

**ICANN  
Transcription  
GNSO Temp Spec gTLD RD EPDP call  
Tuesday, 27 November 2018 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-27nov18-en.mp3>

AC Recording: <https://participate.icann.org/p83diti0zo3/>

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

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

Coordinator: Excuse me, recordings have started.

Terri Agnew: Thank you. Good morning, good afternoon and good evening and welcome to the 30th GNSO EPDP Team meeting taking place on the 27th of November, 2018 at 1400 UTC.

In the interest of time, there will be no roll call. Attendance will be taken via the Adobe Connect room. If you're only on the telephone bridge could you please let yourself be known now?

Chris Disspain: Hi, it's Chris Disspain, I'm only on the telephone at the moment. Thanks.

Terri Agnew: Thank you, Chris. Hearing no one further, we have listed apologies from Benedict Addis, SSAC; Emily Taylor of the Registrar Stakeholder Group and Alan Woods of RySG. They have formally assigned Greg Aaron as their alternate 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; the link is available in the agenda pod to your right and 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? There is an audiocast for nonmembers to follow the call so please remember to state your name before speaking. Recordings will be circulated on the mailing list and posted on the public wiki space shortly after the end of the call. Thank you. With this I now turn it back over to our chair, Kurt Pritz. Please begin.

Kurt Pritz: Hi, everyone, and thanks for joining the call. I hope you had a good break from this so welcome back. So you have the agenda before you and you've received in separate mailings some documents. One is a list of outstanding topics to be discussed and resolved before the final report; another is the draft slide deck for a webinar that's going to be held Thursday describing the initial report publication and the public comment form for it and how to participate; and third is a draft letter to the European Data Protection Board with the questions that were taken out of the - excuse me - the questions that were taken out of the initial report and the questions we formed during our discussions that we put in a - so-called parking lot for the EDPB.

So with that I'll just get into the agenda and then pause after the welcome and some initial comments. So first I'd like to call attention to the initial report and public comment form that's posted. Please encourage your - the

members of your team and others to participate in that public form. The webinar on Thursday is intended to answer questions for that public form so we encourage you also to ask your teammates to attend that so that would be great if you did that.

If there are any comments regarding the posting of the initial report or the format of the public comment form I'll pause just a second after I just say that regarding the face to face meeting in Toronto in January 16-18, ICANN Travel is going to send the necessary information for you to make arrangements shortly. So I don't know if "shortly" means today or not but I do know that the ICANN Meetings Team is pretty darn competent so I expect you'll receive that in plenty of time to make the arrangements you need to make.

Other than that I don't think we have any outstanding action items so I'll just pause for a second to see if anybody has a comment about the initial report or the form or anything they've heard. Kristina, please go ahead.

Kristina Rosette: Kristina Rosette for the transcript. I apologize because I think I'm going out of order, but what I wanted - okay, you know what, never mind, I'm ahead of myself on the agenda. I'll wait. Thanks.

Kurt Pritz: Okay great. Anybody else, Marika or Caitlin, did I miss anything in the action items? Amr, go ahead please.

Amr Elsadr: Kurt, this is Amr. Did you ask me to go ahead?

Kurt Pritz: Yes please, go ahead.

Amr Elsadr: Thanks. This is Amr for the transcript. Yes, I was wondering - I had gone over the slides for Thursday's webinar and wasn't sure if I should bring up a question at this point but, yes here it goes anyway. I was just wondering if it might be possible to carve out a few minutes to sort of briefly go over some of

the issues surrounding our preliminary Recommendation 18 during that webinar. I realize that time is going to be tight and there's a lot to cover, there are a lot of issues to sort of present to the audience.

But as I had noted I believe last week, I think our preliminary Recommendation Number 18 sort of warrants a little bit of special attention and I was just wondering if we could maybe carve out maybe 5 or 10 minutes to sort of point out that there are some evolving issues to consider in the context of that recommendation. Thank you.

Kurt Pritz: So, Kristina, if you were going to talk about the webinar, you can jump back in the queue since we've jumped down to Item 5 on the agenda but since we're here let's do that. And, Amr, could you remind us what Recommendation 18 is?

Amr Elsadr: Yes sure, Kurt. This is Amr again. And I apologize again, I think I might have actually skipped ahead in the agenda so my apologies. Recommendation 18 is the one concerning ICANN Org entering into data processing agreements or maybe - I'm sorry that might be (1) but I was referring to the recommendation for ICANN Org to enter into data processing and possibly controllership agreements with the contracted parties as appropriate. So I think that might not have been Recommendation 18, I don't recall right now.

((Crosstalk))

Amr Elsadr: But that's the one I was referring to.

Kurt Pritz: Yes, so why would you - I understand the importance of that issue and wanting to get feedback on it but why would we - it seems like sort of a lapse in logic to only cover one of 18 recommendations and so since we're in this agenda item, you know, the slide deck is - and we might as well put it up. It was purposefully laid out to, you know, give people an overview of the

process for how we put the initial report together, what its contents are and not really get into the issues in a short period of time.

So I don't know, I'll let - if you don't mind speaking some more, Amr, and I'm cognizant I don't want to take up everybody's time with this discussion but, you know, this is for - I think this is for us and with ICANN being part of the team for us to thrash out a bit but, you know, why would you call this one out in particular? And then let's go onto the next comment.

Amr Elsadr: Sure, Kurt. This is Amr again. And yes I do agree that this is definitely stuff that we need to work on as a team. I think it warrants special attention perhaps mainly because I think, you know, depending on this recommendation and its final form I think a lot of the other work that we've done sort of, you know, might be affected by it if the recommendation should change.

We've been working from the beginning actually on the basis of this recommendation looking the way it does now but considering that recently we've had additional input from ICANN Org and concerns raised on this and a number of ongoing - a number of ongoing concerns that are being raised, Trang sent a couple of emails to the EPDP team mailing list regarding some of the implementation challenges that might be faced should this recommendation move forward.

So, you know, I think that a number of the other recommendations and a number of the work that we've done over the past four months has, you know, is sort of dependent on our vision of what the different parties - how the different parties would interact with each other, what the different agreements might look like between them.

So because we haven't really considered all the inputs that - or we haven't had time to consider all the input we've received as a team, I think it is something that might warrant a little bit of special attention and if we could

point that out so that during the public comment period if people could really focus on providing input on that it might be helpful. I just thought it does - it is one that stands out a little to me. Thank you.

Kurt Pritz: Thanks, Amr. Margie, I'm going to skip ahead to Kristina as I know she's guaranteed to be talking about this topic and then I'll come back to other comments. But so if you want to talk about the webinar since we've loped ahead, please leave your hand up. Go ahead, Kristina.

Kristina Rosette: All right, thanks very much. Kristina Rosette. And because we're kind of skipping ahead these may be points that were going to be covered. But I think it would be helpful to understand what the current plan is in terms of breakdown between presentation time and Q&A. I also wanted to find out the time by which we needed to provide any requested or suggested changes to staff. And finally I just wanted to note that on Slide 18 I don't think it's correct to say that EPDP chose a Google form as the format for collecting public comment for this effort; it was my understanding that that was basically a decision of staff. And I expect that we are going to get some pushback on the form so I think it's important that the attribution be correct here. Thanks.

Kurt Pritz: Okay so thanks very much, Kristina, for that correction. And we'll certainly make it. I don't - you know, I'm thinking this is probably 50/50 as far as timing between presentation and Q&A goes and maybe even a less - because there's not - because there's not the sort of substance that Amr's talking about, maybe even less. So I have a suggestion for Amr's topic but let's - for those that want to continue talking about the webinar let's go through the queue. Margie.

Margie Milam: Actually my comment was related to the public comment form similar to Kristina's comment. Is there a way to actually upload a document as opposed to filling out the form in the public comment form? I think that's what some people are more comfortable with given the normal public comment form.

Kurt Pritz: Yes. Marika, do you want to talk to that at all or...

Marika Konings: Yes this is Marika. I don't think that the Google form as such allows for that. You know, we have made the form available offline so those that cannot use Google forms are able to submit that separately to staff and I think our thinking would be then to just kind of copy paste it into the form. But, you know, the whole reason why we're using the form is to make it easier afterwards as well for the EPDP team to review the input.

If input is provided in many different formats it's going to be much more challenging for the group to kind of align and combine the different pieces of input so that is really something you may want to factor in as you work with your groups. You know, we understand that Google Forms is a new approach but as said, you know, the form is really aligned with the questions that the group developed that are in the initial report as items that you're looking for input on.

So the hope is by trying to focus that you really get what you're asking for instead of maybe rehashing statements or positions that, you know, the group is already very well aware of or has already been discussed. And that is a bit the thinking behind it. So as said, for those that are not able to use Google Forms, they can submit that separately and staff will probably just go ahead and input the material but, you know, as much as possible we would like to encourage you to use the form and go along with it, as I said, as it will at the end of the day facilitate your review of comments that are received.

Kurt Pritz: Let me just say that I'm a proponent of this and actually the original requestor of devising some way of collecting comments that it was clear what issue the comment was meant to address and also for you - not just, you know, I agree or disagree but actually the thinking and rationale behind the different opinions. You know, for this public comment form, first, in our work every stakeholder group ICANN is represented on this team and every

representative on this team consults back with their team so literally everyone's involved in the ICANN community in this discussion.

And so what - and we've discussed issues at great depth so what we're after in this public comment form - I think in this public comment period is to get thinking from people that we have not - that we have not considered. We want to find those comments and that thinking that's original that - so basically put a circle around it and say hey, we haven't talked about this before and so that I think is the benefit of having a public comment form in this sort of team and the way it was formed.

And I'll tell you that it's always been a pet peeve of mine that the thinking and rationale and public comments rarely gets in front of the team considering the public comment and instead they receive a summary that is more about who's for this and who's against this rather than (unintelligible). So from - my request to you is that you encourage people to use the form because that's their tool for getting their thinking in a clear way right in front of you. And so those that choose to submit the form in this, you know, submit a longer public comment in the same way, you know, that comment is going to be filtered by, you know, people reading through the comment, interpreting what issue they're addressing and putting it into the right column.

So my request is that you encourage people to use the form and maybe, you know, with the goal that you'll find the public comment more useful and to an extent more eye-opening. Although I have a great deal of confidence you guys have discussed issues in pretty great detail that's not matched by others. So all comments back to mine, but go ahead, Thomas.

Thomas Rickert: Thanks very much, Kurt. And hi, everyone. When I read the slides I was wondering what purpose we're pursuing with this and what we try to get out of this webinar. And maybe what my thinking was is completely out of sync with everybody else's thinking. But I thought that we should use this opportunity to explain to the community members a little bit how to read the



report and how to understand the report. Just imagine how long it took this group to get its head around the legal implications, the thought process of determining what the appropriate legal basis is, the test that you would do and stuff like that.

And what I see on these slides is basically an outline of the areas that are being discussed and then are slides with the questions. But I guess that, you know, number one, we don't want community feedback to be limited to the questions; we want community feedback on our recommendations. And I think that the questions in isolation can't really be understood by the audience of this webinar.

So if I may, I would suggest that we more or less drop the initial couple of slides that are discussing how we got to where we are or maybe just make it one slide but really spends the bulk of the time on explaining the recommendations, the rationale for why we make the recommendations and the diverse views that are being held inside this group.

Now you might say that this is all clear to those who take the trouble of reading the entire report, but I think that few people will and therefore I think we should focus on explaining where the group stands and add as much color as possible on the legal implications and the way we tested things to get to the results that we have now put into the report and then maybe only have like 10 or 15 minutes of questions because this webinar can't serve as another channel to receive public comment; people should be doing that in writing so questions should be limited to, you know, how can they use the Google spreadsheet dialogue form to deliver their public content - but I think we - the public comment. But I think we can't really have a substantive discussion with the audience.

So again, in a nutshell, my plea is let's go through the recommendations and spend almost the entire call explaining to the community how we arrived where we are.

Kurt Pritz: Hang on a second, Thomas. Sorry, I had to clear my throat. So I'm a little bit concerned that an hour isn't near long enough to do what you're - if I'm understanding your recommendation to do what you're recommending. I'm sympathetic to everything you said and, you know, you have me at, you know, explaining some more about what the group went through, but I don't think we can get into the recommendations. And if, you know, if people aren't going to read the report we're not going to make them but I don't want to try to explain the substance in, you know, in an hour webinar I don't think is near long enough.

And, you know, I think we could - I think we could go some more into the depth of the analysis that was done and, you know, spend a couple slides on the preparation of data flows and the data workbooks and the creation of purposes that have lawful basis and things like that. But I'm really - I'm really concerned about - I shouldn't have started the sentence that way - but, you know, it seemed like almost a digital decision about whether to get into the specific recommendations or not and - which is why I was concerned with Amr's suggestion just cherry-picking that one.

And so I wonder if, you know, I'm going to get to you in a second, Kavouss, I wonder if, you know, taking Amr's suggestion and Thomas's comment whether we have a, you know, a couple slides about the development of the, you know, the work that was done in the development of the initial report and then, you know, a list of the recommendations and the, you know, the subject matter for each and touch on those ones maybe where comment is desired. But, you know, I'll just finish with, you know, to a very real extent the report needs to stand on its own and be commented on rather than the comment be, you know, comments be generated as informed by the webinar.

So, gosh, Thomas, so if I'm understanding your comment, I'm kind of struggling with how to do that in a short topic. And, you know, for - anyway, go ahead, Kavouss.

Kavouss Arasteh: Yes, I don't think we have time to discuss how we arrived at this recommendation; this is something internal. We arrive at a recommendation, and if there is - if and only - if there is any discussion of recommendation it should not be about how we arrived at the recommendation, it should be about the recommendation itself. I don't know whether we have time to go over all of these recommendations and so on so forth. My experience on this webinar and many other webinars, we should put more time to the questions because that would help the people to comment on the recommendation or on the output of this group but not describing the method of how we arrive at these recommendations.

And I don't know whether you can - you have to go to all recommendation unless there are some specific ones that you want to concentrate and focus on that and describing the essence and (unintelligible) of recommendations rather than how we arrive at the recommendation. But I don't think that 10 minutes of time is sufficient for question and answer, I don't think that the meeting is - the webinar should be a passive webinar lecturing or tutorial, we should allow the people to ask questions and answering that question. I am - I was not involved in the timing of this webinar but I don't think that we should use all of experience in the past webinar in order to have a better public comment. Thank you.

Kurt Pritz: Thank you very much, Kavouss. Gosh, Thomas, I even think picking the most controversial ones is, you know, is in the - is often in the eye of the beholder and that might, you know, that might take us some time. So let's - so we're going to - I think to release some of the stress on this I think the purpose is the - the purpose of the webinar is to call attention to the fact that the initial report is posted and here's the public comment form and here's how to read the report and here's how it's formatted and why it's formatted that way and how to use the public comment form.

I think it's important to allow time for questions. I think we want to, you know, I'm looking at staff but maybe we want to establish some sort of resource if people have questions going forward about either the initial report or the public comment form that there's a way to contact ICANN. I think we should point to the session we held in Barcelona as a tutorial for people that want to learn more about the work that went into it.

So we - what I'll do is I'll work with the staff after this to amend the slides in the way Kristina and Margie indicated. We'll make some indication of the content of the report and the recommendations themselves and what they pertain to. But I don't - I know - when Thomas makes a plea I want to take it really seriously but I don't see how to get to this one in a webinar where we're only talking for, you know, 20 or even 40 minutes. So now that I've talked I'm going to look down and see the chat.

Alan.

Alan Greenberg: Thank you. Alan Greenberg speaking. I was going to stay out of this but your last comment I'm afraid triggered something. In Barcelona we didn't have anything substantive to report so we spent time talking about interesting things. At this point we have something to report and we're looking for feedback and the process we used to get here I don't think is nearly as important as making sure that when people comment they do it in an informed way and have a chance to, you know, preferably I would have liked to go over the issues; we don't have enough time in that but we need to have some opportunity for people to ask questions and perhaps give a brief overview of the kind of input we're looking for.

You know, everyone knows we're working hard; we can catalogue the number of hours we've spent but we really need to inform people to get really good input into this process. Thank you.

Kurt Pritz: Thanks, Alan. Kavouss, go ahead.

Kavouss Arasteh: Yes I wonder whether we have time that you allocate or assign to the question and answer, how many minutes, 10, 15, I don't know. However, when the questions are raised I think it is better that beforehand you have some assignment of the people to answer those questions. This is an experience that we gained in ICG that we were 30 members and these members (two) of them were selected or assigned to be ready to answer the questions raised and if there is any complementary reply could be given by others but not everybody has - comparatively the other less information answer the questions. So I suggestion it to you for your consideration.

You know who has been vocal in this meeting, who has given these comments and so on so forth. I don't want to name any of you but I think it is good that you have two people already assigned to answer these questions depending on the nature of the question, you can do that okay, (unintelligible) for instance, Milton, you reply to this question or Margie, you reply to this question. Just an example, I'm not pointing to any particular person. That is the experience I gained in ICG. Thank you.

Kurt Pritz: Thanks, Kavouss. So also, you know, I intended this to be a fairly stress-free and work-free event for the members of this team and have the staff answer most of the questions. But if any of you have an appetite, if you think it'd be useful and you're up for participating in the webinar as far as answering questions I'd ask, you know, every - each stakeholder group could appoint one person maybe to be available to answer questions and then - if they want - and then we could sort of parse those out during the webinar. You know, it's difficult about that situation, Kavouss, as the way I'm understanding you're recommending it is that, you know, you don't know what questions are going to come so you can't have pre-designated people to answer them.

So with that I'm going to ask Marika and Caitlin to work with me on tailoring the slides as Kristina and Margie indicated and let's think about how we can best include material on the substance of the report and how to do that

balancing. You know, maybe one way to do it is to - I want to end this topic - but one way to do it might be to have some material in reserve so if there aren't a lot of questions then we can fill that in with substance or something like that.

And also my closing comment here is I had intended to kick off the meeting with some opening comments that cover some of the issues you guys mentioned during this so I'll review the notes. But if any of you have points that you think need to be made in the webinar that aren't in the slides it'd be great if you send an email that states that so we can make sure these points are made in front of the webinar attendees. And my final note is so ask your constituency members to attend.

All right, thanks. So where the heck are we on the agenda? I think let's go down to the letter to the EDPB which is evidently not controversial at all. So here's what this letter is, so during our deliberations we identified a set of questions to ask to the European Data Protection Board and those questions are captured in the initial report. And reading through those questions and, you know, plopping in front of the EDPB would, you know, I think without additional context would not garner the kind of understanding we hope to generate of the issue or generate the specificity of the comment. And I'm very concerned that we don't, you know, we get a bite at this apple. And so I want us to make the best possible use of this.

So with the support team's help, you know, I augmented the questions with some background information and then really tried to make the questions as specific as possible. You know, one of the other - one of the other goals here is that, you know, we demonstrate, you know, some sort of competence about the issues. So I don't want to simply ask questions where we've had quite a detailed discussion and have a clear understanding of what the issues are and both sides of them. So I wanted to, you know, in sort of a tip of the hat let the EDPB know that, you know, we've discussed these in some depth that even though answers might be - might or might not be obvious to them,

we want to know we understand the complexity of the issue and, you know, wanted to check that issue with them.

So that's my idea - that was the idea of why the report - or why the letter was written the way it was. I saw Thomas's and - email and Diane's follow up. You know, there's certain questions such as, you know, the possibility of joint controller agreements that aren't in the letter because they weren't raised during our deliberations as something we wanted to ask the EDPB about. And so I have an opinion about that but just want to get your feedback on this letter even though you've only had it for a few hours.

And so while I wait for you to raise your hands I'll say that this Data Protection Board I think is meeting next week and they meet once a month and so I - we want to get the letter to them before this meeting and sort of give them two meetings timeframe for answering it. It's our chance to get feedback in time to inform our deliberations, so just like everything else with our work, time is of the essence. And so what we - I want to make the letter good because I want to demonstrate to them that it's worthwhile answering. We also need to get it out.

Kristine.

Kristina Rosette: Yes, I just wanted to flag for everyone that there's discussion among the Contracted Party House members about the letter overall. We're in the process of fleshing out and finalizing a view but we expect to be sharing it to the list in the next hour or so. Overall we have concerns that there isn't sufficient - that we're not at a point with sufficiently definitive policy recommendations that we're doing anything other at this point than just asking for legal advice. And if that's really what we're looking for then there are other avenues for that. But I'll be providing more detail later or at least, you know, someone from CPH will be posting something to the list very soon. Thanks.

Kurt Pritz: So, yes, this question will demonstrate my lack of understanding of what we're doing here. So could you put a bit of a point on that, Kristina? Because I thought, you know, that's what we're going to the Data Protection Board for is legal advice, that we're the - we're kind of the policy guys but we want to understand, you know, how legal - lawful bases attach and we want to understand these - we want to understand the way the law applies to these issues. So to me we were looking to the Data Protection Board as almost the authoritative legal source and if we get other legal advice it's just, you know, it's just sort of legal advice; it's a legal opinion by one party. So could you help me understand that?

Kristina Rosette: Well certainly, I think there are others that can elaborate in much greater detail but it's my understanding that they are - that they are not intended to provide kind of advisory legal advice (unintelligible) organization and that because there are so many issues in which there are kind of questions, I think one of the concerns is, is that the letter could instead flag to the EDPB that there are kind of open - that there are enough open questions that it may cause some concern on their part as to - how do I say this diplomatically? The extent to which we actually have any idea what we're doing.

And I think because - I think it's very unlikely it would seem to me that they will at least I would expect that they're either going to look at the letter and rely just on the letter itself, in which case I don't think we're necessarily going to get anything that is going to be a useful input, or they're going to really dig into the report. And I think if they do that I think there's the potential for greater issues.

I think we just - I think the concern really is, is that there are so many open questions and there are so many recommendations which don't really have any consensus weight at this point that going to them and seeking their input is a avenue that should be pursued kind of on a - as an infrequent - I'm not really articulating it well but I think it's one of those things that you want to



save for when you're really ready, and I don't know that we would have another opportunity to go back to them for input.

And it would seem that we would want to make sure that we have the most complete presentation for them and that doesn't mean that we won't and maybe it means that what we need to be doing is seeking that input once we have received public comment and we are in a position to, you know, make - have consensus calls. But that's just a general direction that the CPH is heading at this point. Thanks.

Kurt Pritz: Thanks, Kristina. Margie.

Margie Milam: Yes this is Margie. I was actually going to say something similar to what Kristina was saying. When we were preparing the report I don't think we were looking at it from a perspective of these are all the questions we have, you know, for the Data Protection Board. And I worry that it looks half-baked and that without the proper explanation behind what we're thinking it's going to be received badly. And this may be the only opportunity we have to get answers to the questions we really need answers to.

So especially if we're talking about, you know, going out next week, I feel like wait until we get public comment, you know, identify all the issues, have a decent explanation of the fact pattern because there's a lot of assumptions in this letter that they even know what we're talking about. And so I agree with Kristina.

Kurt Pritz: Thanks, Margie. I'll just say that there's an expectation in the charter that we share the initial report with the European Data Protection Board and request feedback on it and, you know, especially with the applicability of law in relation to the proposed recommendations so there's that. And there's also timing. You know, if we want for public comment then there will be no - there'll be no input on our work by the European Data Protection Board or we will miss the deadline, so I think that's our choices.

I'm certainly not against rewriting this letter. You know, it's an attempt to balance, you know, putting enough detail and not enough detail and whatever decision you make is wrong. And it's like, you know, version 17 of the letter, so I'm certainly open to changing it but I don't think we should - I don't think we should not write to the EDPB; we were sort of obligated to at least tell them that we've done the initial report and get their feedback and these three areas in the letter are the three areas that we identified in our deliberations as let's go to the European Data Protection Board and get input.

I also don't think that it forecloses us from going back but I'm - you know, I just - and the cynical side of me wonders who public comment's going to inform your decisions on this because, you know, my personal opinion is you guys have discussed these issues in more depth than you're going to see in the public comment but maybe I'm not considering a source of public comment that you are and I'd like to hear about that. Kavouss, you're next in the queue.

Kavouss Arasteh: Yes, if you allow me just another reflection on the question and answer, some of the question may be a little bit complex to reply or easy to reply; I don't think that the people answering that question they try to put something to reply. Sometimes they say okay, we will reflect on that and they will send you the answer and the answer will be published. So not necessarily obliged to reply to all the questions if the answer is not straightforward. Thank you.

Kurt Pritz: Thank you, Kavouss. Go ahead, Marc.

Marc Anderson: Thanks, Kurt. Marc Anderson for the transcript. You know, just sort of echoing what's been said so far, I think it's - I think what goes to the EDPB, you know, it's really important that we get it right the first time. You know, I think we, you know, I think we all, you know, acknowledge that, you know, we may not get any response at all. The EDPB is under no obligation to respond to us and, you know, as has been noted by other people, they have a lot of

things on their plate and they're very busy. And so if we want their attention and want them to respond, we need to do our work up front and make sure we're asking them the right questions, asking clear questions that they can and are able to respond to.

On this item, I think it's - it behooves us to take our time to make sure we get it right. I think if you polled the room I think you would - I would be surprised if you'd find anybody that thinks the letter is ready now. Happy to be corrected on that one but, you know, I think the letter could use some work. And I think, you know, I think that, you know, I know you've balanced, you know, timeline and, you know, and things that need to be rushed and things that we need to get right, you know, and, Kurt, I very much encourage you on this one to take the time, make sure this letter that we send out to the EDPB is well polished and not something we rush through and send out half-baked.

Kurt Pritz: So I'm trying to - thanks, Marc. So I'm trying to think about how to go about that. You know, we've had the active participants in this discussion have been, you know, Marc, Kristina, Margie, Thomas. You know, is that a small drafting team to first decide on the content of the letter? I think there's a process to writing a letter like this, right? One is the - or basically the questions, you know, identify the questions we want answered and then secondly how to, you know, doing an outline for the letter that gets to that, and then third, flushing out that outline with the right amount of background and asking the questions in a coherent way that's understood.

So I'm, you know, in the drafting of this letter I was for all the goals that you guys are mentioning and I'm still for all those goals so I want to develop a - the best way to draft this. Go ahead, Stephanie.

Stephanie Perrin: Thanks very much. Stephanie Perrin for the record. I'm actually shocked that we're having this discussion about this because it just seems to me such a - I'm not going to be very diplomatic, possibly I need more coffee - such a silly

idea at this point that I'm mystified as to how we think we're going to get somewhere with it.

Now, the Non Commercial Stakeholder Group wrote to the Board saying, can you tell us what you have been finding out on the European Data Protection Board and all the other data commissioners you've been visiting for the past, well two or three years because Nigel Hickson, that was his job to go out and lobby the Berlin data commissioner a few years ago, a couple years ago, and then a huge boarding party went to the Hong Kong Data Commissioners Conference and had a side meeting with the data commissioners.

Frankly, all we go back in the way of feedback is a blog, and a blog that doesn't actually say anything. So how these conversations went? Heaven only knows. The email - the letters that we've been getting back from the data commissioners are not, in my view, very comforting. And I've written those kinds of letters so I think I have an informed view.

I cannot believe that we would actually consider writing to them, pestering them yet again with ill-formed comment before we finalized the report. Yes, our timetable says we only have one comment period but that's not their fault. And the fact that the report as I said and have been saying for the last several weeks isn't ready to go out yet because there are too many open questions, I can't imagine that we would send that to them.

I agree with what Kristina and Marc have said far more politely, but I think you have to look at it from the other side and quite frankly, they're going to do what they did when the RDS sent questions to them, a lawyer advising the Article 29 Group actually contacted me and said, can't you get these guys to hire a lawyer? So sadly, we're another couple of years down the road, year and a half, I don't know what it is, nearly two, and the answer to that question is apparently not; we don't have independent counsel advising this group.

So the questions are not really - they're improved but they - they're not the kind of thing you take to the overseers. I just can't believe we're having this discussion. Please, explain. And if you really insist on sending a letter then have everybody that has accompanied this (crew) to all of these visits, the Hong Kong Data Commissioner's Conference, come in and brief us so that we know exactly what's been said. Thank you.

Kurt Pritz: So here I am sitting here. So two things then, one is, is the idea of having a small drafting team to develop an outline instead of questions to which a letter can be fleshed out, is that a good idea? And two is Stephanie's - among Stephanie's comment the thought that we write to ICANN again and ask for detailed information about what's gone on before and that our, you know, understanding what all the commissioners have said in the past in their communications with ICANN; having that information is sort of on the critical path to us finishing, so those are two thoughts.

So I'm really - I'm really, you know, willing to, you know, take this letter down, tear it up and start over but I don't know - given what's in the initial report and given what we decided during our previous discussions about let's take this one to the European Data Protection Board, that's this list that's in this letter. So if we want to reconsider that - and I'm very fine with that idea - then I need some help from you guys in deciding what the content of the letter should be.

All right let me ask a different question, is there still an appetite for asking the Data Protection Board any questions or sending them a letter? Yes, thanks Marc.

Marc Anderson: Hey, Kurt. Marc Anderson for the transcript. Sorry, we're - I guess we're still discussing this but I think there's, you know, this may be a little premature but I think there's general support for the idea of having a small team look at this. And this being the, you know, a drafting team to look at the letter. You know, I think you noted and others have noted there's, you know, there's language in

the charter about sending the initial report to the EDPB, the charter calls for that as one of the deliverables.

You know, so, you know, acknowledging that I don't think anybody's suggesting not sending - or sending nothing; I think, you know, that's - you know, clearly the charter obligates us to send something. But I think some effort into framing that and making sure we ask the right questions is worthwhile. So I think, you know, generally there's a - I think generally the idea of having a small team, you know, work on that makes sense.

And then, you know, I'd just like to also say your other suggestion responding to Stephanie about, you know, asking, you know, going back to ICANN, you know, noting that one of the questions we've asked ICANN was for details on the meetings they've had with DPAs and other, you know, other regulators and they did respond; it's on the wiki space but with that, you know, as Stephanie said they just kind of, you know, referenced the blog posts.

So I think going back and asking for more detail is a good idea; that may be helpful if they can provide more information and background to us, I think that would be worth asking for. So I agree with what Stephanie said and, you know, like I said, I think there's, you know, I think we're still discussing the idea. We, Registries, at least but I think, you know, preliminarily I think, you know, I like the idea of having a small drafting team try and tackle this and come back to the full group with a suggestion.

Kurt Pritz: All right, thank you very much for speaking up, Marc. So not seeing anybody else raise their hand, I'm going to ask the support team to create a call for tomorrow sometime, have those that want to participate in the small team to join in. If anybody wants to, you know, we should try to limit ourselves to a person per stakeholder group if we can and if anybody wants to volunteer at this point it'd be great. Cool.

So let's - going good so far - so let's go onto the set of topics that we think are outstanding in the initial report with regard to recommendations and where additional discussion is clearly required. So we have these. And then, you know, we have to get to a point where we're actually agreeing there's consensus on some of these topics that - and that will occur after the public comment period.

So you see there's a set of - well today so six more meetings before the public comment period closes and before the end of the year holiday. And then during the holiday I think some of us will be sifting through the public comment. You know, to the extent anybody wants to work during that time that'll be fine too. So what we want to do is lay in these topics that are below in the meeting time.

So as you can see we just got to them. I've sort of characterize or categorized them into a few groups. You know, one is, you know, if you scroll down or you download the document and, anyway, if you download the document I think that, you know, Topics 1-5 are the ones that were submitted recently by ICANN, the organization. So I think we can group them in certain ways.

There were certain of these topics where we were explicitly waiting for replies by the European Data Protection Board so we might decide how we're going to go about them if we don't submit a letter that asks these questions. And then there's kind of the more difficult or complex issues that we'll have to decide an approach on. And, you know, I might have some ideas on these on how to go forward but, you know, one has to do with the topic of legal versus natural persons and distinguishing on the geographic basis and lawful basis attaches to the - to some of our purposes for processing registration data. So there are some of the more difficult we faced.

I think we are going to have to have a scoping on how we discuss Whois accuracy, and then there's a couple of administrative ones, 12 and 13. So

that was - I don't know, that was sort of a stream of consciousness and not really helpful. What I think we can do a couple things, one is I view this list and...

((Crosstalk))

Kurt Pritz: ...see if we need to add to it. Two is that the staff will, you know, will work to attach these topics to various meetings. Third is I'll certainly share my apaches on some of these issues with you as a way to get through to the final report. So, Marika or Caitlin, do you have anything you want to add to kicking off this discussion?

Marika Konings: Yes thanks, Kurt. This is Marika. Maybe just to note, and you may have already said it, but basically the list that you currently see here is a compilation of items that were either brought up in the review of the initial report where the group agreed to take note of it but basically move it to this stage of the work to further review and consider those items as well as items that are called out in the initial report as, you know, needing to be further discussed or considered.

You know, I think as you noted, you know, some of those are marked as being dependent on input or guidance from the EDPB or public comment so again, you know, there may be a need to, you know, move certain items to a later stage when input has been received on those items but there may be others that, you know, the group could already start discussing and considering.

As said, you know, the ask is for you to review this list and make sure that we didn't leave anything out, again, you know, we did our best in pulling all the different items that we could find from the different conversations but we're not claiming either that this is the comprehensive list of everything and all that the group wants to consider.



So if we can encourage everyone have a look at this and add to it as soon as possible, I don't know if we can maybe put a deadline on this for maybe, you know, Monday end of day, and that way at least we have a fairly complete list of items that we need to queue up for the meetings that we have going forward. And the idea would be to indeed, you know, kind of clearly assign topics to meetings so that people can also prepare accordingly and think about these items as we move forward.

Kurt Pritz: Hi, Amr, please go ahead.

Amr Elsadr: Thanks, Kurt. This is Amr. And Marika asked for feedback to be seen - I don't know if right now is too soon or not but I do have a few preliminary thoughts on this document. Is it okay to share those now or...?

Kurt Pritz: Yes, that'd be excellent.

Amr Elsadr: Thanks. First I just wanted to voice a little concern with the proposal to have small teams sort of, you know, review different parts of the public comments. I understand that the purpose in this would be to, you know, facilitate this getting done quicker but I think it's understandable that, you know, when we have used small teams in the past on issues like, you know, the natural versus legal person distinctions and the geographic basis issues, you know, the small teams have not been - were not able to reach any sort of consensus on recommendations to provide the full EPDP team and the EPDP team in its entirety has had to address these issues and it's taken a long time and we still haven't reached agreement.

I think it might be a better idea to have the full team review the public comments without resorting to small teams on this. And I don't have a suggestion on, you know, the actual mechanics of getting this done but I'm not sure that the small team is such a good idea.

Another comment I have is on the geographic basis part of the initial report, which is Number 11 in the table in the document. I just wanted to point out that the EDPB has provided - has recently published guidance on the territorial scope of GDPR. I don't know if folks have seen this or not but I'm happy to share this on the list and I think this might be helpful in us - in our deliberations moving forward, you know, just a few more issues to consider on the geographic basis topic. Thanks.

Kurt Pritz: Thanks, Amr. I think that was - that good advice to us. I'll point out that the first five topics here were ones that were submitted by ICANN Org and so I think - I see Marika has her hand up - I think we could work through those before public comment. I also think the issue of whether there's joint processing agreements can be worked through to a great extent. So - and like you said even though we're waiting for information on certain topics there's other information available. But I do take your comment about small groups and we should be very judicious how we use them if we've used them in the past, thank God for the big group and kind of butted up against disagreement; we shouldn't repeat that behavior. Go ahead, Marika.

Marika Konings: Yes thanks, Kurt. And this is Marika. And the reason why we put in that suggestion is really for kind of the timeframe where, you know, some people think it may still be working, others may be less inclined to have meetings is to say, you know, we may be able, for example, if we're able - depending on the number of comments we get and of course the format, you know, staff may be able to kind of pull it together in a, you know, comprehensive overview and we could, for example, have a Google Doc where people can kind of, you know, note down their initial thoughts or thinking around the comments especially looking at, you know, what kind of response should the EPDP team provide on some of the input that has been given and what you know, potential changes if anything should be considered in relation to the response and input that has been provided.

So again, the more - the idea here is more to see if any kind of pre-work can be done then to kind of move faster in the few meetings that we have before the face to face meeting. Of course some of that, you know, will be dependent on, you know, availability of people as well as number of comments received. But again, we're just trying to see is there a way that some, you know, preparatory work can be carried out by those that, you know, are willing and available to do so, you know, to help, you know, facilitate the time that we have before the face to face meeting as, you know, per the current schedule we would only have basically three meetings before we would meet face to face.

Kurt Pritz: Milton, go ahead please. We can't hear you yet, Milton.

Terri Agnew: Milton, this is Terri. I see where you've activated your Adobe Connect mic and it's unmuted on our side. Please check it on your side. And of course if a dial-out is needed we're happy to provide that as well on the telephone. Let's get Milton back engaged and go to Kavouss. Kavouss, go ahead.

Kavouss Arasteh: Yes, Kurt, sorry, my question is not about this, is about the face to face meeting. Have you informed the ICANN for the travel support? Is there any letter for travel support because I want to ask for travel support. Thank you.

Kurt Pritz: Yes, so the - you should be being contacted by the ICANN Meetings Team very shortly. So I don't know what "very shortly" means, if it means today or tomorrow but it will be in time for you to make arrangements and to understand that you have travel support for the meeting.

Kavouss Arasteh: Okay thank you. Thanks.

Kurt Pritz: Yes.

Milton Mueller: Can you hear me now?

Kurt Pritz: Yes we can. Go ahead, Milton.

Milton Mueller: Okay, yes, Adobe Connect didn't want me to turn on my microphone so as soon as I clicked that icon it froze. I just wanted to kind of say that we're going to have to bite the bullet and accept that fact that each EPDP member is going to have to go through some compilation of the comments and have a comprehensive and holistic view of the public comments. I don't agree with the idea of small teams breaking that up in any way. We get into these representational games and before you know it the small teams are not so small. And they just replay all the discussions and issues that we're going to have anyway in the larger group. So I would actually view that as a time loser rather than time saver.

Kurt Pritz: Thanks very much, Milton. And I'll say that, you know, one of the ideas behind using this currently configured public comment form is so that every team can member can read through the rationale of each commenter who decides to put their rationale into the comments so they can understand the thinking with the encouragement that all of us read the comments, but, you know, the tool makes it so that you can (unintelligible) in a fast way. One of my pet peeves is that, you know, the comments that are - thoughtful comments that are made rarely get to the team because they're compiled and condensed into some other form, so I'm for biting the bullet and for everyone read the comment.

You know, so I think, you know, what I'd like to do is - unless there's more comments on this - excuse me - you know, I'd like to take, if it's all right with you I'd like to take the first two topics for discussion...

((Crosstalk))

Milton Mueller: Could I jump in here for kind of a point of information actually? So the - we ask that the form, which in general is a good idea but the issue of collaborative work by a team on these forms is somewhat complicated. So

just this morning I tried to load the Word doc format of this form and it has now twice caused Word to crash. At one point I got a message saying the document is locked in some way. I would ask you to maybe reconsider that, put it up in some way that is not locked so that people can type their responses to particular questions and then circulate it among their constituency groups.

Anyway I'm just - I'm having all kinds of problems with that form as well as with Adobe Connect today, so maybe there's something wrong with the form or maybe there's something wrong with my computer, I don't know but I think it's the form - the Word version of the form.

Kurt Pritz: So Marika, Caitlin and Berry, could we look at that after this meeting? I'll say that from time to time the forms you send me in the different various reports crash Word on my computer so again like Milton, I don't know if it's my computer or the form or some combination of that. But let's look at some sort of easy to use format-lite version of the form that people can easily download and then use as their editing tool. Marika, go ahead.

Marika Konings: Yes thanks, Kurt. This is Marika. And I'm - I can follow up with Milton on this as well. Just to note that a Word version of the form is posted as well with the public comment form so I'm not clear on whether that version is creating the issues or whether Milton has created his kind of own download of the form so we'll follow up offline and see where the issues are and see how we can fix those.

Kurt Pritz: Yes so Milton says it's the Word version that ICANN posted. Anyway I've had the same experience that Milton has had in the past and so I wonder if we can create something that's easier to manipulate and more reliable to use.

So I wanted to - we wanted to discuss substance in this meeting so if you're game. Go ahead, Kavouss.

Kavouss Arasteh: Yes, with respect to the team or individual I tend to agree with Milton, we have worked together in ICG and other area, however, these are not mutually exclusive, they could be complement to each other while we would not trust that the responsibility of the 29 member of the group to view people or small team, however, we could provide everyone is responsible to provide our comments, nevertheless, having some sort of the focal point whether you call them team or so on so forth is not a bad idea. I think we should - it should help to concentrate on the matter, to gather all the information from individual, put them together and put it to the entire team. So I suggest that we take both approaches, individual plus team, as complementary to each other. Thank you.

Kurt Pritz: Thanks for that, Kavouss. Okay with that I wonder if we can just look at this - at the document. And the first couple topics were raised by ICANN Org, but some, you know, I think meaningful but somewhat straightforward too. And so I don't know, Trang, if you are up to describing the first issue under Recommendation 1 and then we can take a look at the - some proposal that's in this form for how to cure the issue you've raised and take it from there. So, Trang, if it's putting you on the spot then we need not discuss it but if it's possible it'd be great if you could go to this very first topic and describe the issue with some background since we're sort of really changing gears here, do it gently for us. Is that possible? Hey, Marika, would you mind describing, or someone on the staff, describing this issue for our discussion?

Marika Konings: Thanks, Kurt. This is Marika. You're referring to Item 1?

Kurt Pritz: Yes.

Marika Konings: Yes, so I think there was a comment that Trang and Dan I believe raised already back at an earlier meeting and I think raised it again in the context of the review of the initial report that the current wording of Purpose M states, "Coordinating development and implementation of policies concerning ICANN's dispute resolution process." And they've noted that it's unclear how

developing an implementation of policy would involve processing of gTLD registration data of personal data.

You know, one suggestion staff made an easy fix could be to remove that reference so that it would just read, "Coordinating policies concerning ICANN's dispute resolution process." And again, this is just a suggestion, the group may want to further discuss what the implications are of removing "developing and implementation."

Kurt Pritz: Kristina, yay. We have a queue.

Kristina Rosette: I'm usually not greeted with "yay" but I'll take it. Kristina Rosette. It would be helpful for me to understand - I think I understand the reasoning behind removing "development." What I'm having some difficulty with is coordinating the implementation is why removing the implementation is recommended because the implementation of these policies certainly does include the processing of personal data. And to the extent that ICANN oversees and once it follows up on our recommendation for a data processing agreement will have to oversee that processing. I'm a little confused because it would seem to me that definitely implementation needs to stay. So I would appreciate whatever light Trang or anyone could shed on that. Thanks.

Kurt Pritz: Great. Trang is having some mic issues but maybe we could dial out to her.

Trang Nguyen: Hi, Kurt. I'm connected now.

Kurt Pritz: Okay. Do you want to respond to Kristina and then we'll go down the queue?

Trang Nguyen: Yes, so Kristina, I think we've just raised this for discussion as well. It was just unclear to us how the act of developing an implementation policy might involve the processing of gTLD registration data. And we were thinking of implementation of policy as in sort of the policy implementation process with the IRT. And so it's unclear how any use of personal data, you know, would

take place, you know, during that process. So that's sort of what we were saying here.

Kurt Pritz: So just jumping in here, I would think that, you know, the implementation of policy would require the - wouldn't actually cause the processing of data but it would require it at some future date so I thought that's why this wording was in here but I talk too much and grateful for the queue, so please go ahead, Amr.

Amr Elsadr: Thanks, Kurt. This is Amr. I thought some of that language had changed when we put it into the initial report. But, yes, but I think I had also raised the - some questions especially the use of the word "coordinate" here because I'm not sure I see how gTLD registration data is used to coordinate development or implementation of policies in this, you know, the context of DRPs. Certainly the registration data needs to be processed, you know, during the actual, you know, the operational sort of process of using DRPs but I'm - I think we do need to sort of, you know, revisit this recommendation or this - or the purpose as it is stated here.

Oh I see in the initial report now, it says "coordinate operationalize and facilitate policies for resolution of disputes," and goes on. So I can see how operationalize and facilitate policies works but I just think the use of the word "coordinate" here is not terribly accurate and we might want to think about changing that or getting rid of that part at least. Thank you.

Sorry, this is Amr again. When I did raise this the first time I think I had also pointed out that, you know, it's ICANN's role really to coordinate policy development and implementation and the community participates in that in different ways. But that's just a sort of, you know, add a bit more color to why I think it's a little puzzling to have "coordination of policy development or implementation" in here in any way at all. Thank you.

Kurt Pritz: So go ahead, Margie.



Margie Milam: This is Margie. I agree with what Kristina was saying and also Amr, that language you read, "operationalize," maybe that's really what I'm thinking about. Like I don't see ICANN having, you know, access to this big database or something but it might be testing and, you know, pulling - looking at records as part of, you know, operationalizing it and ensuring that the, you know, whatever the policy is works. So I think that - I think I like the word "operationalize."

Kurt Pritz: So I'm just reading the language that Marika posted into the room that Amr had uncovered. So where we think we are on this issue is, you know, this recommendation just becomes "operationalize and facilitates policies for the resolution of disputes" etcetera. Sometimes these words confuse me, but if you're - if it's the sort of agreement of this group that we remove the word "coordinate" and "operationalize and facilitate policies for the resolution of disputes regarding" (unintelligible) etcetera, I'm - so go ahead, Kristina.

Kristina Rosette: I guess I don't, you know, maybe this is something that Amr and I can have another one of our calls separately, I don't understand why "coordination" would come out. I mean, that's ICANN's whole role here is coordinating these - the policies to ensure that they are operationalized and facilitated kind of consistently and evenly, or at least that's my understanding of what their role is supposed to be and coordinating in terms of, you know, overseeing the development of policies. So again, you know, not a hill I'm going to die on but I still don't get why we would take that out. So again, happy to take it offline separately with Amr if that's easier and we can move on.

Kurt Pritz: Thanks, Kristina. And actually I think that's the word Trang wanted to leave in. Go ahead, Farzi. Farzaneh, I can't...

((Crosstalk))

Farzaneh Badii: Hi, excuse me. I just - yes, yes, I connected my microphone, sorry (unintelligible). So Farzaneh speaking. Okay, so I initially I think I was in the group which in LA which we came up with this language later on. And it's taken from the bylaws and now I can see so - and as Kristina is saying that the word "coordinated" actually is taken from the bylaws. So it says, "Coordinate the development and implementation of policies concerning dispute resolution." So I think coordination stay, I don't know how "facilitate" and the other "operationalize" stuff were added later on. And but that's my fault I didn't follow up but I think "coordinate" should - "coordinate and implementation of policies concerning dispute resolution" should stay. Thank you.

Kurt Pritz: Thanks, Farzi. Amr.

Amr Elsadr: Thanks, Kurt. This is Amr again. Yes just to be clear I agree that it is ICANN's role to coordinate policy development and implementation and I kind of came back with it; I specifically said that just a little while ago. But it's just that - the reason why Recommendation 1 is a little confusing seems to get the header here is not about ICANN's role in policy development, it's about the purposes for processing gTLD registration data. So sure, ICANN does have a role in terms of coordinating policy development and implementation, it also has a role in operationalizing and facilitating these policies. But I don't see this as a purpose for processing gTLD registration data; that's my point really.

I'm trying to be very specific on this issue here because that's the header in Recommendation 1 in which these different purposes, the seven different purposes are listed. So, yes, sure, processing of this data is necessary to operationalize and facilitate the policies that ICANN has already coordinated the development and implementation of, so that's the kind of the point I'm trying to make but coordination here I think is a little confusing, at least I don't understand how it's applicable. And I think it's - it goes a little - possibly a little beyond the scope of what the purposes for processing registration data might be.

But, yes, I think operationalizing and facilitating these policies, that makes more sense to me so that's kind of why I recommended we remove "coordinate" in this context but not to take away, you know, ICANN's role in coordination of these different activities within a broader sort of context.  
Thanks.

Kurt Pritz: Thanks, Amr. Alan Greenberg, go ahead please.

Alan Greenberg: Thank you. Alan Greenberg speaking. I'm not sure what we're doing here. Are we rewriting this whole purpose just because we want to do it over again? I thought we were responding to ICANN Org's comments which was particularly pointed at how does developing process - process data? How does developing policy process data? And personally I think there's no data processed during developing policy and it was an error to have put that in, but we seem to be rewriting it from scratch looking at the whole - the whole issue and the whole purpose as opposed to trying to respond to what ICANN Org said. So I'm not quite sure what we're doing here.

Kurt Pritz: Thanks, Alan. And I think I'd like to concentrate on that too and get back to that. And, you know, to me the development and implementation of policies is a continuum; it's one act that we've, you know, that in ICANN world we've divided into two. The language that ICANN suggested is sort - is already gone from the - is gone from the - is gone from this so I think - so my proposition is that the current language that is "Coordinate, operationalize and facilitate" addresses the ICANN concern but puts back what Kristina and others say should be put back.

So to me while this is a good discussion I think we're to a place where we've addressed the issue Trang has raised in the ICANN comment, and the current language already addresses that. So I'm sorry that we spent 15 minutes on that but I think, you know, we want to address all these comments that are made and I think we're at a place where we need to be.

So I just want to do a trial close on that, so we're going to stick with the original language in this purpose, which no longer has the "development of policy" in it and go onto the next one which will be the last one we'll discuss today.

So in Recommendation 5 and somebody will have to - I assume by reading this Point Number 2 is that this recommendation has to do with the transfer of data from the registrar to the registry but I'm not sure and so, you know, we've - this recommendation is silent on thick versus thin registries. And I think that this recommendation does not have to talk about that. But I don't know, Trang, do you want to introduce this one and then we can take any comment.

Trang Nguyen: Yes hi, Kurt. Thank you, this is Trang for the record. Yes, so preliminary recommendation Number 5 says that transmission of registration data from registrar to registry within the data elements of the workbooks must be transferred from registry to registry. And then it lists the data elements. So we were wondering if this recommendation is referring to...

Kurt Pritz: Go ahead, Trang. Somebody will deal with that.

Trang Nguyen: Yes. Is that coming from my phone?

Kurt Pritz: Terri's going to tell us in a minute. All right, go ahead.

Trang Nguyen: Oh thank you. Yes so I was just saying Recommendation Number 5 just talks about transfer of data from registrar to registry but doesn't specify whether or not that refers to thick or thin registries or in the comments on the relation of the recommendation to the existing thick policy. So we're just kind of asking for clarification. Thank you.

Kurt Pritz: Any comment on that? Yes, Marc.

Marc Anderson: Hey, Kurt. This is Marc Anderson. I guess I'm sort of obligated to jump in and comment on this point. But I think Trang raises a good point and I think there's a little bit more to this as I think this is a topic that, you know, as a working group we never really tackled head on, and so I think what happened is we backed into something, you know, as far as the implications on what we're recommending as far as the thick policy and thin versus thick. You know, and looking at the time, I'm just going to suggest that we, you know, we don't, you know, on today's call I don't think we have time to, you know, get into a substantive debate on this topic.

You know, but I think what I'll say is, you know, I think Trang raises a good point here and that this is maybe a topic as a working group we might want to spend a little bit of time on, you know, as Trang says in the comments, you know, what is the linkage impact to this recommendation to the thick policy? You know, we haven't talked about that at all.

You know, and so, you know, there's a little bit you know, there's a little bit in there, you know, there's ramifications on what we're saying so let's take the time to look at that, make sure we understand what our recommendations are saying, how they impact other existing policies and is there anything we need to adjust for because of that? So I guess I'm saying I don't have answers here and I'm not sure we can get to all the answers right here on today's call but I think, you know, Trang and ICANN Org raised a good point here and it's worthy of a little more deliberation by the working group. Thank you.

Kurt Pritz: I think that's right. You know, I have some comments but I think they need to be left for more discussion on this because they're - there's more to it than the ongoing other policy discussion or the approaches some registries are taking in GDPR even if they're thick registries. All right so I think that's the last word on that. So before we wrap up, you know, one of - what we're going to do between now and the next meeting which is a week from now, is develop

a schedule for the remaining time and which topics we're going to discuss in them.

The other thing I want to talk about, you know, before we go to the action items is just to capture who's volunteered for this small group to talk about the letter to the EDPB because I want to start an email chain and a discussion about that, you know, just about right away. So I saw in the chat - I saw in the chat some people volunteered but if anybody maybe from staff or you can re-raise your hand about who might be in this group, I saw Diane...

Marika Konings: Kurt, this is Marika. I just put in the chat...

((Crosstalk))

Marika Konings: ...the names that we took down from there. Just to note I think you did not that you were maybe looking for one rep from each group, you know, currently we do have some group that have two people so I don't know if you want to be firm about that and, you know, just have one person or leave it more open.

Kurt Pritz: Okay with this group if this is the group. Don't want to kick people out if we have a relatively small well-sized group. I'm just looking, I don't see anybody from the Registries yet so and I don't see anybody from the Registrars yet. But if we had one from each of those then I think it'd be a good size group. Okay so I'm going to start an email chain about that as soon as I can.

So, Marika, can you go through the action items?

Marika Konings: Sure Kurt. So the first action item is have is the EPDP team to encourage respective groups to participate in the public comment form and participate in a webinar that's scheduled for Thursday the 29th of November, and note that to sign up to the webinar you need to contact the GNSO secretariat. The next action item I have is for staff to schedule a call for the small group of

volunteers to review and rewrite the letter, I think we're still getting the list of volunteers together for that. There was also a follow up question to ICANN Org, is there any further information that can be provided in relation to the discussions that have been held with the EDPB and/or DPAs in addition to the blog posts and correspondence that have been shared such as briefing notes and summaries of meetings?

Next action item is in relation to the topic list, the EPDP team to review the topic list and indicate if any topics/items are missing by Monday close of business. Leadership team has an action item to develop a schedule of topics aligned with the meetings that are remaining. Then in relation to the webinar I have an action item for staff and leadership to consider what updates are to be made to the webinar slides to reflect the input received during today's meeting. And I have another action item for the EPDP team to provide input on what points in addition to those calls already in the webinar slide should be made and to share those. That's it.

Kurt Pritz: Great, Marika. Thanks very much. So most of those most urgent will be start a discussion about this letter and also amending the slides for the webinar on Thursday. Excuse me, I got a frog in my throat. Anybody have any closing comments before the meeting closes? I see people drifting away. Okay great well thanks very much for attending, everybody. Have a great rest of your day. So long.

Terri Agnew: Thank you, everyone. (Carla), if you could please stop recordings? To everyone else, please remember to disconnect all remaining lines and have a wonderful rest of your day.

END