

**ICANN
Transcription
EPDP Initial Report Webinar
Thursday, 29 November 2018 at 14:00 UTC**

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Coordinator: Excuse recordings have started.

Terri Agnew: Good morning, good afternoon and good evening and welcome to the EPDP Initial Report Webinar taking place on 29 November 2018 at 14:00 UTC. All documentation and information can be found on the EPDP wiki space. This Webinar is being recorded. Please remember to state your name before speaking and to mute when not speaking. Recordings will be posted on the public wiki space shortly after the end of the Webinar. Thank you very much. I'll now turn it back over to our chair Kurt Pritz. Please begin.

Kurt Pritz: Thanks (Terri). And thanks very much everybody for joining this Webinar. If you'll go onto the agenda please Caitlin. I just want to make a couple introductory comments and then I'm going to turn it over to the ICANN support team to go through most of the materials although I may have a point that I want to make from time to time on a particular topic.

I want to make three points here in introduction. First is that this Webinar contains some of the substance of the recommendations and questions in the initial report but not too much. We really there's really no way we could cover the depth of substance, and materials and issues involved in the fraction of an hour that we're allotted to talk about this and we want to leave time for questions. So this is primarily intended to introduce you to the initial, how it's structured, why it's structured that way and how to participate in the comment process. So more about process and (unintelligible) substance although there will be some substance there.

The second point I want to make is about the timing of the release of initial reports. So certainly we felt a great deal of pressure to release the initial report in time to preserve the deadlines we have for completing the work on this Expedited Policy Development Process. But, you know, on the other hand initial report isn't good enough then it'll just, it would just serve as a delay rather than an expediting mechanism. And so what the, so the report has you'll see 22 recommendations and questions for community input. And those recommendations some of them have the tentative agreement of everybody in the group but some are still contended.

And so what we wanted to do in this initial report is where there are specific recommendations they exist and where there's contention we want the community to be able to opine with sufficient specificity so that the team is fully informed on the community input on this issue before we go forward. So that's the purpose of the questions for community input is to provide on outstanding issues where there's still, you know, just call them divisions among the team about which way best pursue on those issues. So we, you know, we did that balancing and quite a bit of hammering over the timing of the initial report and, you know, while it was a leadership decision to go ahead and launch it we, I think there was a general feeling that, you know, the combination of recommendations and questions provided enough information to the reader of the report to provide information on all the issues so that the team can go and complete its deliberations.

And third, you know, there's members of the EPDP team on this, in this Webinar and we don't have specific roles and it's sort of difficult to choreograph that sort of thing. But I'll just say for you, for the general attendees and the EPDP members if an EPDP member wants to add a point or answer a question just I encourage you to jump in the queue. And then if who's ever running the queue spots an EPDP member maybe let them jump the queue because there might be an answer to a specific question or a point they want to make. So that's a, after discussing it I think that that's the best way to run that. So those are my comments again. Thank you very much for joining. I'll turn it over to the ICANN support team now.

Marika Konings: Thanks Kurt and hello everyone. My name is Marika Konings. And I'm one of the members of the staff support team for this effort and together with my colleague Caitlin I will be taking you through the rest of the slides. As Kurt noted, you know, the main objective is to provide you with a high level overview of the report and its content and assist you in providing input in the new format we're using for obtaining community input.

You know, as also noted, you know, if you have any questions we hope to have sufficient time at the end of the Webinar for Q&A. You know, staff may be able to answer some of your questions. As noted there are a number of EPDP team members as well that are on the call so we hope that they will assist us as well in that regard. And of course you can already start putting any questions you may have in the chat and we'll do our best as well to answer those of those there.

So here you find at a high level what we're hoping to cover during today's Webinar and I think we'll just dive straight in. So for those of you that are maybe new to this effort just a very brief background and overview of the effort the Expedited Policy Development Process was initiated by the GNSO Council earlier this year. This initiation was triggered by the ICANN Board's adoption of the Temporary Specification for gTLD registration data that

basically triggered a requirement for the GNSO Council to within a one-year timeframe confirm the Temporary Specification as a consensus policy. And that basically leads us up to 25th of May 2019 by which that would need to happen at the latest.

The charter of the EPDP outlines a number of charter questions, 52 to be specific that the group is expected to answer and respond to in conjunction with proposed policy recommendations. The charter also foresees that the group is to work on a standardized access model to nonpublic registration data. But that is only to happen after getting questions that are identified in the charter or addressed and as such it is not a topic that is addressed or covered in the initial report.

And as noted the focus really of this first initial report and this first phase of work is really on the topics that are covered in the Temporary Specification and the related appendixes but not the annex which is also expected to be covered separately. And the EPDP team consists of a representation of the just ICANN community and the different groups that express interest in participating in this effort have representation as you can see here on this slide in addition to liaisons from the ICANN Board, ICANN org as well as the GNSO Council.

You may have seen this slide before. This is basically the timeline against which the EPDP team is conducting its work. And as noted before this first phase of work is on the very tight timeline. It's basically the time until 25 May to finalize the report and recommendations and, you know, have the board consider these for adoption. And so I think what is the highlight here that, you know, we're currently 66 days away from finalizing the report for submission to the GNSO Council and that may hopefully also explain and appreciate everyone that would have a public comment period of 30 days. And there's no possibility to extend that as just there won't be time for the group to consider that input and give it due consideration.

So in order to get to this initial report you can imagine that it has been a pretty intensive period for the EPDP team and noting this short timeline. The group has basically held 29 fully attended multi-hour meetings in the period of 13 weeks. In addition to that there was also over a 45 hours of face to face meeting time which took place both at the ICANN meeting in Barcelona which happened a couple of weeks ago and previously in a separate face to face meeting in Los Angeles.

So in order to get to where the group is now and as has been reflected in the initial report the group started off by a detailed review of the Temporary Specification which was one of the first requirements under the charter which resulted in the so-called triage report where the group went through the different provisions of the Temporary Specification and noted their agreement or disagreement with those specific provisions. That really helped inform the subsequent deliberations on the charter questions and responses that were developed for those that was to a large extent done collectively but also a couple of small teams were formed to kind of tease out some of the topics and prepare draft responses.

Man 1: The French analyst I want to join French analyst...

Marika Konings: Hi. I think someone needs to mute their line. Thank you.

Man 1: Thank you.

Marika Konings: So a lot of work also went into documenting the purposes, the data processing activities, the lawful basis for each of those process activities, the data elements required for these different purposes and processing activities as well as identifying the responsible parties involved in the different process activities. And that work has all been captured in the data element workbooks which you can find as an annex to the initial report. And also a lot of times or a lot of folks went into prioritizing the work to really make sure that the critical issues are addressed before the Temporary Specification expires.

So all that work has resulted in the initial report that was published last week for full a public comment, and here you find basically in, at a high level that the overview or the structure of the initial report. And, you know, the first part is an executive summary that provides a bit further information on the background and as well approach that the EPDP team took for getting to the initial report. And the second part of the report the overview of the preliminary recommendations is that basically a compilation of all the preliminary recommendations and questions for community input that Kurt referred to earlier. So again this brings this all together in a compiled version for your review.

Section 3 of the report provides more detail on the systematic way in which the EPDP team has conducted its deliberations and has arrived at this initial report. And then Section 4 is really the heart of the report as it contains the EPDP's teams' responses to the charter questions, it aligns the different positions on certain subjects and links the preliminary recommendations to information considered and deliberated. So that really provides you hopefully with a kind of full picture of what the EPDP considered and what that EPDP team as a result is recommending. And it also outlines some of the issues where there is no agreement yet and where different positions have been documented which will hopefully inform community input and further deliberations.

A brief section on the next steps outlining what will happen one, after the group receives the input through the public comment period. And as there are a lot of acronyms and terminology in the report we thought it would also be helpful to provide you with a glossary. So that section provides you hopefully with an overview of the different terms that are used in the report to facilitate your review of that. And there's information included on, you know, the background of the effort, the membership, attendance as well as early input that was obtained as one of the requirements of an EPDP.

And then as I noted before Annex D really provides the details on the different purposes that the group has identified, and different processing activities that are related to it, the data element as well as parties responsible. So again there you can really find the detail and the background to some of the recommendations in the report.

So again at a very high level and as Kurt noted it's really important for everyone to review the report and especially the recommendations and the thinking that went into that to fully appreciate the work that has been undertaken and as well for you to be able to respond to the questions in the public comment form. But again at a very high level the report contains 22 preliminary recommendations. It's important to note that no formal consensus call has been taken yet. That is expected to happen prior to the final report.

And as I noted as well, you know, in a couple of areas there are differing views. And those have been noted within the initial report with rational outlining those different positions and in several cases as well specific questions for community input to further help inform those deliberations. And the recommendations basically address issues such as or make preliminary recommendations in relation to, you know, what are the purposes for processing a gTLD registration data? And what are the data elements required to be processed for the different processing activities such as collection, the transfer from registrar to registry, what data is to be provided to data escrow providers and what data is to be provided to ICANN compliance. And again all that is detailed in the report.

It contains preliminary recommendation in relation to the redaction of data elements which should be redacted and which shouldn't. And the recommended data retention period it provides further detail on the meaning and work that they need to be undertaken in relation to reasonable access. And again this is prior to further work being undertaken working on the standardized access model. The draft isn't the lawful basis for the processing of registration data as one of the requirements of the GDPR and as also is

described there in detail, outline the responsible parties for each of the processing activities and also discusses what type of agreement could or should be put in place whether that's a joint data controllers, data controllers, data processors. And it also touches on the effect of the GDPR as well as these preliminary recommendations on existing consensus policies and procedures such as for example the Uniform Rapid Suspension system, the Uniform Dispute Resolution, Uniform Domain Name Dispute Resolution policy as well as the transfer policy.

So we did want to point out as said, you know, we don't have the time on the Webinar here to really go into the details of each of the recommendations and, you know, the different topics covered but we wanted at a very high level to flag to you which are some of the issues where further discussion is already happening and will continue to happen and also the areas as such where, you know, specific community input will be helpful and appreciated. And so you see those listed here on the slide and I'll just briefly run through these. You know, they continue discussions on, you know, the appropriateness of a controller versus a joint controller agreement between ICANN and contracted parties. And there's quite a bit of detail in the report outlining the perspectives on this and again this is one of the topics that is under active consideration.

It talks about if or how should it be, should there be a distinction made between a registrant as legal or natural persons. And similarly, you know, should the differentiation be made on a geographic basis. There's some questions around the lawful basis for processing data, you know, there's some conversation around whether, you know, one lawful basis applies over another but the implications or consequences of that are. The group expects to further discuss what the impact is on the preliminary recommendations on existing policies such as for example the Thick Whois consensus policy.

And there's some questions in relation to data elements that are marked as optional. The question there is should this be optional for a registrar to offer

that contact field or should it be required for a registrar to offer that contact field but only optional for the registrant to actually provide that information. There's some ongoing discussions in relation to whether organization field should be redacted. And again the report provides some further details as to the different positions and viewpoints on that question. And there's also some further conversation expected in relation to whether a separate purpose needs to be added or included in relation to DNS security and stability research or whether that is already a purpose that is covered by, the other purposes that are included in the initial report

And as noted, you know, of course in the short timeframe I cannot do justice to the recommendations as well as the positions that are, have been outlined and expressed in relation to these topics. So I really strongly encouraged to refer to the initial report for the full details on this topic. And I'll now hand it over to my other colleague Caitlin to take you through the second part of this presentation.

Caitlin Tubergen: Thank you Marika and hello everyone. My name is Caitlin Tubergen. And I am also part of the staff support team for this EPDP effort. As Kurt alluded to earlier in the presentation there are some questions slated for community input within the initial report. Specifically there are 11 questions and rather than me reading you all of them what we've done is we've included slides as an annex to this presentation that isolates all of the questions for community input.

So following this Webinar you're welcome to download the slides and you can see all those questions. I will note that the 11 questions touch on some of the topics that Marika and Kurt have highlighted. And they range from things like the purposes for processing data, data redaction, data retention periods, et cetera. Again I won't go through all of them but you're welcome to look at them following the Webinar presentation.

In answering these questions what the EPDP team is looking for is a focused response and a rationale as to why you're answering the question the way you're answering the question. So in other words simply stating that you support recommendation or you support the question isn't it going to be necessary helpful to the team. I would also add that with respect to the question for community input and as Marika and Kurt noted earlier the team has taken the time to write down or to denote when there is disagreement within the team and the rationale as to why the team disagrees. So reiterating points that are already made in the report will also not necessarily be helpful to the team but in looking at these questions it would be helpful to note arguments that are not already denoted within the report or any new information that you would like to share with the EPDP team as it deliberates on these questions.

I'll note that commenters are not required to answer all 11 questions. They're just highlighted as things at the EPDP team is specifically looking for input on. I'll also note that some of these questions may be put forth to the European Data Protection Board for feedback to help the EPDP team inform its deliberations however the specific question and the method in which the team will communicate with the EDBP has not been finalized but the team is currently communicating about that.

Next I'm going to speak a little bit about the new format that we'll be using to solicit the community's input on this initial report. For this effort the EPDP leadership has decided to use a Google Forms to collect public comments. And the reason for this is that as Marika and Kurt mentioned earlier we have a short timeframe to receive public comments, and that's 30 days. And we also have a short timeframe in which to deliberate on all comments received and we want to give due time to all of the comments received.

So this online tool allows comments to be categorized specifically to questions so that when you provide feedback for example on Recommendation 3 the EPDP team will know that this is feedback on

Recommendation 3 and what the rationale is as to why you agree or disagree with Recommendation 3 rather than have a large, you know, 25 page document of comments where the EPDP team or the staff support team is trying to guess at what a comment may be in reference to.

Additionally the Google Forms allows commenters to provide a specific reasoning or rationale for their answers. And as I mentioned before given the short timeframe and given all the stuff that's in this report it would be very helpful for the EPDP team's review to have the specific rationale and any additional arguments or facts you'd like to add as to why you agreed or disagreed with a particular recommendation or question within the report. Commenters will still be able to provide general feedback. There are questions within the Google Forms that allow for that. And there's also a question at the end of the form that allows commenters to provide additional feedback that may not be tailored to a specific recommendation or question.

Also you'll notice a link on this slide that allows you to download a Word document form of the Google Forms that can help facilitate your online work if you're working as a group for example or even if you're working individually. It also allows those who are not able to access Google Forms to submit feedback that way. I will note however that the EPDP team leadership is strongly encouraging everyone to use this Google Forms as it will greatly help the team and the staff support team and leadership review all comments received. And again I'll note that this public comment forum is open for 30 days. Because the timeline for reviewing and confirming are not the Temporary Specification is short there is no extension possible. And that deadline is December 21.

As you're filling out the Google Forms and as I noted previously you don't have to answer every question you can answer as many or as few questions as you would like. I would like to note --and this is very important that -- when you start filling out the Google Forms there is a list of instructions at the beginning of the form and you should read those very carefully. And that's

because we want to make sure that your work is saved properly and you don't lose any of your work.

I'd also note that similar to a traditional public comment forum any comments that are submitted will be published so that the public can read the comments submitted. Within the Google Form you will be asked to provide an email address. And that's so that you will have the ability later on to edit your responses if you would like but those, the email address that you provided will not be published within the comment forum however your comments will be. And the next couple of slides are just a mockup of what the Google Form will look like. So as you can see the very first thing on the Google Form is at the commenter will be asked to provide his email address. And then there's a list of important instructions. So please make sure you read those before beginning to complete the Google Forms.

This next slide shows what the email that you will receive from Google Forms will look like. So in the middle of the slide you'll notice a blue light blue box that says edit response. By clicking on that box you can either continue filling out the Google Form if you didn't complete it in your first go or you can edit responses for the answers you've already put into the form. And I will note that if you do edit a response it will automatically populate into the document that is shown publicly. So in the event one of your responses you'd like to change it or you entered something in error you do have the chance to go back and it will be automatically updated.

And lastly this slide shows an example of the substance of the Google Forms. So I pulled one of the recommendations just as an example. And as you can see Recommendation 11 is on your screen. And the comments where we asked to show a level of support for Recommendation 11. And then you'll see there's a space that if you don't support the recommendation as written you can propose edits in the box below. And then importantly whether you support or don't support the recommendation you're asked to provide the rationale for your answer.

So noting that you support or don't support the recommendation isn't necessarily helpful to the team in its deliberations about having a rationale as to why you do or do not support. So we would kindly ask everyone to take note of those questions that ask for rationale and to fill in those answers accordingly. And that concludes the presentation for the Webinar but I would like to toss the mic back to Kurt in case there were any comments you'd like to add Kurt. Thank you.

Kurt Pritz: Thanks Caitlin and Marika. I think that was well done. If it's all right with everyone I'll start the – I've got to plug my headset in. I'm sorry. I'll start going through the questions that we received. And do, I'll take my best shot at answering them. But members of the EPDP Team or the support team want to or Rafik as my co-chair want to answer them that would be terrific. So, but on my notes. So the first was from Steve that given that most of the EPDP reps are bound to represent their interest who do we imagine will heed the views of the general community? So, you know, I'm not sure I understand the question or, you know, I'm afraid I'm underestimating it but the purpose, oh go ahead Steve.

Steve DelBianco: Kurt hey thank you. Kurt whenever we design answers it's always important to know who the audience is for those responses. And for instance in the BC we're going to develop our view so that our two reps on the PDP will know what to do when they express a consensus call to get from initial to final (unintelligible). So that's an audience that we understand.

But who we wonder would be the other audience for the rationale we provide? I'm thinking an audience like other members of the PDP well not so much since they are primarily listening to the audiences that they represent, the stakeholder groups and constituencies, ACs and SOs. I don't think we're writing it for staff and for you. And I don't think the board's going to pay much attention to the initial report but probably will pay a lot of attention to comments on the final report.

So it was not a trick question Kurt really. It was meant to serve as a conversation about the audience for the replies and whether we are really open to be convinced by comments that are submitted by others or are we all sort of locked in to represent the views of our own constituency stakeholder groups, ACs and SOs? Thank you.

Kurt Pritz: Thanks very much Steve. You know, without getting too wordy but, you know, my experience in this has been that willingness to compromise on this team has come from surprising places and the, but also the practice of being entrenched in one's position as a common practice in these sorts of exercises is also apparent so there's sort of a combination of those. I think to the extent that, you know, every, you know, as I said earlier, every stakeholder group SO, AC constituency is represented on this team and the team has become pretty facile in discussing GDPR related legal and factual issues and in great depth. And so because the commenters are more likely than not to be from those same groups, you know, I personally see that a lot of the comments were - will be the same sort of arguments that of already been made.

So with that background I think I have two answers for your question that the team if presented with a different arguments are novel rationale that hasn't been considered before I think that would be carefully considered by everyone. But I don't think there will be a lot of that, but to the extent there is I think that would be powerful. New sources of information, what other industries are doing in the face of this as examples of how to move forward, I think would be meaningful.

Second at the end of the day of the GNSO Council and the board will be deciding on the value of the work product here. So to the extent you want to memorialize your concerns and issues you know at the end of the day they, you know, this is an avenue for making that available to them, so I hope that's beneficial in some way. Steve is that a former hand or a new hand?

Steve DelBianco: Thank you Kurt. It's an old hand. Thank you for the reply.

Kurt Pritz: Hey sure. Steve Metalitz how are you? So what timetable for addressing the gating questions and for recommending a system for standardized access to non-public, what is the timetable for addressing the gating questions so that a standardized access model can be recommended? So we actually we just got off a GNSO Council call where we discussed this and answers to the gating questions, you know, were scheduled for the initial reports. So each of the gating questions, each of the charter questions were answered in some way in the initial report. But as was described there was - there hasn't been a consensus call yet. And so the GNSO Council is not going to remove their opportunity to not object to going forward with the access model discussion on till the as of now as of the gating questions are answered.

So the first answer - I have two answers. One the first answer is the gating questions will be answered with indications of consensus final report and to the extent any of them are is - are done sooner we'll inform the GNSO of that. And I think, you know, a corollary answer might that if you think the access model discussion should move ahead before that there's indications in the initial report about what the issues are and that's sufficient to go ahead with that discussion then I would urge the GNSO council to consider that part of the charter or reconsider that part of the charter as possibly another method to move ahead with a discussion on access.

So please Steve or anybody raise your hand if I'm not doing a good job here. And Wolf-Ulrich how are you? So are all 22 recommendations missing consensus? I think this was answered in the chat. Yes so the report tries to be clear where we have agreement where there's agreement on a recommendation or where there's a difference. And where there's, you know, sort of a split of opinion about how to proceed among the team members, that's where questions for the community are at in this. So no consensus call has been made but the report I think makes it clear where there's tentative

agreement among the team that a recommendation has the support of what we call full or near consensus and where there's a difference.

So (Carlton) asked the question about will the form for the content contain the question for the - for which the common is sought and will there be an indication of what GDPR clauses, principles are in contention? So I think and maybe Caitlin can help me here so the questions in the form try to go through several revisions to make it clear, a clear connection with the initial report, but certainly you have to be reading the initial - you have to read the report in order to understand the questions and how they link up. But we tried to put anchors in the form so that you can easily find the section in the initial report that's being concerned, that concerns those questions. God I mangled that sentence. But the form questions follow, you know, lockstep or the same chronology as the report.

And then Steve we're – you're answering answers in a Word doc version which I think is a really good approach. It would be best for us too if you paste from that Word doc into the Google form because the – what the Google form does is then sort the comments. So we see from in one question, you know, one recommendation say one for purpose B for processing registration data we see, you know, how - if you - how many support that or support that with edits and then immediately what the changes and immediately what the rationale is. So the team member for that purpose will be given one sheet of paper with all of the rationale listed. And that's why it's a good tool I think for short coming the processing process and getting the exact words of the comments are in front of the team members that are considering this input.

So it's better for the team on this side if you paste the comments into the form. But if you submit the word form we will preserve those words exactly and do that cutting and pasting. Thanks Steve.

So Steve, so Steve the next question is from Steve. How much specificity is required by GDPR when describing purposes to disclose a third party?

(Thomas) do you want to answer it? I can - I'm getting pretty good at this. I think I could answer that question but because we, you know, as most the people on this call know and I'm sure Steve knows that we have letters from the data protection board that sort of indicate what that is. But I'll just pause for a second to see if anybody on the EPDP team wants to take Steve's question? How much specificity is required by GDPR when describing purposes to disclose to a third party?

So I'll - thanks everyone. So I'll take a shot at this question not being the expert in the group but, in my recollection that I think is correct is that the Data Protection Board wrote to ICANN and called out the process for purposing processing data. I think that was B in the or Number 2 of 13 purposes in the temporary specification as not being specific enough. So it wasn't specific enough just to show that the disclosure wouldn't be made to third parties in cases where the legitimate interest of the party seeking the data was not overridden by the privacy interest of the data subject which is really just a recitation of Article 61F of the GDPR. And so they in some other writing they suggested if we tie that disclosure to what the purpose was to serve the security and stability interests in the DNS and the data controllers, the data controllers interest in security and stability or other specific things. And so you'll see in the purpose that's written purpose two in the recommendations, it's Recommendation Number 1 Purpose 2 that answer was carefully worded to address both the concerns that the right audiences are included in as numbers of the third party and also address the specificity concerns listed by the GDPR in their answer to ICANN. Steve?

Steve DelBianco: Yes the first part of your answer was the Data Protection Board told us that we weren't specific enough the first time around at ICANN. I get that. My question was really how much more specific must we be because as an alternate and an observer on the PDP that we've gone back and forth about how specific to be in that particular purpose. And sure there's of floor for how specific we know we must be but we don't really know how high we have to go on specificity. And I'm wondering that that's the kind of an example we

might be able to cite if we were aware of anyone else who's doing a 61F evaluation or balancing test to know the level of specificity that we need to put in to our purpose. I realize we need to be more specific than ICANN was in their initial letter to the Data Protection Board but I don't think we know how specific we really need to be. Thanks.

Kurt Pritz: Right and I think that's - thank you Steve. I think that's one of the challenges right is trying to find that right amount of specificity when a law is new rather than when a law is, you know, get on when there's case law and examples built up. And I think your idea of searching for other examples is a good one. (Jorge) what are your plans to involve the EU data protection authorities in responding to these questions? So the team - I'll answer part of this and I welcome anybody on the team to help me answer this question from (Jorge). And that is, you know, we think that - and I don't know if (Thomas) answered this in chat or not so I haven't seen that because everyone I can't talk and read at the same time. But the team is considering writing a letter to the European protection board with certain questions. And we're in the process now of taking materials out of the initial report, our discussion's been modeling those questions.

One is we want to be very careful about the questions we ask of them and ensure they're at the appropriate level for them and that they'll be received positively. And two is we have a concern that if they are answered they'll be answered kind of late in the day. So that's one avenue we're pursuing. I don't know what - well, if anybody has any other material. Stephanie might have something to say.

And (Theo) I want to get - thanks for your question why are we discussing disclosure in a Webinar? So that's a line we carefully tread in every meeting. And certainly, you know, you've been and the discussions have been very constructive in not how data's processed and there's not just disclosure to third parties but there's disclosure, well disclosure to third parties who are escrow providers, disclosure to third parties who are dispute resolution

providers and so on. In some cases a registry operator might also be a third-party.

So disclosure is often discussed and we try to draw both, you know, it's semantics but we try to draw the line between disclosure to third parties and, you know, how third parties can access data which is the conversation to come later. I'm feeling my answers are less and less effective as we go on. Yes thanks (Jorge) for that. I'm going to - and just to amplify Amr's comment in the chat that the charter states that the EPDP team should but not must send a copy of the initial report to the Data Protection Board and that came up, you know, essentially an hour ago in the GNSO Council meeting. And council is deciding is discussing how that might be handled.

So I just want to I think for those that want to understand more about the content and how it was developed one source is the high interest session that was held in Barcelona that discussed the processes and the data mapping and the data processing analysis. So that link is in the slides which if not downloadable it should be soon or delivered soon. So let me just ask the support team are there any questions that remain to be answered or for anybody here is there any questions that I inadequately answered that we should discuss a little further? I just want to – oh go ahead Steve.

Steve DelBianco: This is Steve DelBianco. This has been discussed in the PDP and Stephanie Perrin has just indicated in the Adobe Chat at least one opinion that says that we shouldn't be asking questions of the Data Protection Board for fear of annoying them. I know other opinions say that if we asked the data protection they should be very well formed with enough background so we can get a definitive answer. And I get all that.

But my read of the Data Protection Board is that one of its roles is to provide binding guidance when presented with a sufficiently specific scenario for which they can determine whether that would constitute a violation of GDPR. And so it's important for everyone listening in in this Webinar to understand

that we're in a tug-of-war inside of the PDP about whether and how to ask questions of the Data Protection Board even though we all acknowledge, even (Stephanie) we acknowledge that we're operating with a very vague and fuzzy understanding of what it is the Data Protection Board will do when they interpret GDPR in light of a complex system like Whois.

So if at all possible let's see if we can come to an answer about how soon can we possibly ask the Data Protection Board for binding guidance with a sufficient specificity to help us? And I certainly don't think that we have to avoid asking questions for fear of annoying the Data Protection Board when it is part of their job to consider questions and give guidance. Thank you.

Kurt Pritz: Thanks Steve. And we're going to have a series of calls on that topic starting today. And for the team members that are going to be attending those or for anyone that wants to provide me with input, you know, first I think the questions needs to be very well formed and appropriately framed for the GDPR in for the Data Protection Board and the purpose for which they've been established. Given that, you know, I want to understand the downside of annoying them. So even if we annoy them, you know, what's the downside to us because I, you know, I'd rather, you know, bug somebody in an attempt to get more information rather than to give up that opportunity to get that information out of what Steve said out of a concern for annoying them.

But I don't fully understand all the relationships so to the extent Stephanie and others can inform me and the team about the downside of asking questions if they're not well received is there more of a downside than just getting a no answer or a letter back that says. So I think that's something I'd want to understand going forward.

And I think too reading Stephanie's thing, you know, I'd like to make our questions to the Data Protection Board not from ICANN but from us. So I don't know exactly how to make that differentiation but we're not the team that's been dealing with this issue for I don't know I forgot what Stephanie

said, 18 years or something like that. So we're the team that's been dealing with this issue for 18 weeks. And so I want to I think we should try to differentiate ourselves from the previous asker of those questions.

So I think that's all the questions we have. Steve thanks very much for your active participation and actually both Steve's and everybody else that asked questions. Support staff, can you please wrap this up and describe how the slides can be downloaded, how this presentation can be found that those weren't able to attend? And is there any facility for those that have questions to ask them after this so we can ask them - so they can ask them either about the material in this presentation or about the comment form?

Marika Konings: Yes thank you Kurt. This is Marika. And I'll post now the link to the wiki page where the slides are already posted and where the recording and transcript from this meeting will also be made available. And if you have any further questions please feel free to follow-up with any of us directly and there's also the general policy staff email address in the public comment forum that you can also use for your questions. Of course happy to assist and help you as needed.

We do encourage you all as we've said as well in the chat we know that this is a new approach to public comments and we really hope that you'll all be able to, willing to work with us and the EPDP team, you know, to try out this new form because we really hope that it will facilitate both, you know, your input as well as the subsequent review and analysis by EPDP team of the comments.

As, you know, several have noted, you know, there are ways as well as I've noted that several of you have asked about, you know, how to collaborate with your respective groups. You know, there is a Word document available that you can use. And, you know, of course you can choose to make that available as a Google doc for your groups to collaborate on. And then of course once you've completed that you're able to copy and paste that into the

comment form. You know, we know it takes a little bit of work and we do appreciate all of you that are willing to work with that and for this effort. And I think that's all I have and just want to thank everyone for their participation. And Kurt back to you, any closing remarks?

Kurt Pritz: No thanks. I think I've finished so just looking at the chat. Thanks very much for attending everyone. I hope you found it useful and please feel free to send additional questions or information as Marika indicated or contact me directly. That'd be fine. Have a great rest of your day. So long.

Terri Agnew: Thank you everyone. Once again the Webinar has been adjourned. Please remember to disconnect all remaining lines. Operator if you could please stop all recordings.

END