

**ICANN
Transcription
GNSO Temp Spec gTLD RD EPDP
Thursday, 24 January 2019 at 14:00 UTC**

Note: Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at: <https://audio.icann.org/gnso/gnso-epdp-gtld-registration-data-specs-24jan19-en.mp3>

Adobe Connect recording: <https://participate.icann.org/p3qcfj7oeex/>

Attendance is on wiki agenda page: <https://community.icann.org/x/9JUWBq>

The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page <http://gnso.icann.org/en/group-activities/calendar>

Coordinator: Recording has started.

Terri Agnew: Thank you. Good morning, good afternoon and good evening and welcome to the 39th GNSO EPDP Team meeting taking place on the 24th of January, 2019 at 1400 UTC.

In the interest of time, there will be no roll call. Attendance will be taken via the Adobe Connect room. Other than Thomas Rickert, is anyone on the telephone only at this time? Hearing no one, we have listed apologies from Emily Taylor of the RrSG, Ashley Heineman of GAC, Diane Plaut of IPC and Matt Serlin of the RrSG. They have formally assigned Sarah Wyld, Chris Lewis Evans, Brian King and Theo Geurts as their alternates for this call and any remaining days of absence.

During this period, the members will have only read-only rights and no access to conference calls. Their alternates will have posting rights and access to conference calls until the member's return date. As a reminder, the alternate assignment form must be formalized by the way a Google assignment form and the link is available in the agenda pod to your right as well as the meeting invite email.

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 documentation 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 call. Thank you very much and I'll turn it back over to our chair, Kurt Pritz. Please begin.

Kurt Pritz:

Thanks, Terri. And hi everybody. I hope you're well today. We have a long sort of aspirational agenda. We'll see how far we get. We hope we get to all the items on the agenda. The good news sort of is we want to draw to a close as early as possible because some of us, not me, but some of us on the call have another ICANN obligation to get to; there's an offsite meeting so we'll try to end a little bit earlier.

I just want to say that I know that you're being inundated with many emails to discuss or conclude topics on various recommendations, so I'm really sympathetic to that. If there's a way we can present the information in a better form rather than separate emails or any different formatting or any tool you need that would help you or your group consider this, you know, we'd be happy to undertake it.

I just want to specifically, in order to get ready for the meeting on next Tuesday as we careen towards the end of the month, I just want to point out that on the agenda for Tuesday we're going to discuss Purpose 1 which has to do with collecting data to make the domain name work and we're waiting for I think it's the RySG only but maybe the contracted parties to send language on Purpose 1 and the data elements workbook, so that's the, you know, splitting of that purpose into two, the final language on that and the data element workbooks that are associated with each of those. If you want to – if we can help you in any way with that, please let us know about that.

And then we're also – on the agenda is the discussion of reasonable access. And I think Alex Deacon had been doing some work on that, just in the last dying moments of the Toronto meeting, so, Alex, if you have anything meaty on that. I think Alan Woods might have been helping you with that so if you want to consult with, you know, if there's anything we can do to help that out or expedite that in some way or reassign that let us know if we have to handle that in a different meeting for the Tuesday meeting.

So I'm just looking, so Mark, we're not preparing language different from what's in the public comments. I assume that's for Purpose 1 and I assume that's the language that divided the one into two, is that correct? So is that the language that's going to stand? Yes. Okay, well that's good. Thanks for that note, Kavouss.

Okay, are there any general questions or topics anybody wishes or any points anybody wishes to make before we dive into the agenda? All right so to really, again, as we get towards the end we're getting to, you know, discussions that we've had on previous occasions and so they're necessarily somewhat difficult to get through. So I'd – I'm looking forward to some sort of innovative solutions that, remember in Toronto we talked about, solving for our own problems and solving for the other team's problems too so finding a way forward to get through each one of these topics so we can make an

appropriate recommendation or statement about these in the final report. So I appreciate that spirit in – spirit in advance.

I'm just going to – I'm going to pause to see if – so let's go to the top of the agenda then and then the first topic we're going to discuss is geographic basis. And that's whether the registrar in deciding whether to publish or not publish personal data should be required to, even if commercially unreasonable, parse that, you know, make distinctions in that data and publish that information.

Again, I'm reading the chat. Okay, so I think that's okay. So this geographic basis one is a little bit tricky to find but I'm sure you found it by now. And it's really under – going to the PCRT, it's – if you scroll down to question about legal – geo and legal names, the geo names are at the top so it's about 2/3 of the way down in the PCRT between Recommendation 11 and Recommendation 12. So I'm going to give everybody five minutes to review that and then we'll be off and running so I'll see you in a couple minutes, you guys.

Just another half minute or so everyone. So thanks for taking time. There's a lot of comments to wade through there, you know, the presumption is we've read them before and this gives us a chance to review them and recall the points we can make in this discussion. You know, I just, again, to call our attention to the temp spec where it calls out where registrars must – “registries and registrars must redact data in certain cases where the registrant and the data is attached to the EA and then later it goes on to say the registry operator and registrar may apply the requirements of this section where it is a commercially reasonable purpose to do so or where it is not technically feasible to limit the application of requirements as provided in 2.1.” So that's what the discussion is about.

I think you know, I hope somebody can start off the discussion here. I know it's hard to start off the discussion with some new thoughts or new approach

to this as we've discussed here, you know, reading through the public comment I think we've touched on just about all of those arguments. So if there's – you know, it'd be good since this is a review of public comment too, it'd be good in your discussions if you refer to the public comment of some that are listed here for the record. But please – again in the spirit of, you know, solving for our problem and the problem of others let's have the best discussion we can.

So I don't know if there was sort of a mirage where I saw Stephanie's name up and now it's gone but I'll call on Margie first and then Stephanie, let me know if something happened there and you want back in the queue.

Margie Milam: Thanks, Kurt. It's Margie. I just wanted to raise the issue that we talked about yesterday in the Legal Committee meeting and that we have crafted a question for Ruth specifically on the geographic scope issue as to whether or not ICANN has, through its activities and its establishment essentially been covered – it is this covered by GDPR? And so in my view it seems like we probably should wait for the answers on that issue to have this discussion.

Kurt Pritz: And could you flesh your – and could you flesh out why that is for the – why you think that is for the rest of the group? So I think you stated it during the meeting but it's a novel issue for this team.

Margie Milam: Sure. I mean, I guess – is Amr on? Yes, Amr's on, perhaps – the question that he posed because the question is if the answer to the question is yes, ICANN through its activities and its establishment is, you know, governed by GDPR, then I think it makes it harder to do the geographic distinction and we would need, you know, it would affect the analysis on this particular issue. But I'd perhaps wait for Amr's response on that but that was the discussion yesterday was that we would like to have that answer before we proceed on this issue, at least that was my recollection from the discussion yesterday.

Kurt Pritz: Alan, would you mind very much if I go onto Amr and ask him to – if he's going to take to the same issue, elaborate on that and if not, well I guess he can just cut in line if you don't mind. Amr?

Amr Elsadr: Thanks, Kurt. This is Amr. And apologies to Alan and thank you, Margie, for the summary. I think Margie summarized the issue quite well. The territorial – the EDPB guidance on territorial scope of GDPR which they published I think in late November of 2018, did mention the issue of, you know, whether a controller has the stable establishments and that term is defined in the guidance along with examples.

If a controller has the stable establishments within the EU and if these establishments are somehow associated with data that is processed by the controller or that that the controllers requires, you know, the processing of this data, irrespective of where the processing actually takes place, so irrespective of whether (unintelligible) that the controller would be subject to GDPR compliance in those cases.

And the reason I brought up the question is because when we were going through all of the purposes and developing them and identifying the different processing activities, we pretty much identified ICANN as a controller in all of these purposes. Of course, you know, we were still having discussions of what kind of controller relationship it has with contracted parties but one way or another ICANN is a controller.

But the guidance itself is not very easy to parse. I think it's – it might be difficult for us to analyze it properly. And I thought, you know, with the availability of legal counsel now it might be a good idea to seek some guidance on the guidance that the EDPB provided on this issue.

And as Margie explained earlier, if the answer to this question is yes, ICANN does have – well several questions actually, so first we'd need to determine whether ICANN does indeed have stable establishments within the EU or not;

another question might be whether these establishments are somehow associated with the data processing activities that we identified; and third of all, you know, what does this mean for ICANN as a data controller and for all the issues on the geographic – geography of registered name holders that we've been discussing?

So if the answer to all these questions is yes and that ICANN is a controller with stable establishments that do have an association with these processing activities, then all the other issues that have been raised on, you know, whether we should distinguish between registered name holders based on their geo location or not might be moot and it might help us to sort of move this issue along.

I think it's appropriate, it was lucky that we managed to bring this up in the Legal Committee yesterday and it's appropriate to bring it up now because I lost count of the number of comments in the public comment review tool that referred to the EDPB guidance on the geographic scope of GDPR. A lot of comments came in saying that the EPDP team should take that into consideration. I think the best way to do so would be by seeking legal guidance on it. Thank you.

Kurt Pritz: Thanks very much, Amr and Margie. Alan Woods, please – so I'll, you know, I'll withhold comment on that but I think those points were very well put. Alan – Alan Woods.

Alan Woods: Thank you. It's Alan Woods for the record. Yes, I'm – obviously based on what Margie and Amr have just gone through there, you know, (unintelligible) because it is very, very – it's easy for us to – sorry, just getting background – sorry, it's easy for us to – one way or the other, if it comes down to Ruth comes back and says that it does apply to ICANN as a whole that would make a lot more sense; it does make this point moot. What I will say is that if Ruth doesn't come back then obviously we still – or she does come back and

it comes back saying that ICANN – we can't rely upon that distinction, you know, this is still an important conversation.

And I just want to put on the record that one of the key things reading the comments, and I've said this before, the public comments and even in the interim report is that there is an awful lot of statements within the public comments saying it must be made mandatory, it must be made mandatory, it must be made mandatory but not one of them says it must be mandatory and this is how you achieve that and this is how you achieve, you know, quelling the very well and very, you know, hugely stated threat that the contracted parties have to, you know, enforcement actions because we are unable to guarantee the accuracy of the delineation.

So not one of the public comments does make – give us any idea as to how this would be achieved. And, I mean, you know, it's on to thing to say this can be kicked to implementation but I've always maintained that this is just simply unfeasible. So let's be clear that public comments don't change where we're coming from really and we really need to, you know, the temporary specification as written, although it's not great, probably is the way that we should go. I just wanted to put that on the record but happy to wait until Ruth comes back.

Kurt Pritz: Thanks very much, Alan. Go ahead please, Milton.

Milton Mueller: Yes, I agree with Margie and Amr about waiting for a legal opinion. However, on this issue I keep bringing up an argument about the global nature of ICANN's policies or the intent of having ICANN at all and nobody addresses that. So I'd like to bring it up again and I'd like to specifically point the finger at our ICANN representatives on this call and ask them, you know, what – why isn't ICANN defending (unintelligible) more strongly in favor of a global uniform approach? We hear that when we're talking about access, about how we need to have a uniform approach; we hear that – the whole rationale for having an ICANN at all.

I mean, folks, if we can use a rules engine to determine what policies and laws apply based entirely on the jurisdictional information we have about the registrant, I would like to know why we need ICANN? Because you can just rely on local law for all policies regarding data protection, what is redacted and what is not, what are the responsibilities of the different parties; what do we need ICANN for if we don't have a uniform global policy regarding privacy of the registrant data? I'd really like an answer to that question.

Kurt Pritz: Sorry, I was on mute. So, Milton, is this a question we should put into writing?

Milton Mueller: We could, I mean, if we want to go that far with it, but I mean, there's people from ICANN on the call here and there's people in the stakeholder groups who have not addressed this issue in my mind. So they could answer it now and maybe we don't need to write it.

Kurt Pritz: No, I think on a question having to do with ICANN policy and things like that, I mean, I'll pause for a second to see if Dan or Trang want to raise their hand but on a question of policy like that I don't think they can speak for the company. But here's Dan so we'll let him break into the queue. Thanks very much for raising your hand, Dan.

Dan Halloran: Hey good morning, Kurt. And Milton, thanks. Can you hear me?

Kurt Pritz: Yes I can. Thanks.

Dan Halloran: And thanks Kurt. And I missed part of what you were saying because the operator was giving me instructions on how to unmute my phone so but I heard Milton's question. And I'm actually – I mean, I'll a little bit surprised, I'm kind of not fully awake yet but I remember Milton specifically saying that he didn't want ICANN Org to intervene and give their policy views about things so to me this is a, you know, a policy question straight in the community's

camp; what do you guys want the policy to be? And our job is to implement that policy.

I think we could go back like we've done in other things and go back and look at like what the rationale was given in the cookbook or in the temp spec but – and if you do want us to expand further on like the policy views of ICANN Org on this question I think probably we should do that in writing so we could go back and check with our colleagues on that. Thank you.

Kurt Pritz: Thank you, Dan. Brian, please go ahead.

Brian King: Thanks, Kurt. And I think this is an important point that Milton raises and something that we should really think about. And we're doing quite a bit of work here to get the Whois system in compliance with a law in one jurisdiction and thinking about national sovereignty and also ICANN's role in the, you know, international space here because I've seen legislation floating around in DC that has implications that say if your registrar or registry is based in the US then the Whois needs to be published and unredacted for consumer protection purposes. And so if that legislation is passed, what would ICANN do then? What will we do in that point?

And, you know, what if that happens in China? You know, what's the global Whois going to do at that point? So I'd just caution against global application of one jurisdiction's laws and I think this is a good opportunity for ICANN to establish how the community is going to respond when one jurisdiction in an exercise of its sovereignty makes a rule that can be a burden on everybody. So I don't know how we should best reflect that in policy. The IPC position is that this should not be applied where it's not applicable and I think we should keep that in mind as we finalize this. Thanks.

Kurt Pritz: Thank you, Brian. Good morning, James.

James Bladel: Hey good morning, Kurt. Can you hear me okay?

Kurt Pritz: Yes, perfectly.

James Bladel: Great. Thanks. Good morning, everyone. So I think I am actually agreeing with Brian to some extent, maybe for different reasons, but his note, you know, his intervention was that this is (unintelligible) draft legislation pending in the US, there's legislation that's been adopted in California that hasn't gone into effect yet and I think that that's a pretty clear and compelling argument for me that carving something in stone in the form of an ICANN policy that is a blanket application or blanket redaction or whatever is not going to be very useful for registries and registrars; they need to publish or unpublish as the ground shifts underneath them.

And I think even since the adoption of the temporary spec, my own company has had to change who's displayed and who isn't and I think that we find the best never-ending you know, that's very difficult to chase that shifting goal post.

So I think the key takeaway for me is that the flexibility and discretion needs to reside with the contracted parties because this is changing, because this is not just a GDPR specific topic but, you know, there's similar privacy laws popping up all over the place. And I think the default position has to be from the community that if you're in doubt – if there's any doubt at all, you know, tend towards protecting the rights of the individual. I really I guess just personally and I think commercially and operationally would object to the well if you're not sure publish and see what happens kind of approach.

But I just also want to point out that in reviewing the comment on that from George Kirikos notes that while he may be entitled to some privacy in his local jurisdiction his Whois data is being redacted against his wishes. And I think that really is an interesting comment but I think it's more directed towards – it's more directed towards consent and consent to publication or opt-in to Whois or opt-out or redaction depending on how you look at it. So I

don't think it's really at the heart and soul of this particular issue but I think it is an important comment, maybe we can reference in that other topic. So thanks.

Kurt Pritz: Thanks, James. Alan Greenberg.

Alan Greenberg: Thank you. I guess my first point is I wish we had actually decided whether we're going to – well we clearly did decide that we're not going to worry about Margie and Amr's comment. If legal opinion comes out saying ICANN itself is working under European jurisdiction and therefore we cannot – we have to redact everything, then this discussion is moot and we don't really have enough time to spend an hour talking about something which isn't relevant at all. So I would have preferred if we had shelved this once those comments were made. However, we didn't.

To Milton's question, the answer I believe is exactly the answer that Milton uses for other things, look at the bylaws. We are not here to protect people's privacy; we're here to ensure that laws are followed but it's not up to us to decide exactly that level of privacy is given to what particular registrants. You know, as has been pointed out, there may well be other privacy laws and publication laws that are at odds with each other and that's going to have to be resolved essentially at the national law level. But, you know, we can't presume that GDPR is the base that everyone else will use.

Stephanie points out there's a lot of different laws and they may well be different, that means registrars and registries are living in a very difficult world and it's going to – probably going to get more difficult. But simple redaction does not necessarily address the issue so I think we need to look at the issues we're facing. This is a GDPR EPDP and those are the problems we have to solve; we can't solve the generic problems here. So I think going down that path is just – doesn't make any sense.

And when I look at some of the comments, the comments I believe from the Registries, may have been Registrars, you know, saying well our registrants are global, you know, many are global organizations, well if they're organizations, they're not subject to GDPR so, you know, that goes back to the legal versus natural question. I think we need to focus on what we were put here for and that is not solving the world's problems and not trying to be, you know, it is not ICANN's job to decide what level of privacy is appropriate for each individual in the world or each company in the world. That's why we have governments. Thank you.

Kurt Pritz: Thanks, Alan. And so just in partial response to that, you know, I understand your comment about leaving this discussion but then others came right in and said, you know, they do think this discussion is important. And, you know, I think some valuable comments have been made including yours. Margie, please go ahead.

Margie Milam: Sure. A couple points. I think Alan asked – mentioned about the public comment and that no one's provided a solution. I'd just like to draw everyone's attention to the BC comments that talked about the concept of a rules engine. And I think that that – we haven't really explored the possibility of doing that because if we come up with a global policy like we've been working on, what we want to avoid is actually having a conflict issue in the future where even what we've agreed to, you know, doesn't work. And so what will happen to the global policy then?

You know, I think a lot of people think that the conflicts of law procedure that we had in the past wasn't working. And I think that that's something we really need to think about as a group that, you know, whatever benchmark we set with this policy we have to have an ability to address the fact that the laws have changed and that's why the rules engine makes a lot of sense.

And engine doesn't mean software; engine means like a chart of recommendations, you know, of laws that apply in different jurisdictions

depending on, you know, what the privacy laws require. And so I think that's something that we should explore.

As we were thinking about this yesterday I preparation for this meeting we were remembering that we have this recommendation related to additional research for the legal natural person distinction and our suggestion is perhaps that we can also mimic that same language for the geographic distinction and move this discussion to Phase 2 when we have the answers from Ruth and that might, you know, in a sense help us determine what we should do with this particular issue. Thank you.

Kurt Pritz: Thanks, Margie. So let's close the queue after Stephanie unless someone feels they'll commit (unintelligible) if they don't get to talk because I think we're getting towards some answer. Anyway, Thomas, please go ahead, welcome. Good afternoon.

Thomas Rickert: Thanks. And hi, everyone. I think looking at the public comment it's striking but maybe I'm getting things wrong that I think there's almost 100% congruency between those who have been requesting less redaction of data that's publicly available with those who are now claiming that we are only pursuing the ideas of one legal system or one national or regional law. So I guess the overarching question may well be what shall be redacted and what not?

I think that we are working as hard as we can on the disclosure question and on the access question we're going to work in the months to come so I think that maybe we should try to actually put the question on how data about registrants can be obtained in this Phase 2 and not try to have a discussion about, you know, this one jurisdiction that allegedly conquers the world.

Also I think we need to be very clear that we have to look at this at two different levels. One in fact is the legal/compliance level and the other is the policy layout. On the legal level, yes we are now primarily discussing GDPR

but as has been mentioned in the chat, we have a plethora of data protection laws either being in place or emerging at the global level. And I think there was almost consensus if not full consensus in our team that it would be a good idea to use GDPR as a standard because that will likely help us avoid segmentation at the global level because it seems to be amongst the highest standards for data protection.

So having said that, the question is what are we doing with this at the policy layer? And I'm afraid that we are not using the power that we have at the policy group, you know, our forces are limited in the area of legal compliance but we can make policy that keeps things united at the global level. And the question is whether we are actually on the verge of giving that power away and I think that Milton put this quite nicely, you know, we are there to establish policy; ICANN is all about establishing global standards for gTLDs, establish transparency and predictability on how the gTLD world works.

And ICANN has a slogan, one world, one Internet, and I think we should take that to heart. So I think you know, for all the reasons that we've discussed before publishing our initial report, we should generally have an interest in using our policy making power and also to keep the Internet as unified as uniform both at the policy as well as the technical level as we can.

I do understand that there might be scenarios – and I think the example has been made of an Asian registrar that is solely serving an Asian community with an Asian IDN gTLD. And I think that the appropriate response to that where actually no relevance to GDPR or potentially other data protection laws is should not be to keep the system fragmented at the global level but to allow for a waiver system where folks can explicitly ask for an exemption of this global applicability.

I will not rehash the discussions that we had about the technical issues with this, you know, when you change second providers or change registrars, how this is going to work. All I'm going to say is that I think we don't have the

technical vehicles even if we wanted to, to make a distinction based on the registrant. And I think what we should be cautious of not to do is establish two classes of registrants; first class of which gets the beauty of all the data subject's rights according to GDPR and the second would not have a right to data redaction rectification, erasure information and data portability. Thank you.

Kurt Pritz: Thomas, that was clear and excellent analysis. I think I'll point out that in the case of some Chinese participants they might have a local requirement to actually disclose the data that's collected and even more, and they have to apply with their local regulation. And then, you know, I really appreciate your comment about the congruence of the (unintelligible) and just want to point out there were at least two comments where, from members outside the group. The one that George filed that asked for publication of data, so he doesn't think the GDPR requirements are so beautiful, but also (John Poole) on the other side that urged the opposite.

Georgios, please go ahead.

Georgios Tselentis: Hello, everyone. I hope you can hear me well? I would like for us to answer to the very basic question whether policies for top level domains can or are – can be applied based on geographic location? And of course we have all the range of policies that are under ccTLDs that do so, some effectively, some not and there are many, many hiccups also in this process. So whether it is feasible is one thing but I think it is.

The other thing that I would like to highlight is that we will not get rid of this qualifier of geographic locations later on because at a certain point it will be crucial for determining the data flows for processing and for jurisdiction any model of processing we might or might decide. So this is something that even when we get the responses from Ruth we will have to readdress it further down the road.

So it seems to me however that most people would like to have a common approach, a common denominator approach for regardless of where – what is the geographic location and therefore the jurisdiction. But to answer to the request of disclosing this type of information or whatever, I think what we can do is that whenever we are talking about redacted data in the future if every time we give the option of consent for publishing those redacted data from the registrant point of view then we overcome the problem that are mentioned in George Kirikos's public comment.

So I think this as a global approach that we might have in our policy is that the possibility always of the registrant to request to consent and opt in for publishing the redacted data will alleviate many of those concerns I think. Thanks.

Kurt Pritz: Thanks very much for that, Georgios, and for pointing (unintelligible). Marc, good morning.

Marc Anderson: Good morning, Kurt. Marc Anderson for the transcript. First let me just, you know, thank everyone for an excellent, discussion so far. I think you know, this, you know, there's been a lot of good points, you know, made here. You know, some, you know, and there's some, you know, clearly some issues we have to resolve here. And so my thinking is just from a practical standpoint, you know, we're out of runway for Phase 1, and so there's not a lot of opportunity for us to, you know, work out a fully baked solution on this for Phase 1.

And so just, you know, my suggestion is for Phase 1 we keep the language from the temporary specification and agree to take this up again in Phase 2 similar to what we've done in some of the other conversations. You know, I think you know, Margie and others made good points that we may benefit from outside legal counsel advice on this. And, you know, I think, you know, Milton and Thomas made some good points about the global applicability of what ICANN's doing and I think that needs to be taken into account.

But from a practical standpoint, you know, I think James spoke to, you know, really well about, you know, the challenges of applying different jurisdictions in some cases conflicting jurisdictions and it reminds me that, you know, ultimately, you know, the registrars that have the relationship with the registrant are best suited to making the determination as to what laws apply and how to apply those laws.

And I think the language of the temporary spec, you know, really gives registrars the flexibility to make that determination, you know, decide, you know, when and where to apply GDPR and so, you know, my, you know, my suggestion is, you know, for Phase 1, keep the language of the temporary specification but we agree to take this issue up again in Phase 2 when we have more time and also hopefully have heard from our legal counsel. Thank you.

Kurt Pritz: Thanks for that, Marc. Stephanie, can you bring us home?

Stephanie Perrin: Stephanie Perrin for the record. I don't know whether I'm going to bring it home or bring you out on another detour; that's usually what I do. I basically agree with Marc so I think he brought us home, although I'm not particularly keen on engaging in this discussion ad nauseum because I don't think it's as easy as people are suggesting it is. And I, frankly, had this argument with Steve Crocker when we were on the EWG as to just how easy it is to build this so-called rules engine.

Now, the point I wanted to raise is something that people don't seem to want to talk about and that is the burden on the individual respondent. Amr has put into the talk – the chat rather – the point about the quality of the data. Now, let me give you an analogous situation. Everybody complains that the EU is aggressive in applying its data protection policy and its fines extra-territorially.

Our good neighbor to the south, the United States, I'm speaking as a Canadian here, is extremely aggressive in the enforcement of its tax collection policy. And there are a number of different acts that reach out into other jurisdictions to gather data so that if there is the slightest connection to the United States you wind up with withholding tax and fines and all kinds of things. Now I'm just actually going through this because I have a tiny contract for which I have to file what they call a W8 (ben) and I was going through it because I'm a corporation, a small tiny corporation, and I spent the money and did the agonizing paperwork to do this.

I was looking at it and sure enough, there's one for the corporation and one for the individual but of course none of this language matches any of the language one is familiar with. And I think we'll find this, as I've pointed out previously, when discussing the whole legal person issue. And I note that helpfully under the American – the paper burden reduction act at the end of the forms that I'm choosing with – choosing between, and remember, I'm an ex-government person who actually had to read and comment from a data protection perspective on the tax treaties between the United States and Canada so I understand Page 3 of the form, you know, where all that stuff is trotted out, but it's still – the paperwork reduction act calculation for this form is that it'll take you 12 hours to fill it out. Now has everybody got that? 12 hours.

And it's basically about as simple as figuring out what jurisdiction you're in from the perspective of the application of global data protection law and whether or not you're a legal person. So please let's remember this. The burden is on the individual when providing the data and making a determination.

The level that government operates on in determining whether somebody is ready to make determinations of this nature that are going to have serious implications, is a Grade 6 reading level. So I'm going to have to pay my accountant to make the final call on this form and we don't want people to

have to hire a lawyer to register a domain name. Well maybe the lawyers in the room do, but these of us who fight for individual's rights, don't. Thank you.

Kurt Pritz: Thanks for that, Stephanie. I guess I'm glad the US government is reaching outside the country to get money and maybe not so much to me. But maybe your parallel is that, you know, there's many small registrars out there too trying to deal with this complexity. So this is where I think we are and I want to make two points. The first one's a little bit complicated way to get to it and I apologize in advance.

But in our last discussion about this we discussed whether the legal or policy issue, and I think where we were, at least where I was, was that, you know, if we ask for legal advice at the end of the day we're still going to be left with a complex issue so it's more about policy than legality.

However, Amr's brought up a novel issue that I think is different from the ones we were discussing earlier that Margie led off on, on which Margie led off. And so I think that you know, the legal issue that's been raised does merit the – a request from legal counsel and in fact, you know, unless somebody from this group objects the legal team had decided yesterday to pursue that legal question but wanted to vet it with this plenary group first, so I think that's our first conclusion that we're going to pursue that.

And then the second point I want to make, listening to the chat, not the chat but the conversation, is that it's – this is indeed a complex problem and those that are advocating the development of a rules engine are, you know, by advocating for it are discussing that it is complicated so if it's, you know, if it's very complicated to develop this rules engine then, you know, it's equally complicated for registries and registrars to develop their own sort of internal rules engine. So I think those that – the many of those – of you that think this discussion should be put off as we consider all those complexities I think are spot on the mark.

So I think in our discussion – our recommendation on this, we would say the temp spec language is left in place for the time being and that in Phase 2 this will be discussed further or discussed further with, you know, with sub bullets that call out the legal question we were asking that might turn into a bit of legal research and take a longer period of time.

And secondly, you know, call out that we're going to do some further research into this. I think you know, the rules engine has become sort of a polarizing term but, you know, the language would be some sort of investigation into the complexities of dealing with GDPR and whether that should be treated as a baseline as Thomas is suggesting or whether we need to take into account the different, you know, the varying laws of different jurisdictions, so that's part of the complexity that's introduced.

So I think, you know, further study in Phase 2 and particularly with regard to the legal question that was raised by Amr and mentioned by Margie and also, you know, additional investigation into the complexities and how those can be addressed. So Brian King is in the queue.

Brian King: Yes, thanks Kurt. I do want to take a quick pass at bringing us home on this. So I agree with I think 99% of the stuff that you just said and IPC thinks that's the best way forward. One thing that we would clarify then is that the language that – of our recommendation is not agree that the, you know, the lack of geo distinction in the temp spec should remain as-is, full stop, rather that we're okay with that persisting while we work out the things that we're working out including legal advice and all that good stuff in the second part of the EPDP so that's a clarification that we would make. Thanks.

Kurt Pritz: Persisting is just an excellent choice of words. Are there any other comments or is that an acceptable way forward on this issue? All right then. So the next topic on the agenda is the meaning of optional and has to do of course with, you know, correct me if I'm wrong, but the technical contact and the

associated information so that's optional for the registrant to fill out, is it optional for the registrar to offer.

So the questions are really, I don't know if staff can help point me better, but we need to look at Recommendation 4 in the PCRT and is there a section – I think there's a section in there that pertains to just Question 2, which has to do with this problem. And while you're looking through that the next topic is about Recommendation 4 itself, but this is a subset where we had a specific question.

So with that, unless anybody has any questions or uncertainty, let's take a few minute break and look at that.

Hi, everyone, welcome back. Hi, everyone, welcome back. I just said that again because just recording on. So we had discussed this topic in the interim between the, you know, while the public comment period was still going so we discussed it at some length and then decided to halt the discussion because we were waiting for public comment.

So I remember, you know, we've got several – so I've got – this is a blast from the past but I've got several notes on this regarding where we were on this issue. And I know we are out for a legal advice on this that we had – with a very specific question that we haven't received an answer to yet. And that is whether a notification to the registrant or a notification to a technical contact is a notification and not consent, whether that would obviate any legal liability on the part of the registrar for collecting and processing this information.

So one of the, you know, some of the thoughts on compromise going into this were these, one is, you know, that the registrars would provide some guidance to the registered name holder concerning the organization field so that the registered name holder wouldn't put any personal information into the tech contact field also. Hang on for a second.

And then, you know, and then, you know, we would have to decide for the time being maybe in this conversation what our temporary conclusions are waiting for the legal clarifications but also, you know, that legal clarification is going to be somewhat bifurcated, right, so the legal clarification or the legal advice is either going to say no, you know, consent is still required of the technical contact to have personal data processed and so that, you know, what – if that's the case what conclusion would that lead us to?

And if the legal advice says, you know, so long as there's an indication that the – that technical contact is informed that personal data is being shared then – or that personal data is being processed that notification is ample and consent is not required, that might lead us to a different conclusion.

So I wonder if, you know, we need to talk about these things even though we don't have the legal advice yet to a certain extent, so I wonder if we can, you know, I want to hear what people have to say about this but to the extent we can make, you know, maybe the best approach is to make our answers conditional on what the answer to that is because I think you know, there could be two there.

So I'm sorry for that discourse, it wasn't nearly as clear as I had hoped. Marc, can you start us off please? Thanks very much for doing that.

Marc Anderson: Thanks, Kurt. This is Marc. So I guess I'm a little confused; I thought we were having a discussion on – a different discussion. I think I thought we were going to talk about optional. But I think you know, based on what you just said we're having some discussion more specific on maybe, you know, I guess I'm confused on exactly what we're doing here so I apologize for my confusion here but maybe could you help me maybe understand exactly what topic we're discussing right now and what we're working towards here?

Kurt Pritz: Yes, maybe...

Marc Anderson: You know, Alex is saying let's stick with the meaning of optional which is what I thought we were discussing, yes, Mark Sv as well, so that's sort of what I was preparing to discuss but doesn't seem to be what you teed up.

Kurt Pritz: Yes, I'm so sorry. Maybe you guys need to help me. So my thinking that the legal advice would affect that discussion if technical contact was optional or not because perhaps legal advice would take some of the risk out of making technical contact mandatory. But let's rephrase the question. And I take back my opening soliloquy and go directly to that question, so I apologize for that. Did you have a comment you wanted to make on it, Marc, or...?

Marc Anderson: This is Marc again. Yes, so I guess – so I guess you're clarifying that we are indeed talking about the meaning of optional and I should focus on that?

Kurt Pritz: Yes.

Marc Anderson: Okay. Then on that I think you know, I do have thoughts on this. I'd like to start with. And, you know, I think my first thought is that it's just – it's not sufficient for us to use just the word "optional" because you know, optional, you know, optional by itself isn't sufficient to describe what we mean in our recommendations. And so I think we, you know, I think we need to be more specific in what we mean. And by that I mean, you know, is it optional you know, I guess I'll use the case of a name server. This is an easily understood and, you know, and well established part of activating and allocating a domain name.

And so the name server is optional, but what that means in the case of the name server is that it's optional for registrant to provide that information but it is in fact required for the registrar and the registry to support that name server field. But that's not always what we mean when we use the word "optional" right? And in some cases when we say "optional" it means it's – we mean it's optional for the registry and/or the registrar to support that field.

And if we just use the word “optional” it’s not at all clear which meaning we intend. And so I think, you know, the first, you know, I think what, you know, what I’ve taken away from previous conversations around this is that, you know, we can’t use just the word “optional” by itself; we need to be more specific in what we mean when we say “optional.”

Kurt Pritz: And so I think – yes, maybe I’m missing the whole discussion here but I think we’re agreed that it’s optional for the registered name holder to provide technical contact information and where we disagree is whether it’s optional for the registrar to offer that field. And I think – so I think where the topic is, what’s the definition of “optional” you know, I think it’s clear that there’s two definitions, as you just laid out, Marc. But our discussion is really around that second kind of optional and whether it should be optional for the registrar to offer that field and that information. So I’m happy to be – I’m sorry for the confusion I’m sowing here. Margie, please go ahead.

Margie Milam: Hi, it’s Margie. I actually have just kind of an ancillary question that I don’t really understand from the comments. And the comments came from ALAC and it related to whether or not there would be any contacts at all if the registration was covered under the 2009 RAA. If, Alan, if you could explain that? I’m just trying to understand how that fits in here and whether it affects our, you know, the optional required language because if that analysis is correct, that there would be no contact at all if the registration was under the 2009 RAA, then I think we need to have some policy recommendation that there should be required at least one contact. So I don’t know, I’m just – I’m trying to get to the bottom of what that comment is – if, Alan, perhaps if you could explain that that would be very helpful. Thank you.

Kurt Pritz: Thanks. And serendipitously Alan is next in the queue. And I think Alan and James had a brief conversation about this on Toronto so maybe we can get clarification on the ALAC question. Please go ahead, Alan.

Alan Greenberg: Thank you. I will go ahead and but I'm confused; I thought we were talking about definition of "optional." We've spent a lot of time defining the two options which were laid out clearly in the questionnaire. And now Margie is talking about the admin field, which I thought was the later – the next agenda item. So can we talk about one thing? I'll answer Margie's question if you wish, but I'd like to raise my question first.

Kurt Pritz: All right so let's pen Margie's question, I think that's a good point, Alan. Go ahead with your point and then we'll bring it up in the next topic.

Alan Greenberg: Okay. Okay. The question that was asked is, should optional mean the registrar registrant can fill it in if they wish? Or should it mean does the registrar can offer the field if the registrar wishes? Those were the two – the question asked. I don't believe we can answer that question unless we look at the – one of the access issues.

Now I'm sorry to go to access, but I want to know the consequences of what happens if for whatever reason, either the registrar does not offer it or the registrant does not fill it in, what happens when there is a query for the registrar – for the technical field if it is not there for whichever reason because the answer of whether we consider it mandatory or optional depends on whether you will get a useful contact information, whether it's though a web form, anonymized or a real address, when the tech contact is needed.

And I've raised this issue since we began talking about it, if it's going to default to something or have something else filled in, it's a different answer than if it will be returned blank and there will be no technical contact available. So I really think we need to address what are the implications of making it optional at either level before we can answer whether it should be optional or not because I think the implications of not having any technical contact information available break the reason that Whois was invented to begin with back in 19-whatever.

Kurt Pritz: Thank you, Alan. I'd ask, you know, I'd ask maybe somebody from the Registrar team can answer Alan's question with the scenarios of what happens in these different cases if there's – if the technical information is blank or not available.

Alan Greenberg: Kurt, if I may intervene? We don't have that situation right now; it is not an optional field right now I don't believe.

Kurt Pritz: Right.

Alan Greenberg: So I want to know what will happen under our new policy if we make it optional, what will the implications be before I answer what level of optional am I willing to accept. Thank you.

Kurt Pritz: Thanks, Alan. Milton, please go ahead.

Milton Mueller: Yes, I think that I can address Alan's question, though probably not in a way that he likes. But what I've noticed that this conversation has gotten completely detached from the purposes for which we are collecting data, okay. So we have already been told by the registrars and by our purposes that the technical contact is no longer in any way justified by the purposes for which we're collecting data.

There is a Purpose 3 I think contact, there is the Purpose 1, establishing the rights of the registrant that requires certain data. I think nobody has made a case that we actually need a technical contact to do those purposes. And before you jump up and talk about Purpose 3 and contact, let me remind you that the traditional Whois and the technical contact field, actually predates the registry/registrar split. And so effectively that whole system assumed that there was no such as a registrar and whoever registered a domain had to handle the duties that are – many of which are now handled by registrars.

Every, you know, Whois record will now include an unredacted list of who the registrar is and an abuse contact and other contact information for the registrar. And nobody on this call can tell me, so please don't try, that the registrar is not, in effect, the technical contact for every single registrant in the world; there is a registrar, they are the people who handle the technical configuration of the domain.

So we have not made any kind of a justification for collecting data and then I see in the comments there's all kinds of comments about data minimization and not needing a technical contact. And to top it all off that issue has been litigated in Germany and the people who said you don't need the technical contact, won. So what are we talking about here? We don't need the data; we have a principle of data minimization which tells us not to collect it if you don't need it. So I think the issue is settled.

Kurt Pritz: Alan I think has a response to that. Thanks for your comment, Milton.

Alan Greenberg: Yes I do. There have been many statements saying people want to be able to be contacted potentially not at the same contact information as the registrant, and yes, the registrar is responsible for making sure that what I specify as my domain servers are in – are actually in the DNS maybe, depending on how I configure it. But I don't believe the registrar is willing to accept customer service calls if my domain is not working for a reason other than DNS. And that's what the technical contact is for.

So if my registrar is willing to act as my technical service for everything related to my domain, that's fine. I don't think there are many registrars who want that job. So there is a different issue than what Milton is talking about. The lawsuit that Milton is talking about I do not believe has been settled; there are some injunctions which have been settled but not the lawsuit itself. I'm at odds.

We have not decided to eliminate the technical contacts; we decided to eliminate the technical street address. So someone is having different versions of history unfolding and I'm not sure why we're – if we're going to continue debating things that I think the document show did not happen, then fine. But it's not going to be the worth the time that I'm spending on these calls. So I'd like to focus on...

((Crosstalk))

Milton Mueller: So Alan got to respond to me, do I get to respond to Alan?

Kurt Pritz: Sure.

Milton Mueller: Okay so the point is the Whois, the RDS, the required elements of the Whois. And if a registrant wants information about themselves published, by the registrar, there are ways to do that which can be arranged with the registrar but it doesn't necessarily have to be in the Whois. And what I didn't hear from you, Alan, was any linkage of this to the purposes and I'd like to reiterate that, that it simply isn't justified by the purposes we've identified.

Kurt Pritz: Let's keep the conversation going. Mark and Margie and Georgios.

Mark Svancarek: Mark Svancarek. You know, we've built a system over the years that initially, you know, they're just going to have a bunch of name servers and then we said well, you know, let's have escrow, let's have technical contact, admin contacts. Some people want (second) contacts, okay, we'll support that. Some people wanted organization field, okay that seems useful. And so we haven't built a system that is the barest minimum system; we could have but over time we have added features to it.

And I wasn't around in the beginning so I don't know if we added a whole bunch of features at once or if they were added piecemeal. But the idea is we built a system and we've added features to it. And we're allowed to add

features to it, even if those features involve additional data collection or additional processing. The organization field is additional data that is collected, additional data that is processed. The technical field is additional data that is collected, it's additional data that is processed and that's because some people want it.

The fact that not everybody wants it, it doesn't matter if by policy we decide we want to support such a thing, we are allowed legally to support such a thing. This was actually settled by an answer from Ruth in Toronto and so, you know, data minimization really doesn't come into it; it is a policy thing. This is not a legal thing. If our policy says let's support a technical field for some people the policy is allowed to do that; data minimization doesn't come into it.

Kurt Pritz: Thanks, Mark. Please go ahead, Margie.

Margie Milam: Sure. This is Margie. To answer Milton's question about the purposes, we actually do have a purpose that would relate specifically to the technical contact and that's Purpose 2, the whole purpose that relates to lawful disclosure requests consistent with the ICANN Bylaws is exactly the area where technical contact would come into play. And so I think that, you know, that that is something that has been part of our negotiations. If now the group thinks that that's not what that purpose relates to then we probably have a bigger issue here because that is why we were willing to go with some of the general language in that purpose.

And so I feel very strongly that technical contact needs to be an optional field for the registrants and the registrars should be required to ask the registrant whether they want technical contact. As you may recall, there are (unintelligible) companies that actually do use technical contact separate from the registrant field, the other field, so it's important to preserve the ability for the registrants. Thank you.

Kurt Pritz: Thanks. Georgios.

Georgios Tselentis: So firstly I would like also to understand something else, I mean, what – from the discussion so far on this issue I understood that it is also the registrant who might want, again, to decide that this is a useful field for having a more prompt contact for the specific issues or the specific purposes for which this should be used. And this to my understanding from the discussion again is that there were several issues like data transfer or other registry purposes or other problems that might happen that this is the common practice that the technical contact is used.

And this is – I can understand what Milton says that there might be other ways to do so but if this is the way that have been working so far and if this is the way that the registrant wants to do it, the most efficient way to have this field, so I cannot understand also how – why are we discussing that it is on the side of the registrar to decide whether this is an optional or not really but a field to be disclosed or to be used? So again I'm trying to understand here the reason for not using it; if the practice so far is to the opposite. If I'm wrong, please tell me so and I would accept very clearly that we go the path of not having this. Thank you.

Kurt Pritz: Thanks, Georgios. I'm ready to kind of sum up where we are and maybe ask another question of the group. Do you want to make a point first, Alan?

Alan Greenberg: Yes I do. We discussed this – we had this discussion at length and we ended up cutting technical contact, mailing address and keeping the email and the telephone number. It's in Purpose 3, it's in our data tables. I don't know why we're having the discussion of whether we need technical contact or not. If we're going to go back and revisit every decision we made, this is never going to finish. We decided that it would be there and we used the word "optional" and we're looking for the definition of which optional it is. Why are having the discussion on whether this field should exist or not? Sorry, I'm getting very frustrated here.

Kurt Pritz: I think so this is where I think we are. So first with regard to the definition of optional, you know, everyone knows what optional means so optional needs to be fleshed out with optional, you know, A, optional for the registrant to provide that information, and B, optional for the registrar to provide the field at all so I think those are two separate issues.

Second, as Alan pointed out, we had an extended discussion about that. We talked about that – I forget, some percent, 10% or less of registrants but, you know, a sizeable number when multiplied by 160 million, of registrants do provide a technical field which is indicative to me that they, you know, they at least prefer to have a separate technical contact and in many cases they might need to have a separate technical contact in order to safeguard the operation of their domain name in a steady way. So that's where I think we were in the discussion.

And then – but what complicated it is that the technical contact is a third party, it's not the registrant name holder and the technical contact's information is being shared possibly publicly depending on whether it's redacted or not. And so to me – and so that's where we sought legal advice as to whether or to a notification to the technical contact was – would satisfy the risks associated with providing that field.

So A, I think to some extent, a need was demonstrated for the field; and but not – but that might be overcome if personal data was being shared without the consent if required of that party, so that was the rub I think. And then finally, gosh, this is – I'm messing this up but – no I've lost it. So I think what we need to do – what I'd love to do is kind of answer Alan's question, so, Alan's stating, you know, these sorts of things, that the technical contact is a necessary part of keeping the DNS stable by providing that avenue of communication.

So I'd like to get an answer to you know, his question about what happens if there is no technical contact there and how would the registered name holder be contacted at the right level and whether that would be a reliable way of doing that in all cases. So I don't know if anybody can answer that. James, can you go ahead please?

James Bladel: Yes Kurt, James speaking. I don't really understand the question. Is the question, you know, if we offer a registrant – we offer a technical contact field and the – I'm going to say the end user does not put any information there then what happens? The answer is the same thing that happens today with 95%, 98% plus duplicate is use the registrant contact information. And if that's redacted, then you apply for whatever TBD disclosure process, and if you can't get it there, then you can't get it.

I really don't – my head is starting to hurt with the complexity that we are inventing around this issue. Some registrants want to include this information and want to submit it and want it to be disclosed. We can provide that facility. Sure. But I think the vast majority don't. And so I think – I don't – I guess I'm lost and I know it's kind of a cardinal sin to admit that in an ICANN meeting when you just – you've lost the handle on where the conversation is. But is the conversation that we should be compelling people to put something where they don't feel like they want to or that it's appropriate?

You know, I'll take us back to the beginning of this section, it's what does optional mean? Well optional means they have a choice and if they choose not provide the information then no information is displayed. I don't get where we would deviate from that. So please tell me what I'm missing. Thanks.

Kurt Pritz: Yes, and I've a sense that I've botched this. But I think the sole question is, should registrars be required to offer a field where contact information for a technical contact should be inserted?

James Bladel: Okay, so I haven't consulted my stakeholder group on this but I will say that really the choice lies with the registrant, not with the registrar. We will probably make that field available, that facility available for all our customers to make that choice. What they do with that choice is really kind of up to them. I don't know how my other colleagues might feel about that and if I'm somehow an outlier on that but that just seems like we're offering it today, we would continue to offer it but no longer require that there be any data there.

Kurt Pritz: So I think that's the – and so the question is whether that remains a field in – to be collected in the collection or not. So I think you know, if you can have that consultation it'd be helpful. So we have a lot of comments. You know, unless there's suggestions on how to move it forward – this issue forward – I think whatever can be said has been said on many occasions but Brian, please go ahead.

Brian King: Sure. Thanks, Kurt. Brian King for the record. I think I can help us move it forward. I don't think anybody here is opposed to giving registrants the option, so maybe we use that as the baseline, right, and there does seem to be some difference of opinion on registrars should be required to give the registrants that option to provide a backup contact. And I think you know, if you put the party politics aside and just look at what's best for the DNS and the ecosystem and what the best policy is, is a uniform policy across registrars.

And if registrars don't have to give registrants the option then many won't, Go Daddy will and the more customer-friendly registrars will. But it's better policy for the whole DNS if when registering a domain name you have the opportunity to provide a backup contact. And we don't think that you should have to provide a backup contact and if you don't I think we're fine with the fields being nonexistent or however RDAP decides to treat a field with no data in it. I think we're pretty reasonable and can live with any of that.

But it's just frankly better policy I think if registrars have to do it. And I don't think that's a big ask – well I know it's not a big ask on registrars because I work at one that does make that option available to our clients and under the 2013 RAA all registrars already have to do that. So unless they've forgotten how since the temp spec went into effect it should be a nonissue for registrars to implement.

So I don't see why we would retain that requirement that registrars make that available to registrants given that the better thing for registrants if they can always designate a backup or a technical contact that really does serve a different purpose from the registrant contact, right, the purpose for the registrant contact is to establish that hey, I'm the guy that owns the domain name and I've signed onto all the benefits and responsibilities that come with that. And the technical contact is the guy I want you to call if there's a problem.

And it might not be me because I'm just the one who owns it and I employ very smart people that handle the technical stuff. And so there's real value in having it and I think it's better for the ecosystem if that option is consistently available across registrar experiences. Thanks.

Kurt Pritz: Thanks. Alan.

Alan Greenberg: Thank you. If what James said was what the Registrars had all said, we would not be having this discussion. There were registrars, perhaps someone who's no longer on the EPDP, who said, registrars must be given the option of whether to ask – to ask for the field to be filled in or not; that's why we have a question in the public comment and in our interim report saying is "optional" optional for the registrant or is it optional for the registrar?

Now if everyone is agreeing, except perhaps for Milton on the chat, that it should be mandatory for the registrar but optional for the registrant, then let's just go with that. I withdraw my question about the implications of what

happens if it's empty and let's solve – let's just answer the question. If everyone – almost everyone agrees that it's optional for the registrar – registrant but not for the registrar, then the question is answered. Or we can continue talking. Thank you.

Kurt Pritz: Thanks, Alan. Mark.

Mark Svancarek: Mark Svancarek. Okay so for James I'm going to try and get back to optional registrant, optional registrar. Just a practical question so it's not really a statement, it's a question, if some registrars offer the option for the – to submit the tech contact, well I guess it is statement, sorry. I think it's important that during transfers that that data field be carried across regardless of whether you offered that option at the time of registration.

So I guess that would be my main consideration is that if I do a transfer that my data not be lost and that I wouldn't get boxed in during the transfer process to discover that, you know, oh gosh, you know, my new registrar doesn't offer this capability. So whatever the implications of that, whatever the implications of that are regarding optional versus mandatory collection by the registrar, I think we should consider that.

Kurt Pritz: Thanks. Thanks, Mark. Theo, please go ahead.

Theo Geurts: Thanks, Kurt. So I think it should be optional for the registrar itself. I mean, basically when you need to demonstrate compliance under Article 5.2 you need to explain why I'm collecting this and they need to come up with a bunch of reasons. So I am operating mainly in a ccTLD environment, the technical – the contact that we are discussing is not even there. So if I have to demonstrate compliance I have to come up with some pretty good reasons to collect such data. And if I look around in the neighbor countries and I see that ccTLD operators, the one that I'm living in, the Dutch registry, doesn't even collect such data, then I do not have really a case here.

So I think it's sort of based on how you need to demonstrate compliance and so far I have heard not very compelling facts to have this collection for data for this field, it's based on some historical context, some evidence here and there, but the reality when I'm looking from a registrar point of view we see basically in a sort of – confirming what James just said – we see the same contacts being used all over and over from the registrant in most fields. So I cannot really demonstrate compliance under the GDPR so I would like to have that field optional for the registrar. Thank you.

Kurt Pritz: Thanks, Theo. I think – so I'm not the one to answer your question but I think, you know, the sort of – if there has to be a legal basis for this, the 6.1(f) sort of facts that would justify this I think were laid out by Alan Greenberg, right, so, you know, whether, you know, I'm not going to make a judgment whether that satisfies it or not but I think you know, starting, you know, starting with Alan's opening speech here and his talks on this at previous discussions of this topic lay out what, you know, why that could be justified especially given if the field is optional for the registrant itself.

I want to get to the end here, so Brian, you just spoke but if you can keep it brief and then Hadia too, I don't see what has not been said yet.

Brian King: Yes sure. Thanks, Kurt. And I realize and thank you, I can help Theo out here. It's actually pretty easy, right? You're only, quote, collecting this data, end quote, because your client, your customer wants to give it to you, right? So you tell them hey, make sure that you can, you know, show your rights in this domain name; I need to, you know, collect this registrant information data and after you get that data you say do you want to give us a backup contact? You know, do you want to give us a secondary contact to, you know, can be reached for any technical issues with the domain names? They say no, then you don't even present them the option to give it to you; and if they say yes, then you do.

And it's pretty simple and straightforward, and I think provides a real benefit to the DNS. I haven't heard anybody disagree with the benefit of having a backup and in fact I think a number of folks have argued that it's better for the security and stability and resiliency of the DNS if the domain owner is able to designate a competent technical contact as opposed to maybe just the entity who's the legal owner of the domain name that can be reached. So that's the explanation for Theo. Thanks.

Kurt Pritz: Thanks. Hadia, can you keep it brief please?

Hadia Elminiawi: Yes sure. So the reason I find that registrars are arguing about maybe not having it as required are two things. One, that the data in many cases is redundant and the other maybe is based on uncertainty about the legal situation about that. So if – answering the part of the data being redundant, well, that's why, you know, we are saying, you know, have it there and as an option. So if the registrant actually needs it he will fill it in. If not, then you won't have any kind of redundant data.

With regard to the legal uncertainty we are still going to write for the legal advice, right? And with regard to this point actually we have three options there. One that we – the registrants are informed not to put any kind of personal email addresses in the tech field; and the other is, you know, so if this – if they do – so what if they do put some kind of personal email addresses? So in this case should consent be required or is it just a notification? And in this regard we are still waiting for the legal advice and so we can't really move forward with this until we have the legal advice in this regard.

And there were also questions raised, you know, why do we need to have the tech or admin field? Well because some registrants need them and some registrants assign the handling of their domains to professional people, be it an admin contact or a tech contact. So yes, registrants might need them. And that's why we have – we require those fields. So I'm not sure how to go

forward now but I think we need in all cases to wait for the legal advice.

Thank you.

Kurt Pritz: Thanks, Hadia. So I'd like a show of hands, so the proposition is that for a yes that the technical contact some type of information that might be anonymized in some way but the opportunity to provide technical contact information in a single data field would be afforded to the registrant and the registrant would have the option as to whether to keep that blank or not. And that option should be provided by all registrars, so registrars would be allowed to offer a field – I'm going to take that back – registrars would be required to offer a field for technical contact to identify a need that's developed.

So while you're voting on that I think then the – you know...

((Crosstalk))

James Bladel: Sorry, Kurt. This is James. Can you be very clear, what does green mean and what does red mean?

Kurt Pritz: Yes, green means it will be required for registrars to offer a technical contact field and that the registrant will have the option as to whether to leave that blank or not.

James Bladel: But for both red and green the registrant has the option? So we're really talking about the registrar...

((Crosstalk))

Kurt Pritz: We're really talking about the registrar option.

James Bladel: Thank you.

Kurt Pritz: And so while we're voting, I'm looking at the vote, I think there's two questions we have for legal counsel. One is the standing one about the requirement to either make that data not personal or that some sort of notification to the tech contact would obviate liability for processing that data. And second is a new sort of issue and that is whether, you know, the sorts of things at Alan Greenberg raises with regard to the utility of the tech contact passes the 6.1(b) test? So I think those are two legal questions that we need to get answered that, you know, would inform future discussion on this.

So I see a division along traditional party lines. So we're going to document this state of affairs, push forward with getting the legal advice and see if at the end of the – at the end of our effort if there's any information that might change our ability here. So I really – I don't know, I don't see the way around having these sorts of conversations but I understand the requirement for speed and the sense of urgency we have.

What we're going to do is I think take up one more issue and power through to the end of the meeting and then end it early. So we're going to wave goodbye to James, I know he has to go, and go back to the agenda. And we're going to talk about Recommendation 4, oh shoot, James is going to go away, and the data elements collected by registrars.

So if – you've already sort of looked at the – that PCRT with Recommendation 4 but if you could take a couple minutes to look at it again that'd be terrific and I'll come back to you in just a couple minutes. Thanks very much. Okay is the recording started? Recording started?

Maybe start this conversation with Alan Greenberg's question to registrars about the admin field and its use in previous life and how that's being addressed and how that's dependent on the version of the RAA. Alan, would you mind starting off with that?

Alan Greenberg: Sure. Yes, we had a tentative decision or at least the question was raised in low Angeles on whether we should eliminate the admin contact or not. One of the potential implications of eliminating it is that according to the 2009 RAA, the registrant contact information, phone and email, were optional. So it is conceivable that there are registrations today which do not have any registrant contact information other than the mailing address. If we were to eliminate admin contacts all together, it is conceivable that there are registrations that will have no contact information.

Now I talked to James about it and I've also talked to other registrars about it, and at this point we believe, but ICANN Org can verify, there are no more registrars who are on the 2009 RAA; they all should have been converted to the '13 by roughly June or July of last year, 2018. If that's correct, the question is, what is the interpretation of ICANN Org and Compliance about the 2013 RAA being in effect?

In other words, if a registrar had accepted a registration without contact information, for the registrant, validly under the 2009 RAA when the registrar moved to the 2013 RAA, is it legitimate for them to have just left that registration alone? Or were they obligated to comply with the new RAA to make sure that those fields are filled in? I've gotten differing opinions from different registrars on that.

And it's not clear what ICANN's interpretation is. So the real question is, if we were to eliminate admin field, is it possible that we have registrations with no contact information that will be available at all since there was no contact email or phone for the registrant and now we are removing the one from the admin which was mandatory under the 2009 RAA. So that's the substance of the question. I don't know the answer. ICANN Org should be able to give us the answer on whether all registrars are on the 2013 and what are the implications of the 2013 RAA now on any registrations who may – that may have been made without contact for the registrant. Thank you.

Kurt Pritz: Thanks, Alan. So we have – we had agreement earlier that we were going to eliminate the admin field and Alan’s proposal is to ask ICANN these specific questions in a way to ensure that some – the elimination of the field will have no deleterious effects on the ability to contact the registrant. And, you know, the answer from ICANN might not be the only answer to this question; as Alan pointed out, registrars might be able to address this question too and indicate how this potential issue can be...

((Crosstalk))

Alan Greenberg: If I may, Kurt? The real issue is not can the registrar contact their client; we know the registrar has contact information. The question is if we have to rely on escrow data there may be no contact information whatsoever in it. Thank you.

Kurt Pritz: Thanks for putting that point on that. Trang, please go ahead.

Trang Nguyen: Thanks, Kurt. This is Trang. Alan, it would be really helpful if the question could be framed so we can take it back internally and provide a response. I think I’m hearing the question as whether or not it’s – whether or not the registrant is required to provide the registrant phone and email information when the registrar moves to the 2013 RAA? I think that’s – that’s what I’m hearing as your question but if that’s not the right question then please formulate it and we’d be happy to take it back internally and provide a response as soon as possible. Thank you.

Kurt Pritz: Yes, so I think, you know, Alan, unless you want to put it into writing what typically happens is in the meeting notes the questions are posed directly to ICANN Org and you know, I think you’ve been sufficiently clear. So I welcome your volunteering to write it up and if you’d rather just leave it to the support team we’ll put that in the meeting notes.

Alan Greenberg: Kurt, I'll be happy to write it up but to be clear to Trang, of course the information has to come from the registrar – registrant but the question is, does the registrar have an obligation to request that information because it is now mandatory under the RAA that they're operating under? The registrant has no knowledge that the RAA changed, and has no knowledge that the rules may have changed under them so it's really a registrar obligation to go through all of their registrations and make sure that if there are any missing contact information in the registrant that it's now filled in.

At least that's how I interpret the 2013 RAA, but I'm not sure how ICANN interprets it and that's the question. But I will try to formulate it in a way that's not confusing or at least not – at least specifically asks the right question.

Kurt Pritz: Thanks very much, Alan. Are there any other comments on this specific issue? Alex.

Alex Deacon: Yes just, yes hi everyone, it's Alex. Just on the topic of the admin contact, you know, there's a lot of policies that currently use it so I think we need to keep in mind any decision we make one way or another will impact those policies and we'll need to address them based on whatever decision we come up with.

For example the transfer dispute resolution policy grants administrative contact the right to contest an authorized transfer of a domain name; expired domain name recovery policy specify that notice of expiration can be sent to the admin contact; data – the Whois data reminder policy can be sent to the admin contact and then of course there's the use of both admin and tech contacts in URS and UDRP.

So these are – these are all kind of important consumer protection safeguards that leverage contacts that exist today and so any decisions we make with regard to removing them in the future we'd need to keep that in

mind to ensure that we're not degrading, if you will, consumer protection safeguards that were put in place over the years. Thanks.

Kurt Pritz: Thanks, Alex. You know, those are excellent points. And I think they were part of our original discussion and we do have anchors in the initial report and in the final report to address all those processes to ensure that they're not broken by the elimination of any fields; that there's ways to ensure that they still operate properly. Alan Greenberg.

Alan Greenberg: Yes, two things, on that point, I'm not sure we have the proper anchors. We have said other GNSO processes must review those policies and change them if necessary. There may be a very significant amount of time between the time our recommendations go into force which will probably be a matter of months, and the time the GNSO has an opportunity to revise other policies and get them enacted. So we're talking about potentially a large amount of time that if this field is eliminated in theory it could be eliminated very quickly by some registrars, and therefore we do not have – we have other policies which may be inoperative. So I don't think we can simply solve that question by tossing it to another PDP to fix sometime in the future. That's point Number 1.

Point Number 2 is I think it's really important that we understand that for registrations that have unique fields in admin and registrant, and I suspect that not a majority of them, it's probably a small number, but for those that have different fields I think we need to be very specific about what happens, you know, do we just – does that field just get erased? Does it get erased with a cursory email to the registrant that no one may look at? I think how we handle the registrant data that they have provided in good faith is really important.

You know, the – we talk about registrant rights in this case, registrants have other rights other than privacy and if they've provided data and we are now enacting a policy which says the registrars can simply erase that data, I think

we have to understand the implications to the registrant. And I haven't heard any of that to date. Thank you.

Kurt Pritz: And do you think that's primarily a communications issue that we, you know, maybe it's for us to be somewhat prescriptive in describing the process by which fields are deleted if they are?

Alan Greenberg: I'm not sure – I don't think it's just communication. We've heard time and time again from registrars that they send emails to registrants and they get ignored. They cannot presume that they even get read never mind acted upon. And yet we're now talking about eliminating fields perhaps erasing a field which may have importance to some registrants and it's not clear that we have a way of communicating with them since we're told that sending email to registrants is not an effective way of communicating with them in many cases.

So I don't know the answer but I think we need to know how it's going to be handled and then we can at least judge whether that is reasonable or not because if not then we shouldn't be eliminating fields which will have unknown consequences, you know, we've got to understand the implications of the decisions we make. Thank you.

Kurt Pritz: Does anyone have a policy – you know, a high level policy sort of statement to address the concerns that Alan's raised? There are a number of ways to address his concern, you know, so at the lowest level starting with a email to registrants specifying the dates and conditions and all that but as Alan says that might not cover it and so there's, you know, an interest – probably a legitimate interest in ensuring that the registrants understand the timing and the effects of the new policy and how that might be specifically addressed in our recommendations. Does anybody have a suggestion or comment?

I don't know, if, Alan if that's an old hand? If that's a new hand you can go ahead and talk; if not I'll go ahead with Brian. Brian, please go ahead.

Brian King: Yes thanks, Kurt. Brian King for the record. There's a couple things that I think we could consider. And we second Alan's point about the domain owners providing this data for a purpose deliberately and in good faith at the time when they were doing a business or making a transaction and likely paying attention a lot more than they would to an unsolicited email from the registrar. Having registered domains I can tell you, you can get a lot of them.

And so I think it would be unfair to registrants to just presume that the data is going to be deleted without some policy around how we can do our best to ensure that they've remade an informed decision under the new Whois circumstances. So I think we should also presume that when the registrant made the decision that they made they did so in a way that was informed and explain to them as the registrars are required to do under the 2013 RAA pretty clearly. I can put that in an email too.

So to your constructive point about a policy idea or to get the ball rolling there, we can multiply the number of emails that need to go out. So, you know, we could say that the registrant needs to be contacted at least two times or three times before data is redacted or changed, you know, we can say that only if the fields are identical like the admin fields are identical to the registrant fields, the data be purged or removed.

A couple thoughts to get us started, so we could also talk about the methods of contact, maybe email's not good enough, maybe registrars have to call or send a sail mail to the registrant. I hate that idea but it's, you know, just a concept that we could explore, you know, different methods, emails with different subject lines, multiple emails. I could probably spit ball for a while but I'll see if anybody wants to pick up on anything I had mentioned. Thanks.

Kurt Pritz: Yes I think – thanks for those suggestions. You know, my knee jerk to them is they're a little bit too prescriptive and you know, each registrar deals with its

registrants as knowing how best to communicate with their market. And so, you know, I wonder at a policy level, you know, we make a statement very similar to what Alan made here and then leave it for implementation or something like that to work out the process by which, you know, condition the deletion of the field on adequate advisement or something like that or preparation for the registrant and then leave it for implementation to work out the rest. Theo.

Theo Geurts: Thanks, Kurt. I'll admit I'm a little bit confused here what we are trying to solve here and what we are actually talking about here. At first I thought we were talking about the admin contact which we sort of decided that we could scrap that one. Then we are talking about missing data elements which I really wonder if it is in scope. I mean, if I'm looking at the past years of all the Whois ARS checks that have been made regarding data quality, I see that the last year, the last report was sky high when it comes to complete data.

So I don't see an issue there; maybe there are still some contacts floating around which don't have a telephone number or don't have an email address. I really wonder if that is a really, really big of an issue as mentioned by some of the previous speakers said like well at least the registrar has that data. So if there is really a problem we could go back to the registrars.

So but again I'm still trying to understand what we are trying to scope as a problem here and if it's an actual problem because for now speaking strictly personal as a registrar and not for any other registrar, I mean, we already had those fields that were maybe missing that was a hard coded requirement in our codes and I suspect that most registrars do that now but again I'm speaking strictly for myself here. So I don't see an issue but it could be me. Thanks.

Kurt Pritz: Thanks, Theo. So here's what I think the issue is, that in the initial report we came to the conclusion that the administrative field would be eliminated and I think there was across the board agreement on this. Now it's our role to

review the public comment and determine if we should revisit those decisions. And what I've heard was that there's not been a push to revisit the decision to no longer collect the administrative contact information but there was concern that if they're just turned off in arbitrary sorts of ways there might be harm to certain registrants who relied on those fields.

And so in turning off those fields we should do that in a way that takes into account the needs of registrants who rely on those fields. And so I think that's what the issue is. And I think that in a policy statement that registers the sensitivity to that issue and directs the – in creation of measures that registrars will develop appropriate measures to obviate (unintelligible) and to – and then, you know, the details of that could be worked out in the implementation. So I'm sorry, that's what I think the issue is and that's my conclusion for how to address it.

I'm reading through the rest of the comments and so with regard to that one I'm going to ask just – I'm sensing the room's kind of dead here and maybe for good reason. So I'm going to suggest that, you know, Rafik and I collaborate with the staff and come up with some potential language to append to this recommendation and send it out through email and see what you think of that.

You know, I'm reading through, you know, reading the through the whole PCRT and the rest of the comments, you know, a lot of these go to other issues we've already discussed such as legal versus natural and the organization field. And the rest of the requests about deletion of fields, you know, I think we've already addressed and or at least discussed. And so, you know, I'd ask on this call if any of the public comment rises to the level that would require our discussion.

Hadia.

Hadia Elminiawi: Yes so I know we discussed this before but it's about collecting the field that asks registrants if they are natural or legal persons. And this field actually is in line with what GDPR says because GDPR does make this distinction. However, in collecting this field we are not saying that by any means we are going to make this kind of differentiation but it's good to have it in our record, that's one thing.

And the other thing also we can start doing that and see what kind of answers we get. And based on that maybe we can decide to stop collecting this field later or we can decide that we need it and let's continue with that. So I would put on the table a consideration, you know, why not collect this field and not act upon it? If we are not acting upon it, it's not actually putting any potential risks on registrars or registries; it's just collecting information that is in line with what GDPR requires. Thank you.

Kurt Pritz: Thanks very much for that, Hadia. You know, I'm of a mind that we sure discussed this at length way back in Los Angeles and came to the conclusions we had on the initial report and so, you know, I don't necessarily want people to raise hands on this but, you know, I had a sense that we were agreed on these fields, but, you know, again I'm very sensitive to the concerns that Alan raised and think we need to make a point of that.

So what I recommend is that we'll circulate potential language on augmenting the recommendation having to do with these fields and Hadia, if – you're, you know, you're welcome to respond in that email discussion on this issue along the lines that you outlined. Just looking at the chat for a minute. Okay so I'm going to leave this additional data elements behind. I'm looking at the agenda and where we are and how we're sort of running out – sort of running out of time and everyone's attention. So I just want to close with a couple more actions for you all that we'll call out in the meeting notes.

So one has to do with data retention. And Alan Woods went to quite a bit of effort to outline his thoughts on data retention and the current one-year

requirement that we have in our initial report and how that would really apply in a GDPR compliance sort of way. So I'd ask you to read Alan's email carefully and, you know, react to that in some way. I thought it was a thoughtful response.

And then there's one other question I'd like you to consider along with that and that has to do with the transfer of data from the registrar to the registry. And Marika, can I lean on you to describe what we might be asking people to do here? And they would be in the action item or the notes.

Marika Konings: Yes thanks, Kurt. This is Marika. I think one question is indeed, you know, look at the public comments and identify specific issues that should be further considered or provide new rationale to change the findings of the initial report. And I think that Mark – and I see his hand up as well so he may speak to it as well – also lined up this issue of disclosure by registries of data that is transferred to them.

And again I think there was some suggestion that either could be further considered here or that might be a topic that needs further consideration in Phase 2 of the work. So it would be really helpful if Marc could maybe kind of write what he thinks the group should be considering and even if that's in a potential form of a recommendation I think that may facilitate the discussions on next week's meeting.

Kurt Pritz: Great, thanks. Marc, you have your hand up.

Marc Anderson: Thanks, Kurt. This is Marc. I do have my hand up. I had it up for a different topic and I'm not sure I want to tackle the one you and Marika just raised right now. You know, although I think you make a good point and I'll note that there were a large number of public comments related to that. So maybe something can follow up on offline.

I raised my hand, you know, my sense is this call is winding down and we're, you know, we're sort of – it's time to turn to next steps I guess and so I just wanted to note, you know, we have, you know, February 1 is a week from tomorrow so we have increasingly less time and still a large funnel of work to get done. You know, we have, you know, we have public comments, you know, items that we have public comments on that we haven't had a chance to address, we have some outstanding items to cover still. We have a first draft of the final report, came out Sunday, we have that to review, provide feedback on.

We have sort of ongoing legal discussions, ongoing discussions on the workbooks that are both necessitating separate meetings for small groups. And, you know, I'm certainly, you know, it's a challenge keeping up with and on top of all of those things. And so – and then, you know, we have to get to a final report and determine, you know, consensus levels for each of the final report recommendations.

And so, you know, that's a little bit of a laundry list of what's batting around in my head and so I was, you know, maybe I'm looking for you, Kurt, maybe can you lay out, you know, how you see, you know, where we should be prioritizing, how you see the next week or so working and, you know, what gets us from where we are right now to producing a final report that we send to the GNSO Council? Thank you.

Kurt Pritz: Thanks, Marc. I think from the school of sneaky management we've purposefully not relaxed the February 1 date and we need to focus on that and continue charging towards that with all due haste. In fact, there's a few days on the other side of that and the support team is figuring out sort of a drop dead date for putting a version – or the final report version in front of the GNSO Council in order to take advantage of their current meeting schedule and therefore meet the requirements and the timing of the GNSO consideration and then the ICANN Board consideration and the timing of all

that to hit the date. So we're – they're calculating exactly how many extra days we have after that.

I think that, you know, we have an obligation to plow through the public comment and that's what we're doing so we're taking on all those steps. And you know, I think it might be time for us to also triage what has to be in the final report and, you know, if we don't identify those issues, if any, that if we don't get to could be comfortably left out if where there's some default position and Phase 2 discussion. So it's really – I don't think you know, I don't think in any case I would have deviated from the current path we're on or the path we've laid out but given where we are and the time I think it's time to calculate exactly the date we're trying to hit and what the final-final scope of work is.

So Alan Woods, you had your hand up; I don't know if I'll let you off the hook or not? Oh here I'm taking out my hand.

Alan Woods: Yes, thanks, Kurt. It was just literally to say what I said in the notes; we've moved on from it so it's all fine.

Kurt Pritz: Oh okay thanks. They're your comments alone. Georgios.

Georgios Tselentis: Yes, back in Toronto I asked a question about the timeline of the responses to the questions to Ruth, if we could have also this, I mean, when are – we have asked several questions and I think it would be very good for the planning of particularly also for Phase 2 and some other issues to know when we expect to have some of those back to the group. And also I am – I realize that we loaded too much on this Phase 2 and it would be good for me to see a little bit of planning of when are we plan to attack which issue according to the conf calls that we want.

It would be very helpful for me to plan accordingly and have what items are going to be discussed when. If possible from now to have draft agendas or

some sort of planning for the issues because I realize that we have put many, many things to be discussed and these are not the easy ones. Thanks.

Kurt Pritz: Thanks, Georgios. I think we can put together some gross planning for Phase 2, remember we brought that up in one of our previous meetings. Just as you guys are overworked and underpaid for this, the support team is really, really overworked trying to get through all this so to the extent we can we'll start laying out, you know, Phase 2 work but in the next couple weeks it might be tough.

And I just want to make the editorial comment that I think the stuff we're laying into Phase 2 is sort of naturally occurring that, you know, many of these issues require a lot, you know, require research or study or some you know, some sort of legal analysis that extend well, well beyond our current timeframes.

And so in an ordinary PDP we would take care to address all of those as part of the EPDP. But in a sort of Phase 1 approach. But I don't think we've been derelict in any way of sloughing off issues to Phase 2, I think we've done that in a studied way and cited the necessity of doing that in each case. So I don't feel bad about that.

So thank you very much, everybody, for sticking through this long call where we only went through three of the agenda items. I appreciate your intestinal fortitude. So have a – well I know you have work to do but to the extent you can have a really good weekend, I'll be talking to each of you soon. Bye.

Terri Agnew: And once again, thank you, everyone for joining. Operator, if you could please stop all recordings? To everyone else, please remember to disconnect all remaining lines and have a wonderful rest of your day.

END