

**ICANN
Transcription
Next-Gen RDS PDP Working Group teleconference
Tuesday, 13 February 2018 at 17:00 UTC**

Note: Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at: <https://audio.icann.org/gnso/gnso-nextgen-rds-pdp-13feb18-en.mp3>

Adobe Connect recording: <https://participate.icann.org/p3iwfph8k10/>

Attendance is on wiki page: <https://community.icann.org/x/nAu8B>

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

Operator: Recordings have started.

Julie Bisland: Okay thank you. Well good morning, good afternoon and good evening everyone. Welcome to the Next Generation RDS PDP Working Group call on Tuesday the 13th of February, 2018. In the interest of time, there will be no roll call. Attendance will be taken via the Adobe Connect room. If you're only on the audio bridge could you please let yourself be known now? And I do have Daniel noted. If there's anyone else?

Susan Kawaguchi: Susan Kawaguchi.

Steve Crocker: Steve Crocker.

Julie Bisland: Susan, okay. And who was the other?

Steve Crocker: Steve Crocker. I'm in a car on the voice without the – terminal, without the screen.

Julie Bisland: Perfect okay.

Steve Crocker: I'm going to go on mute.

Julie Bisland: Thank you, Steve. Anyone else? All right, well hearing no more 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 any background noise. With this I'll turn it back over to our chair, Chuck Gomes. Thank you.

Chuck Gomes: Thanks very much. Welcome, everyone, to our working group call today. We'll jump right into the agenda after we give opportunity for any updates for statement of interest. Please raise your hand if you have an update or Susan or Susan – Steve's new so I think his probably is pretty current. So not – okay, Michele.

Michele Neylon: Thanks. Michele for the record. I did this already for the GNSO Council so any of the councilors can kind of ignore this since I already did this. I just made a minor update to mine a couple of weeks ago just simply stating that I'm no longer a shareholder in one company, I'm – since we did a corporate reorganizing, basically nothing anybody should really care about but it's done.

Chuck Gomes: Thanks, Michele. Anyone else? Okay, let's jump right into the agenda and the slides are up, note that you have control over the slides so you may move around as you like. Slide 2 is our agenda and that's also shown in Adobe in the agenda part of the screen in the upper right.

So let's go right into the resolution of our latest poll results. And if you go over to Slide 2 – Slide 3, excuse me, we're not going to spend a lot of time on this. Backing up a little bit, in mid-January about a month ago, we paused in deliberating on specific purposes to ask the question that's shown at the top of Slide 3. How will we decide whether any proposed purpose is legitimate for processing registration data?

Basically what we're trying to do, because at the time we were struggling making progress, was to try and define some criteria upon which we could measure whether a purpose was legitimate or not. We've been trying to do that for almost a month. It didn't work.

There was some leaning one way or another in several cases but this latest poll showed the leadership team that, you know, whereas maybe we're trending in a certain way for some of the things, there was really not strong enough case based on the results to declare rough consensus on any of the criteria.

So we decided not to spend any more time on that. Let's move on and we'll look at the cases one by one for purposes. You can see the results, if you haven't already seen them; they're posted on the wiki.

And so feel free to take a look at those. There were lot of good comments and we went through all the comments and so forth. I'm going to call attention to a couple I think fit into what we decided to do.

So the conclusion that the leadership team reached is that let's record the draft criteria which were deliberated upon without reaching rough consensus and then along with links to the related working group meetings, so all of that is documented, all of your good comments are documented and so on.

The three draft criteria are shown at the bottom of Slide 3. Again, we didn't – you can tell by reading those there are some alternatives written within those. And there's still been discussion going on on legal versus lawful but for now we're going to move on.

Now that doesn't mean that each of you cannot use rationales for anything that you put into the latest poll and previous polls to argue when we're looking – argue your point when we're looking for – at specific purposes and I'm sure you will and I encourage you to do that.

Two comments I wanted to call attention to. First of all, in response to question – excuse me – the second question in the latest poll, I thought that Steve Crocker made a comment that – I certainly relate to it – and think it's good expresses my thoughts pretty well, Steve, so thanks for it.

The – he said, I don't understand how the two statements different. And we're talking about consistent with ICANN's mission versus inconsistent with ICANN's mission. And he says, “Not consistent with is logically equivalent to consistent with.

More to the point, I don't understand why we are spending time on such a fundamental question. Everything we do has to be consistent with ICANN's mission.”

Now we're not going to – I'm not going to open up discussion on that. I read that because I think – and my comments were basically to say, you know, I could live with either way myself.

The point is we're going to have to check whatever we recommend against ICANN's mission whether you think it's consistent or not inconsistent. I'll let you decide that when we get there.

And then going to the last question in last week's poll, I thought Bradley Silver made a useful comment that I want to call attention to. And I don't mean that the other comments weren't useful, they just jumped out to me and I thought they were relevant to the direction we decided to go today.

And Bradley said, “If we cannot reach consensus on this, I do not think it will matter much since we'll debate each purpose and the relevance to ICANN's mission.

The functioning of the DNS and other criteria will undoubtedly be a natural part of that discussion regardless of whether we reach consensus on this statement or not.” And thanks for that, Bradley. I think that pretty much expresses what the leadership team decided to do.

Let’s move on and let’s look at specific purposes again as we are doing at the beginning of the year. Now if you – so go to Slide 4 and you’ll see a slide there for where we’re headed today.

And we’re going to go back to a poll question that we took on the poll dated the 30th of January, so a couple polls ago. And you can see that a link there if you want to look at that.

Question 3 asked working group members to express their level of support for the following. “The working group will treat the following non exhaustive list of purposes for processing registration data as possibly legitimate and will work to further flesh out data and user needs associated with these purposes.” And then there was the complete list of all the purposes that we focused on the last few months that originally came from the Expert Working Group okay?

And we – the definitions of each of those purposes, including the ones we’re going to look at today, are contained on Slides 12-15 if you want to go back and look at those on this presentation here, so you’re free to do that.

So the next step that we’re going to take is we’re going to move ahead on the four purposes out of that list – I think the original list was 9 or 10, and then we broke one up into three parts.

There were four that had the highest support based on that poll that we took on January 30, Question 3. Two of them we’ve already dealt with, that was technical issue resolution, there was 96% for that; domain name management, there was 96% for that.

And we actually – and you'll see a little bit more of that on a later slide, but we actually discussed data elements for – that should be collected for those. And so those are covered although we haven't gotten specifically into the users yet; that'll come later.

But the other two that ranked high were domain certification, there was 74% in that poll for that. And if we combine those who could live with that, remember that particular poll question gave you the option to support, I can live with or oppose it.

And so 93% could support or live with that. And domain name purchase and sale was another one that had 74%, a total of 85% support if you add in the I could live with it option.

So we're going to deliberate today on what you see there on Slide 4 as E and F, domain name certification, and if we have time, get started on domain name purchase and sale with the objective of seeing if we can reach rough consensus at least for those on this call on those two areas or at least one of them today.

Now if you go to Slide 5, and I'm sorry I'm doing so much talking but trying to get us moving in the deliberation today. On Slide 5 this is just a quick review of what we decided with regard to technical issue resolution and domain name management.

You'll see data elements that we agreed should be collected for those two purposes, and you'll see that tentative working group agreement 47 is in front of you there, for those not in Adobe, we had pretty strong support for technical contacts and if no technical contact is provided the registrant contact, name servers, domain status, expiry date and time and sponsoring registrar.

For the purpose of domain name management, the data elements that we thought were needed and therefore should be collected are domain name, registrant name, registrant organization, registrant email, registrar name, creation date, updated date, expiration date, name servers, domain status and administrative contact.

And for those of you in Adobe I apologize for taking the time to read through those but we have a couple people who aren't in Adobe and I wanted to make sure that they could hear those.

Now, before I leave Slide 5 and those lists of data elements that we have already tentatively agreed should be collected for those two purposes, keep those in mind because one of the things that we could decide on other purposes that may be there's not a reason.

And I'm not trying to predict what's going to happen in the working group or even predetermine that, but we may decide that another purpose is not just – is not a legitimate reason for collecting data, but we could decide that access could be provided for data elements that are collected for one of these purposes or any others that we decide to collect data on. So just keep that in mind as we're moving forward.

All right, going to Slide 6 then, we've already spent quite a bit of time, this was back in I think late December or mid-December and early January discussing domain name certification as a purpose for processing an associated data needs.

And hang on a second, I'll get to your hand, Jim. The – and so we're not going to rehash what we talked about. You'll recall that Rod Rasmussen and others helped us from the drafting team that had worked on this particular purpose.

And so one poll – the poll from January 9 is shown there and you can see there was pretty good support for this as a legitimate purpose for collecting registration data.

Excuse me, for not collecting the data but for using it for another purpose and then you can see on Choice B there it's legitimate purpose for requiring collection of registration data, but I wish to propose an alternative. There really weren't any big alternatives shown in that, otherwise we would have posted those comments – put those comments in this slide.

And then there were those who actually thought it was a legitimate purpose for collecting data, and that was about 1/3 of those who were polled or who responded to the poll.

Now the proposed working group agreement is shown at the bottom of Slide 6, excuse me, the definition that the drafting team came up with was for domain certification was, and again for those the sake of those not in Adobe, "Information to enable contact between the registrant or a technical or administrative representative of the registrant, to assist in verifying that the identity of the certificate applicant is the same as the entity that controls the domain name."

Now I'll stop there. Sorry, Jim, to keep you waiting so long. But let me call on you now.

Jim Galvin: So thanks, Chuck. Jim Galvin for the record. I also typed my question into the Adobe chat. But going back to Slide 5, and I apologize if this is getting a little off track, Chuck, so if you want to steer me into another time for this discussion that's fine.

But I'm looking at 47 and 49 and the data to be collected for the purposes of technical issue resolution and domain name management.

And I'm suddenly struck by the fact that DNS SEC information is not on that list. And I'm trying to figure out if I fell asleep or missed a call or, you know, how and when we somehow left those data elements off of this list and wondering if anybody can provide some information there. Thanks.

Chuck Gomes: Thanks, Jim. This is Chuck again. And it's not on there. It wasn't stated as a data element to be collected specifically for those reasons, although it would seem like it should be under technical issue resolution and domain name management.

I'm not sure why we left that off, but as you know, we have another tentative working group agreement that says that that information should be. So we will – that's covered in another area. We probably ought to think about maybe revisiting it.

We're not going to do that right now but let's make a note of that as an action item for the future to make sure we deal with Jim's very valid point because I don't remember the working group agreement number.

I probably have it somewhere here but I won't take the time in front of me, because I just this last few days went through and reviewed all of the agreements that we have reached and there's – so but anyway thanks, Jim, we'll keep that as an action item for the future.

Okay then, another – we did another poll, if you go to Slide 7, oh excuse me, before I leave the poll from January 9, the comments related to that poll are shown on Slide 7. I'm not going to read through all of those.

Apologies to those who aren't in Adobe because there's seven of them and it fills up the slide. So you may want to look at those – those comments came in there.

Now what we're trying to do is just bring you up to date in terms of where we're at with regard to the possible purpose of domain name certification.

And if you go to Slide 8, you'll – the drafting team that worked on domain name certification late last year prepared this – this is part of the table they prepared, we'll see a little bit more of it in a few minutes or when we start talking about the other purpose, domain name purchase or sale.

And you'll see on this table, and I'll try to describe it for those not in Adobe, the table lays out very clearly what registration is needed for a domain name. And the first column lists various elements of RDS starting with domain name name servers, domain status, etcetera, right on down to contact information, registrant contact information.

And then they check for technical issue resolution it – they just – they checked the elements that were – that they thought should be – that processing would be legitimate for the technical issue resolution purpose.

And then they did the same thing for domain name management, and there are more elements like you saw on Slide 5 that Jim just called us back to. And then the last column is the one you need to focus on for this discussion right now.

For domain certification, the drafting team listed there – domain name, registrant contacts, registrant – and underneath – and you've got the registrant email, registrant phone, registrant postal address and registrant country. So those are the elements, the data elements, that were suggested by the team.

Now before we talk about specific data elements, the – I want to take you back to Slide 6, okay, just to get the – we asked – we polled this question and discussed it in a earlier working group meeting, the one in red in the middle.

And it says, "Domain certification is a legitimate purpose for processing registration data based on the definition," that I went over earlier and it's at the bottom of Slide 6.

And what we would like to today is discuss that, see whether there's agreement, disagreement, on that and then if possible confirm that via a poll later this week. Let me go to Kathy.

Kathy Kleiman: Hi, Chuck. It's Kathy. Can you hear me?

Chuck Gomes: You're a little bit – your voice is coming through quite low, Kathy.

Kathy Kleiman: Okay, I'll try to raise my voice, how's that?

Chuck Gomes: It's still low but go ahead.

Kathy Kleiman: Okay, and I'll dial back in so I have a clearer line. I wanted to go back to the initial – okay, and this may be me, but I'm confused. That whether domain name certification is a purpose for – I assume we're talking about collecting and processing, right?

((Crosstalk))

Chuck Gomes: No, no. We're not necessarily. Okay? So very important question you're asking, Kathy. This is Chuck again. We specifically here used the word "processing" and we're using the GDPR definition for processing, one element of which could be collection, but it could be storing, it could be access or limited access and so forth.

So the definition of processing includes lots of elements. It does not necessarily mean collection. We're going to have to get to the point of deciding whether – and you can see the poll questions – the poll that I just

went over – that’s what we were getting at is, is this purpose legitimate for collecting any data elements? And 33% of the people in the poll said yes.

But a larger percentage...

((Crosstalk))

Chuck Gomes: ...about 66% or so thought that it was only – it was not legitimate for collection but it might be legitimate for some other type of processing.

Kathy Kleiman: Okay so let me just say logically 66%, the answers to A and B, were that domain name certification is not a legitimate purpose for requiring collection of registration data.

So I’m not sure where the data we’re looking at comes from because we haven’t authorized it for collection. And then that 66% but maybe, and that maybe isn’t really defined, and yet it comes through as the proposed working group agreement that domain name certification is a legitimate purpose for processing even though 36% said no, you can’t collect it but maybe – it just doesn’t make sense logically to me.

And I should point out that as I understand it, domain name certification likely happens at the registrar level and it’s not necessarily something ICANN has to perform nor the registries. So logically I don’t understand how we got to this agreement when we’re talking about...

((Crosstalk))

Chuck Gomes: Kathy, I don’t know what agreement you’re talking about. We haven’t come to any agreement.

((Crosstalk))

Chuck Gomes: We did a poll, so the data you see is from that poll. So I don't understand why you don't understand the source of the data. And the results of that poll, and only 24 people responded, that's – okay. So we haven't reached any conclusion on whether domain name certification is a legitimate reason for some sort of processing yet at all. And definitely we have not gone further and made any decision whether it's a legitimate reason for collection.

The proposed – notice the word “proposed” – okay, working group agreement that we would have to confirm by a poll is the one in red there, domain name certification is a legitimate purpose for processing registration data based on the definition from the drafting team. Does that clear up your confusion, Kathy?

Kathy Kleiman: No, because I don't understand how we've collected the data to begin with.

Chuck Gomes: Well it's – okay, I'm really confused what you're missing here. We collected the data by sending a poll to the full working group, all 200 plus members, and 24 people responded giving us the data that you see. What is there not to understand?

Kathy Kleiman: Different data, Chuck. I don't understand how we can process data that we haven't defined a legitimate purpose for collection of. It seems like we're just leap-frogging a key issue which is are we allowed to collect this data for this purpose? And it seems like 66% of the working group said no.

Chuck Gomes: No, 66% of 24 people said no.

Kathy Kleiman: Okay. So domain name certification is not a legitimate for requiring collection of registration data, that's 66% of people agreed to that so I'm not quite sure...

((Crosstalk))

Chuck Gomes: Kathy, our purpose now is to see if we can reach some sort of a tentative agreement like the one that's in red because 24 isn't a very good sample of our working group.

And of course keep in mind these aren't votes and these aren't final decisions, that's why we use the word "tentative" or "rough consensus." So I suggest that we move on because I think we will get to where you're concerned about, not sure because I'm not clear on why there's the confusion.

Let me go to Michael Hammer.

Michael Hammer: Thank you. Michael Hammer for the record. I just wanted to reemphasize something that you have alluded to several times, Chuck. What we're talking about when we look at these responses is a subset of a subset of a subset and we have to be very, very careful in making any claims that the percentages, the top result, whatever, is representative of anything meaningful. From a statistical perspective it is absolutely not significant.

And we as a working group have to be cognizant of the interests of the Internet as a whole. And I know that GDPR and privacy has pretty much dominated everything related to this group. But it is not the end and be all of what ICANN's mission is or this working group's mission is. So we need to be very, very careful. Thank you.

Chuck Gomes: Thanks, Michael. And of course that's what you're saying is why we call these tentative agreements, and rough consensus agreements. If we were to make them official agreements it would take us about 10 years longer than – to make any progress then it's already taking us. So thank you for that.

All right, so let's discuss the agreement in red there, that domain name certification is a legitimate purpose for processing, and please don't assume collection when we say "processing" for now, we can get to collecting later,

but do you support that? Do you not support it? Can you talk about why or why not? How do you feel about the statement, “domain name certification is a legitimate purpose for processing registration data,” based on this definition.

Now you can respond if you're one of the people that responded to the poll on January 9, you can respond if you didn't respond. But is that a statement that we can tentatively agree to as long as we're not saying it means collection? Does anybody disagree with that statement as it's written right now? If so, please indicate so and raise your hand, please, and explain why you disagree.

Okay, so I'm assuming that there's no one at least on this call, and we have about 45 participants, that disagrees with that statement. Now, since, and I don't know, leadership team keep me straight if I go astray here, but since Kathy brought up the issue of collection, and this I'm going to do a – and keep – these polls are informal, they're not votes, let me repeat that, okay.

If we were to do official votes every time you'd have to go back to your stakeholder groups and interests groups and consult with them. And again, we'd add another decade to our work.

But we're trying to get a general sense of where the working group is as we move along and try and make some progress that way. So if we were to focus on collection, now by the way, let's test that statement in a poll this week, the one in red, using the word “processing, okay and Lisa does a good job of making sure everybody understands what processing means and doesn't mean in the poll. So that's an action item, okay.

Now, how – so if we – how many of you think that domain name certification is a legitimate purpose for collecting some registration data? And what I'd like you to do is put a green checkmark or a red X – red X if you don't think it's legitimate for collecting any data – and a green checkmark if you think it is.

So we have people putting their things in there. Let me start with some of you who think it's not a legitimate reason for collection. And you can continue to put your green checkmarks and red Xs in Adobe.

And Steve Crocker and Susan Kawaguchi, if you want to speak up at any time just speak up if you want to get your opinion in or want to say something.

So Ayden, tell me why you think it's not legitimate for collecting data, a legitimate reason for collecting data. You're on mute, Ayden, according to the Adobe there. Still on mute.

Ayden Férdeline: Hi, Chuck. This is...

Chuck Gomes: There we go.

Ayden Férdeline: Hopefully you can hear me now.

Chuck Gomes: Yes.

Ayden Férdeline: No, I was persuaded by the argument that Kathy put in the chat a few moments ago that it makes no sense to process data that you're not allowed to collect.

Chuck Gomes: I'm sorry, what's your reason for saying it's not legitimate for collection? I didn't get that. Maybe somebody else can help me out there. Okay, let's go to David Cake. David, would you explain why you think it's not a legitimate reason for collection?

David Cake: Yes, sure. Literally I think the domain name certification system would continue to work pretty much exactly the same as it would if we did not collect the data.

And so that makes the case for collecting the data – for the domain name system, very, very weak. I mean, it's sort of – you know, I don't think anyone who is – not sure who anyone who needs to get a certificate currently would not be able to get one if we did not allow collection for the data enough that's really hard to make a case that we should.

Chuck Gomes: Thanks, David. Chuck again. And that's pretty much the case that the drafting team that worked on this purpose I think communicated. And we discussed with the drafting team their thoughts and so forth. Appreciate that. Jim Galvin, go ahead.

Jim Galvin: Thanks, Chuck. Jim Galvin for the record. While I draw a careful distinction between whether ICANN is in the certificate business and ICANN's mission and purpose is in the certificate business or not.

I actually don't necessarily agree, I don't agree that domain name certification is even a good purpose for processing, but I'm on the side of not opposing it. So I think that that's fine, I'm willing to let all that pass.

You know, my feeling is that what the certificate business is trying to do is to confirm that someone owns a domain name by using registration data and, you know, requiring that registration data to come from some, you know, external service.

I think the certificate business should support itself and it will certainly hum along merrily without this data, you know, without requiring us to collect it. I think they have other avenues for getting that information and I just – I simply draw that careful line.

I don't mind the information being used, I'm not going to object to that since we already have it, but it's not a reason to collect it because we're not in the certificate business. Thanks.

Chuck Gomes: Thank you, Jim. Kathy, your turn. And I'll get to –oh there was a hand up, I see it's gone down. Okay.

Kathy Kleiman: Okay, I note that I didn't have my hand up but agree with what Jim Galvin said and this is not, you know, ICANN's not in the business. And it's my understanding that domain name certification can be done at the registrar level and that it's not something ICANN has to do or the registry has to do.

And I'm still completely baffled by how we can process data we haven't collected so until we come up with a purpose for the collection I can't even comprehend processing it. So since we haven't – since clearly we haven't agreed there's no consensus on collecting the information for this purpose, I don't how we can process it. So thanks.

Chuck Gomes: Thank you, Kathy. And if you can please put your – if you're Adobe raise your hand and share your comments. Now I'm going through the Xs right now.

I'm having, as usual, trouble keeping up with all the chat and managing the queue and listening so Lisa pointed out to me that someone asked for – about the difference between optional collection and requiring collection. And right now we're basically focusing on requiring – is this is a legitimate purpose for requiring collection of certain data elements which we would have to define later. I hope that helps that.

Somebody in staff wants to clarify that I'm way down in the queue so I won't see if you raise your hand. Let me look up. Okay, I don't see anything there.

Okay, very quickly then, Stephanie. Stephanie are you on mute? Doesn't look like it in Adobe but we're not hearing anything.

Stephanie Perrin: Hi, can you hear me now, Chuck?

Chuck Gomes: Yes, that's good.

Stephanie Perrin: Stephanie Perrin for the record. Sorry, the Adobe. I basically agree with the explanation that Jim just put in the chat, this is an ancillary product that is not the core purpose and while it may be useful for all kinds of purposes it's not necessary and therefore I think his explanation was excellent.

Nothing brilliant to add to that, except to say that this rationale applies to every other purpose that we are dragging in (unintelligible) here.

Chuck Gomes: Thanks, Stephanie. Tapani.

Tapani Tarvainen: Thanks, Chuck. I have very little to add pretty much in the same lines but just a general notion that since not everybody needs to (unintelligible) anyway, so it should not be a mandatory piece of data that we can require, otherwise just agreeing with Stephanie and Jim Galvin and others.

Chuck Gomes: Okay. Thank you. And Volker. Volker, are you on mute? Okay, we're not hearing anything. Okay. All right so rather than go through one by one like I did, and I hope this doesn't seem leaning one way or another, I'm going to ask those of you who put green checkmarks, those of you who are willing to raise your hand and explain why you think it is a legitimate reason for requiring collection of some data. So raise your hand.

Now, Bradley, you hand up and it went down, did you want to add something different? I'll – put your hand back up if you still want to talk, okay. All right, Greg Shatan, you're first.

Greg Shatan: It's Greg Shatan for the record. First as I said in chat, I think the idea that we're looking at what business, quote unquote, ICANN is in with regard to collection for RDS really to my mind ignores the fundamental reason for RDS, which is that it goes beyond kind of the registry registrar registrant relationship which really doesn't require RDS at all and information is

generally gleaned from other sources for that relationship or relationships when necessary.

It really, you know, is and always has been for larger purposes, third party purposes. ICANN is very much in the security, stability and resiliency business, certificates are very much a part of the security and trust aspects of Internet implementation.

Seems to me makes it absolutely, you know, legitimate purpose for collecting and, you know, from there storing, processing, etcetera. And I think it is, you know, the expectation of anyone purchasing a domain name that they may wish to have certification.

More to the point that anybody –everybody else with domain names and without domain names is expecting that a large portion of domain names will seek certification and that is, you know, part of the DNA of the DNS so to speak.

So until somebody comes up with, you know, some other solution that basically obsoletes certification it's very much core to how the Internet works and how – what people expect, you know, should be available in order to make that work. ICANN is in the facilitation business more than anything else; it's not really in any business per se.

We don't have to go down that as a rabbit hole but I think very much we have to focus on how it's, you know, we're here and not just as ICANN but as a body to facilitate the, you know, activities on the Internet. And that's very much why Whois exists and, you know, that everything kind of flows from that. Thank you.

Chuck Gomes: Greg, I want to follow up a little bit so – and if you can mute for a little bit, I'll let you come back in. You and I are two people when we're both on – off of mute we get echoes, sorry about that.

But okay, so you say ICANN's in the security business, so in other words, anything – and I'm playing devil's advocate, okay, so anything related to security should be included? Is that what you're saying?

Greg Shatan: I don't know that I would, you know, push it out to that generalization that anything relating to security is included. I think we're looking here at a specific aspect but I certainly would not be prejudiced against that especially, you know, as it regards to, you know, resolution of domain names and, you know, flow of packets and all of that good stuff.

Chuck Gomes: So tell me Greg, what does...

((Crosstalk))

Chuck Gomes: By the way, I'm not taking a position one way or the other, I'm trying to see if we can get some common understanding and come to sort of agreement. But what do domain name certificates have to do with domain name resolution? You said "domain name resolution" that's why I'm using that.

Greg Shatan: Looking at the idea of, you know, that when you go to a Website as a user and seek to enter that Website, the certificate allows you to essentially know whether it's safe for you to get there, whether, you know, if we don't want to call that resolution if that's something else, that's something else.

But, you know, I know that in my current lockdown environment if I try to go to a Website where the certificate expires or doesn't match, you know, do certain matches, I cannot get to that because my system is designed to keep me safe.

And that includes, you know, going, you know, using the DNS to go places on the Internet that a certificate-based security system tells me are safe and not

go into places that don't. So that seems to me to be very much part of the whole, you know, system of security and trust.

Chuck Gomes: Okay. Okay. Let me go onto someone else. I'm not sure you've convinced me that it has anything to do with domain resolution. I understand the value of certificates, I don't underestimate that at all. But I didn't see the connection with domain name resolution. Bradley Silver, you're next.

Bradley Silver: Thanks, Chuck. This is Bradley. I think just to echo some of the points that Greg made, I can't really address the resolution point, but you know, GDPR and other data protection laws also encourage and mandate accuracy so it would seem to me that, you know, and accuracy is of course an important component of ensuring safety and security and, you know, the ability for consumers and for users of the domain name system to know who they're dealing with particularly when it comes to sensitive information or sensitive transactions that take place.

So, you know, a number of those elements are addressed directly in ICANN's contractual arrangements with contracted parties in the context of prevention of abuse, duty to investigate and respond appropriately.

And it seems to me that there's a number of hooks and touchstones for this to be very much in ICANN's bailiwick, if not its central purpose but certainly closely linked to a number of activities that ICANN – that are central to ICANN's purpose.

Chuck Gomes: And can you be specific, Bradley, in terms of those specific purposes of ICANN?

Bradley Silver: Well, the prevention of abusive activity using the DNS, using, you know, in the context of DNS registrations themselves.

Chuck Gomes: Now that – keep in mind...

((Crosstalk))

Chuck Gomes: ...that's a purpose we're going to get to.

Bradley Silver: Sure.

Chuck Gomes: We as a working group haven't covered that yet.

Bradley Silver: Understood. But this is a tool – this is a tool that many use to improve trust and deter abuse and to address abuse.

Chuck Gomes: Okay. Michael Hammer.

Michael Hammer: Thank you, Chuck. Michael Hammer for the record. It may be that we're talking past each other. So I notice in the chat Volker had stated that until somebody is looking for – I'm trying to find it. But if he does not, until he does there is no need to – and I'm assuming it implies to collect for this purpose or process for this purpose.

And I think that's a given. So while I believe that it's a legitimate purpose it is not a standalone purpose that you have to collect the information from everybody if they're not getting a certificate.

But if they are getting a certificate it is legitimate to process, to collect, etcetera, etcetera. So it may be that because of how it's been defined for the question it's not clear, no, it's not being collected from every individual for this purpose or from each registrant, but it is a legitimate purpose if the registrant is getting a certificate and it supports that.

Chuck Gomes: Thanks, Michael. So in other words, instead of – you would, if I can rephrase what you said hopefully accurately, I know you'll set me straight if I don't. But so it would – it's legitimate for allowing optional collection, optional for the

registrant, but not mandatory for everybody would be a compromise, is that right?

Michael Hammer: I don't see it as a compromise but I see it as a purpose when that purpose is applicable.

Chuck Gomes: Okay. That's good, thanks. Michele, and I'll get back to John. I don't know how the queue got out of order there, but anyway, go ahead Michele.

Michele Neylon: Yes, thanks Chuck. I think part of the problem is everybody's got ticks and crosses and everything which is completely messing up its ordering of people. I think people are conflating and confusing multiple things here and I also have the strong feeling that this conversation is going nowhere fast.

We had previously agreed that technical resolution was perfectly valid and that we didn't have a problem with that. And I think there seems to be a bit of confusion around using data that one might already have versus going off and collecting it specifically for that.

And I think there is general agreement on a lot of that, but we are actually kind of arguing about it because unfortunately it seems to be a thing that this group is very good at doing.

Also I think some people are confusing or possibly conflating SSL certificates with DNS SEC which, you know, DNS SEC is that which will tell you that you are actually going to the correct Website; an SSL cert means that somebody has an SSL cert, it doesn't mean the Website is secure.

If anybody's been following what's been going on in the cyber security space over the last few days, there's been a whole load of government websites on both sides of the Atlantic that have been quite happily serving up malware to users even though there is an SSL cert on those sites. So I think that we need to really have a reset on some of this.

Look, I think there was agreement previously that technical resolution was valid and I think, you know, Jim and others have made some very, very valid points but other people trying to kind of conflate various technologies together and mix and match various bits from ICANN's mission statement isn't particularly helpful. Thanks.

Chuck Gomes: Thanks, Michele. John, you're next. There you go.

John Bambenek: You know, yes, yes. The whole point of this domain system is for basically to delegate the rights of everything under a domain space. You know, to explicitly identify an organization that controls this stuff of DNS that's purpose is to communicate and enable other services.

There's only two reasons you register a domain, because you want some kind of communication with somebody or you want to prevent it, right, you know, in the case of brand abuse or whatever or takedown.

So everything else is built upon top of that so just saying oh, you know, we're going to say it's just about conferral of domain names or just enabling DNS queries to work, and this is the point, that this isn't a system unto itself everything is derived off of it, right, web traffic, mail traffic, and, you know, TLS certificates as distinct from signing certificates.

The whole point of a digital certificate is to sit there and say the person who gets this is who they say they are, right? DNS or I should say registrant details are an important part of that because for TLS it does use DNS-based indicators; you can't just get a certificate that says okay, I'm going to encrypt everything and encrypts for a given host name or a given – a wildcard domain or things of that sort. So this does have a role.

Now Rod, I think made a good point of getting actual beta about how prevalent that it is used. But, you know, I would love to see that data if we can

get it. But even less encrypt that does very little in terms of the way of authenticating still looks at CAA records enabled in DNS.

So I think there is a role there, there's a legitimate purpose and we ought not to be taking tools away because the entire security of TLS is based on authenticating the person who has the certificate you know, is who they say they are. So I don't think we should be in the business of making that less secure because that will have greater impact to privacy than not.

Chuck Gomes: Thank you. So I think Rod made this in the chat – this suggestion in the chat and Michael Hammer I believe is the one that made the suggestion verbally.

But is a reasonable way to approach this taking away the required collection and making it optional for the registrant so that if it is applicable, as I think Michael said, it's a legitimate reason so we could collect it on an – collect it on an optional basis for the registrant if they wanted to do that. What do you think about that? Is that a solution for our dilemma right now?

Because I think several people are right, we're kind of going nowhere or have been, but this may be a way out that actually works. What do you think? Some of you who were – anybody who was opposed to this as a reason for collection would you still be opposed if the collection was optional at the registrant's discretion? Jim.

Jim Galvin: So Jim Galvin for the record. Thanks, Chuck. You know, frankly I'll just make a more general comment and say that I'm not opposed to anything being collected optionally.

I mean, you know, a registrant can agree to do it or not agree to do it. I think the real question becomes whether or not what you're saying is, you know, is that particular registrar going to, you know, deny you service if you don't provide optional information but maybe that's a business issue and we shouldn't solve that here anyway.

But sure, optional collection of virtually anything ought to be allowed. I don't see why we'd stop it. Thanks.

Chuck Gomes: Thanks, Jim. Anybody else want to comment on that? Would – is it reasonable to poll on this? Is that a new hand, Jim or is that – let me ask those who still have...

Jim Galvin: New hand, Chuck.

Chuck Gomes: ...Xs in the chat to remove those because – please, thanks. Go ahead, Jim. Were you going to say something?

Jim Galvin: Yes, I was, Chuck. Thanks again. I did have an issue as I was thinking – I was speaking faster – a little faster through it all but something occurs to me about optional data. You know, the interesting part of all of this as to whether something is optional or required comes down to whether it's coming from ICANN or if it's just coming from the registrar.

You know, if something is optional then that basically means that to be a registry service provider you have to support collecting everything, right? You don't really get to make choices because otherwise there are registrars you can't work with or there are TLDs that, you know, you can't support unless you're going to be a one-TLD service provider.

So when I say that collecting anything, you know, for optional purposes ought to be allowed that really does draw a hard line between registries and registrars because it means a registrar can do, you know, lots of interesting things and do lots of stuff optionally.

But if, you know, optional is really intended to carry all the way up into the system, all the way up to the ICANN side and a registry has to have it, right now we still have the registry as a centralized collection point, right, and the

registry still escrows everything, there's no real such thing as optional to a registry; there's only optional to a registrar. Does that make sense? I just wanted to make sure that total information was on the table here. Thanks.

Chuck Gomes: I think so. Thanks. David Cake, you're next.

David Cake: I just wanted to make two points. One is about the, I mean, there seems to be creeping in a little confusion at least I'm feeling a bit confused about information that is in the DNS rather than the RDS. And of course – you know, I mean, the whole point of the DNS is the information in it is publicly available.

And so it just sort of came up with John talked about, you know, Let's Encrypt which is an example of a certification authority that uses information that is only in the DNS, the RDS is completely irrelevant to the way Let's Encrypt functions.

And I think that's creeping in with – I'm not sure, I still don't really understand where James is talking about DNS SEC as well, that seems to be something that's going within the DNS system rather than, you know, if we're talking about RRs in a zone file it's not the RDS.

And if – the other point that I wanted to make is just a sort of general one about a lot of the arguments here are very sort of absolutist in terms of you know, if this is related to security and security is a legitimate purpose than of course we must support it.

There is going to be – or maybe we consider the weakness of the case or weak versus strong cases and the case essentially here is that for – for the DNS certification is that if information sort of makes essentially a business related to security mildly more efficient that makes it automatically legitimate.

I don't think that's the case, I think when we're talking about privacy law sort of making something mildly, you know, optionally mildly more efficient is – it may not be enough of a case to make it a legitimate for collection for, you know, privacy law. And we sort of have to consider that I think, we can't just sort of work in a very absolute.

Chuck Gomes: Okay. Thanks, David. I'm going to call on Steve Metalitz next, but I want to call attention to what several people I think have said in the chat. It probably doesn't work for us to just make it optional for registrars to make it optional, okay. That would, as somebody said, determine which registrar you pick whether they would give you that option or not.

But I think Marc Anderson and following up I think on what others have said, I think said it pretty well. Optional to offer but required to support.

So if we were to come up with a requirement and ultimately a policy that those registrants that wanted to make some DNS – RDS information available they would have that choice. We'd probably have to require that registrars all provide that option.

Now not necessarily, I mean, that's something we'd have to decide when we develop the requirement. But I think that is an important distinction. Yes, and John, thanks for the comment in the chat there.

So let's – David, I assume that was the hand you just had up, David, so I'm going to Steve Metalitz now.

Steve Metalitz: Yes, thank you. This is Steve. Just to put another perspective on what Jim was talking about and what you just said, Chuck, it also works the other way. I mean, there are many registries that are currently required by their agreements with ICANN to collect certain data that other registries aren't required to collect.

And in some cases to display data that other registries aren't required to display. So I don't have a specific example but in the medical area, in some of the financial top level domains, you know, you have to –if you want to register in those domains you have to provide some data that show that you're entitled to do so, that you meet the eligibility requirements to do so.

So it's not totally up to the registrant to decide this; the registry in some cases has to have the ability to collect data that may not be required by other registries. And similarly, if you're a registrar, and you want to detail registrations in those domains you have to collect that data.

So however it's phrased and maybe the phrasing we've got here is sufficient about mandatory – optional to collect but mandatory to support or something like that it isn't just up for the registrant and it isn't just up to the registrar because there are many registries that have restricted eligibility and they require to collect data and in some cases display data that demonstrates that eligibility. Thanks.

Chuck Gomes: Thanks, Steve. And you're absolutely right, there are special requirements for some TLDs and those – there would have to be enough flexibility in whatever we might come up with as a requirement and ultimately a policy to accommodate those variations.

So is anybody strongly opposed to us polling on this formulation of required or mandatory to support but optional whether to provide – and I didn't word that very well but anybody opposed to that? Kathy.

Kathy Kleiman: Yes, I'm opposed to it because I don't understand how it works with the GDPR.

Chuck Gomes: I didn't hear all that, Kathy.

Kathy Kleiman: Okay, let me move to a different part of the house.

Chuck Gomes: Okay.

Kathy Kleiman: I get better signal here. I'm opposed to it because I don't understand how it works within the logic of the GDPR. The GDPR you have to have purposes for collection and processing and here we're going down a different path which is optional.

And I, you know, I'd love to hear from people who work closely with the GDPR on how that optional path goes and whether it's part of our conversation now or part of a conversation a year from now when we finish the mandatory.

Chuck Gomes: So, Kathy, this is chuck again. I guess I don't totally follow your logic because we could come to a conclusion that a purpose for collecting some RDS data is to support CAs, certificates, for those who want, you know, to get a certificate. Why is that not fine?

Kathy Kleiman: Because that's a consideration of registrars can take for themselves. They're collecting credit card data too and we're not dealing with that. What we're talking about here as I understand it is purposes for ICANN to require the collection and processing of data as the co-controller.

And ICANN is not a domain name certification authority, it's not part of the requirements anywhere that ICANN do this or ICANN require anyone to do it. So this data seems to be outside of processing, collecting and processing personal data requiring that is outside the scope of what ICANN does.

And so I don't quite understand the whole optional thing. That just seems to be outside the scope of what we're looking at. Thanks.

Chuck Gomes: Okay. All right, and we're going to have to come to some sort of agreement as a working group whether we think it's outside or not and we clearly have

differing opinions on that. Lisa, would you – knowing that you have come up with a possible working group agreement on collection, would you put that in the chat for everyone if you haven't already done so so we can at least focus on that.

And I understand that there's some people, like Kathy just said, that probably will still not like this, but we could poll on it.

Okay, I'm just reading some chat so, okay. If we poll on it of course we can get some more specifics in terms of that. So I'm just looking at Justin's comment.

All right, let's – so look at Lisa's possible working group agreement on collection, domain name certification is an opt-in purpose for collecting data at the registrant's choice that is required to support collection but collected at the registrant's choice. Okay.

And then she did a simplification of that later. I think what I'll suggest is that we go ahead and poll on that, and I fully understand that we're going to have mixed views on that. But we will do that and keep in mind Steve's point that he made verbally and again in chat that it's not just the registrant's choice.

And let's, in the meantime, go over to Slide 8 and Rod Rasmussen, I'm going to pick on you here if you're still on here. So not Rod, I'm sorry, not Rod, I'm probably going to pick on David Cake and anybody else from the drafting team that worked on domain name certification. On Slide 8 you see the data elements selected by the drafting team.

Now keep in mind that the drafting team definitely did not recommend that these data elements be required for collection, but they would be the applicable ones.

David, could you explain for us what that X means in this table on Slide 8, so you have domain name, registrant email, registrant phone, registrant postal address, registrant country all marked. What did the drafting team mean by identifying those data elements?

David Cake: We looked at the – mostly what domain name certification was we looked at the defined processes and requirements from the certificate authority browser fora documents about what you have to – what a, you know, a certificate authority needs to do in order to issue a certificate.

And if that bit of information was referenced in the process essentially anywhere at all we put that information – that's basically what an X means, at some point in the process that information was directly relevant.

Now for – rather was directly relevant but rather was required – or there was an – that information was obtaining it from the RDS was directly relevant.

So for example we mention registry email and phone because that is mentioned as in the process as, you know, a way that you can verify that the – one of the parts of the process had to identify that this person is actually from that domain and send something to the email that's – says the registry contract, but we didn't put in, for example, registrant organization because even though registrant, yes, the organization that the – has registered the domain is very relevant they are literally required not to get that information from the RDS.

So that's basically what an X means in that case. If the process specifically mentioned getting that information from the RDS, then we put an X there basically.

If the process – whether or not – if they referenced that information but for some reason, you know, required not to use the RDS, then we didn't. Thanks.

Chuck Gomes: So, David, I need some clarity here. So let's look at registrant phone, for example. I know that you guys didn't recommend the registry phone be collected, or I think I know that, that the phone number be collected for the purpose of domain name certification.

But did the drafting team – I mean, is that an item if it's collected for another reason that would be a legitimate reason for providing access to the phone number?

David Cake: I'm – again it's one of those things where I can – and actually I don't recall off hand the phone – where that's mentioned in the documentation. But I...

((Crosstalk))

Chuck Gomes: Let see if Alex can help on this. Go ahead, Alex.

Alex Deacon: Yes, hi Chuck. So well let me take a step back. If you look at Slide 8 I think everyone can agree that technical issue resolution, right, is legitimate for collection and processing.

If we then switch to, you know, the issue at hand which is domain name certification, you know, the question is is, you know, if data collected for technical issue resolution can satisfy the needs of domain name certification I think it's important that we ask ourselves, you know, can that data be used, is it a legitimate interest that that data be used for the processing for that use case, domain name certification.

And then I think the – and then third part of this is this kind of optional or the opt-in part which you'll see, you know, there's some information there, registrant email, I mean, you know, is collecting this information optionally based on consent, and I understand it's complicated but it's a tool that the GDPR provides, you know, can that data be collected if the registrant needs a certificate that requires those fields?

So it (unintelligible)...

Chuck Gomes: You're breaking up, Alex.

Alex Deacon: Sorry. Just getting to a point where we have the poll questions right I guess is the challenge. Thanks.

Chuck Gomes: Yes, yes, which is typically the case. All right, anyone else want to comment on Slide 8? I'm not sure I still understand what the Xs mean in the table on Slide 8, so maybe somebody can help me understand that later.

Alex Deacon: Oh, Chuck, it's Alex.

Chuck Gomes: Go ahead.

Alex Deacon: I could give that a shot. In the rules in the requirements regarding authentication in the CA browser forum which is a, you know, a group of CAs and browsers, they specify several methods of how one can authenticate and verify someone who has asked for a certificate.

And there's lots of ways to do that. You can send email to the registrant email, you could actually phone the telephone number in the Whois database. And so I think what we did is we went ahead and anywhere within the CA browser forum basic requirements or baseline requirements that indicated a specific field could be used in the Whois system we placed an X there. That's basically what we did.

Chuck Gomes: Oh okay. So it's really saying, from the CAB perspective those data elements are often used; it's not suggesting that access or any sort of processing is justified for this purpose in the RDS, is that right?

Alex Deacon: I'm not too sure I would phrase it that way but yes, they're basically saying if the data is available in the Whois...

((Crosstalk))

Alex Deacon: ...here's how it can be used.

Chuck Gomes: Yes, okay. No I like the way you said that, that helps me out, okay. Okay, all right so we have a couple possible statements, one probably is going to have a lot stronger support than the other.

But please try – because we're trying to reach common ground on these things, I hope that everyone will try to be constructive and explain your rationale in a way that has a chance of convincing others to your point of view and in some cases maybe that's impossible but try because we need to find some common ground to move forward on this.

And hopefully we'll get enough data out of the two poll questions in this week's poll to at least decide – make some tentative decisions as a working group with regard to domain certification as a purpose.

So please participate in the poll when it comes out and that hopefully will be later today. And I will – so that's definitely an action item for the leadership team and staff to come out with that.

I'm not going to go ahead and get into the next slide, which has to do with domain name purchase and sale as a possible purpose but we'll cover that, we'll plan on covering that next week in addition to following up on the domain certification possible purpose.

Our meeting next week is at the alternate time so for those of you in the Asia Pacific region, and the like, is – it'll be at a more desirable time; for a lot of the

rest of you it won't be, but I hope you'll try and participate anyway so that we have a good representation on the call next week.

The people from that region put up with really undesirable times three or four times out of the month, we only have to do it once, those of us that are not in that region, so please try to participate on that.

Is there anything else – I'm looking – anything else we need to cover? We're looking ahead, I'll just mention this, that right now and the ICANN schedule for Puerto Rico isn't totally finished but right now we're looking at Saturday morning and Wednesday afternoon for working group meetings.

And the working group meetings will be open to everyone including those who aren't members or observers. And – but we're going to really try to make those – take advantage of those sessions to get real work done and continue to make some progress in Puerto Rico including with participation remotely for those who can't be there.

Is there anything else – Alex, is that a new hand? Okay. Is there anything else we need to cover before I adjourn this call? Okay, all right, well thanks, everybody, and look for the poll, participate in it and we'll see if we can make a little more progress on the results from that poll. That said, the recording can stop and the meeting is adjourned.

END