

ICANN Transcription – Abu Dhabi

GNSO Non Commercial Stakeholder Group (NCSG) Policy Committee Meeting

Sunday, 29 October 2017 17:00 GST

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On page: <https://gns0.icann.org/en/group-activities/calendar>

Rafik Dammak Okay, thanks if you want to - think it's time to start, still waiting for more people to - guys I think it's really time to start we are still waiting for more people to join us but we have on the 90 minute and it's already late in the day and we should cover as much as possible topic. Okay so madam can you start the recording? Start it, okay thanks. Okay, thanks everyone we now it's the NCHE Policy Committee Session just as a reminder it's open to all NCHE members on close session and as you can see in the agenda there is nothing kind of unusual here.

We try first to see any topic of interest that we should cover in the council agenda, I mean the agenda for the public meeting in Wednesday and then we try to discuss as much as possible on policy topic. So I put some suggestion but that's not say, it's not mandatory that's we talk like for

example how to respond to GDBR. It depends how people feel about that. Also if possible to get any report or briefing about (unintelligible) and I put in any other businesses estates that don't tribulation that was submitted today for the policy committee review. So if we can move on that quickly it would be really helpful. So any comment or suggestion for the agenda? Okay so let's start with the first item. Madam can you put the council agenda in Adobe connect?

Okay let's go down, okay, ok. So the agendas I think is pretty light. We don't have that much things to vote on the motion for appointment of the next GNSO on to the GAC. So the Selection Standing Committee proposes it to the GNSO council to appoint to as a liaison and so I think the expectations just kind of - we'll vote yes for it unless if you want to raise an objection it would be nice to do so. So that we (unintelligible) any plan but I think it was it's really pretty and straight forward decision to make with regard to the SSC we only had three (unintelligible) dates and there was a strong support for (Gurth) because he's experienced in the council. So I don't see any issue for this motion.

Okay any question or comment on this? Okay so, let's move to the next, I think the next even if it just discussion topics and for (unintelligible) under the GNSO working session today we had that as an item with the board meeting and also we had I mean briefing from the Security Stability and Resiliency review team. Maybe just for the contents was not were the board - think, yes the board send a letter or is suggesting that we suspend or pause the SSR2 and this is coming because advice from the (unintelligible) and my understanding that's not just because (unintelligible) but there is things happening for now for the last month with some previous letter from the board to the review team and so on.

So I think the question here is what should be our position on the matter? so since all this happened quickly and I don't think that everyone had time to go through the letters and to understand what's the issue exactly because it's

just a suggestion that we suspend and maybe to work with a different (unintelligible) so in this, on this issue. I think maybe one element to have in mind is the small review team post transition and the (unintelligible) are taking the role for this election and so on before it was most with the board and the (unintelligible) to do so. So all this is the kind of ICANN contests and see that that they don't want to dwindle here, yes.

Tatiana Tropina: I just want to suggest, well first of all Tatiana Tropina speaking for the record. I actually, first of all I have an observation. I don't think literally the 15 minutes would be enough for this agenda item taken until (unintelligible), okay, suspension or whatever put in the SSR2 but I went through the bylaws and ICANN bylaws about review teams and so on. Right now, I really don't see exactly who can put them on mute so this is questionable. so I believe it's just we can use either - bring these issue up and say that if the board has to do this they have to get an input from supporting organizations and advisory committees.

But secondly a thing that (unintelligible) at the meeting made quite a good point, you know, that there is a piece of the puzzle missing in these discussions and we have to get an input and, you know, kind of more detailed explanation from (Patrick) or from Security, Stability and Advisory committee because actually I do see some explanation in his letter. I do see that he states the reason but is this reason enough and how deep the problems are? I don't really see this in his letter. So I think that maybe we have to induce that GNSO has to have discussion with advisory committee. I don't know just as a suggestion for further discussion, thank you.

Rafik Dammak Okay thanks Tatiana Tropina I mean we - okay (unintelligible) suggest that we ask the SSAC but I think it's not really the right answer because it seems that the board already acting base it on that device so they kind of made their opinion and we are just kind of (unintelligible) kind of ask it at the (unintelligible) should we suspend or not. So we will not I think involve in the

beginning based on that the advice just we kind of - we are reacting here so, yes.

Tatiana Tropina: Tatiana Tropina (unintelligible) for the record. Well I understand the problem but, you know, basically then it means that the board can make any decision and we cannot do anything (unintelligible) (unintelligible) just because the board has already made it's a decision. I mean to me it sounds a bit ridiculous I mean it's just- it's not like I'm totally against these decision, right?

But I think that we do have to question - my question is both procedurally and substantially the question is whether we want to do this but if you want to do this I suggest that we consider these two options if we don't want to do these okay, let's say, "we in peace with this. We are on good terms with this and we forget about this decision, okay?" Then 15 minutes this agenda item would be enough.

Rafik Dammak Okay thanks, Tatiana Tropina I mean just have in mind that 15 minutes has always like kind of a suggestion, it's not - it would be not - I won't be 15 minutes. Maybe it will take 30 minutes, and it won't be the first that we ran over time. Okay, yes sir, please go ahead.

Man 2: (Unintelligible) for the record. I think my quick suggestion will be to reach out to our (unintelligible) to the review team and try to get kind of a background if problem I have like I don't know any ideas or any background to share with us with regards especially the communications. They probably had with the board previously if there were any. And then probably will be the best person to give us the temperature of the discussions and inform any decision that you might be willing to take.

Rafik Dammak Okay thanks (unintelligible) and I think we discuss that informally between the counselor is to get the feedback from (James Gunn) and our representative to SSR to know more what's going on so. Yes, Stephanie Perrin see that you are in the queue.

Stephanie Perrin: Stephanie Perrin for the record I certainly agree with (unintelligible) that we should reach out to (James) and get him to brief us. Having read the letters did everybody see the letters that (McKaylee Nayland) distributed? I was a little surprised at the tone of those letters from the board I mean really it's, you know, (unintelligible) just, you know, I'll copy them here and I'm not suggesting that we spend our entire time on this because I really do think we should get (James) on the blower and talk about it with him because we're kind of operating in the dark but yeah it's very concerning here's - I'll paste it into chat here.

Rafik Dammak Okay thanks Stephanie Perrin yes, I mean that they think their action item us we said custom for many that we should reach to James and also appropriate we should circulate the letter or maybe every so everyone can read it and get the better idea what's about the content of (unintelligible) because there are two that in fact the one from the aspect of the board and then the board. And also to maybe add more context that in the SOSE leaders dinner, there was question to the leaders about you how we should deal with that so.

Okay, any comment or question on this? Yes?

Man 3: (Unintelligible) I think there was also an email communication that (unintelligible) shared on the Skype chat piece I don't have my I pull up the stuff you can share it in the charts uses a letter sent by Emily who was it former member of the review team about how feelings, personal feeling about the board decision and she shared some things some background about how she doesn't agree with the board decision with regard to deficiency of the team members. Which is one of the reasons put forward by the boards saying they didn't think the group or the review team was capable of kind of doing the work and I think that can also help, is background probably in helping deliberations.

Rafik Dammak Okay, thanks (unintelligible) maybe just for maybe not everyone no (unintelligible) (Taylor) was the I think the co-share of the SSR2 before resigning so. Okay if no further comments on this I guess we can move to the next agenda item. Yes, (unintelligible) go ahead.

Woman: just to let, you know, we will have the SSR team to talk to us at the NCSG open session (unintelligible) constituency day.

Rafik Dammak The SSR or the (unintelligible)? SSR, okay, thanks. Okay, thanks, okay, so let's move to the next agenda item. I think if this is just an updates from the GNSO world review working group. We were asked by the (unintelligible) organizational effectiveness committee, so if I'm not mistaking to give a report of all the activities of GNSO working group. So that working group was set up to work on the implementation of GNSO review that was done by the independent examiner (unintelligible) and so they were like around, if I'm not mistaking (unintelligible) 30 accommodation and the working group went through them and to see and how it can be implemented.

We find that several of them are already implemented or it's ongoing. So that's what probably would find our report. I am acting as the GNSO Liaison to that working group and I am also I think the representative for the NCHE. Unfortunately we don't have that much attendance in the working group. we have every time few people attending the calls and can - not helping us for our activities but the work is going on so you would just get an update about the status of the work I mean I don't think there is anything concerning at this level but that it's an opportunity to gets an understanding what's going on this is just an implementation of the recommendation. Okay, any comments, questions? I know (unintelligible) sort of you always excited people so. Okay so the next agenda item, which is the -oh, before moving on so maybe since we have everyone here and it's about the representative for NCHE I think NCHE and (unintelligible) to those working groups. So if you need to appoint or reappoint I think it's a good time.

At least I know that every (unintelligible) is not sure NCHE or NCHE representative should be replace it, since she will - she's on the board and also she will be the chair of (unintelligible) so this is an action that to I think to take. Okay, yes Stephanie Perrin?

Stephanie Perrin: You're fading out Rafique. Stephanie Perrin for the record. So can you speak just a wee bit closer to the mice please? The acoustics in this room are awful. I complained about it all the way through the GNSO meeting. I know I'm going deaf, you know, maybe I need a hearing aid but help me out here and speak into the mic, thanks.

Man 3: Yes, this is nameless male voice number 3. And I second that emotion. I really can't understand anything that's going on here. You need to speak loud and slow and each word needs to be separated by a breath.

Man: Always helpful comments from you (unintelligible). You're not funny but anyway. We can support you for a while, okay no. Points and notes taken here, okay. So the next agenda item is the discussion with that ICANN finance and for context in the background. In (unintelligible) meeting there was a suggestion from (Ed) at the time. If the GNSO council should have standing committee to work on budget and we resume a discussion on that and a few weeks ago I think in our last GNSO council call and there is a draft shot to for these standing committee. I think the basic idea is that importance you the council tend to be reactive with regard to the budget. We all relate to some need, either the comments about the budget and the operational plan and also to make say the additional budget request. And as the general counsel is a policy manager for the profits, we have a duty to ensure that there are enough resources and budgeting for the PDP.

So the basic idea is can we should we should have these spending cuts committee or not and my understanding that and for this topic and the council meeting we would have an update and discussion with the ICANN finance and it seems that makes sense. The finest team they want to have kind of

more structured discussion with us I mean the council and in general regarding ICANN budget I think there are- there is working session this week open to everyone and also a session about the basics of ICANN budget. Why we are talking more and more about the budget? Because I think with the empowered community we have new responsibility regarding that and we should get more involved.

As NCHE I don't think we kind of follow with that too closely maybe we don't have the resources, enough expertise and so on but I think it's something that we have to follow more it's not necessarily the topic for the policy committee but it's more for the financial committee that I mean. So it's in the committee that needs to be brought from the dead again. So, okay, any question a comment on this? Yes, Stephanie Perrin?

Stephanie Perrin: Stephanie Perring for the record. I think this is really important that we look at this the revenues that ICANN are decreasing on the amount of money we're blowing are increasing and that's on unsustainable in the long run. There are several little items on boiling away on the back of the stove here so to speak. I apologize for my metaphors to those who are to whom plain English there are several issues. That are coming to the floor how about that? The one that has me most exercised at the moment is that the board has asked to reach into the auction funds for 20% of the auction fund to replace the reserve fund that was blown in the IANA transition and, you know, we can discuss how they blew the money in the IANA transition or not but the point is that would never - you never get away with stealing community development government - stealing that's a big word - borrowing. And I just think this is a terrible precedent, you know, that was a onetime opportunity to fund, you know, development projects and we shouldn't be borrowing it for over expenditures.

So I think oversight in a general way I personally would like to have better oversight over some of the contracting because the contracting we go

through an awful lot of money at ICANN and we don't seem to have any power over it so. That's all I got to say on that thanks.

Rafik Dammak Okay thanks Stephanie Perrin for bringing this because it's also we really get an update about the ICANN reserve fund. Which is the topic and their public comments they are asking for input from this so something we have to respond to and it's in our backlog, yes.

Woman 3: (Unintelligible) speaking. Breathing now, now, okay so Rafik Dammak when I'm talking to people about finance committee and commenting NCHE finance committee people tell me but what does the- what can't he finance committee do and I think you are mentioning something as related to them to the task finance committee NCSG so can we document these and give an - when we want to appoint a representative from NCUC to the finance committee we need to be clear on what they can do. And so perhaps we can document it.

Rafik Dammak Okay thanks, (unintelligible), but I think for the finance committee I mean its mission is defined by the charts and I don't think it's really up to the policy committee to define what they do. But currently I don't think it's functioning.

Woman 3: Because what did it - what are they supposed to do NCSG doesn't have any money. What are they exactly supposed to do? So it's all laid out in the charter? I there anymore detail?

Rafik Dammak Yes, I think so.

Woman 3: Okay.

Rafik Dammak I mean there are several items I don't recall them exactly but yes they have maybe that mission to seek fund and so on. I think we've done that at NCHC level for the finals. Like for the special I mean the additional budget request was sometimes done by the executive committees. So I think for us here since we are like in the this topic for discussion for the council what we want

as police comment to give input here, but not necessarily about the how NCHE specific requests and so on. And so it's more like for example should we push for more getting resources for the PDP in general because one item that happened few weeks ago is for the request from the RPM to get funding for data collection. And we had the whole discussion how we can support (unintelligible) and how so we find out that we don't have enough resources, so how we can support and in the future. So (unintelligible) does it respond to your question? So, yes (unintelligible)?

Man 5: Yeah assets to pull know that the NCSC finance committee has been defunct since it left as he usually has appointed anyone to replace him. It hasn't done all that much even before and the main task would be to administer NCSC funds which are nonexistent. But they also one item that work with ICANN finance officers to ensure the NCSC and its constituencies receive fair equal and financial support from ICANN and so that would be like tracking a bit ICANN budget in this context. And of course folks who like counting and that's basically the money to any money and then make sure that ICANN gives us fair amount of money roughly. So they letter function can be expanded NCSC executive committee sees fit to define I think they can talk to finance committee that you track the budget, but pretty much we know who will be responsible for all that next week.

Rafik Dammak Okay (unintelligible) I have the feeling he would work on this soon so, okay. Any question or comment on this? Yes, (unintelligible).

Man 6: Maybe just a questions or seeking clarification I see we have two policy, I mean to finance members on the NCSG level .Which is NCSG chair and someone else we have to as I read on the web page. So are we looking into adding more members or just clarifying the role of those two members we currently having?

Rafik Dammak Okay so trying to understand your question you are asking about the composition of the financial committee?

Man 6: No I was saying I saw on the web page that you have two members of the NCSG finance committee two members and so my question is are we trying or are we looking to add small members through that's committee or just make clear the role of those two members of the finance committee?

Rafik Dammak Okay thanks, I'm not sure which page but by the charter each constituent shifting they appoint one representative and the NCSG chair is there as (unintelligible). So we have around three for now, so, yes.

(Martin): Yes ,we actually talk about the both maybe they wording is so confusing because we're talking about the possibility of having the finance and yes they send a committee of the GNSO (unintelligible) level and we're also talking about today NCSG level so the discussion went both ways. We didn't get to discuss that part yet. We were just talking about at NCSG we also have that committee role whether we have to let (unintelligible) again or?

Rafik Dammak Okay the thanks (Martin) yes just to clarify the topic was about effect to is we will get an updates from ICANN finance but likes the ICANN reserve fund and also the finance, I think the budget for the next fiscal year and also there is there was discussion in the council about having a standing committee on budget. So this is a items but we kind of maybe moved a little bit to discuss about the role of the NCHE finance financial committee on here since like the policy committee doesn't really cover all the budget things as one.

However when it comes to the public comments we are the structure of the committee that handles NCHE position. So maybe if this financial committee can work and some a comment but we'd go to us at the end I mean the policy committee. Okay, any question or comment on this? Always we can just can move to the next item. Okay so.

Man 7: Wait do we think that we want to sort of support any of having this standing committee of budget or not.

Rafik Dammak Okay Martin a with a reasonable kind of decisions for that time just we will get an update so but it's a topic that we should have input on because there is if you recall in the council that was this draft charter and several comments so at some level what would be our position on that matter so. Okay, so the next. Yes (unintelligible).

Man 8: Yes, so, for the NCSG has no funds. Why do we have a committee deciding where the funds go?

Man 9: Have we could have fun site and one task of the financial committee actually would be to get them.

Rafik Dammak So but quite nice to connect issue so what we have by the charter the finest committee that it would do such work. Yes (unintelligible) just one minute.

Man 10: So what was the finance committee doing last period with no funds?

Rafik Dammak It was not for the active in last period, so. Yes, (unintelligible).

Man 9: It did something many a couple of but requests. I think some of them even approved. So if you look at the responsibilities he talks it also determined to rates for contributions from members but otherwise getting money for NCSG figured out that to do with them taking care of the kind of thing.

Stephanie Perrin: And I remind everyone to please take your name before speaking thank you.

Man 9: Okay Stephanie Perrin was speaking last time stating it after the fact.

Rafik Dammak Okay thanks this is Rafik Dammak speaking a yes, Stephanie Perrin?

Stephanie Perrin: I was going to say (Stephanie Perrin) for the record that there are quite a few functions that that committee could do. They could develop funding requests

and then run them by the (unintelligible) membership process to be determined. They could do oversight if ICANN spending. They could weigh in GNSO financial issues so, you know, there's plenty of work to be done on a potential financial committee and as funds get tight as I said a minute ago becomes more and more important thanks.

Rafik Dammak Okay, yes, (unintelligible), please go ahead.

Woman 3: Hello, it's (unintelligible) just a quick comment I think what Stephanie Perrin just said right now that they actually look at ICANN spending and be in touch with that ICANN finance people. I think that is a realistic task and something actually to do. I think we should follow I don't know this is not in the charter though by we could ask them to do this.

Rafik Dammak Okay, thanks (unintelligible) I think that will be a role for executive committee here. It's not really for us the policy committee to make any decision just maybe we can clarify about the demarcation for example when it's a public comment by the chart that should be go through policy committee but about the interaction and the role of the mission that's really executive committee maybe and to define so it's not really within our limit, yes (unintelligible)? I want to believe that if we can move to the next.

Man 11: Yes it will be my last comment (unintelligible) and I think we only have two members. I'm not sure whether I'm mistaken but you have two members as listed to and websites as finance committee members am I right on that? Yes, thank you.

Rafik Dammak Okay thanks so, no, I think we really should be quick because we need to move so. I mean, yes please, okay.

Man 12: Okay, so (unintelligible) for the record. (Unintelligible) said that a few requests were approved where did the money go? Because it couldn't have gone to NCSG, right?

Rafik Dammak Okay I mean it's a question for the finance committee and the previous chair of the finance committee. I'm just don't want community pretending here it's really our (unintelligible) here, but it was done by the finance committee and the former chair. So I cannot or I don't think we can respond to that maybe the (unintelligible) can clarify.

Man 9: It's really not policy committee issue back, yes. I may be some form of ecstasy current ex-crew members like (unintelligible) could explain that. Let's leave that to the executive committee to deal with and explain in detail.

Rafik Dammak Okay sounds when it's about the money we talk more about it so, okay. So the next item it's regarding the communities (unintelligible) change request process. So for the background maybe for those would be done at the end. One of the previous NCSG call try to cover that so we go to the letter from the say finance TLD. It's the finals I think Dot banks something like that and they funded, that they had to change they need to amend the specifications 12 with of their history agreements. And so they made to request to the and it was denied and they had discussion with the GDD on that matter and so they work on the process where the community (unintelligible) can change as that requirement.

And so they are coming to us asking the GNSO council for its position. What can be the process to move forward on this? So should be for example have like we put that proposal that's coming from that an ad hoc working group from this community and TLD? And put that under public comments? Or maybe we can use an existing process in the operating procedure (unintelligible) so that was not uses before which is the guidance process. So they are asking here about what should be done and what will be our position from the GNSO, how we will handle that because their perception that this program or this process it's an implementation issue.

That's not policy issue because if it's policy issue it's a means maybe you have to create policy process to discuss that. So that's the position from that group. And here is they are coming to ask for council position on the matter. so I hope that may need to do to be cleared with his the concern or what is the topic but we get and like a few weeks ago that their proposal for creating this new process to make a change. And the question here is what we should follow to approve (unintelligible) and to get maybe is our community comment on the matter so. Any question or comment?

Okay, so I don't think we will resolve this issue in the council meeting but if needed maybe in future we can invite (unintelligible) from Dot Bank who will take the lead on this issue maybe to give us more pretty single to explained that the position is if we are fine with that so and to get more familiar with the proposal. Okay, no question? Okay, so the next agenda item it's just the any other business and we have total two topics here one is about ICANN organization paper on suggested incremental changes to the ICANN meeting tradition. And I would like to ask here maybe (unintelligible) (unintelligible). Maybe (unintelligible) I'm not sure you were involved in this process about the change in the meet - ICANN meeting strategy. There was discussion I think as the SOSE leaders' level.

And this stuff made these papers. So if you can give us maybe some heads up what's going on there?

Woman 4: I'm sorry Rafik Dammak (unintelligible) speaking I apologize although I try to follow up on all the issues that but it seems like I've missed out on this on. Oh yes, so are we talking about the nine points?

Rafik Dammak Yes.

Woman 4: Oh, okay yes. So for to meeting you strategy they have provided the paper and read just and see if we want to stay changes and if we agree with them.

Yes, thank you. I think that paper also has some stuff about travel funds and travels support.

Rafik Dammak No, there are two papers in fact there is the consultation about community service that's about travel funding. And there is this paper about the meeting strategies -- two different things.

Woman 4: Thank you, sorry Rafik Dammak can I ask the policy comment you to do something about that question or about the travel does resources?

Rafik Dammak Yes they are both in our a wonderful backlog yes. So we are asking for people to draft a common that we can share with that the member (unintelligible) and how the position around that, so. (Unintelligible) want to say something or no?

Man 9: I'm perfectly satisfied with (unintelligible) comment.

Rafik Dammak Okay, (unintelligible) you, okay, okay so anyway it will be in the discussion and the council meeting. The other topic is quite dry topic and I know that Stephanie Perrin like it is about handling the Who Is Conflicts with the privacy law. It's something that's coming many times and then we didn't reach any closure on this, so. Maybe it's just to say a few words for all of us here to give an explanation once are about.

Stephanie Perrin: Okay, the who is complex with law you may recall that there was an implementation review volunteer group struck in believe it was 2014. Headed up by (Jamie Hedlund). That group sought to find alternative triggers because the existing procedure was not working for the registrar's. We fought over that for several months we came up with an alternative trigger. Which the registrar set would not work. It took us several sessions at GNSO to get this thing passed. They passed it even though it they said it wouldn't work. The deal struck was that a new committee yet another PDP would be

struck to redesign this procedure this fall I believe the target date was October.

And nothing has been done to strike that I understand the registrar's want to toss this idea out in the wake of all of the discussions on GDPR. I don't know how the discussion is going to go didn't and they talk about it in the in the working group. For my money it's a useless procedure. We have already had the data protection commissioners just in case you don't want to listen to me and you'd prefer someone more authoritative the data protection commissioners are responded to the last consultation saying this is a poor excuse for a privacy policy and it doesn't work.

So. I think it's sheer folly to throw good money after bad then continue to work on this time being money .that's my view.

Rafik Dammak Okay thanks funny. Any question comment on this? Okay, so we are done with the, yes (unintelligible).

Woman 4: Thank you Rafik Dammak I just look that the incoming until 10 just today everything is transaction I remember now advocate before. So this is actually important because this about also the location of the meetings and wear it and they're going to be hell day and a visa issues. So when I talked to the COOI told him that we are not happy that that a location off selection of venues were just kind of not considered by the leaders. And he said that if you want to make any comment at least regards to this election out from meeting location and then we should do diets. Based on data incremental changes stretched you documents.

Rafik Dammak Thanks person is think about the location it's one off the topic that was discussed in our mainly several times. And so we should to make - we should make a comment on this so. Okay yeah I'm the location in general. Okay, so trying to move to the next agenda items we are done with the council I know that it's always exciting and thrilling for everyone and we have

to go through this painful process every time but anyway. So with regard to the policy I put and. should you be our issue just for you Stephanie Perrin I know that you want to talk about.

So is the question is how to responses GDBR discussion? Yes?

Stephanie Perrin Stephanie Perrin for the record. For those who weren't following the visit from the from (unintelligible) and the board to the GNSO session, I asked the question as to whether community leaders who participate in policy development processes having to do with WHOIS are liable. Or could be held liable. In the event that there was civil litigation under the GDPR are. Now you will note that board members have immunity from that kind of liability they are protected by ICANN. The stakeholders so is the source staff and the CEO but steak stakeholders in the multi stakeholder community. Rationally I describe the ICANN as a three headed monster with. The board being one. (Unintelligible) and the staff being another head and this multi-stakeholder community as a third had that's the way I regard it.

But we are the ones that are not protected and since we have a 17 year record of developing WHOIS policy that this not respected a protection law and there is a provision under the GDPR for unsatisfied civil society to sue I can and all of its creatures pads and all. We need some protection right? So, there was no immediate answer to that but I did get a (Erica) raised it later and said we should examine this question. So since usually my remarks are brushed off I was quite gratified to have somebody actually focus on it and take it seriously and I think it is a serious issue so that's just a little news item, thank you. You want me to continue to go on about GDPR stop now?

Rafik Dammak About the liability for the community I mean should we be worried about our savings or something like that you mean?

Stephanie Perrin: I'm not particularly worried about our particular community because we have been telling the line saying this we've been asking for privacy we've been

saying this is not a privacy policy for the last 17 years so we might be dragged into court but I don't know how they could hold us liable for being overruled by the rest of the community. But maybe I'm being naive there.

Rafik Dammak Stephanie Perrin I think you can continue about GBDR that's a main topic so.

Stephanie Perrin: In terms of GDP are as a main topic thank you very much to (unintelligible) for - this is Stephanie Perrin for the record. For getting me on to the Thursday panel. There is a meeting that (unintelligible) has held - is holding on Tuesday a pre meeting for that panel or no doubt will figure out who's saying what to whom. So I would urge anyone who wants to ask questions to come to that meeting. In other related news the Dutch Data Protection authority found I believe it was the day before yesterday against ICANN in the dot Amsterdam case Dot Amsterdam was shutting off WHOIS for the personal information person already , you know, individual registrants.

And the Dutch stated action authority issue that is a judgment in Dutch I hasn't come in English yet. And an interesting thing that I think is even more upsetting than the failure to focus on GDPR is that Spamhaus apparently immediately put Dot Amsterdam a perfectly law abiding top level domain on black lists. As a sort of retaliatory measure and those of us who have been working on me RDS group know that the anti-spam folks are becoming increasingly hostile about the prospect of who is going dark on them.

So, that I think is outrageous and I hope it's been rectified by now but even if it hasn't it's a pretty good indication of. A requirement to authenticate and credit these guys and achieve some kind of oversight over the private sector cybercrime fighting community. That's something I've been on about for quite some time and if I get bored of the privacy aspect we'll go for that. So, that is a new development the council of Europe has released a rather simple I regret to say guide to how ICANN should respond. It's not what we had hoped for it's a little lame and then there are of course the legal opinions that

have been released one by the company that (Chris Kuhne) but was done at the behest of the RDS group and another that was initiated by senior management namely (unintelligible)with the Swedish company.

And those are available on the website. We have been urged to ask for the questions with respect to the latest one the Swedish company it's the hunters something. Can't remember the name. I have not stacked up the two opinions and put them side by side and on line by line. They're not asking the same questions. But basically they have agreed that ICANN is a co controller. Now I don't think we want to drag you all through the arcane differences between a controller, a co controller and the processor. But for those interested (Mike) (unintelligible) alliance has been commenting on the RDS list that he does not believe that the Registrars are co controllers anything so ICANN as a sole controller and I agree with him I think that with respect to the policy for RDS data, the registrars have now ambit they have no authority they get that told to them and they do not make decisions on this now obviously with respect to the customer relationships their customers they had they gather all kinds of data that is not required for the RDS that they would be controllers there, but the concept of a co controller is not that you control some parts on your at echo controller on other parts.

There's a bright line between those two functions as far as I can see. So it'll be interesting to see how the data commissioners find on this. Why is this important because it spreads the liability? And so ICANN as saying okay we're co controllers together on this. So that means the liability accrues also to the registrar's. So we're expecting more of the registrars and registries to shut off sick data in the WHOIS particularly after this finding self. Finding is under existing Dutch law and nobody will of course carry over into the GDP are. So that's probably enough for now nobody wants to go into all the arcane details at this hour but happy to take any questions.

Rafik Dammak Thanks Stephanie Perrin for this so at it see if there are any question or comment. I mean we're not going to talk about the GBR for the whole week I

guess but (unintelligible) you want to add something? Yes (unintelligible), go ahead.

Woman 4: So did you see that the board pass the resolution to yes, and they suspended - they seem to think transition I think this is victory for us kind of right?

Stephanie Perrin: (Stephanie Perrin) again I don't think they suspended the policy of transition. What they did is they're not taking any enforcement action against registries that are not converting. And there's still a lot of fighting going on over this, you know. The whole issue of whether obviously Verisign is becoming a thick registry. All of the .com registrations in Europe are going to be going over there the question as to whether or not privacy shield will hold is a good one because they were in court right now brought by digital rights Ireland. Digital rights Ireland was engaged in a number of lawsuits in the recent times and they immediately sued when privacy shield was signed declaring that it was not adequate any more than safe harbor was so. Until my case is heard it is a little risky in my view to bank on privacy shield holding. So, I think that they have agreed that maybe we don't need to rush to doing that transition an enforcement action will not be taken if they don't do it.

Rafik Dammak You want to add something (unintelligible)? Okay, okay, so. We discussed about GBR, I think we mentioned that several times but isn't there most to be action oriented (unintelligible) what should we do. I think we're as a similar problem that's it's an issue is an issue yes. As a group which we should do exactly what will be our next steps?

Stephanie Perrin: For those of us who are who here is working on the RDS working group? Are we agreed that it's a painful yes processes. My own view is, (Chuck) is very patient and he's saying that there are signs of progress coming. My response is that is that just because the anti-spammers didn't come to the meeting that yesterday doesn't mean that we're making progress? Things were a little quiet yesterday we got through this but I mean we haven't even got basic concepts agreed we conceptually we are driving at this from

different angles. They still don't understand what we mean by purpose of data - purpose of data collection from a privacy perspective. So. I personally am very, very tired of it.

And I think that we should stop for a while and knock a few heads and in the meantime by knock a few heads, I mean somebody's got to take charge and say okay we have three legal opinions now and I understand there's another one coming accept that (unintelligible) said it this morning there's that the law is in place it passed we have to live with it and we have to comply. I'm not betting anybody's going to listen to that, you know? I mean I'm optimistic but if we keep spinning our wheels the way we have been for the last few months it's really tedious. And I don't think it looks good on the record for ICANN to be doing this quite frankly because if the civil action happens they will see how all those records in and this is just institutional foot dragging for failing to recognize the reality of law.

So, I think some snappy action has to happen at senior management level to get people to take this seriously and start coming up with some mechanism so. Yes we need an action plan that we can recommend and I'm guilty I was supposed to do that on the plane on the way over but I watch the movie and said I watched Wonder Woman so now I'm all ready to write that action plan.

Rafik Dammak That's Stephanie Perrin I will be happy to share as you about that action plan so ensure that you would do it. Okay so if there is no further comment or question here and so I'm trying to look around. Please I mean feel free to ask any questions. Otherwise I suggesting move to the next - I put it under any other business but I think I'm probably we should put it for the discussion here. It's the statement that we go out because in content regulation and then we take the opportunity here to put Milton Mueller on the spot to talk about this statement. Since I mean it was submitted to the policy committee if we can endorse it as an NCSG is you comment but I'm seeing that you are getting several suggestion and question.

So if you get to shine and some chance to clarify or to expand the substance. I'm in the mailing list. I'm not sure that you so that already but...

Man 3: This is nameless male voice number 3 for the record and I saw comments from the NCUC you see statement from NCUC members which I pretty much wrapped up and concluded. Where there additional comments since it was sent to the policy committee because I'm not on the policy committee list.

Rafik Dammak I think the comments are in the NCUC list lately today.

Man 3: What was the answer to my question? Three of you spoke at once none of you told us who you were for the record and I didn't understand any of it.

Rafik Dammak Okay, so I understand that you work on what you get as a comments yesterday but today you'll get more comments and NCUC I mean even if we are trying to get it as NCSG similar question and comment so I'm just wondering if you had a chance to see them but seems is not the case. Yes (Wendy) it's one of them. It's coming from and what (Wendy).

Wendy Seltzer: Wendy Seltzer as one of the commenters I was making a comment for discussion and not a suggestion that we change the statement at this point because in order to get a statement into the record at this meeting I support the statement that is already drafted. What I was suggesting for further discussion is that we engage with the question of people wanting to use the domain name system for more rapid take down of things that are harmful because of their interactions with the network. so if we think it's useful to distinguish between emails that invite people to click on a phishing link and therefore are directly harmful because of further use of the domain name system is different from sending a infringing photograph that would - is a conversation that's happening in other places where people are saying virtue of using the domain name system for take downs is that we can stop bad activity from propagating quickly.

We can stop harms from propagating in a way that's different from a non-networked response and we might conclude that there's no way to draw that distinction or we might conclude that it's worth getting deeper into the conversation.

Rafik Dammak: Okay thanks (Wendy). Thinks maybe the two of them yesterday there was a session in NCUC outreach event about the DNS abuse. And it was moderated by Milton Mueller and it was with (Patrick) and I forget the name of the other gentleman. And I think the results of the cross community session DNS abuse. And Tatiana Tropina is in the (unintelligible) so maybe here is discussion what kind of the message that we should share or, yes Tatiana Tropina?

Tatiana Tropina: I just want to clarify that what I see in these statement is a much broader debate that would presumably be on that panel because a panel about domain name abuse is only supposed to be only about reporting how all these states are collected and what they use for. As mitigation tool as a prevention tool so how they can be used I hope so. I mean I hope the focus of the session will be narrow. So it is of course related to these but it's not like, you know, (Hannah)'s going to decide if the content is legal, thank you. Just look for clarification.

Rafik Dammak: Thanks Tatiana Tropina next question for Milton Mueller so we are working to get these statement endorses but the question to whom to send, send to whom? It's the boards, the organization or we really want to make it as a public in the public forum? So just to understand how we want to share this, so.

Man 5: I think the NCSG new chairs the best person to answer that question.

Woman 4: (Unintelligible) speaking. I will take office at the end of two weeks (unintelligible) So. I don't know what happened who hijacked and NCUC statesman and sends it to the HBGBC come on, okay so basically the idea

was that we make this - we adopt this new statement during our constituency day meeting. And then we are going to put this on the website. We - I'm not sure about sending this to the boards because the boards on I mean it says in the bylaws that ICANN not be content regular a regulation so the board will not really answer or we can just send it as a reminder Hey we are watching you but I think it's enough to just put it on our website as one of the - this is statement wants to show where we stand as NCSG on this matter. And I think it's informational for members and the outsiders that want to know what's NCUC and NCHU values are.

Rafik Dammak Okay thanks for that I'm just was asking because we get this statement I'm just took to understand to what to do after that I mean we can endorse but the post endorsement yes Milton Mueller?

Milton Mueller: I suggest that we send it to the SSAC as well and I don't know how the GNSO operate very well anymore but should- if you introduced it into a GNSO meeting would it stimulate discussion that we want to have or not, would not it backfire?

Rafik Dammak Yes, I think we can say this as a topic but would be discussed by the council and then the question is what do you want us here speaking for the council what kind of message that you want to convey and so it's also just how much the council are familiar with the issue and to respond to the question and comments from all the other counselors so. Okay, I think it's anyway it's open just first thing because that's good this indoors during the ICANN meetings, I think goes is just and matter of process if Milton Mueller if you can share it NCHE main list. Just to ensure that everyone read it and by the way this actually and I think it's was coming from (unintelligible) that he is endorsing this sentiment (unintelligible) to support it and so that's why the idea to get it NCHE level.

So Milton Mueller just if you can send it to the (unintelligible) and hopefully we can endorse it by hopefully by tomorrow accused by before by the

constituency day and so we can do decide to whom we how we can publicize it. And to whom we send and we how we can use. Yes, (unintelligible).

Woman 4: (Unintelligible) speaking. So we wanted to adopt this after because on constituency day and NCUC have an hour discussion on ICANN and content regulation and I was planning that at the end of the hour at the end of session we just announce this is statements. And now that it's going to be NCSG, I'm not sure how to proceed.

Man 7: A (unintelligible) here if I understand correctly NCSG endorsement basically means that these three committee policy committee will have to approve it either here or on the mailing list, so.

Rafik Dammak Yes the endorsements is an going on I mean the review and then the main increased already and justice cherry NCSU to inform all the members so we can make the decision by email and the policy committees list so. Yes?

Woman 4: But then adopt it at during the NCUC secession. Like they announce it during the NCUC session.

Rafik Dammak I mean hopefully so that we can get to all the policy committee members to respond in time yeah we can announce that was that was approved.

Woman 4: Well, if policy committee does not act on this I'm going to get the executive committee up and NCUC to pass it because at the moments we are done at NCUC level so I do urge you to move on and just endorsed this thank you.

Rafik Dammak Hey and thanks for percentage was just showed few hours to go with the policy committee and we are getting already endorsement yes Sir?

Man 8: (Unintelligible) speaking. this brings me to out to I mean I was writing some notes here with regards to an issue that was raised on the on the mailing list with regard to statements that are produced by the policy committee without

sharing them with the membership and so I will request if we can add that on any on the discussion today and make it clear because on that's not some policy members were saying that they act it's with based on the chapter and some other member says that it was inconsistency in the chapter.

So I'd like if we can add that s on discussing today to make it clear how far can policy members go with statement without sharing with NCSG members and the second point probably that should bring us both back to the first discussion we had got to do is you team on SSR. We didn't make any next steps what are we doing by when. We suggested to reach out to (unintelligible) so it wasn't clear to me what's we do after this meeting today. Because I believe the committee will be very soon and I think we need to make a position before the consummate team.

Rafik Dammak: Okay thanks (unintelligible) I think we reach (unintelligible) as soon as possible. And the before maybe responding to the rest I think Tatiana Tropina wanted to comment, yes.

Tatiana Tropina: Well I think that first of all it is an open policy committee meeting anyone could come here , you know, what I mean anyone, but this is all a question we are going to say to the mailing list as well, but just because I want to highlight that these statement is being discussed at the open meeting any member could have attended it was their choice not to, but they still go to the mailing list, it's apparent Milton Mueller's going to send it, but just a remark.

Man 8: Thanks Tatiana Tropina this is (unintelligible) speaking I mean that was not actually the main point that was talking about I agree this is an open meeting and if we agree on this statement it can be issued on the name NCSG but I'm talking about process statement that was drafted and sense so can we make it clear was the PC members right to drive to statements without sharing it with the list members because that was the issue that was discussed on the mailing list.

Rafik Dammak: I think we discussed that enough and the mailing list and if anyone made his point and feelings about that issue. And myself I responded to that. So, I'm not going to repeat arguments. I mean we are trying to involve everyone in the process for example that's why I was good to share in the NCSG so I think we've had a chance to talk about that and we work to improve things.

So I don't see anything suspicious just to. Re hash the same discussion we had in the mailing please withhold membership and everyone express it. There are health concerns. Okay I mean we heard them I think it's time to move on so, yes. I think we made it so I think we made me into should move on from this K. We have 10 minutes left. And I think we've covered most of the topics so with regard to the statement we need to get its endorsement as soon as possible and policy committees discuss it and the list. Several policing committee members have already responded.

So I am asking for the rest too acted quickly so we can get it prove it soon and chess also to shed in the mailing list to inform our membership beforehand so. Any other topic that they would not discuss, yes Stephanie Perrin.

Stephanie Perrin: I don't want to get into the process that (unintelligible) raised and that we understandably you just closed off but with respected this particular paper we endorse it. We send it out right away for comments to the list or do we send it out for notification or are we accepting input I mean what's the story here because I think that the expressions of dismay over the last one that we sent the letter indicated that they would have liked to have had a go at it we haven't got any comments by. There was criticism of the way it was handled so let's have clarity about how we're releasing this is. It going for comments or is it just going for notification?

And if I may give you my views on this. We have a heck of a hard time getting people to sign up and actually work on papers. And then when we do release something like the letter and we get a whole lot of push back some of

us get pretty grouchy. I'm one of those people I will lead the charge I'm grouchy , you know, draft something if I come up with a policy statement on how we feel on privacy and I get a whole bunch of people I've never heard of before saying a well that's not right I'm going to be grouchy okay.

Rafik Dammak Okay thanks Stephanie Perrin yes seeing school as can be done more. I mean can you done better. And I didn't really want to kind of bring the discussion again because we had it already and the and the mailing list and I think at this point so and even the person that the rise the concern okay, yes, understand maybe he's not he disagreed but even I think we should close on that we can improve. Maybe there is open putting procedure that we can work more result was home for improvement with regard to the statement my what I suggested and asking mention to share so even before that we endorse. I mean we are getting that kind of input from the policy committee members but we also give a chance for the members to weigh in because it was discussed at NCUC level.

Yes but just to include everyone so if there, yes? Yes, (unintelligible) if you want to know you want to what do you want?

Woman 4: (Unintelligible) speaking. So I was hoping for this statement to be adopted on Tuesday and NCUC has followed the procedure it had opened the call for comments, people have commented Milton Mueller has resolved them so. If you open the issue if you open this statement for comment then Milton Mueller has to go through them and resolve the comments. I suggest that you tell that you give them a background story and say does this a statement we think that this is good the policy committee and it has gone through NCUC and people just get to read it and if they really to have like a strong objection to some aspect of it they can bring it up, but per usual like general comment and discussion I don't think we have time.

Rafik Dammak Thanks (unintelligible) it would be kind of truck with just to ensure that everyone is informant and just to avoid any concern all right issue here so.

Okay so six minutes left and they feel that if I relieve you quite early will be happy. Yes I (unintelligible). So if there is no other topic to discuss would like to adjourn the meeting for today so I give you a few seconds to say yes or no. Okay, so let's adjourn the...

Woman 5: Thank you Rafik Dammak.

Rafik Dammak Okay I'm not going to adjourn now. So, let's adjourn for...

Man 7: Rafik Dammak (unintelligible) speaking. I'm not satisfied to be about the answer you give with regards to the review team. I don't know what our councilors will be saying could during the committee meeting with regards to what's our position with regard to they letter the from the boards. What's the position of our council members that would be presented during the committee meeting?

Rafik Dammak Okay, thanks. First we discuss of the item and there was a chance for everyone to weigh in as a counselor and what kind of position maybe we should have second I think as it just kind of topic that was just gross like now few days ago I don't think it's easy for us to have a common position because it's not just about counselor but it's also about membership. To get our members know about the issue inform them so this is just our first (unintelligible) discuss about that and to get people aware about the issue and I'm not sure that everyone read the letter and so on. So I think it's the next I mean in the in the council agenda there is no action to be taken to just discussion topic from there we may decide later how to go.

So I'm not worried for now and we need to get more information and input before thinking that we have a common position. I know that several people how to the constant in term of process and so on but for now I don't think we can say we have a position or we can make a position for now, so. Okay and I don't think you are making friends here I told one of two they may leave so

okay so let adjourn the meeting for today. Thanks everyone for attending and see you soon.

END