordinarily important. Which brings me to my specific question here, what is – you know, Alex, what do you understand coordinating to mean here? Because it has a variety of meanings and I'm not entirely sure that coordinating is the right word. Thanks.

Alex Deacon: Yes, thanks, Kristina. It's Alex. I'm just going through my notes trying to figure out what – how we responded to the poll questions because I think we did have a concern about the term “coordinating.” But let me answer – let me answer the question a different way, I think again, if, you know, we have a – we have some wording suggested by the Registrars, for this column, and I think it would be helpful for, you know, to get the – that the – sorry – the

Registries also suggested wording for each of the purposes related to registries in that column with suggested wording and then we could, you know, then we could make sure they're consistent.

I don't think each of these purposes you know, horizontally need to be exactly the same; they can be different but there are some cases perhaps concerning whether it's a coordinating function or something else, you know, where we want to make sure it is consistent. But it may make sense to – just to get wording from you guys for this specific cell, if you will, and so we could debate something concrete. But I agree, I think your question is that coordinating may not be the best word there. I just don't know off the top of my head what it should be.

Kristina Rosette: Okay, thanks, and we'll take that as an action item.

Kurt Pritz: Right. And I'm actually not sure whether that was the registries that came up with that wording, I think it was actually Thomas or maybe Thomas had a broader. Margie.

Margie Milam: Hi. It's Margie. Yes, I don't know where the coordinating language came from but I think it's trying to describe, you know, if you think about the UDRP and the URS, a lot of players have a role in it. I mean, and so, you know, there's ICANN contract with the URS or UDRP provider, there's a policy that talks about, you know, what the registrar role is in all that, and so that's kind of coordination but I think that's what it's referring to and certainly open to a different word and that wasn't my word but that's the concept, you know, enabling that whole process to work so that the dispute resolution procedure like the UDRP or URS can actually work and the domain name, you know, gets transferred after, you know, the results, that sort of thing.

Kurt Pritz: Thanks, Margie. And thanks for the clarification you just made, Kavouss. One suggestion I have is that what coordinating means will become clearer when we talk about specific data elements and all the processing steps or all the

uses to which the data is put. So when we discuss how that is used with respect to URS or UDRP or some other mechanism, we have to – so we have to figure that out. So you know, coordinating might be – mean different things for different applications. But I'm not so sure we need to solve this at this stage because it'll necessarily be solved later, but maybe not. Hadia.

Hadia Elminiawi: Yes, I just had a question with regard to the suggestion to spell out (unintelligible) or the uniform – or the UDRP, but why do we need to spell them out? I don't know why don't we just keep it short (unintelligible) concerning domain names (unintelligible). So I was just talking about the logic behind spelling them out.

Kurt Pritz: And you think it should be done more broadly for what purpose? What's your rationale for that? I just want to – I'm not disagreeing with you, I just want to understand.

Hadia Elminiawi: Yes, what is – what is – what if we have another mechanism later? Why do we need to narrow it to just those two mechanisms that we have now?

Kurt Pritz: Okay, thank you. That was good clarification. Milton.

Milton Mueller: Yes I think that's precisely the point that we should be discussing regarding 4.4.12 is the generality versus specificity.

Kurt Pritz: right.

Milton Mueller: I support specificity. We have specific domain name resolution dispute processes general statements in there, you don't know – you don't have any clear guidance as to what data you should collect or what you should disclose. If your purpose is to facilitate any dispute that might come along, I think that's overly broad, not consistent with ICANN's narrow mission and potentially troublesome from a legal standpoint.

So we need to know and you read the GDPR, it's very clear that you need to know why you're collecting this data, you need to know – you need to identify those specific purposes and you can't just say, you know, we're going to collect a bunch of stuff because we think it might be useful for some unspecified thing in the future. So I think it's very clear what way we have to go on 4.4.12.

If ICANN adds a new kind of dispute resolution procedure, let's say they decide to get into marriage and divorce settlements, they will have to change their policies, that's all.

Kurt Pritz: Yes, and okay, go ahead, Alan. Margie, I assume that's a previous hand?

Margie Milam: Actually I'd like to be in the queue so just put me after.

Kurt Pritz: Okay go ahead, Alan.

Alan Greenberg: Thank you. It's Alan Greenberg speaking. Milton just touched on what I was going to ask, although I'm not going to go into marriage disputes. I guess I'd like some understanding of if we are very specific here, and I understand the GDPR certainly suggest that we should be very specific, what happens when we invent a third domain name dispute process? You know, the URS was invented and we could invent yet another one.

How does that impact our ability to now use the data in a way that was not listed when we first collected the data? And I'm not sure I understand what the process is that we could even do that. And I think that level of clarity is important if we are going to be very specific then it will be dynamic and change on occasion, and I'm not quite sure of the process and I guess if some GDPR expert can explain that I may either have a better level of comfort or a worse one, thank you.

Kurt Pritz: So I tend to oversimplify things, so I know I'm incorrect here and not understanding the depth of the problem, but, you know, aren't there mechanisms in ICANN for developing these new processes either the policy development process or, you know, a new protection developed in contract negotiations or something like that where, you know, I think in many cases, you know, our work here is taken with this snapshot of GDPR and its implementation the way it is now. And it's going to have to be a dynamic document to accommodate those sorts of things. So I agree with your sentiment exactly, I don't know if it's easier or hard to do that. Margie.

Margie Milam: Thanks, Kurt. I think what you're saying is what I was going to say and I recognize Milton's points about it not being a generic data, you know, dispute resolution process. So maybe it's something like along the lines of what Alan was suggesting is dispute resolution process, you know, mandated by ICANN through its policies and procedures, so we know we're talking about specific ICANN dispute resolution processes.

And then in order to comply with the specificity required under GDPR I think we do need to reference URS and UDRP because those are the current ones, you know, obviously if those change then, you know, as they may change. But if you link this with the ICANN, you know, specified dispute resolution procedures, then I think we get the specificity that makes sure that this isn't too broad.

Kurt Pritz: Okay great. Alan – Alan Woods.

Alan Woods: Thank you. So I just put into the – oh sorry, Alan Greenberg first, sorry?

Alan Greenberg: I'm willing to go after you.

Kurt Pritz: Oh I'm sorry, I thought that was your previous hand, Alan. Go ahead, Alan. So Alan Woods, why don't you start and then...

Alan Woods: Thank you. Thank you. And I just – I wanted to put in, in response to Alan's point, I mean, probably what we'd do in that instance is (unintelligible) maybe build it in as a recommendation that, you know, as you would find in the GDPR as being a good reference point that if ever we were to change or to suggest a change that we'd need to undergo a data protection impact assessment, and in that data protection impact assessment, I mean, we don't necessarily need to spell out every single thing of the future, as long as the data protection impact assessment gives us the comfort at the time that the processing that is envisaged by this new policy or the processing that is envisaged by this new procedure that we're trying to come up with does not, A, so radically depart from the original purpose to which the data was originally collected for; and, B, would pass muster if it was likely to go to the data protection authorities.

Now let's also remember that if we have a doubt in that of anything that goes forward, there are mechanisms specifically within the GDPR itself as well whereby we could actually ask for a review of the data protection agencies of this and say, hey, we're coming up with this new policy which may effect on that all the registrants of the world, we believe these are our thoughts, this is our data protection impact assessment, this is how it affects the registrants, this is our proposed way of implementation. Could you do a preliminary review of this and let us know if we are correct or not?

And at that point perhaps we could then see where we're going. But, you know, there is a mechanism for us to go ahead and say, you know, there are elements where you can understand that there are future things that may be so sufficiently linked to that primary original purpose that we can do it, it's just a matter of showing our transparency and going through the process.

And in fairness, that's exactly what we should be doing in this EPDP as well, and I think myself and Stephanie and many other people have said this, you know, that's what we need to be doing now is literally going through that process and seeing where we are.



Kurt Pritz: Thanks, Alan, that was really good. Alan Greenberg.

Alan Greenberg: Thank you very much. Let me try to be a little bit clearer. Of course we have a policy development process and a way of doing these kind of things, no one was suggesting that we're doing something out of that process. It's – I'm always fascinated by how different the answers from different people are, Stephanie, for instance, in the chat said we'd need consent or some other authorization and I think I disagree with that because all of the things we're looking at are not ones that are voluntary with consent; we're saying these are mandatory if you want a domain name, it's a necessary part of it.

So I'm just looking at the specifics, would we have to go present this again the other Alan just said? Would we veto send out an email to all 180 million registrants saying we've changed our policies, our usage of the data and please pay you know, pay attention to that. That's the kind of thing. Hopefully we can make these changes, I'm just not quite sure of how convoluted it would be when we either invent or perhaps discover a new valid use of data. It's an important issue in my mind because it says exactly how detailed do we have to be as we go through the process we're looking at over the next week or two. Thank you.

Kurt Pritz: Thanks very much, Alan. And yes, and Alan Woods's explanation clarified my thinking and gave me a much better understanding of the steps that have to be undertaken as part of that. Mark.

Mark Svancarek: Alan just touched on (unintelligible).

Kurt Pritz: Hey, Mark, get a little closer to the microphone, okay?

Mark Svancarek: As the Alans said, this is why the EPDP (unintelligible)...

Terri Agnew: Mark, it's Terri. You're still very difficult to hear. Is the microphone plugged in completely to the computer?

Mark Svancarek: No, I will type it in.

Kurt Pritz: So I'm (unintelligible) my sound and I really want to hear what you have to say so do the best you can.

Mark Svancarek: I'll try to speak more clearly. I apologize. This is the reason why the EPDP feels like it's so high stakes all the time because we know that it's hard to make policy changes. And I do think that the correct starting assumption is if you change your purposes specifically if you're going to change the data collected, that you need a new policy, you have to reinform the people, depending on the basis that was used you might have to collect consent again, I mean, most of the time we're not using consent as the basis. But also, as the other Alan said, there will be times where the changes are so similar that it will be an easy change. We don't know until we see what exactly the change is we see what the impact is going to be on creating relevant policy change.

For instance, if the – if the purpose was to do direct marketing, I hate to use that example, but if the purpose was to do direct marketing and your initial thing is I'm doing direct marketing by email, and then later you say I want to do direct marketing by SMS, does that require an entirely new EPDP? I think probably not. But you would still have to go through the same thought process to consider whether we did or not and so always I think our starting assumption is it'll be a difficult hard change and then we try to find a way to make it not so hard.

Kurt Pritz: Thanks – thank you, Mark, that was helpful. Hadia. Oh wait, let me turn down my speaker. Go ahead, Hadia.

Hadia Elminiawi: So I just wanted to say that no one is actually asking for more data than what is required by the URS or the UDRP. And we are not asking (unintelligible) we can be specific as Margie said and we link the purpose to resolution mechanisms indicated by ICANN for example. It's just I don't see the necessity of (unintelligible) out the mechanisms that we have.

Kurt Pritz: Okay. Amr.

Amr Elsadr: Thanks, Kurt. This is Amr. Yes, to make this more GDPR-compliant, I believe we do need to be very specific in our purposes and as I said earlier, we need to also map out the processing activities to these purposes that they are necessary and limited to them. So that's really I think the reason why in terms of making a policy recommendation and a successor to this temp spec GDPR compliant, we do need this granular level of specificity. I don't think the language as is meets that requirement.

And I think that the registrars proposed alternative language on the other Google Doc, not on this one, that provided this specificity so I hope that sort of answers the question of why I believe we do need this – we do need this to be more specific and not just broader general to dispute resolution processes. Thanks.

Kurt Pritz: Thanks very much, Amr. So we – so I'm very happy if someone wants to take the pen and edit this. Otherwise, we can take it on board, I think we have some good comments from Thomas in the chat that alluded to some other dispute resolution mechanisms that exist that should probably be included and at the registry level – and then, you know, I think – well everybody's comment was really helpful, I think Alan Woods gave us really good words to use with regard to data impact assessment so privacy impact assessments that must be undertaken that would you know, as Mark said, let us understand pretty fast if this is a big deal or not a big deal.

So I think Alan.

Alan Woods: Sorry, yes, just one final thought that occurred to me, I just want to be clear as well is that if we are talking about the potential of future proofing, our policy that we come up with today however, or the recommendations for our policy today, still must be specific. I do not agree that we need to have some sort of a future language, however what I would suggest for us as a EPDP is to make a recommendation that policy development processes going forward whereby they require personal data or a change of the use of the personal data should have built into the process the actual policy development process a DPIA as being a basic requirement.

So in our policy now it should be specific and limited to the way we deal with today, but then our recommendation for a separate effort would be to change the PDP itself.

Kurt Pritz: So we don't have the same discussion every time we talk about one of these data...

((Crosstalk))

Alan Woods: Exactly. Exactly.

Kurt Pritz: All right yes, thank you. I'm just reading the chat here. Okay great, let's – we'll capture that, amend the wording somewhat but I really take Alan's last comment on board and probably need to include language concerning that, you know, I think that goes into the initial report bucket but I'm not going to go backwards in the agenda.

If we can go to – let's see what's here. The final cell, which is handling contractual compliance, monitoring request, audits and complaints, so this is contractual compliance and we won't be surprised – oh I think Margie added – this is an ICANN purpose. So Margie, if you can tell us why you added

registrars, registries and third parties maybe they could – the registrars and registries might respond to that.

Margie Milam: I'm sorry, which one are we on?

Kurt Pritz: We're on 4.4.13 which is the contractual compliance monitoring requests. And we had listed that as an ICANN purpose for processing data, and I think, if I read the comments correctly, you've added checkmarks under registrars and registries and third parties.

Margie Milam: Sure. So if you think about the ICANN process it's not – ICANN's not the only party that's involved in a compliance related inquiries. It starts with – obviously there's audits, right, so that's one category, but there's also the ones that are started by third parties. So if you imagine that third parties come across inaccurate Whois data, as an example, there's a form that basically says, you know, submit your inaccurate Whois complaint. And so that's where the third party information comes in because the third party will only see certain pieces of the data under the current spec.

And so in order to confirm or, you know, understand whether that information is accurate, they need to get access to that record. That's the third party. ICANN, I believe, sends that information over to the contracted parties, I think it's just the registrar at this point, for – to confirm or, you know, update the record if it has to do with Whois accuracy, so that's for sure the registrar is in that loop. And that's just with the Whois complaint.

With any other complaints that relate to contact data, for example in the audits or whatever if they want to make sure that say the thick registry is complying with its obligations to display the data or to provide reasonable access or whatever, there's, you know, there are examples of where I see that the registry would be involved in that to the extent that it relates to the contact information that's essential to the query.

So that's why I kind of look at it from every perspective and so the auditing and it's not in a vacuum, ICANN doesn't do it by itself, it has to coordinate with the registrar or the registry depending upon what the audit is so if it's escrow, if it's, you know, if it's display of Port 43 or whatever, you know, RDAP, whatever the protocol is at the time, if it's responding to inquiries to the web based access, you know, and there's questions about whether the fields are correctly displayed or the accuracy of the fields then in those instances I could see the registrar or registry being involved.

Kurt Pritz: Are there any comments to that especially, you know, from registrars – and go ahead James.

James Bladel: Hi, Kurt. This is James. Hopefully you can hear me okay?

Kurt Pritz: Perfectly.

James Bladel: Good. Good, I'm in a hotel room and don't trust the Wi-Fi. So I think I'm just trying to clarify here because I think I understood Margie's statement a moment ago. But I do question the third party in particular. And also I kind of question the (unintelligible) party interest in this particular purpose. Those functions are typically between – the compliance functions are typically between us and ICANN and although third parties can initiate a complaint to ICANN that can kind of kick off a compliance function, and certainly would have an interest in the outcome, I don't know that, you know, for example, a registrar receiving a compliance inquiry, you know, our function is to resolve that with ICANN, not with the third party. So I guess I'm just kind of struggling with how the nexus of really anyone but ICANN applies to this purpose and I guess I'm looking for others to kind of help me get my mind around this one. Thanks.

Kurt Pritz: Thanks, James. Alan.

Alan Greenberg: Thank you. I guess I may be in the same position. I can see why those other groups, registrars, registries, maybe even in some cases third parties may need access to the data, but I guess I view compliance as an ICANN purpose. So I think the purpose column is talking about who is creating the need for this data being available to someone, maybe to ICANN, maybe to other parts but it don't think you need a registrar purpose for them necessarily to have access. That's why we have the whole concept of we have a purpose that requires third parties to ultimately at some point get access to this data, but I don't think it's their purpose.

So I – maybe I'm mistaken but I'm looking at it as it's an ICANN purpose, compliance is our responsibility, ICANN's responsibility, and there may be all sorts of bodies that are involved in addressing the compliance issue. Thank you.

Kurt Pritz: Thanks. Milton.

Milton Mueller: Yes, this is – we're in danger of getting distracted again, Margie. I think that there's this tendency to try to put all things Whois into this proceeding and that is seriously (unintelligible) in this particular case in particular. Accuracy is – there's already a Whois accuracy policy of ICANN, accuracy of personal data is a requirement of most forms of privacy regulation. My understanding is that the temp spec does not affect any existing accuracy requirements of ICANN policies, it does not affect this notification process, it does not affect the ability of people to challenge the accuracy of the data. It does not in any way change anything related to accuracy so why are talking about this?

I think it's a distraction and I also agree with what was said by I think James about compliance is fundamentally a matter related to the contracted parties and ICANN and while people can – Margie is saying we need to be able to – we need to be able to – I'm hearing an echo, folks. If third parties are able to access all Whois data and challenge its accuracy that means we're publishing all Whois data which we already know we can't do anymore. So I

don't understand why we're sort of re-litigating this at all. I think we just need to drop this.

Kurt Pritz: So before calling on Margie since we've been around the room once but I want to let her respond of course is that I'm kind of seeing, you know, compliance having a role here to – with regard to say, in this example, Whois accuracy. And the – and a tool they use for that compliance is the ability to take in complaints from others so that's not really a – I think not really a third party purpose either, they're just using the tool that ICANN's provided to help fulfill their purpose.

On the registrar part, though, I see you know, I don't know, I see that they have to make contacts and things like this so that might be a purpose and processing response to compliance. But anyway, I just wanted to make that comment before starting again. So Margie, go ahead and reply.

Margie Milam: Sure. I mean, and just there's a third party element here doesn't mean that the party has access to all Whois for everything, it's that – it's very narrowly tailored to the specific request. And the only reason why the third party is there is for example Whois accuracy area is so that when the compliance (unintelligible) the inquiry is closed that party can receive the data from ICANN saying it's accurate because we've checked these fields and this is what the information is. And it's just for that particular inquiry (unintelligible) broad access for everything. So (unintelligible).

Kavouss Arasteh: Excuse me. Excuse me. We cannot hear good – a lot of distortion. A lot of distortion, a lot of echo. Please kindly try to remove this problem.

Kurt Pritz: How is it now? Okay, we're back in business. Margie, can you say and can you just briefly repeat what you said because it was really hard to understand so but condense it a bit?



Margie Milam: Sure. Just closing the loop on the third party issue. Essentially when the complaint is closed if you think about the interaction between ICANN and the party that's complained for Whois record, there's a communication back and forth on why something is accurate or inaccurate and there's a report back to the party that requested the inquiry. So it's a very narrow access, we're not talking about access to or, you know, disclosure of an entire database, as Milton suggests, we're talking about a very specific narrow response that relates to that one complaint. So that's what I was thinking about.

Kurt Pritz: Okay so for our next rounds of discussion, which will be next week on this, think about a way of making that more specific or narrowing it down to see if the group wants to take that – how the group reacts to that. Farzi, closing comment on this topic.

Farzaneh Badii: I just wanted to object to Margie be able to raise this issue again next week because we have been doing this over and over and Kurt, I really appreciate that you're so nice and want to allow everyone to express but we did just on Appendix C, now we are going to do it on accuracy. If we want to discuss, let's discuss on the mailing list. It seems like this is Margie's point of view and it's very (unintelligible) we should have a document, let's have it on the mailing list instead of giving the platform for another two hours discussion. Thanks so much.

Kurt Pritz: Thanks, Farzi. And so I wasn't advocating for having the exact same discussion but if Margie had a different way of coming on that I would listen to that but thanks very much for that. So I'm going to close this now, go back to the slide deck. And so there's quite a bit here under Appendix A. And the reason we're discussing Appendix A is it has – of all the appendices it contains the issues that some of the issues that we listed at the top as being important or critical toward being in our initial report.

And so I wanted to – there's – so there's a fairly extensive set of charter questions associated with this that when we get through it I think will match

what we answer but they have to do with the registrant data that is redacted that we briefly touched upon at one time that there's the – well I'm just going to – I have these issues listed later so I'm just going to page through the charter questions which are available for your review. And also briefly, you know, list the issues that Appendix A puts up for us that I think is germane to our initial report.

And so the first issue has to do with who must comply with GDPR and that's – I think that's covered in these Sections 2.1 through 2.3 and 3 where, you know, either the processor is in the EA or controller or the registrant or in some way it touches the EA and then Paragraph 3 goes onto discuss whether it's economically feasible for registrars to accommodate different geographies or they have to operate in a single way. That was an issue that was brought up during the triage portion that where there were some differences of opinion.

Also the consent issue was raised in Appendix A and the timing for when registrars might make consent available. And finally in Appendix A, under Section 4, there is the issue of disclosure and then what is reasonable access. So while I understand the comments of many that we're going to talk about access later, I think we need to replace in our policy the language that's here about reasonable access and the debate we've had about what reasonable means and whether, you know, we need to use the term reasonable access or use something else, I don't know if we need to understand what was meant by reasonable access but we need to replace these paragraphs, this paragraph about reasonable access in Appendix A.

So I don't want to talk too long but we put these items up for discussion in Appendix A and some have opined on them. So I don't know can the staff – can the support team put the link to the – oh I was just going to say put the link to the comments. And while we do that I think we have a couple points of order, so go ahead, Milton.

Milton Mueller: Yes, my point of order is if we're going to discuss Appendix A then we have to begin with the beginning of Appendix A and that is about the redacted data elements, it makes absolutely no sense to talk about access to nonpublic Whois data unless you know what is and what is not. So I hope everybody can agree with that very simple statement of fact. And so if we're going to start with Appendix A let's have that discussion about redacted data elements that I've been trying to get people to have for the last month.

Kurt Pritz: Thanks, Alan. Did somebody have their hand up? So go ahead, Alan.

Alan Woods: Sorry, I was just going to say you called out a point of order which of course it was, I was just going to add to is so I take my hand down until we're ready to discuss if we're going into the detail on this one.

Kurt Pritz: Thanks, Alan. So I'm a little bit stopped here because the first sets of items to be discussed are not redacted items but I wonder, so Milton, you know, there's a big part of me that said we should talk about the redacted items and then there's another part of me that says we haven't settled what the data is yet so should we talk about the redacted items? So do you think that's a correct thought or do you think we can talk about data redaction before we settle the data elements? Go ahead, Milton.

Milton Mueller: Yes, the part of you that says we need to settle the data elements first is correct so I hope that you two don't get into a fight with each other and if you do the first one wins. We have to continue I think with Thomas's matrix, which is where we were going a meeting or two ago where we're deciding what data is actually grounded in a purpose. And again once we've settled that then we can get to access. But some people are pushing us towards Appendix A and I was hoping that they were not diverting us from that prior discussion but if they succeeded in doing that at least when we talk about Appendix A we should talk first about redaction. But I totally agree, we should not be talking about redaction until we know what the data elements are.

Kurt Pritz: Okay good. Thank you. Kavouss.

Kavouss Arasteh: So I was convinced by your last statement from Milton so I don't need to go anymore. Thank you.

Kurt Pritz: Great. So now we're standing Milton's comment which I find to be accurate. I think there's also policy issues in Appendix A that will require our attention for the initial report. And I wanted to have a brief discussion about that amongst this group as it was requested by others so that – so that comment can continue on this comment section and these have to do with these things here. So you've seen this before because it's been in previous slides and posted for comment. Yes, Mark, go ahead.

Mark Svancarek: Oh, I just had to comment on Milton's statement of – because I disagree with it. And my reason for disagreeing with it really – if you think about it from a data processing perspective on the developing a system that says I shall process data of Type A in one, and data of Type B in another fashion, I do not need to know a priory full enumerated set of data Type A and data Type B. So I understand where he's coming from but just as a statement of (unintelligible).

Kurt Pritz: I missed your last sentence. As a matter of truth, what?

Mark Svancarek: I don't think it's actually (unintelligible).

Kurt Pritz: Okay thanks. Kavouss.

Kavouss Arasteh: Yes I understand few points were left to be discussed on the mailing list. Does the secretariat have any record of those items which were left to be discussed at mailing list which I don't agree. Nevertheless if you want it, but the question is that does any of those items have any policy issues that needs to be included in the preliminary report or not? If yes, then we have to

have some results of that mailing list because up to now I have not seen any result of any group from the mailing list.

The group will exchange ideas with each other but there is no area or there is no one to get a summary of all of those and bring back the results of the exchange of issues. So whenever we want to just dispose of anything we just send it to the mailing list. But there is no record whether they are followed, are not followed, what is the result and so on so forth. So we leave it in your hands to see whether those issue which left to the mailing list we have a record and whether there is any of them – does any of them have any policy that should be included in the initial report. Thank you.

Kurt Pritz: Thanks, Kavouss. Caitlin or Marika, could you take an action and make an index of all the different Google Docs and items on the wiki pages that capture all the discussion on all these topics and make that available? I think that'd be helpful to me too because when I'm looking for something I'll often wind up hunting around a little bit so we sort of have a library of those things. Mark, is that a previous hand? Yes, thanks.

There's a set of issues in Appendix A to where some have made comments and if staff could put the link in down here I think that'd be good but it'd be better to view what these issues are. So the first has to do with the identification of legal persons versus natural persons – person, persons and how the EDPB asks us to handle those and how that affects our discussion of especially technical and administrative contacts.

There's the issue of redaction of data and some in the triage, some have advocated for additional fields to be redacted and some have called for some fields to be not redacted. So there is passion for – or interest in changing the list of redacted data in Appendix A. The third has to do with again, administrative and technical contacts and whether email addresses, personal information, even if it's with a company email. One has to do with having appropriate logging mechanisms.

And then finally on this chart, there's the issue of, you know, what is meant by reasonable access. And if you go back to the charter questions you'll see that, you know, the charter questions are, you know, do we intend to adopt this language of reasonable access and if we do, what the heck does reasonable mean? And if we don't then what's the replacement language?

So for this, in a previous meeting the – we've requested that you go to that link and comment on these various issues so that we have an understanding of the different positions or additional necessary information so that we can discuss these when they come up. So the action is to engage on this but first – and this was quite a few slides, but it was to get Appendix A, you know, formally on the table and solicit any initial comments about how this should be discussed or what our final deliverable might look like.

Kavouss.

Kavouss Arasteh: Yes with respect to the last one, reasonable – use of reasonable before access, then the discussion even reasonable requirement and so on so forth, I don't think that are the same thing; they are two different things. My suggestion would be we get rid of the reasonable and we put another adjective in front of access, whether required access, adequate access, minimum access, but not reasonable because this reasonable we have discussed it elsewhere.

We have discussed it in the CCWG Work Stream 2 jurisdiction, hours and hours and there was no agreement at the and the IPC or Chair of the IPC put something in that and people by exhaustion they have agreed, (consortium) by exhaustion. So I suggest that we get rid of the reasonable and have some other term such as required access, or adequate access or minimum access or nothing, but not reasonable. Thank you.

Kurt Pritz: Thanks, Kavouss. Does everybody feel that they have sufficient information in order to, you know, open up this page and make comments to it? I'm sorry, I stop when I read some of the comments, so the page was if staff could put the link in again. There you go, thanks. Thanks, Marika. So a couple few meetings ago we asked that even though we hadn't discussed this at all yet or introduced the material that we'd make comments on it. So given the slide content here, which includes the charter questions and the topics as listed out this way, I'd like people to take some time and make comments to this. We have some from a couple of the groups here but not all of them.

Go ahead, Kavouss.

Kavouss Arasteh: Yes, when we talk about reasonable, some – some issues in views of some people that are reasonable but in the views of other people they are not reasonable, so there's the problem of reasonable. So we have to find a way to get out of this dilemma, this reasonable and sometimes appropriate or relatively and some of these things are disturbing at the very beginning I raised all of these questions. Thank you.

Kurt Pritz: Yes, well and I'm not disagreeing with you that we need to reword that. Mark.

Mark Svancarek: Can you hear me now?

Kurt Pritz: Oh man, it's so much better.

Mark Svancarek: Okay I just wanted to test my new microphone. That's all I had to say.

Kurt Pritz: So I don't know, so, Ashley suggested that – so pleased for you, Mark. So Ashley recommended that maybe someone from the BC or IPC could introduce some of their thoughts. That would be fine if it can be done in say five minutes time, so perhaps hitting the key points, but it'd have to be fairly brief and I don't know if it'd be – you know, to the extent would be helpful it'd be great. Milton.

Milton Mueller: Yes I'm just – there's some kind of strange process going on here but I thought I had made the point that we cannot discuss access to nonpublic Whois data until we know what the data is and what is public and what is nonpublic. And here we are having a discussion of access to these data elements that we don't even know and we don't know what's public and nonpublic. Why is this happening? Did I miss something in the discussion? It seemed like you agreed with me, Kurt, that there was a logical order to the discussion of these elements. Are we discussing what we're going to discuss when we're in Los Angeles? Or are we having this discussion in a real sense? I'm just completely lost here.

Kurt Pritz: Thanks, Milton. I think there are several topics in Appendix A, other than redaction, that require discussion where redaction isn't necessarily on the critical path. And so what...

((Crosstalk))

Milton Mueller: ...redaction is not on the critical path when you're talking about access to nonpublic Whois data and redaction tells you what's public and what's not public. How can you say that?

Kurt Pritz: I wasn't referring to access, I was referring to some of these other things that are in Appendix A. And if – anyway the order in which they're listed in these category of issues indicate their priority. So I think it's still helpful to consider these other issues that aren't specifically access and comment on those. I also think that there's, in this document, there's some sort of placeholder that will be about access that we're going to have to discuss and it's all in this section. I don't disagree with your ordering, but there's progress that can be made in preparation for our discussion. Kavouss. Kavouss, did you want to say something?



Kavouss Arasteh: Yes, the issue of before discussing and deciding or determining the data we should not talk about the access and so on so forth and we should not talk about these things at all at this stage. Nevertheless, no matter still there will be some data, if there is some data then we should discuss that. And if...

((Crosstalk))

Kurt Pritz: Thanks, Kavouss.

Kavouss Arasteh: ...discuss it at all here by everybody, so flag it up and then say that this is a matter to be discussed, take it as a follow up action, as a pending item that need to be discussed, but we should not raise it again to discuss it or not discuss it. Thank you.

Kurt Pritz: Thanks. Mark.

Mark Svancarek: I have to raise a point that I tried to address this when I was in my dungeon a few minutes ago and no one could understand me. But I really reject the idea that we must define all data elements to be redacted before we can talk about the concept of reasonable access. And there are a couple reasons is that reasonable access is not the specificity of how the access works, it's a term that is discussed in the temp spec so it is you know, it can be discussed even though there are gating issues.

But the real reason is that in data processing we're going to talk about categories of things and we don't need to know every single enumerated item in each category before we talk about how we process the categories. I understand that you could proceed down the path that Milton is advocating, you could probably make it work. It's not how I would design a complex system. I think it's an inferior approach. And so I think we're just going to have to disagree on this and I'm going to continue to assert my opinion that we can in fact talk about reasonable access in a way that is not gated by the charter.

Kurt Pritz: Go ahead, James. Thanks, Mark.

James Bladel: Hi. Thanks, Kurt. James speaking. And so I know we're running out of time here. I think I'd like to pick up on Mark's proposal that we just kind of agree to disagree but do so in a way that parks or defers the substantive discussions of access. I keep feeling like we just continue to get wrapped around the axle on this issue and, you know, regardless of whether we you know, substantively believe it's our discussion or not, it is just outside of the boundaries of our time constraints and I think, you know, it's unfortunately just not something we can take on in the scope of the time that we have. And I think that that's one of the reasons why the GNSO Council designed the charter the way they did. So I think we just need to kind of note it, flag it and move on. Thanks.

Terri Agnew: Kurt, if you are talking you're still muted.

Kurt Pritz: Great thanks. Thanks, Terri. So I take these comments on board and my only comment with regard to going through the charter questions I think that, you know, in my mind, and maybe I need to draw this more vividly, but in my mind, you know, in my mind we're going through the charter questions because, you know, the first charter question is about the purpose of data, so we're marching through that matrix that's, you know, necessary in order to answer that and the ensuring three charter questions there. And we have the data matrix that is necessary to answering the next three charter questions there. So and at the top of this we listed the questions having to do with Appendix A.

So I understand that we haven't started with one and focused completely on that without talking about other things. But anyway I'll have to think about that but the part – the path we're marching down is designed to answer the charter questions so I'll try to do better of linking those and making sure that these are the charter questions we're trying to answer and would take any

suggestions offline about how to do that better. Mark, is that a previous hand?

: Yes, thanks. So...

Mark Svancarek: ...previous hand.

Kurt Pritz: That's okay. So can I call on staff to not only wrap but indicate when and where we're going to get together next week?

Caitlin Tubergen: Hi, Kurt. This is Caitlin. So I've captured six action items in this conversation. The first action item is for ICANN support staff to distribute Thomas and Farzaneh's matrix following this call. The second action item is for ICANN support staff to capture Alex's proposed methodology and distribute via email. And as a reminder, I think Alex's methodology was to proceed with instead of deciding if an X should be placed on the purposes matrix we should move forward with using the updated registrar text on the purposes designated for registrars and give registries an opportunity or homework to draft purposes for their text or text for their purposes, rather, for their columns for processing. And if I recall Kristina did mention that they would help with doing that.

Action item 3, is to reach out to ICANN Org and note that there was a request for active participation during the face to face from the ICANN Org liaisons and possibly ICANN Compliance. Action item 4 is for the leadership team to further refine the face to face agenda based on today's feedback from the EPDP team. Action item 5 is for the leadership team to attempt to redraft Section 4.4.12 which is the dispute resolution procedures purpose based on today's feedback.

And the last action item is for the ICANN support team to create an index of all of the Google Docs and other documents the team has been using so it'll be easier to find and search for those when necessary. And as a reminder,

our face to face meeting will be – begin on Monday and it will be in the ICANN offices and will be starting at 8:30 local time. Thank you, Kurt.

Kurt Pritz: Yes, thanks Caitlin. And the only tweak I have to that is, you know, the language that Alan Woods suggested is to make sure that sort of universal language for our work and not just for that data element. Does – go ahead, Alan.

Alan Greenberg: Thank you. Before we adjourn I just wanted to make sure – I may be behind on my email but has a detailed agenda been sent out yet for the face to face and specifically starting and ending times and if there are any dinners planned? If there's an email just point me to it but we really need that – some of us have other arrangements we have to make in addition this meeting.

Kurt Pritz: Caitlin, can you take that one or maybe Terri?

Caitlin Tubergen: Yes. Thanks, Kurt. I can take that one. Thanks for the question, Alan. If I remember correctly Kurt did distribute the detailed agenda so the email came from Kurt to the EPDP team. And that came through yesterday, however we can go ahead and resend that to put it at the top of everyone's inbox. In addition, Terri sent out a logistics document which goes through the time for meals and generally when people are supposed to report to the ICANN offices. It includes information on the dinner and the cocktail reception on Sunday. But we can go ahead – when I distribute Thomas and Farzaneh's matrix we can also include those two documents right after this meeting so that everyone has that.

((Crosstalk))

Alan Greenberg: Yes, I have it now, I presume other people do as well. I was offline all yesterday but I see it now. Thank you.

Kurt Pritz: Great, Alan. Thanks. Kavouss.

Kavouss Arasteh: Yes, since I attending the meeting remotely for half of the meeting I would appreciate if this time be also indicated in UTC. Thank you.

Kurt Pritz: Thanks. We'll take care of that, Kavouss.

Caitlin Tubergen: Kurt, I can just note that right now. Thank you, Kavouss. For UTC time on Monday the start time is 1530.

Kurt Pritz: And that's – but follow up with an email okay, Caitlin? We'll just mark up the agenda and include a column with UTC. And let me note that there is – the logistics, all the ancillary functions and timing will be added to the wiki page, the wiki agenda page. All right cool. So if that's it I want everybody to have a safe trip, I only have to come about 50 miles but I know a lot of you are coming further and sacrificing a good part of your weekend and a good part of your work week so I appreciate that. And we'll see you there so have a safe trip and take care, everyone.

Alan Greenberg: Thank you, all.

Terri Agnew: Thank you. And once again the meeting has been adjourned. Operator, if you could please stop all recordings? To everyone else, please remember to disconnect all remaining lines, safe travels to those going to LA and have a wonderful rest of your day.

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