

**ICANN
Transcription
Next-Gen RDS PDP Working Group
Tuesday, 14 November 2017 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: <http://audio.icann.org/gnso/gnso-nextgen-rds-pdp-14nov17-en.mp3> Adobe Connect recording: <https://participate.icann.org/p5ch7cim4n5/> Attendance of the call is posted on agenda wiki page: <https://community.icann.org/x/KgByB> The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page <http://gnso.icann.org/en/group-activities/calendar>

Coordinator: Recordings are now started.

Julie Bisland: Great, thank you. Well good morning, good afternoon and good evening, everyone. Welcome to the Next Generation RDS PDP Working Group call on the 14th of November 2017. 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 would you please let yourself be known now?

Rene Steiner: Rene Steiner.

Julie Bisland: Okay, thank you. Okay, well hearing no further 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. And with this I'll turn it back over to Susan Kawaguchi.

Susan Kawaguchi: Thank you so much, Julie. And this is Susan Kawaguchi for the record. And Chuck is on vacation so I'm filling in for him today. And luckily he oftentimes when he's out and about he still will take the time to run the call but this way he gets an actual vacation, which is good for him.

So are there updates to the SOI - to SOIs? Okay, seeing no hands, I'm assuming there are not. And so our first order of business today - and I don't know if everybody has full capability - is to present all the possible purposes and address three questions that the leadership came up with. As you all are familiar with, or a lot of you, we created drafting teams to look at nine different purpose - or use cases. And out of that work we determined a definition for the use case and data elements and the users.

So what we're going to do today is do a brief review of all of those cases and answering - each of the teams will answer the three questions there. We've asked them to give a concise single sentence version of proposed - or purpose definitions using the format that the leadership team came up with. And briefly describe any changes that you've made in the purpose document since the Abu Dhabi meeting. As some of you attended that meeting or remotely, you'll know that we spent quite a bit of time on reviewing all of these, and had, in my opinion, really good discussion there.

And then - and then also be available to answer any questions that the working group might have. So if you scroll to the next page, you know, just a reminder why we are discussing purposes we all have seen that the GDPR and all of our deliberations that we run into the questions that run - depend on purpose, that's one of the key components of the GDPR is the first ask is what is the purpose of collecting the information.

And we, you know, the Whois Review Team and the first Whois Review Team ran into that problem and also the, you know, the SSAC report, blind men and the elephant. So that's why the Board tasked the working group with answering the question of purpose, and you see that there in the handout.

So clearly defining each possible purpose is a prerequisite for deliberating on those purposes and then deciding - making decisions on whether or not they're legitimate purposes. So in - as you know in the work in the small drafting team, we did not ask you to look at the use cases and the purposes

you were defining to give an opinion on if it was legitimate or not; it's just whether or not this was a use case of the current Whois.

So and I'm going to scroll down to Slide 4, so staff has provided a single sentence definitions for each of these use cases. And Steve, I see your hand up, Steve Metalitz.

Steve Metalitz: Yes, this is Steve Metalitz. Can you hear me?

Susan Kawaguchi: I can.

Steve Metalitz: Okay thank you. I just wanted to know, because we're using this phrase, "each possible purpose," I think that really means each possible purpose we have identified to date, and it doesn't rule out possibly identifying additional purposes as we deliberate. I just wanted to clarify that. That's - I've raised this before, gotten that response but because we have this phrase, "each possible purpose," I just want to make it - get it on the record that this is not necessarily an exhaustive list of all the purposes. Thanks.

Susan Kawaguchi: Thanks, Steve. And that's always good to note. I completely agree with you from my personal point of view, and also I think we will see that as we look at these that we may come up with other possible purposes just out of these or not related. So good point to make.

And then there are some comments, Volker, "We should also note that purpose in the meaning of our group does not necessarily match the definition of purpose under data protection law, so maybe a purpose that's legitimate that does not meet the legal requirements for collection and/or provision." I mean, we should definitely keep that in mind too.

So to start this review, and, you know, we're only expecting about five minutes from each team, I'm hoping - I know the technical issue resolution and academic research are both from Drafting Team 1. And Michele was sick

this week, but Alan sent a finalized - or a semifinal document this morning. And I was hoping I could call on some of the team members just on spur of the moment here. I did send out an email last night asking for a presenter. But since Michele is not there and you know, you all know on the drafting team what your work was, if you could present? So is there anybody from the DT1 drafting team that could step forward?

Alan Woods presented on the technical issue resolution in Abu Dhabi, but he is not able to make this meeting today. So Stephanie or Greg, could I call on you just to do a quick overview of each of these? Would one of you take one of them and - I know you did academic public interest research, Greg. Oh, sorry, wrong Greg. Greg Shatan, would you like to present?

Greg Shatan: It's Greg Shatan. I'm happy to start and Greg and - Greg Aaron and Stephanie can certainly join in. I'm not sure who else from the group is on this call. I see Nathalie as well.

Susan Kawaguchi: Okay.

Greg Shatan: I figure we may as well just get rolling to be more of a group presentation in a sense, as I don't pretend to have any unique insight. So I think, you know, as you know, there are kind of two overall purposes involved in this particular drafting team. And the first is the technical issue resolution. Based on very recent discussion on the list, I think semifinal might be a stretch. We - obviously very quickly but need to resolve some root issues regarding scope of the definitions.

So the technical issue resolution language that was in here recently defined this as, "Information collected to enable the tracing, identification and resolution of incidents related to services associated with - sorry - of incidents which relate entire - either entirely or in part to technical issues relating to the DNS." Greg Aaron objected to this as being a very significant narrowing of

what we've actually been discussed, and I tend to agree with that. Sort of the Greg position.

So that this should - and Greg suggested the following definition instead, "Information collected to enable contact of the relevant contacts to facilitate tracing, identification and resolution of incidents related to services associated with the domain name."

And I think that may well embrace tasks that we have mentioned more completely. The - there's a bit of an imbalance between the two halves of this where the table of example use cases is quite robust under the academic or public interest DNS search research but only - there's only really a single case in the first table. I see that as a shortcoming since I really don't think that reflects, you know, reality.

I see - I saw Greg Aaron had his hand up so I can stop talking if he puts his hand up again. And he has so, Greg Aaron, over to you.

Greg Aaron: Thank you, Greg S. This is Greg A. Yes, I've suggested that some of the recent changes that have been made actually muddy the water in several ways and exclude the examples we've been talking about and the ones we discussed in Abu Dhabi actually. I think our work party needs to go back to the Board on these single sentence definitions for technical issue resolution and academic or public research.

One issue is relating to the DNS, people don't know what that means, and that excludes a lot of the use cases we've been talking about under these categories. Also, this sentence, the second sentence has been added to technical issue resolution and it basically means there's some sort of an access permissions issue that creates all these chicken or egg situations, so we have to go back to the drawing board on that bit too. Thanks.

Susan Kawaguchi: Thanks to both Gregs. Greg Shatan, did you want to add anything else to the work you've been doing - the team's been doing? And Question B was, "Briefly describe other changes made to purpose document."

Greg Shatan: This is Greg again. Greg Shatan. First in response to note in chat, I'll put the alternative definition for tech issue resolution in chat. And I agree with Greg A, that this second sentence here in the technical issue resolution, which is basically not a purpose definition but an access limitation definition, it may be beyond the scope of this exercise although I realize many people would like to make this point and other people would like to disagree with this point but one way that we can keep this exercise successful by keeping the scope as narrow as it should be.

On the - in the second half of this, which is relating to the academic or public interests DNS research, and there may also be an issue with the single sentence definition which after recent edits were accepted reads, "Information collected to enable use of aggregate registration data elements by researchers and other similar persons as a source for academic or other public interests, studies or research relating either solely or in part to the use of the DNS."

My first problem with this is the insertion of - I believe is a recent insertion or at least the recent acceptance of a suggestion - of "aggregate." If you look at the actual purposes that are discussed, the very first one has as an example, domain name registration history to enable historical research about, A, domain name registration. This is clearly not aggregate data research. So it seems to me that while there obviously are all sorts of research purposes that do involve aggregate data, there are also many research purposes that involve disaggregated individualized identified data as well.

So this needs to be fixed, perhaps just by removing the word "aggregate" or perhaps by more consideration being given in this case to that. Other than that, you know, at the very end there's kind of a second definition, if you will,

of academic or public interest DNS research that says, “Tasks within the scope of this purpose include research studies about domain names published in the RDS including public information about the registrant and designated contacts, the domain name’s history and status and domain names registered by a given registrant.” Clearly this also goes beyond aggregate data.

It’s not clear here why this is limited to public information in terms of the purpose as it stands, again, you know, we have the issue that Volker highlights that once this is compared to GDPR issues there’s going to need to be kind of further harmonization or recognition of tensions but right now at this point we’re talking about purposes for using the data and not trying to address every vector that comes from that purpose.

So these, I think, are the questions that at least I have. You know, other than that, you know, this has been fairly well developed. Perhaps it was if a little harder to see since many changes that were suggested were accepted I guess in a hope to kind of drive this home. But I think that has left some of the open issues not closed but harder to identify. So I would hope that we can develop maybe a few more purposes under the technical resolution beyond the single row that’s there and to harmonize the example cases with the definitions presumably by fixing the definitions and not by removing valid example cases. Thanks.

Susan Kawaguchi: Well thank you very much to both Gregs for just stepping up and providing this review. I know that with Michele sick there was a challenge of actually having a phone call. All the other teams have finished - the drafting teams have finished their work and so I’m - but I’m hoping that in the next couple of days that this Drafting Team 1 can meet and finalize their work. All the other - any changes or concerns with these purposes we’ll, you know, we’ll - the whole working group will take into account.

So although these are all - a lot of hard work has gone into all of these possible purposes, you know, at this point except for the Drafting Team 1, these - we're sort of closing the door and allowing then handing it over to the full working group to make any other changes. So has there been talk about another call? If there hasn't I'll make sure that, you know, staff can help you all set that up.

And then I was wondering with the full working group, do you have any questions on the technical issue resolution or the academic or public interest research? Marc, please go ahead.

Marc Anderson: Hey, Susan. This is Marc Anderson. It's not so much a question, just a comment. I wanted to thank Greg and Greg. I found your overview and your explanation of the sort of why those single sentence definitions don't work or what your issues or concerns with them very informative and useful. So I guess while I appreciate that you guys have some more work to do, you know, I at least found that very informative and useful, so thank you.

Susan Kawaguchi: Okay, Michael Hammer please.

Michael Hammer: For the record, Michael Hammer. To either of the Gregs or both of the Gregs, I guess I'm a little bit confused for each of the definitions that there's a mismatch between the examples and the definition. How did that come about?

Susan Kawaguchi: Either of the Gregs would like to respond to that?

Greg Aaron: This is Greg Aaron. I'm not sure how it came about and that's what we're trying to fix. I'll give you an example. This current technical issue resolution definition says, "Relating to the DNS." Now, one of the examples we had is well what if - what happens when somebody's posting gets broken in two and their Website starts serving malware to people? Now, that's not a DNS problem strictly speaking; that's not a resolution issue. But, you know, it's a

problem associated with the domain. So that's why relating to the DNS is some problematic language.

The second sentence was added recently. I just don't think it got scrutiny by the group. So what we're trying to do is address the mismatch between the definitions and the examples. Thanks.

Susan Kawaguchi: And Greg Shatan, would you like to also respond to that?

Greg Shatan: Yes, thanks. I need to go back and look at the history of the Google Doc that we are using to see kind of, you know, forensically how we got to where we got. But I think you know, echoing what Greg Aaron said. I think there were some suggested languages that were put in in suggestion mode and then I think in attempt to kind of try to roll forward changes were made to accept those without necessarily the - without - in the absence of a call to just accept those but not recognizing that they were not - that there was no buy-in for those changes. So I think what we have in a sense is a version too far, if you will, that was - does not reflect either the work of the group or reflect the contemplation of the group on the suggestions of individual members.

So I think, you know, we kind of have to do a little loop back and reconsider some of these changes so that we don't kind of get - in a sense we got ahead of ourselves, you know, through, you know, well intentioned efforts to try to keep the ball rolling. Thanks.

Susan Kawaguchi: Okay. And Rod, please go ahead.

Rod Rasmussen: Sure. Rod Rasmussen here. Yes, I just want to echo the concern around (unintelligible) to DNS. You know, there are multiple protocols and there could be multiple kinds of technical issues attached to a domain name that doesn't - I would note that one of the examples Greg did was one that we had (unintelligible) which was an abuse issue. It also, you know, ties into some technical parts as well because there may be some sort of technical issue

that allowing, you know, for the abuse to happen in the first place. So there's kind of overlap there.

And I think you know, and we'll talk about private group - if we get to Group 7, what you end up with is we're trying to jam a whole bunch of what I think are actually different kinds of purposes into one thing. So it might be good to - well we'll talk about it when we get to ours. But I think there's some differences between outreach and investigation for example, of issues. We can talk about that further when we get to ours.

But I think it's really important that we don't, at this stage at least, don't limit ourselves to a single protocol as far as the descriptions here go because there's just, you know, between email and, you know, misconfigured time servers, there's a whole bunch of different things that would be a technical issue where you'd want to be able to do some sort of research and then outreach based on data that's provided tied to a domain name. So I encourage the working group to take that into consideration and get that new definitions out. Thanks.

Susan Kawaguchi: Okay. Thanks, Rod. So if there's no other questions, thank you very much to Drafting Team 1. And since next week's call is - planned to start with the technical issue resolution discussion for the full working group, leadership would like to set a deadline of Thursday to finalize your document. So hopefully that can all work out and hopefully Michele gets - is on the mend and will be able to lead that. But we can work with you on that too.

So the next two definitions of possible purpose was Drafting Team 2 which I led. And I've been recruited as the presenter today. So we're still on Page 4 here. And it's domain name management to start. And we had been calling this domain name control but in Abu Dhabi there was a discussion about what that really meant and was that extending the purpose too far. And so we brought it back to domain name management. It could be domain name administration also.

So our single sentence definition is, "Collecting the required information to create a new domain name registration and ensuring that the domain registration records are under the control of the authorized party and that no unauthorized changes, transfers are made in the record."

This just allows a domain name registrant to, A, register a domain and then to make sure they have full control and management over it. The only - the other thing that did change since Abu Dhabi in the definition is that we included the creation of a new domain name in the description there. So we didn't have that many changes. And then I'll move onto individual Internet use, "Collecting the required information of the registrant or relative contact in the record to allow the Internet user or - user to contact or determine reputation of the domain registration."

So this - in this way, you know, some of the possible use cases was if you received an email from a specific domain then you suspected phishing so you could look at the registration details to determine the reputation. And then just anybody who's doing business with somebody on the Internet might want to reach out in that manner. So those were our two. Are there any questions on those two purpose cases?

So, Rod, is that an old hand or a new hand?

Rod Rasmussen: Old.

Susan Kawaguchi: Okay. Marc, go ahead.

Marc Anderson: Hey, Susan. Marc Anderson again. I'm looking at the domain name management one. And the thing that's jumping out at me is there's no mention of renewals. And, you know, I think you could probably come up with a longer list but I think you know, under domain name management I think managing the renewal of a domain name is a pretty important aspect. So sort

of my two cents is I would want to see mention of that included in that sentence. Thanks.

Susan Kawaguchi: Okay. Thanks. That is a good point. Since we're not making - the drafting teams aren't going to go back and make changes, what we'll do is take a note of that and so when the full working group discussing these we can decide whether or not renewals should be added to that. Is there any other questions, concerns? All right. Oh, Steve, please go ahead. If you're talking, Steve, we can't hear you. It looks like you made the comment, "Registration or relevant contact." Oh, I see what you're saying because we're talking about the domain registration, so you're talking about individual Internet use?

So you're suggesting collect the required information of the registration or relevant contact in the record to allow the Internet user to contact or determine reputation. Okay, we'll take a note of that one too. Anyone else? If not, we'll move on to domain name certification. And I don't have a list of presenters so I'm hoping whomever that drafting team - Drafting Team 3. So Drafting Team 3, who was presenting today?

Marc Anderson: I can talk to Drafting Team 3.

Susan Kawaguchi: Okay perfect.

David Cake: We didn't make many changes from the version presented in Abu Dhabi. I think we made a few changes in the description there. We talked about - we changed the language slightly to accord with the language used by the certificate authority forum. But that's about it really. It's important that the - the big difference between the domain name certification that we present here and the version that was (unintelligible) in the EWG report is we make it clear that the information in the RDS is not actually used directly to verify - is not needed to verify domains either organization validation or extended validation.

But it does assist in verifying - or there are some methods of verification where it is used as part of the process, but it is not relied on. That's - and for domain validation certificate it can be entirely - the entire RDS can be entirely relevant to come directly from the DNS. So we more or less assumed that domain validation certificate is sort of irrelevant to the purpose - for our purposes but the other two organization validation and extended validation certificates can sometimes use RDS data but do not exclusively rely on it or do not rely - explicitly do not rely on it and in fact you are required - certificate authorities are required to use other means to validate.

That's about it. That's all we really have to say. We didn't have a lot of discussion post Abu Dhabi because we didn't have a lot of disagreement. Thanks. It's David Cake for the record.

Susan Kawaguchi: And, Lisa, you have your hand up.

Lisa Phifer: Thanks, Susan. This is Lisa Phifer for the record. And this really isn't just for you, David, but for everyone. If there were comments made during ICANN 60 on your definition that you addressed with changes in your purpose, please call those out when you're giving your presentation about the purpose. Thanks.

Susan Kawaguchi: Okay. Also, you know, was there - did the teams have any issues in framing the purpose in this format too? It'd be helpful to know that. So are there any questions about domain name certification for David's team? Okay, let's move onto domain name purchase sale. I don't have a specific person up...

Fabricio Vayra: Hey, Susan. I think Lisa - this is Fab. I think Lisa wanted me to do this one.

Susan Kawaguchi: Okay.

Fabricio Vayra: Right, Lisa?

Susan Kawaguchi: Go for it, Fab.

Fabricio Vayra: All right so Fabricio Vayra for the record. I think we got a lot of questions during Abu Dhabi about what was included in our definition and I think one of the questions came up at the time was in the description or definition we had something about, you know, contacting people for trademark reasons and there was also a question of whether there was overlap and some of the other - some of the other purposes. So one of the things that we strived really hard to do here was to make sure that we just covered you know, made it short and sweet and simple to cover what it was that we were tasked to do which is just stick to the purchase and sale of the process.

So as you can see here, we've listed out information to enable contact between the registrant and a third party buyer, to assist registrant in providing - or proving an exercise in property interests in the domain name and third party buyer in confirming the registrant's property interest and related marketability.

There was a question as to whether we wanted to say ultimate registrant instead of third party buyer. We debated that quite a bit in our call and we ultimately just left it third party buyer because we didn't want to narrow this down in such a way, you know, there are oftentimes when a person buys as an agent or does so as an intermediary. And although technically you could assume that the person becomes a registrant for a moment, you know, for a moment in time, the real purpose of the sale is for another owner. And so we just thought we'd stick to the broader category of just the third party buyer because that's really what's happening regardless of whether they become the ultimate registrant or not.

Those are our major changes. And hopefully this is pretty streamlined and sticks to the point. But I welcome any questions.

Susan Kawaguchi: Thanks, Fab. And any questions from the working group? All right. Then let's move onto ICANN contractual enforcement. Who was leading this one? So this must be Drafting Team 5. Looks like a couple people - Steve, please go ahead. Thanks, Julie. Steve, we can't hear you. You seem to be having microphone problems. Adobe mic problems again.

We could do a dial-out or is there someone else - Theo or Krishna or Farrell, looking to see who's on. Bastiaan? Okay so maybe we can get - it looks like Bastiaan is saying, "Steve is the best to present or comment." So okay, well if you don't mind a dial-out. Can we do that quickly or we could move on to - so let's do the dial-out to Steve and - but can we move onto regulatory enforcement while Steve is getting set up? And then we'll make sure you're off the phone in 10 minutes, Steve.

So who is presenting for regulatory enforcement? And that is Drafting Team - oh I see, okay. So those were both coordinated by Chuck but different members. Vicky or Griffin, would you like to present on regulatory?

Vicky Sheckler: Sure. It's Vicky. And our one sentence is a mouthful. I'm happy to report that there's been minimal changes since you saw it in Abu Dhabi. The only change we made is to clarify - or to broaden I guess that legal actions purpose includes, you know, all the activities here or to assist defending against these kinds of activities, and we took out, "as a matter of due process," because that seemed to unnecessarily narrow the purpose.

And just to remind you, which I'm sure you heard in Abu Dhabi, the concept here is use notification, investigation from the birth of a possible legal action through (unintelligible) of the legal action for all the parties involved.

There was a couple of minor changes throughout the document but that was it for the purpose. And then since it's so close to what you guys saw in Abu Dhabi I'll just end it there and see if there are any questions.

Susan Kawaguchi: Okay. Thank you very much. And Marc, please go ahead.

Marc Anderson: Thanks. Marc Anderson. Just a quick question. How are you defining registration authorities in this sentence?

Vicky Sheckler: We left is broad as registration authorities because it could be the registrar or the registry or the privacy proxy service depending on the situation at hand.

Marc Anderson: Okay, thanks.

Susan Kawaguchi: Okay are there any other questions for legal action? And, Steve, you're on an audio bridge now, okay. Please go ahead. So we're going back to 5.5 and talking about ICANN contractual enforcement and regulatory enforcement, I think.

Steve Metalitz: Right. Thank you. This is Steve Metalitz. I wasn't actually expecting to present this but I can do so briefly. I think our team - the changes that were made since Abu Dhabi were mostly to take use cases out of our - out of our portfolio and to split up the ones that were remaining. So what we have here are these two sentences. The first one deals with ICANN Compliance enforcement of its - of the ICANN agreements with contracted parties in which they will need to access some of this data.

Some of those could be from an audit perspective or proactively by ICANN. Others could be arising from complaints received by ICANN, for example, about inaccurate Whois data. So those are some examples of the use of this data for - by ICANN for its contractual enforcement. And obviously the contracted parties would need to access it for the same purposes.

The separate sentence there is for regulatory enforcement. These are regulatory entities, government entities that are not the traditional law enforcement entities. The example that has come up several times is tax authorities that may need to find out who has registered a domain name in

order to figure out what the tax consequences are of transactions that may be taking place using that domain name. And they want to ensure compliance with the - whatever tax law is applicable.

And there could be other examples but these are not, you know, necessarily the criminal law enforcement but they're kind of related to that. Those I think are the two examples that are still left within our bailiwick. A lot of the other things that we had talked about earlier have actually been exported over to legal actions.

Susan Kawaguchi: Great, thank you. And thank you for stepping in. Are there any questions from the working group for Steve or this drafting team? All right, doesn't look like it. Thanks very much. And legal actions we've already covered. So criminal activity, DNS abuse investigation, and who is presenting for this one?

Rod Rasmussen: Susan, this is Rod. I'm going to assume it's me.

Susan Kawaguchi: Okay, go for it, Rod.

Rod Rasmussen: Rod Rasmussen here. So we actually did a fair amount of change, not in the actual text and examples but as far as grouping and trying to define purposes that group together. So we had three purposes. And when we presented in Abu Dhabi, we kind of worked through the presentation - the paper was organized in kind of individual - there were three sections, one was kind of individual investigation and activities and there was this idea around automation and large scale operations and then there was also kind of a catchall for other stuff which may include looking at things that were not online abuses but offline abuses where a domain name came up in an investigation and what have you.

That's how we grouped it in Abu Dhabi. So getting back together we actually put this together and kind of tried to do it more from the perspective of how - the kind of activities you would do because at least in using different sorts of

data and different kinds of - and potentially kind of access to try - so we divided this into three areas. And I think based on what we've done here, I would suggest that some of the other groups that have been trying to lump things together into one broad purpose may want to take a look at this or (unintelligible) just discuss this as a group.

Because what we've done is grouped this into three areas and the first two probably being most relevant for almost any kind of purpose. And so the first area is the investigatory part of the process which is I've got some sort of information and I'm trying to find out more or I've got a data point which is a domain name that I've got an issue with or I'm trying to track down some information about or is creating abuse problem or what have you. I need to investigate that. So we've put all those examples whether that's, you know, the Website's been compromised or the domain was registered by a bad guy or we're trying to figure that out, all those are under this kind of investigatory umbrella and the purposes there.

The second area is around contact. I need to get a hold of somebody to take some sort of action of some sort. So may or may not be coming after an investigation, probably would, but as a separate kind of step you would take you would actually go and reach out to a responsible party to fix something or to suspend a domain or what have you, all those different use cases. And it's going to depend on what you actually need to do in the particular instance.

So, you know, that might mean some further granularity, but the idea is you've got this concept around okay, now - I've got an issue, I need to get a hold of somebody to deal with it. And so that's the second area of - that we created a use case where I need to contact somebody and that could be a registrant, a technical contact to deal with an issue or even a registrar around a suspension issue, something like that.

And then the third (unintelligible) unique to abuse but it might also apply to some of the research stuff that was in the separate use case and that's

around automation and looking at things at scale. So that deals with - creating domain reputation that will then be used for, you know, allowing or disallowing some sort of communications or what have you when you're trying to form an opinion about whether or not to interact with this particular resource on the Internet.

And that happens at scale, it doesn't require nearly as much to do, it typically as an investigation or contact, you've got a different purpose here; you're not necessarily going to interact with a registrant or a technical contact, you are just trying to make a determination around a domain or lots of domains is more likely the case, and then with that information you're going to take and do some sort of activities on your own network or to protect users or something like that. And that's a very distinct use case. You're trying to get a hold of somebody or do an investigation to figure out what's going on.

So those are - that's why we ended up with three different use cases coming out of this because you're going to be doing things a lot differently depending on which one of those three areas - the idea was that these three would kind of be the - capture the essence of the things you'd be doing. I'll also note that there's no need for collection coming out of these three use cases. I think we planned that out in Abu Dhabi, that these are actually working with data that's collected for other purposes. So I think that's important to note that there's not necessarily anything here that requires any sort of data to be collected, it's access to data that has been collected is the real question.

So I'll stop there for any questions.

Susan Kawaguchi: Thanks, Rod. And I do find it interesting that - and more understandable that you broke that up into three different areas. Anybody have questions for Rod or this drafting team in general? Lisa, please go ahead.

Lisa Phifer: Thanks, Susan. This is Lisa Phifer for the record. Rod just noted that at least for reputation the purpose described here or use cases described here

involve using data that's collected originally for another purpose. And I'm wondering if others could comment from other drafting teams whether they found that to be the case for part or all of their purpose.

Susan Kawaguchi: So that's an interesting question. Just trying to give my team - I'll have to think about it for my team. Let's go to Stephanie, and then if anybody else has - can answer, you know, respond to Lisa's question. Stephanie. You're - oh there we go.

Stephanie Perrin: Thanks very much. Stephanie Perrin for the record. This is kind of a general question. And it's one that nobody's really thought about in the past because of course the GDPR has not been looming and the data available. But we have made a distinction that might be an artificial one between regulatory compliance and criminal investigations and legal issues, right. So there are plenty of criminal - criminal penalties in the legislation of western democracies that might be considered regulatory compliance, you know, sale of endangered sea turtle eggs or, you know, and pets or, you know, there's all kinds of things.

So there's quite a bit of overlap here. It doesn't matter at the primary levels of access to data, and I'm calling it third party access to data because these are third parties coming to ICANN or its instruments looking for data. But it does matter in terms of getting access to deeper level. If you - in other words, for reputation it's really, I would see that as regulatory because you are let's say - let's take an easy one, you're blocking spammers so you're enforcing anti-spam legislation and you're putting people on reputation lists, right?

But if you actually want time stamp data and financial data and the stuff that the registrar might be holding, or the - well no, just the registrar - then that requires more purpose identification and justification whether you're private sector or whether you're a law enforcement agency. And it would be useful to have all of this combined if you're thinking RDAP.

So I'm not sure whether I'm asking Rod a question, whether he thought about this, or whether we by separating these bundles are making this more difficult because you've got plenty of powers to go after that data and given a heightened awareness of privacy issues, guidance for the registrars is going to be required. And there's no point in providing your authority two or three times. Thanks. I hope that's clear. Me kind of ruminating.

Susan Kawaguchi: Okay, thanks Stephanie. Let's let Rod respond then.

Rod Rasmussen: Yes, and I - I responded in the chat and I see Mike Hammer also did which, you know, I agree, that there's overlap obviously with regulatory authority and legal authority and even abuse issues. And put out - the use cases are largely similar in how you would investigate something, how you may contact something, etcetera. The basis for why you're doing it and potentially depending on jurisdiction, what legal authority you have or don't have, will differ. But the actual physical acts are largely the same as far as, you know, kind of the - at least the two - first two.

I would say that on the reputation stuff, that's very - very rarely does that have to do anything with law enforcement or regulatory authority. There may be some regulation, you know, Stephanie mentioned anti-spam, that would be part of that. But reputation is really about network operations. I'm worrying about creating a spam block list or a network protection list, I'm an ISP or I'm a service provider or I'm a network, you know, IT administrator, something like that, I am not a regulatory authority in the vast majority of kind of reputation lists are used in you know, defensive networks as it were and have very little to do with regulatory authorities.

Although I could see where a regulatory authority or even law enforcement would want to have reputation data at hand in order to potentially, you know, enforce something or notify somebody of issues with their - with what they're doing, I can see that in particular in Canada with their anti-spam law that that

would be useful information to the brand overriding purpose there is more around network protection and the like.

But, yes, no and, you know, I think that these - the idea of investigate and contact as concepts overlap almost all of the purposes we've had here, it's just who's doing the asking - or who's doing the investigating or the research and who's making requests to which parties is what differs per use case. But at the end of the day when you kind of roll this stuff up it's going to be - I'm going to use information to try and figure something out or - and/or I'm going to use information to try and get a hold of somebody to resolve some issue I have. And that's - that's kind of a universal.

And so as we're doing these we may want to normalize around that because I think that if you normalize around that then you can start to create different regimes around access based on - access to data based on, you know, the requests being made. But the actual physical, you know, mechanics of it don't change much and that helps when you're trying to create something like an RDS or a standardized system for access of (unintelligible) storing, etcetera, all that stuff because the main goals of the system are the same. And I'll stop rambling. Thanks.

Susan Kawaguchi: Good points, Rod. Stephanie, you still have your hand up but Maxim also has so I'm going to go to Maxim first.

Maxim Alzoba: Maxim Alzoba for the record. Actually I just wanted to add some clarification. When we talk about reputation it's a ranking in some particular database or system, usually privately owned or like owned by registration or some sorts. So we need to add this because to avoid confusion because these has nothing to do with (unintelligible) reputation or other things. It just ranking in some particular system. And not necessarily universal and not necessarily one system owners agree with - yes, owners of some other system.

We saw situations where the domain name was - had different ranking, quite different ranking in different system. So just please add this now.

Susan Kawaguchi: Okay thank you, Maxim. And Lisa.

Lisa Phifer: Thanks, Susan. Lisa Phifer for the record. I wanted to follow up on something that Rod just said and tie it back to the action that was given to drafting teams this week. So if I captured it correctly, Rod pointed out that the activities of investigation and then initiating contact apply pretty much to all of the purposes but who is making the request and what they intend to do with the data that they obtain differs for each of the purposes.

I wanted to tie that back to the action that we gave the drafting teams coming out of ICANN 60 which was to try to frame these single sentence versions of a purpose definition around contact. So we had suggested that these be framed as information collected for somebody to contact somebody for some reason. It occurs to me that maybe the reason that teams struggled with using that construct was because that contact - someone contacting somebody for some reason - only - is only part of some of these purposes and some of these purposes are really about investigation and that couldn't be captured that same way.

So it might be worth us thinking about does investigation and initiating contact apply to each of these purposes? And is so, how we would tease each of these apart into two purposes reflecting investigation and contact. Thanks.

Susan Kawaguchi: Thanks, Lisa. And at least for the domain name management in my perspective, you know, it may not - if somebody - if you own a domain name and you are making sure that nobody's hijacking your domain you're just - you're not really looking at all the contact details to contact if they've been changed, you know, if unauthorized changes have been made, I might eventually contact the admin email address that it was changed to but what I'd really do is go to my registrar and then - so it's an investigation and then

not necessarily contacting via the Whois record or the contact details except the registrar is also listed there.

But I would be getting on the phone and contacting the registrar and say hey, somebody's compromised our account or you have - or dear registrar, you have made an unauthorized change to our name servers or something. So I do think there is an element there that we may need to, as a working group, look at this - these all again from a different perspective. And Stephanie, you have your hand up.

Stephanie Perrin: Yes, thanks, Susan. Stephanie Perrin again. That was why I was talking about the deeper levels because - and I'm sorry if I'm jumping ahead and getting into stuff that we're not doing at the moment. But for (unintelligible) you not only are not going to contact the ascending registrant in many cases, you may also want anonymity and untraceability and you may want to contact somebody other than the registrar if you think that they are in collusion with the registrant.

So I thought we had covered the problem of who are you contacting with the earlier group, and I apologize, I can't remember which one it was that said you might be contacting the registrar or the registry. And I think that covers many of those investigative issues. But there is the question of who you're contacting in the event that you are also worried about the registrars and the registries. Thanks.

Susan Kawaguchi: Good point, Stephanie. And Maxim.

Maxim Alzoba: Maxim Alzoba for the record. I'm not sure if it's relevant but sometimes on our registrar side of things we have to contact the then current registrant to ensure that for example, the domain changed hands according to the business practice or something because we say situation where the domains were - yes there were attempts of stealing domain names using forged IDs, for example. And it was prevented when the then current owner was

contacted and failed to, yes, to present proper set of documents. And the domain was returned to the previous owner. Thanks. I'm not sure if it's totally relevant to this point.

Susan Kawaguchi: Well, Maxim, in, you know, the domain management purpose or use case, you know, that's the type of thing, you know, I would watch out for at all times is to see if an action had been taken that it was unauthorized, that was, you know, people try everything to access - get access to some domain registration.

So I think this has been a really good discussion and I want to thank all of the drafting teams for all the hard work and the thought that's gone into this and especially coming back from Abu Dhabi and taking another look at that and, you know, integrating any comments from the Abu Dhabi meeting that really helps. And I also know how hard it is after coming back from a long meeting to actually focus again on our work.

So I'm going to move to Page 8 and just walk you through what we - the leadership team thinks we should be doing to move forward. And so on Page 8 you'll see that we'd like to take a building block approach and deliberating on each purpose one by one with the full working group. So first we'd need to agree whether this specific purpose should be considered legitimate for collecting some registration data and why, and then next identify data elements required to support this specific purpose. You know, which data may already be collected for another purpose, which data may need to be collected for this purpose. And add any data elements identified to the set of registration data elements potentially made accessible through the RDS.

So and for now we're going to defer the discussion of collection conditions or access controls which might be applied to each data element. And please note that any agreement on legitimacy of one purpose does not preclude additional purpose being agreed as legitimate for the same or other data. So and you'll see some examples there at the bottom of the page.

And the way we wanted to start this was with the technical resolution. And so let's go to Page 9. So the Drafting Team 1, you're very critical for this. So we wanted to start with technical issue resolution and deliberate if and why it is a legitimate purpose for collecting some registration data, and go through all of the questions identified on the previous page, but identify data elements, and which may legitimately be collected for tech issue resolution.

And one of the reasons we started - we decided we should start with technical issue resolution is there seems to be agreement in the working group concerning this. And then so we would continue with domain name management and answer those questions and then go - continue as we finish our work on one of the purposes or use cases then move forward and work our way through all of them.

So we're proposing next week we will start with technical issue resolution and if we succeed and get through it then we'd move onto domain name management. So does anybody have any questions about - or concerns about using this building block approach? Lisa, please go ahead.

Lisa Phifer: Thanks, Susan. Lisa Phifer for the record. I thought it might be helpful to share that - the reason that we, as a leadership team, kind of landed on this approach is we talked really in circles for a while about how can we effectively work our way through deliberating each of these possible purposes. And we found that we had sort of a chicken and egg problem where the question always came was the data collected for this purpose or is already collected for another purpose and just being made accessible for some new use?

And that's what led us to thinking well we have to start someplace so if we start with technical issue resolution, which while there may still be some discussion to be had about precisely what technical issue resolution entails, or what data is needed for it, and we should have that discussion in the full

working group, that if we're able to agree on - if we're able to agree on that as a legitimate purpose and some set of data being collected for that purpose, then we have some building blocks. We can look at other purposes and say do they use that same data? Do they need any additional data? And if they need additional data is that a legitimate reason for collecting that additional data?

So that was the thinking behind this approach and just a way to get us started without constantly being in that chicken and egg situation where we don't know what data we have in order to have effective deliberation on some of these purposes. Thanks.

Susan Kawaguchi: Thanks, Lisa. And Stephanie.

Stephanie Perrin: Thanks very much. Stephanie Perrin for the record. I just actually raised my hand to give my usual extremely tedious caveat that most of these purposes are not the purposes which ICANN has for collecting registrant data. This is third party access to data for the purposes. I think Lisa's intervention there was very useful.

This is a clear thing, technical resolution is a clear purpose for collecting the data, that was agreed way back in 2004 in the narrow definition of the purpose of Whois. So I don't think we're going to have any problems there. But to take my favorite example, academic and public interest research, ICANN certainly cannot broaden its purpose for collecting data broad enough to include academic research and public interest research, it's just not within the mandate.

And I know we try to talk in - about RDS in relative seclusion, we're talking about this - the registrant data, but in terms of ICANN's overall accountability and success as a multistakeholder organization, if we care about it, we can't jeopardize it by broadening its purpose for data collection overly broad.
Thanks.

Susan Kawaguchi: Thanks, Stephanie. Duly noted. And Greg Shatan, please go ahead.

Greg Shatan: Thanks. This is Greg Shatan for the record. As a general matter I don't see any of these purposes as being overly broad. I think we could, you know, probably pick around the edges but I would have to disagree with Stephanie on that. I think the root purpose of - or the basic purpose for Whois and RDS is really third party access. The registrant and the registrar can get along just fine between the two of them without Whois existing at all. They have, you know, to exchange data directly.

So Whois in essence really does exist for the rest of us. And, you know, ICANN's mission, you know, clearly includes the security, stability, resiliency, trust in the Internet and academic and public interest research depending on the type of research, certainly fits into that aspect of ICANN's mission. So just want to, you know, that's my opinion; Stephanie has her opinion. Just want to make sure that for the moment at least neither is confused for fact. Thanks.

Susan Kawaguchi: Thank you, Greg. Any other comments or concerns? And Michael, you had - no, excuse me, Chris, you'd made the suggestion in the chat that why don't we create a scenario and work flow of the building blocks. So I'm assuming that would help us see all the connections between these different use cases. So if you have more ideas on that you could provide those to us.

So as you see that, you know, with this building block approach we are relying on the technical resolution drafting team to finish their work this week. So I had mentioned have a deadline of Thursday. I think, Greg, you had noted in the chat that maybe Friday was more realistic. Anybody on that team, Stephanie, Greg, either Gregs and whomever else, and I apologize that I don't have the list in front of me, can submit for the team to get this done by Thursday or Friday. And hopefully Michele will feel better and can help move things over or forward. So seeing no commitment we'll reach out to the drafting team via email.

So we're going to - so just to confirm some action items here, we're going to move forward - thanks, Greg, and that's all we can expect is your best. So we'll move forward in the next call with this building block approach with technical issue resolution and hopefully we'll move onto domain name management in the same call. Our next call is Tuesday, November 21 at 1700 UTC. And does anybody else have any other questions or concerns? That was - we got through our full agenda so I could give you all 10 minutes back of your life if that is helpful, unless somebody has questions or concerns. Lisa.

Lisa Phifer: Thanks, Susan. Lisa Phifer for the transcript. Just a recap, we have the action item for Drafting Team 1 to wrap up their work no later than Friday of this week and then I would like to suggest we add an action for the rest of the working group to review that Drafting Team 1 output specifically the technical issue resolution part of it to prepare for deliberation to start on that purpose in next Tuesday's working group call.

Susan Kawaguchi: Perfect. That's a great addition there. All right, I think we're done for the day. Everybody have a good day or evening or night wherever you are. And we'll speak next Tuesday. Thanks, all.

Julie Bisland: Thank you. Operator, can you please stop the recordings. Everyone have a good rest of the day.

END