

**ICANN
Transcription
Next-Gen RDS PDP Working Group
Tuesday, 12 September 2017 at 16:00 UTC**

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Adobe Connect recording: <https://participate.icann.org/p7ztw52v527/>

Attendance of the call is posted on agenda wiki page: <https://community.icann.org/x/ZmfAw>

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Coordinator: Recordings have started.

Julie Bisland: Thank you. Good morning, good afternoon and good evening everyone. Welcome to the Next Generation RDS PDP Working Group call on the 12th of September, 2017. In the interest of time there will be no roll call; attendance will be taken via the Adobe Connect room. If you are only on the audio bridge could you please let yourself be known now?

Thank you. Hearing no names, I would like to remind all to please state your name before speaking for transcription purposes, and please keep your phones and microphones on mute when not speaking to avoid background noise. With this I'll turn it back over to our chair, Chuck Gomes.

Chuck Gomes: Thanks, Julie. And welcome, everyone, to our call today. Do we have any updates to statement of interest? Okay, then let's go ahead and bring up our slides for today. You can see the agenda in the upper right part of the Adobe screen. And we're going to just jump right into it.

Let me, first of all, talk about the poll. We're not going to go over the poll results from last week in detail; they are available on the wiki. You can see

them. And they were helpful results, that's not why we're not going over them, because they weren't helpful. Actually we didn't have a very large response but the 10 people who responded, or at least nine of them - one of them was me so I won't count mine - they were very helpful comments I think, and comments we're going to use in the future.

But the reason we're not going over them because it will - and several people did comment that a little premature on talking about the type at this point, it might be helpful after we get our independent legal analysis and so forth. So we will come back and those comments I think will be very constructive for the working group later on.

So what we're going to start with today, we're going to start deliberating on two data elements or a set of - two sets of data elements, maybe is a better way to say it especially in the case of address - that have been brought up every week for the last, I don't know, month or so, and we thought like, you know, we better get to those. And so today we're going to start with data elements that have been - have not yet been deliberated on but the two we're starting with have been brought up a lot.

And those are the registrant postal address data elements, there are several elements there, and the registrant phone and possibly a registrant phone extension if there's an extension involved. So why we're going to start on that is to first of all just have a discussion about whether anyone thinks that an RDS system should not support registrant postal address data elements and registrant phone - phone extension elements.

And keep in mind, we're only talking about that the RDS should support those. We're not talking about whether collection should be mandatory or optional yet, we might get into that today if you'd like. But mainly should the RDS support the registrant postal address data elements? And that includes street address, as you can see on Slide 1 there, street address, city, state, province and postal code.

And note that we already have covered the country code because we already have a rough consensus agreement that country code should be required and supported by the RDS. So the - and then same with registrant phone and registrant phone extension. Again, does anyone think that any of those data elements should not be included in the RDS? And if so, please try and convince the rest of us. So raise your hand and if you don't think any of those should be supported by the RDS.

I see Vicky and Lisa are typing so we'll watch to see what they put in Adobe while we're giving people a chance to think about this, and react. Yes, and thanks, Vicky. We will talk about collection a little bit later but right now I'm just asking a very simple question, should the RDS support these elements? If you want to skip down, and you have scroll control, to Slide 3, you can see the - that we reached rough consensus on several data elements - or excuse me, several things here that are related to our discussion today. So our Agreement 28 was registrant country.

We agreed that in 29, that RDS policy must include a definition for each data element. Thirty one, that there has to be at least one way to contact a registrant. Thirty two, at a minimum one or more email addresses must be collected. Thirty three, alternative or preferred methods of contact should be included. Thirty four, open - the - at least one data element should be an open standard and not a proprietary communication method.

Thirty five, the RDS must be capable of supporting at least one alternative contact method. Thirty six, purpose-based contact types and they're listed there, admin, legal, technical, abuse, proxy privacy, business, must be supported by the RDS but optional for registrants to provide. And then 41, additional contact methods must be supported and so on.

So I go over those mainly so that we keep those in mind. We've already reached rough consensus on all of those. And they're - provide a good basis for the discussion today.

Okay so the ask, Ayden, and others, if you didn't get it, the ask is, is there anyone who believes that the registrant address elements, and registrant phone number and extension, should not be supported by the RDS? And again, we're not yet talking about whether collection must be mandatory or optional. Okay, Michele, go ahead.

Michele Neylon: Thanks, Chuck. Michele for the record. No, I think these have to be supported, I just don't see why they wouldn't be. And I don't think - I can't think many people are going to say that they shouldn't be supported, it would just seem a little bit strange if they weren't supported.

Chuck Gomes: Thanks, Michele. And I'm assuming that too but I wanted to make sure we document and give opportunity if anyone thinks differently. And not seeing anyone, so far, and I'll call on Alan in a second, I'm assuming that that is the case based on the lack of response. But let's hear what Alan has to say.

Alan Greenberg: I'll just point out that physical address is typically required for certain classes of legal action and therefore how can we not collect?

Chuck Gomes: Thanks, Alan.

Alan Greenberg: And I know - I went further than saying support it; I said collected.

Chuck Gomes: I know. No, and that's okay.

Alan Greenberg: That does imply supported.

Chuck Gomes: Yes, and Vicky had said that earlier so - in the chat. So and that's okay, that actually makes a good transition. But first of all, let's record that there were

no objections from those on the call to these data elements, and if you scroll back to - Slide 2 is a good one, that I haven't called attention to yet, but those elements are 9, 10, 11, 12 and 14 on Slide 2. And I'm concluding that there are no objections to those being supported in the RDS.

And Alan and Vicky earlier in the chat have said that they think those should be collected in the RDS, and I'm assuming, Alan, and you can respond, I know Vicky, I think was quite clear in her chat statement, that this - that you would say these must be collected, is that correct, Alan?

Alan Greenberg: Well we were not asking about collected, but yes, I would say that if I was asked.

Chuck Gomes: I am jumping ahead now in follow up to your comment.

Alan Greenberg: And I answered.

Chuck Gomes: Yes. Thanks. Okay, that's good. Now, so - and I saw Ayden's comment. He didn't think they necessarily should be collected. Ayden, you want to talk to that a little bit? And I see you have another chat - a couple other chats that I haven't looked at yet, I'll do that while you talk if you're willing?

Ayden Férdeline: Sure. Hi, this is Ayden Férdeline for the record. Actually I think we're in agreement for the most part. I'm happy with that language.

((Crosstalk))

Chuck Gomes: Which language?

Ayden Férdeline: Sure, so I'm happy with the idea that - that the system should have the capacity to support the collection of the data elements, of the street address, phone number, phone extension. That's what I'm comfortable with so far.

Chuck Gomes: Okay and I...

((Crosstalk))

Chuck Gomes: I've moved beyond that in follow up to Alan's comment and Vicky's comment in the chat. And I'm saying now, should the - these elements be collected? Should they be mandatory for registrants to provide? What do you think about that, Ayden?

Ayden Férdeline: Well that's much more extensive and certainly not something that I hope we resolve on this call. I hope that we can certainly take that to a poll and get the opinions of a wider audience. But my first response to that is it should not be mandatory to collect these fields.

Chuck Gomes: And could you explain...

((Crosstalk))

Chuck Gomes: Please explain why?

Ayden Férdeline: I think it places an undue burden on the registrant, not everyone is going to be happy or comfortable with their postal address or their phone number being in the system regardless of who has access to that data, whether we have a gated access system or not. There also going to be edge cases and (unintelligible) edge cases where we have registrants who do not have a postal address that they're able to provide.

Chuck Gomes: Okay. Thank you for that response, Ayden. This is Chuck again. Alan, is that a new hand?

Alan Greenberg: No, sorry, I should have taken that down.

Chuck Gomes: Okay, you of all people you should know that. Anyway but we all - we all do it, myself included. So Michael, go ahead.

Michael Hammer: Okay. Michael Hammer for the record. So I'm not sure what we mean by must be collected because does it mean that if somebody doesn't put something in those fields they can't register a domain? Does it mean that it's being validated? I mean, it's not clear to me what you mean when you say, "Must be collected."

Chuck Gomes: Okay and that's a fair question. This is Chuck speaking again. The - let's not overcomplicate it or get ahead of ourselves. So validation comes under accuracy, which will be a future question in our charter that we deal with. But what we're saying - what I'm asking, whether I should - this is what I should be asking or not, we can debate, but what I'm asking is should registrants be required to enter a postal address in the RDS?

And Ayden is right in the sense that we don't have to -we're not going to try to resolve that today, but since it was brought up we'll have a little bit of discussion on it, and then we'll follow up with a poll. So what we're just saying is that if you register a domain name, you would have to provide a physical address and a phone number. Now, as Ayden has already said, he doesn't think so, so, in other words, I think his position would be, and he can correct me if I'm wrong, that that information should be optional.

So I'm just going to let - we'll take a few minutes, we won't take a lot of time on the call to do this, but let's take a few minutes and left different people express their opinions and give their rationale. And next is Vicky.

Vicky Sheckler: Thank you. As we discussed several times, I believe that the physical address and the phone number are both necessary for collection but at minimum the physical address is necessary in most jurisdictions for service of process if nothing else. And to know, you know, if you're going to sue what jurisdiction you can sue in.

Then the phone number, I believe, is important to collect should there be emergency situations that arise for either the registrar or the registry or a third party needs to contact the registrant. Again, this is not about how that information is disclosed or when it's disclosed, about whether or not it is collected.

You know, to Ayden's point about there are some places where there isn't a postal address, I would view that as an exception and that shouldn't swallow the rule. Thank you.

Chuck Gomes: Thanks, Vicky. Who else would like to comment on this? And sorry, I need to look back at the chat. Okay. So my suggestion, and I haven't read through all of the chat so if somebody wants to call something to my attention in the chat please do so, it's hard to read the chat and talk at the same time and I do too much talking, as you know.

So what I suggest first of all, is that we have a poll item this week that just confers - confirms the one point that we - that there were no objections to. And that is that the RDS should support the physical address elements and the registrant telephone number. So that is a separate item with nothing to do with collection, okay? That's just to give a chance for those not on the call a chance to weigh in on that.

And then we may, after we look at some other slides, you know, add a poll item on what we're talking about now. Let me call on Volker and then we're going to jump through one or two more of the slides. Go ahead, Volker.

Volker Greimann: Thank you, Chuck. Volker speaking. Can you hear me?

Chuck Gomes: Yes.

Volker Greimann: Okay good. Just one point I would like to make that before we decide that A or B should or must be collected and put into the repository, I think we're missing a very important step here and that is the question of while it's nice that we can wish and/or have happy thoughts about what we would like to be in an ideal world, be in this repository, the situation in the real world is different where there may be legal requirements or hindrances that prevent us from including certain data in the repository unless there are certain other legal requirements are met that would allow for such storage for example, data protection regulation.

I therefore would say that before we make any decisions going into what should or should not be - go to private data, be required to put into the data and voluntary data is a different thing, I admit, I think we should have that legal review that we've talked about for quite a while already to determine what can we put in, what can we require to be put into this repository as a community, we can make a lot of - we can have a wish list of course. But that's all it is, legal requirements may end up telling us differently and we would save a lot of time if we go - went the road of first determining what can we require before we determine of what do we require and then have to walk that back again. Thank you.

Chuck Gomes: Thanks, Volker. Chuck again. A quick question for you, when you say the legal review, are you talking about the independent legal review that's underway right now? Or are you talking about something different?

Volker Greimann: I think it can be part of that independent legal review. I think we should make it - we should at a certain point in our work have a legal review undertake by outside legal that would advise us on the requirements that we would have to fulfill for the RDS to require certain private data to be inserted without the consent of the registrant. Thank you.

Chuck Gomes: Thank you, Volker. Michele, you're next.

Michele Neylon: Thanks. Michele for the record. I think the question you were asking was whether the RDS should support the data fields, is that correct, Chuck, or have you moved onto something else?

Chuck Gomes: We're beyond the support question and into whether - we're just kind of getting started in talking about whether the address fields and the phone fields should be required to be collected.

Michele Neylon: But collected by whom?

Chuck Gomes: The - well the registrant would have to be - provide it so I'm pretty sure that means the registrant. I mean, excuse me, the registrar.

Michele Neylon: So this is part of the thing. So here - so okay so let's say - so let's say I have a form on my Website, somebody goes to the form to register a domain name and I collect the information. But that doesn't mean it ends up in the RDS.

Chuck Gomes: Okay. That's true. I think in this - agreed.

Michele Neylon: So if for example let's say hypothetically we were offering a Whois privacy proxy, whatever you want to call it with all the registrations, no matter what information I collected from the registrant the information that would end up in the RDS would probably be different.

Chuck Gomes: Yes. That's a fact.

Michele Neylon: Okay so I suppose the thing really is what is the question that we're asking? Is it a question of, okay first off we're saying that the RDS as in this technical system of whatever way it is has to support the - has to support the address fields, so nobody is saying that it shouldn't so that's okay. But then when you're asking the question around collection, that's - are you asking is the RDS going to collect the data, the registrar going to collect the data or is it more a question of is the registrant going to provide the data?

Now, to Volker's queries, I think Volker is probably more focused on whether the obligation is going to be on private individuals versus companies because I mean, in terms of companies there's usually legislation forcing the disclosure of a company's legal address and everything else but maybe Volker would disagree on that. I just think we need to be careful about what we're actually asking because there is a difference between what the registrar or their agent may collect versus what ends up somewhere else. Thanks.

Chuck Gomes: Thank you, Volker. And before I go to Greg and Steve, let's jump ahead to Slide 4, if everyone would look at Slide 4? And this is review; all of you have seen this before. But from the 2013 RAA, you can see the data elements that are required by the RAA in Whois, the current Whois. And take a look at those. You can see those there with some footnotes and so forth shown.

And then also, and you have scroll control, so if you look down at Slide 5 we did a poll that had the question, you can see there Question 9, registrant street address as defined by the RAA - 2013 RAA and included in data elements mentioned- recommended by the EWG final report. Do you agree this data element should be included in RDS data elements? And 40% strongly agreed; another 11% plus agreed; 20% were unsure; 11% disagreed and 17% strongly disagreed.

So there was more agreement than disagreement but there was pretty strong disagreement as well. So that's kind of a background to what we're talking about and this isn't, you know, the first time that we focused on this. Let me now go to Greg. Greg Shatan.

Greg Shatan: Thanks. Greg Shatan. Thank you. Greg Shatan for the record. I think we're kind of - first off I think this is kind of a circular argument about which thing to answer first but I think the highest level question is first, what should be collected, not what the legal requirements are. Speaking as a lawyer, when

the lawyers run the show, and boss around the business, something has gone terribly wrong. And we shouldn't do that, this - this is first kind of a business level decision or a policy level decision and anything else - and doing it kind of with the legal review first is the tail wagging the dog and the cart before the horse and a whole other you know, even some anatomical impossibilities.

So I think we - sure we can descend into how is it going to be collected, who is going to collect it, how is it going to be validated, I know we want to answer all the questions at once, and I - in spite of my remark about slicing the salami thin, I do get the idea of distinguishing between kind of each step in the process. But at the same time, I think we need to kind of think about which questions are kind of the most important ones to answer, the fundamentals of putting together a directory of registrant data. That's what we're here for.

Just briefly I'll also say that I agree with, you know, Vicky and several others that these data elements that we're talking about today, postal address and if we can get to phone as well, you know, should be mandatory to collect or maybe I should say must be collected and we'll get to the next issue after that in the salami. Thank you.

Chuck Gomes: Thanks, Greg. And before I jump to Steve, again, the following slides, I think it's Slide 6, there's more of the comments from that previous poll question. And then Slide 7 there are some questions on - that have similar responses for city, state, province and postal code. And then you can go on and Slide 8 gets into the poll results for the registrant phone and you can see a pretty similar spread, not exact but pretty similar spread and the comments on those are on Slide 9.

And then if we jump - and I won't go there yet, but I will maybe after Steve comments, we'll look at Slide 10 and some proposed working group

agreements on registrant postal address and phone. So, Steve Metalitz, you're next.

Steve Metalitz: Yes, thank you. This is Steve. I really was just going to respond very briefly to Michele's intervention, if it's collected even if it's not going to be displayed, or published, it still could be part of the RDS. And I think even in the privacy proxy registration situation, it should be mandatory to collect this as part of the RDS because as Michele knows from all of the discussions we've been having in the working group and now the implementation review team on privacy and proxy registrations, there are a number of circumstances in which the customer's address and phone number become highly relevant, sometimes for disclosure but other times for example, for relay of a request.

So even if it's never disclosed in the public-facing Whois, as we have now, or RDS in the future, it's still part of the RDS to collect this and to have - and it can be used in a number of different ways under certain circumstances even in the privacy and proxy setting. So this, to me, is further support for the proposition that it should be mandatory to collect this information for the RDS. Thanks.

Chuck Gomes: Thanks, Steve. Michele, go ahead and respond.

Michele Neylon: Thanks. Michele for the record. I'm going to have to disagree. I mean, the - the proxy privacy accreditation and all that which is a discussion which is actively ongoing, you have a - you'll have a situation where the real - quote unquote - real contact information for a registrant is collected by a provider and then that data is escrowed so that it is - and the provider will always have access to that information.

Conflating escrow with the RDS which is meant to be a replacement for Whois I think is quite dangerous because if the - the way it is at the moment is that if there is a failure with the provider then the escrowed data is made available in that kind of emergency type situation. Whereas if you end up in a

situation where some third party is running this RDS, then you no longer have any control over who has access to that information.

I mean, you can say that you do, but ultimately no matter - unless I'm able to put it on a space station that's in orbit around the earth that isn't actually belonging to any particular territory, it is still going to be subject to somebody's laws. So I don't - I mean, I can - I don't have an issue with collecting the information, I see no issue with that whatsoever, but I do have an issue with the - trying to draw a parallel between how you handle proxy privacy data and who has access to everything and then trying to push that into the RDS. Thanks.

Chuck Gomes: So Michele, this is Chuck. So you're really not disagreeing with Steve that the address and phone information should be collected; you're disagreeing with his use of the privacy proxy information. Is that right?

Michele Neylon: Sort of. It's more to do with - so if - let's just say for argument sake that I register micheleneylon.com, which I think I have already, but anyway, and I put that in - put that behind privacy proxy, so my real contact information at present isn't in any - in the public Whois nor is it transferred to the - to a registry. Okay, in the case of dotCom it wouldn't be at the moment but let's just - let's just say it was another TLD, whatever.

The registry doesn't have that information. The registry would have the proxy privacy information that the service provider has passed through. Now, the registrar or the service provider, would have my quote unquote real contact information and are able to contact me and are able to do all the relaying and all that kind of that thing Steve mentioned because they're the ones who are obliged to do the revealing and everything anyway. The RDS isn't obliged to do any of that.

So I have no issue with collection of the contact details, I mean, none whatsoever, I have no problem with that, it's just this thing about what ends up in this RDS system that I have a problem with.

Chuck Gomes: Okay thanks, Michele. So I'd like to call everyone's attention to Slide 10 and there are some proposed working group agreements with no support yet, okay, well other than individual comments that people have made, but there are some things I'd like us to just spend a little bit of time looking at. And I don't know that they're necessarily mutually exclusive, some may be, but let's just look at those for a moment.

So one possible agreement would be registrant phone and phone extension must be included in RDS data elements and it must be mandatory to collect for every domain name registration. And I, you know, the title of this slide says, "Postal Address," but it looks like they're all about phone and not postal address. So the title probably is a little bit misleading.

The second alternative, and I think we've had people support both - different people support these - registrant phone and phone extension must be included in RDS data elements that must be optional to collect for every domain registration, okay? So those are kind of - that's the mandatory versus optional in terms of collection.

Two A, one or more phone numbers must be collected for every domain name included in the RDS for contact roles that require a mandatory phone number for contactability. Or, 2B, one or more phone numbers may be collected for every domain name included in the RDS for contact roles that allow an optional phone number for contactability.

Let's look at 1A and 1B first of all. Just to get a sense of the room, not any formal poll or anything, if you support 1A, put a green checkmark in Adobe. Any comments - okay, excuse me so let's just take a look there. And I see

Michael has a comment. So we got, you know, several people - Michael, go ahead and comment.

Michael Hammer: So I would have raised my hand - or done a check for 1A except for the fact that it doesn't account for privacy registrations, right? So what we're really saying is I think, about collection, not necessarily who holds the information, or are we saying that the privacy service is considered the registrant?

Chuck Gomes: They would be.

Michael Hammer: So then it really doesn't matter whether they collect from the person using their service, because they're the ones that would be held legally liable as the registrant. Is that what I understand you say?

Chuck Gomes: Yes, I think that's correct. Now, the privacy proxy policy that's been approved, would come into play then for revealing any information about the underlying customer that they have. Does that make sense?

Michael Hammer: Okay, as long as there's a throat to choke, I'm happy.

Chuck Gomes: Okay. And I misstated anything there, somebody correct me, but I think that's accurate. Take your green checkmarks off please so that we can - I can ask another - do another quick little getting a sense of the room. If you leave your checkmark on there it's going to count for the next one so please remove it. Oh, it looks like they're all gone.

Okay, how many - put a green checkmark if you like 1B better. Lisa, go ahead, while we're waiting. And go ahead and put your green checkmarks in for 1B. Lisa, go ahead and talk while we're waiting.

Lisa Phifer: Thanks, Chuck. I just wanted to clarify - and I put this in chat- but there is a difference between privacy and proxy registrations with the way that these fields are filled in today. In the case of a privacy registration, there is an

alternative privacy address and phone number that's provided in those fields, but the registrant remains the registrant as well know them. In the case of a proxy service, the proxy becomes the registrant and their address and phone number go into those fields.

So in either case...

((Crosstalk))

Chuck Gomes: Yes.

Lisa Phifer: ...these are the fields that are used but there is a difference in the relationship between what's in the registrant name and the addresses that go in these fields.

Chuck Gomes: Thanks, Lisa. And I think Michael and I both misspoke, I think he used the term "privacy provider" and I just followed suit. I think we were really talking about a proxy registration. Thanks. James, go ahead.

James Galvin: Thanks, Chuck. James Galvin for the record. I have a question here that occurs to me, as we're going through this process of which elements are mandatory to collect, I'm wondering if - are we obligated to select specifically which must be collected versus making a requirement that some set of methods or one or more methods of contacting a registrant must be collected?

So, you know, for example, do we have to say that it has to be a phone number or do we get to say that you must collect either a phone number or an email address, you know, or postal address or something like that? So that's kind of a question because I'm having trouble with this mandatory versus optional because I just have this model that the requirement is contact and, you know, are we really trying to go down the path of what's required especially sensitive to people saying things like, well, not everyone has a

phone number, not everyone may have an email address, hopefully everyone has a postal address, but, you know, anyway. Thanks. That's my question.

Chuck Gomes: Thanks, Jim. And I think it's open to what we decide, what we want to recommend and can agree on. So I don't think we're restricted one approach or the other, I think there are certain members that prefer one way over another and there are other alternatives as well. So I don't think we're restricted in any way from how we want to do it. And we're going to have to come to some sort of recommendations though so we will have to nail it down at some point in the future.

Volker, go ahead.

Volker Greimann: Yes, thank you, Chuck. Volker Greimann speaking for the record. James raises an interesting point and that brings me back to something that I've thought about for a while now. I think we should differentiate in our language or at some point what we mean by collection. I mean, collection means two things; collection by the (unintelligible) doing their business, and collection for the purpose of including it in the RDS.

And I think for our discussion only the latter is important. While the registrar makes a lot of data because they need it to provide a service to the registrant, that it's not necessarily the case for the second. So I think when we talk about collection we should make clear that we want to say collection for the purpose of including in the RDS, not collection of the data at all in general.

Chuck Gomes: And our mission is not to focus on what registrars should collect that aren't related to the RDS, so we're really just focusing on the one, collection for use in the RDS. Jim, is that - your old hand or is that another comment?

Jim Galvin: It's a new comment. I wanted to reply to your response to me suggesting that it's up to us to decide whether we want to focus on, you know, the

requirement to meet a contactability or the requirement to specify which forms of contact must be there. I'm watching in the chat room, and I notice that Andrew was agreeing with me on the N of M, which is kind of the technical way of describing the contact models. We can specify, you know, a set of contact models and then specify that, you know, at least one of them must be present kind of thing.

And there are others who are talking about the fact that we've already had a variety of tentative agreements on different contact things so I don't want to, you know, derail our conversation in a sense but my response to you, Chuck, would be that if we are allowing ourselves the opportunity to have models for connection and specify that some must be present, I just want to make sure that that gets taken as an agenda item for discussion because if we really are going to go down that path then all of these binary decisions that we're making need to be made into something else, not quite binary.

And I'd really like to have the discussion at some point, if not today, about whether or not we're developing, you know, communication models and, you know, people get to select from one, or if we're developing a single model all of which ends up being required. Thank you.

Chuck Gomes: Thanks, Jim. Well let me follow up on that then with the group. Does anybody not understand what Jim's talking about in terms of a not so binary communication model where I think we - they would be required to have - to choose among several options for communication methods for contact methods, instead of just a list like we have today, these things have to be provided.

What do you think about that? Vicky, go ahead.

Vicky Sheckler: Hi. I mean, I think I raised this in the chat before, but from my perspective we're looking at contactability and increasing in contactability and we think that why we need contactability. But physical address, as we've said, is

necessary within the RDS for legal purposes. A telephone number or something similar I believe is necessary for the immediacy, if there's an emergency type problem that needs to be addressed.

The email or something similar, I would view as the day to day contact provisions. So, you know, should there be some flexibility? Yes, communications may change over time. But the idea that there will only be one method of contactability when there are different purposes for contactability I think is short sighted. Thank you.

Chuck Gomes: Thanks, Vicky. Alan, go ahead.

Alan Greenberg: Thank you. Vicky touched on the main part of what I wanted to say. And we are carefully sidestepping the whole discussion that we had at the very beginning but have put aside right now of purposes. And we know for privacy due to privacy legislation, purpose matters. And why are we asking for it? And eventually we're going to have to come back to that. And there may well be things like legal reasons that the address has to be either disclosed or something we haven't talked about at all, and I'm not sure we want to certainly right now, of, you know, let us say it is a - not a mandatory field but something that is, you know, normally required, what are the implications of not providing it?

You know, maybe we have a rule saying if there is a - we're jumping way, way ahead - if there's a UDRP dispute where a legal address - where a mailing address is needed, then the implications of not providing is the registrar will unilaterally completely shut off the domain and, you know, unregister it because you haven't chosen to make yourself available for a legal, you know, for legal reasons for a UDRP dispute. You know, maybe that addresses it; maybe it doesn't, I don't know.

But ultimately we're going to have to look at purposes and if there is a purpose that has to be addressed, do we want to go back and say but if you

don't provide it then these are the implications of not providing it. I don't know. As you pointed out multiple times, these are circular discussions and they come back and we may need to rethink these things. So yes, I think ultimately we're going to have to say things like a mailing address are needed for legal contact, but there may be an implication of if you choose not to provide it then something happens. Thank you.

Chuck Gomes: Yes, okay. Thanks, Alan. Jim, go ahead.

Jim Galvin: Thanks, Chuck. James Galvin for the record. I just want to follow up and agree with both Vicky and with Alan and frame it in the following way. I mean, I imagine in this group that we can - it's easy from a technology or technical point of view to establish that there are different methods, models, mechanisms, for contact. And we can establish what the set of those might be fairly obvious ones are email address might exist by itself, phone number by itself, postal address by itself, and then we can agree on what elements go with those things.

Then a layer on top of that as Alan was getting to is we ultimately have to visit what is the purpose of collecting the data? And, you know, are we obligated to support that purpose? There might be optional purposes, there might be mandatory purposes. And, you know, certain contact methods will be more efficient or applicable to certain purposes than others which then gets us to what Vicky said, which is given that if we have a particular purpose and we ultimately decide the RDS is required to support, then there might be mandatory methods that have to be collected, there might be optional methods that could be collected because maybe having more than one is appropriate.

So, you know, if a legal purpose is required then maybe postal address is required. Those sort of things follow. So I guess I'm trying to again just ask Chuck how we're trying to frame our discussion here. I think my question about are we trying to set up which elements are always going to be required

or are we going to examine this from the point of view of contact methods and which elements are appropriate for contact methods and then as a future conversation we'll start to put those in context to address exactly what Alan and Vicky were talking about. Thank you.

Chuck Gomes: Thanks, Jim. And we could end up, this is Chuck speaking, so we could end up with some required elements and other type - other elements that are flexible in terms of giving the registrant some options. Greg had an interesting suggestion in the chat, maybe we should ask the registrant to indicate the best way to contact them. And even got some support there.

And notice the - we're going to have to deal with problems like has been brought up in chat, where physical address is a challenge, okay? So we're going to have to deal with those things. So - and maybe what's required depends on the purpose. You know, quite a while ago now we started talking about purposes and we made some progress and then we kind of ran into some problems. We're going to have to get back to purposes. And one of the things I want to point out, and probably a lot of you have forgotten what questions we asked the data protection experts, but some of those related to purpose.

And I think it's going to be easier for us to answer some of the questions including what Jim's asking about the communication models, once we get the final report from the legal firm that we've contracted with to answer those same questions we asked the data protection experts. So that is going to I think be - a lot of this is going to be a lot easier once we get that final report.

And we're getting very close to that. We're hoping not later than the end of the month to have that final report. And we'll spend a meeting or two going over that and hopefully we can - that will help guide us and help us make quicker progress. But all of these ideas that are being talked about today we need to, I think, keep in our minds because it's not going to be a one size fits all thing, I don't think. It may vary by purpose and we'll have to deal with that.

Okay, so we're not going to resolve this with regard to - not even going to try to resolve with regard to - the binary decisions that Jim was referring to, the is it mandatory to collect or optional or anything like that. But the discussion is good.

I don't know that we're even at a point where we - it's useful to provide a poll question or questions on this particular area. We'll have the one poll question just to confirm the agreement that we had about the RDS supporting these elements, but if somebody thinks a poll - any polling this week further on this would be useful, please go ahead and please speak up and we can consider that. Alan, go ahead.

Alan Greenberg: Thank you. There's a discussion going on in the chat that I think needs to go into the verbal record of we are getting very hung up in some cases of what we even mean by some of these words. And, you know, postal address is an address by which you can, in theory, be contacted. It does not necessarily mean a street address. You know, as I pointed out in chat, I have relatives in Ireland, which is not considered a developing country, where the address is their name and the name of the town, that's it.

You know, we used to have valid addresses, and I think they're still valid, that you can have something delivered to general delivery in a certain town, which meant you have an obligation to pick it up, they don't have an obligation to drop it into your door. I don't know if that is considered a legal, you know, legally okay for subpoenas and things like that.

But different parts of the world have different standards. Certainly not many years ago there were many universities in the world where the - where there was an email address for the university and it would then be hand delivered to someone else. And we're not in the position of imposing rules on how someone structures their own internal environment. All we can do is do our

best to say you have to provide this information that is credibly going to get, you know, be a contact method for you.

And I don't think we need to be worrying about it at a level much deeper than that. Thank you.

Chuck Gomes: Thanks, Alan. This is Chuck again. So I'm not seeing - I haven't heard any suggestions and don't see any hands up suggesting any kind of poll on this area at this time would be useful. So I'm going to assume that we're going to leave this discussion where it's at now realizing that we're going to have to come back probably after we get our final report from the legal firm that we've contracted with and hopefully then we can begin to dig down into some of these areas more specifically and make some more significant progress.

Okay, Lisa, go ahead.

Lisa Phifer: Thanks, Chuck. Lisa Phifer for the record. I was just wondering if anyone in the working group wanted to suggest a possible working group agreement that we could poll on. It does seem a shame that we've had this relatively good discussion on these two data elements, several points were raised about whether we should be looking at contact methods or communication methods versus looking at specific elements right now. And if anyone thinks of a poll question that could usefully be asked at this stage, then at least we could make forward progress in that way.

Chuck Gomes: Yes, that's a great idea. And please speak up either in chat or raise your hand and preferably raise your hand. The - and share a possibility there. Another possibility that we could do in this area, and we don't have to do it now we can do it at a later point in time, the little drafting team that we formed on original registration date a few weeks ago has been working diligently behind the scenes and actually I've been quite impressed with the work they've done. And I think by the end of this week they'll come back with a - some recommendations in that regard.

And that's a possibility too if there are those of you - preferably with varying points of view - that would like to capture some of the thought that's come out of this call and maybe come back in two or three weeks with some suggestions for the working group. So if you're interested in participating in something like that too, please speak up or please suggest a poll question. So that would be great. Okay, and you can do this after the call too if some people want to pursue that further.

Just glancing at some of the chat. Yes, I already said on the call that the estimated time for delivery of that final report is not later than the end of the month. We may have a better picture of that later this week, the leadership team, and we will keep you informed on that. But it looks like we're not very far away from getting that, it may be before the end of the month.

Okay. All right, let's go on in the slides to Slide 11. And let's just get started on some other data elements, and again just asking the simple question, are there any of these data elements that anyone thinks the RDS does not need to support? Again, not talking about whether they're collected or anything like that. Not getting into the collection issue but the RDS should support them.

You can see they are - if you're looking at Slide 11, that they're items 5, 6, 7 and 8 and then 22, 23, 26, 28, 30, 31, 36, 37, 38. And they are elements that had more people agree or strongly agree or were at least neutral than disagreed, but they weren't as strong as some of the other elements we've covered so far.

So the - taking a look at those that are blocked in red, okay, so just let's just at least start discussion on those data elements? Now, excuse me, I muted myself because I've got a dog barking next to me. So anybody have a - any comments on these? Are there any of those elements that are blocked in red that people think the RDS doesn't need to support? So there's a total silence and nobody raising their hand.

I'm guessing it might be premature to conclude that everybody's okay with those being supported. So we've got Marc with his hand up. Marc, please jump in.

Marc Anderson: Thanks, Chuck. Marc Anderson for the record. I think maybe you're asking the wrong question there. You know, it's a little premature to ask that question especially since almost all of those are data elements that are not currently in RDS, (unintelligible) indicates they're not in the 2013 RAA. It's probably better to talk - to start with why we might need to require these in RDS and go from there.

Chuck Gomes: I'm okay with that approach so let's go with Marc's question. And anybody want to comment on any of those? Now we can go through them one by one, it's pretty tedious to do that. I was trying to lump some together. Maybe to keep it simple, let's look at the top four elements. The - can anybody give a reason why the RDS - it would be helpful if the RDS supported 5, 6, 7 and 8, registrant contact ID, registrant contact validation status, registrant contact last updated timestamp, registrant company identifier.

And one of the responses to this could just be we're - maybe we have to hold off on these until we have more information in terms of data protection requirements. Marc, let me put you on the spot. Are there any of those four data elements that you think might have value in - if the RDS supported it? And I'll call on Greg after I give you a chance to respond, Marc.

Marc Anderson: Sure. Thanks, Chuck. Marc Anderson. You know, I'm just looking at these now. I think registrant contact validation status to start with, I suspect that this comes from the concept that the EWG recommended where contacts themselves would be validated where you would have, for example, a valid legal contact. And so if we were to adopt the, you know, the EWG concept of validating contacts, then this would be a valid status. But I think until we - or

unless we tackle or agree with that concept, then having the registrant contact validation status field doesn't really make sense.

Chuck Gomes: So, Marc, you would say that at least that one is premature to deal with at this time?

Marc Anderson: Yes, I think that field is there to support the concept of validated contacts as proposed by the EWG so unless we were to adopt that, that field does not really make sense.

Chuck Gomes: Okay. Greg Shatan, go ahead.

Greg Shatan: First to respond to something that you said, Chuck, it's Greg Shatan for the record, by the way, I don't think - and I vigorously disagree with the idea that we should wait for the legal opinion before we decide what data elements should be in there and what status we want them to have. First, you know, the legal advice that ultimately should aid the clients in achieving their goal to the maximum extent legally possible within acceptable levels of risk, that's the goal, this is not about, you know, building walls, it's about making doors.

Second, I fear that the first round of legal opinion or advice that we get is going to be generic and a little bit clumsy or lumpy because of the nature in which the advice was requested. And that's not a criticism. Often time getting good final reasonably final legal advice involves a great deal of back and forth or at least a good deal of back and forth. And a key issue is what are you trying to accomplish? And that's - I don't know if that's been completely communicated.

If the advice we're looking for is what are you trying to stop? I think this is the wrong group; this is not the privacy enforcement group. So clearly we want to comply with the law but we don't want to just sit in the bed with the covers over our head because anything else could result in noncompliance with law. Thank you.

Chuck Gomes: Thank you, Greg. Let me extend Marc's question to items 22 down to 38, understanding that those aren't - it's not a complete sequence of numbers there but there are I don't know about eight items down below. Any comments on any of those? And while you're thinking, Greg, I'm all for any agreements we can reach before we get that legal advice. So I certainly would not want to be perceived as preventing that. We don't seem to be reaching many of those at this point in time and some of the advice we get may help us make some decisions.

Okay, the idea of needs is \important; I think that comes back to purposes as well. It may be that we're at a point where we really have to get back to talking about purposes again. We knew that we were going to have to come back to that more specifically. And we made some progress on that. But the leadership team will take that into further consideration and if anybody has any thoughts in that regard, is that where we're at? Are we at a place where we really need to go back and iron out our purposes? I'll throw that out in case anybody has any thoughts on that.

Alan, go ahead.

Alan Greenberg: I - to be honest I think we were at that stage quite a long time ago. The whole concept of discussing whether we need to support something or ultimately need to collect it without understanding what ultimate purposes we're doing it for, I think has always been putting the cart before the horse. You know, if we look at mailing address, we are ultimately we will include it because we need it for something and whatever that something is it may only perhaps only a mailing address will satisfy it or perhaps some other mechanism would satisfy it that we have to provide in lieu of a mailing address. So I think it all comes down to purpose. Thank you.

Chuck Gomes: Thanks, Alan. Appreciate that. This is Chuck. Marc, go ahead.

Marc Anderson: Marc Anderson for the record. Yes, I agree entirely. I think we're struggling with some of these points because we haven't agreed on purpose. And, you know, I personally am finding it difficult to evaluate some of these fields that we're talking about. I can envision, you know, some purposes where it makes sense and so if we, you know, agree on a purpose I think evaluating some of these fields would be easier for our group.

But I also think it's more than that. Back when this working group first kicked off we spent a tremendous amount of time identifying potential requirements. And we did a lot of work in that area and we started to evaluate those requirements but I don't think we ever settled on what the requirements are for RDS. So more than just having a purpose which, you know, I do think having a purpose is important and necessary, I think we also need to agree on what are the requirements for the RDS system. Thank you.

Chuck Gomes: Well, thanks Marc. And it's Chuck again. And in fact, our Phase 1 task is to develop requirements and recommended requirements. So absolutely we need to do that. And can we get to the requirements before we do some of these other things? Not sure about that. If we can, fine. But that is our Phase 1 responsibility to develop requirements for the RDS and then Phase 2 then becomes develop policies that meet those requirements and Phase 3 the implementation so good point.

Anyone else have any thoughts? Okay. In terms of - I'm not convinced that we're going to make much more progress on these data elements in this call. And I don't want to prolong the call just to use up our 90 minutes. So - and I'm seeing several people having to drop off anyway. The - let me turn it over those in the leadership team and the - including staff on the leadership team in terms of any suggestions about further action.

We've got one poll question, I think, for this week. It should be a fairly simple one, is there anything else that would help us in a poll this week in preparation for our meeting next week? And while you're thinking about that,

let me say that our meeting next week will be at the alternate time, which is good for those of you especially in Asia Pacific area and so forth, and at a less desirable time for many of you, but we only have to do that once a month. The other - the people from Asia Pacific and areas like that get the majority of meetings at a less desirable time so I hope everybody will respect that.

Okay, well, that said, let's - Lisa, go ahead.

Lisa Phifer: Thanks, Chuck. Lisa Phifer for the record. I am wondering if it sounds like there's a sense of the group that returning and looking at purposes is perhaps overdue or at least appropriate at this time. It's been a long time since we established our first list of purposes. I'm wondering if it would be appropriate to kick off our next call with just a brief overview of the purposes that we already discussed to get back on that same page and refresh everyone's memory before we dig into it again.

Chuck Gomes: That sounds good to me; it would help me as well. So in fact should we maybe distribute that in advance of the meeting and then go over it in the meeting? Why don't we do that so that the - and notice that Julie put in chat the next meeting will be on Wednesday for most people. Okay. It'll still be Tuesday for me, later in the evening and for some of you as well.

So let's just do a quick review of the action items out of this meeting if somebody from the staff team can help us there?

Amr Elsadr: Hello, Chuck. This is Amr...

Chuck Gomes: Looks like Amr...

((Crosstalk))

Chuck Gomes: Go ahead, Amr.

Amr Elsadr: Yes, I have two action items. One to set up a poll to confirm the agreement reached on this call regarding whether the RDS should support telephone number and a postal address for registrants. The second action item is for staff to distribute the list of previously agreed to purposes ahead of next week's working group call's discussion or sort of briefing a refresher on those.

I wasn't clear on whether the suggestion for a drafting team to get together and discuss possible proposals for working group agreements...

Chuck Gomes: Yes.

Amr Elsadr: Yes, I wasn't sure that was an action item or...

Chuck Gomes: Yes, no it's not. Well it's an action item for anybody that would be interested in doing that in the sense if they - if there are a small group of people that respond after this meeting or in this meeting before we close then we would support that. But we need some volunteers. So if there are any volunteers to work on this idea of - some of the things that were proposed in this call, with regard to registrant address and phone number, that would be great. But it - we need some volunteers before that becomes an actionable item.

Amr Elsadr: Okay. Thanks. That's helpful.

Chuck Gomes: Okay. All right well thanks for that, Amr. And thanks, everybody. You know, we had some good discussion. We didn't make a lot of progress and hopefully in the next few weeks we will be able to pick up our progress rate. And I do support those of you who think we need to - it's past time to really go back to purposes because so much of what we're deciding really depends on the purposes and purposes will vary depending on the users as well.

That said, then, unless anyone has anything else, I'm going to I think for the first time, maybe the first time ever, I don't know, adjourn the meeting early

and thanks, everybody. Have a good rest of the week. Watch for the real short poll, even those of you who were on the call, we'd appreciate you to just confirm your agreement and certainly it's helpful for those who weren't on the call but it is also helpful to have the reinforcement from those who were on the call.

Thank you very much. I'll adjourn the meeting now. And we can stop the recording.

Julie Bisland: Thanks so much, Chuck. And, (Darren), can you please stop the recordings? Everyone, have a great day.

END