

**ICANN Transcription
Data & Metrics for Policy Making Working Group
Tuesday 23 September 2014 at 2000 UTC**

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The audio is also available at:

<http://audio.icann.org/gnso/gnso-dmpm-20140923-en.mp3>

On page:

<http://gnso.icann.org/en/group-activities/calendar#sep>

Attendees:

Cheryl Langdon-Orr – ALAC
Olivier Kouami – NPOC
Jonathan Zuck – IPC
Graeme Bunton – RrSG
Marinel Rosca – Individual
Pam Little – RySG
Jeremy Beale- Independent
Andrew Merriam – RySG
Kayode Yussuf – IPC
Tony Onorato - Individual

Apologies:

none

ICANN staff:

Berry Cobb
Steve Chan
Terri Agnew

Coordinator: I'd like to inform all parties that today's conference is being recorded. If you have any objections you may disconnect at this time.

Terri Agnew: Thank you, (Diane). Good morning, good afternoon and good evening. This is the Data and Metrics for Policy Making Working Group call on the 23rd of September, 2014.

On the call today we have Cheryl Langdon-Orr, Olevie Kouami, Marinel Rosca, Graeme Bunton, Andrew Merriam, Pam Little, Jonathan Zuck and Jeremy Beale. I show no apologies for today's conference.

From staff we have Steve Chan, Berry Cobb and myself, Terri Agnew.

I would like to remind all participants to please state your name before speaking for transcription purposes. Thank you very much and back over to you, Jonathan.

Jonathan Zuck: Yes, hi. Hello and welcome to the DMPM Working Group meeting. Thanks, everyone, for participating. I think what we're trying to do is - I guess we should do - is there anybody with any updates to their Statement of Interest that we need to know about? Raise your hand if you have one or have made a change. Okay, I always forget that part.

So I think our objective here in the lead-up to the LA meeting is to begin to think about a kind of a document that we might put in front of, in particular contracted parties, with respect to data requests that might come out of policy development processes and working group processes.

And so there's sort of two tracks on this discussion. And I don't know whether or not they merge into one document or if they sort of remain separate and so that could be part of the discussion. So what Steve has put up here in the chat room or in the Adobe room here is the beginnings of a flow diagram, if

you will, that can be made more visual obviously but I was just starting to brainstorm about what this process might look like.

And then Berry took a quick cut at a kind of a principles document as well that's the basis of some of the stuff that Pam and Graeme contributed last time. And I'm - a part of me wants to make sure that those principles are captured but I feel like principles don't get us to something operational unfortunately in terms of what would our actual work flow be to make requests of data and how do we accommodate different types of objections.

So my preference is to come up with a standard set of protocols, if you will, that we might use to request data in different contexts. And maybe principles need to be an attachment to that, an overriding set of things to make us all feel better about the process. But ideally we would get down to a concrete process. Does that make sense to people? What that distinction is. Does anybody have questions about that?

Okay, so I don't know, Steve, do you have the principles document handy as well? Do you want to put that up?

Steve Chan: This is Steve. I can retrieve it and put it into the AC room. Give me a second. Feel free to ramble on while I do this.

Jonathan Zuck: Okay, I'll try to ramble on. I mean, one area, for example, that's in the principles document that came out of the initial brainstorming with the contracted parties is, you know, assure everyone that the data request is entirely optional.

And so I'm - that kind of a principle concerns me even though it may in fact be true or accurate. What I'm hoping for instead is to get to a set of protocols where we solve the problems that came up as opposed to making a complete release valve of it's - I don't want to, or something like that.

And so I'd love to really get down to another level of detail that I feel is lost in the idea of, you know, the data request is optional. And, like I said, that may in fact be legally true but I don't want that to be an operating principle if that makes any sense.

And I don't know if Graeme, or Pam, if you have an opinion on that. And I don't want to come off as harsh. I just want to figure out how we can solve some of these problems in advance so that whatever that release valve is it's not - it's not over-used if that makes sense.

So here's - this document that Steve has just put up in the Adobe room is - was an attempt to capture some of the bullets that came out of our previous discussion in our last meeting. For those of you that weren't on it, many of these came from Graeme and Pam and in our discussion about things that would matter to contracted parties in the context of data (unintelligible) so you can see what some of these things are.

Something that really does work as an operating principle for me is the notion of a nondiscriminatory data request. Again, I see that as something to dig into to try and determine why a discriminatory data request might be made and how we account for that scenario going forward, right, is it a set of practices such as proxy registration offered by registrars and they're only offered by a subset of registrars.

Would that constitute a discriminatory request for data if we were just asking for data from registrars that, in fact, allow for proxy registrations, right? I mean, we need to define our terms potentially and then also try to figure out how we could accommodate what might, on the surface, seem like a discriminatory request but is in fact a relevant request for the workgroup that's in place.

So take a second, if you will, and look through these principles and let me know if people have questions or objections, etcetera. I mean, you may have

already looked at some of these so please speak up if you've got something.
Pam, go ahead.

Pam Little: Thank you, Jonathan. I just want to make a distinction about - or a point or comment about what you said that the - providing the data is optional. When we ask for - or anyone ask for input from our group, from Registry Stakeholder Group, we did make a point that the exercise really should focus on data that is not what registries are required to provide under contract.

Because if we're talking about what we are supposed or ICANN has a right to request the data from the registry operators under contract then the contract terms will govern how we provide the data and how ICANN collects the data and use the data, blah, blah, blah.

So we didn't want to go...

((Crosstalk))

Jonathan Zuck: And that's a really good point. And so I'm glad that point wasn't lost. And so what that might suggest is that that's actually part of the title of the principles document in that it's the type of data request to which we're referring as opposed to it being one of the principles of requesting the data. Does that make sense?

Pam Little: Yes, we can deal with that. Say...

((Crosstalk))

Jonathan Zuck: So it's just - what it is it's the types of data requests we're going to be making which are non-contract based data requests. And we'll get rid of the word "optional" and we'll just say that they're not part of the registry/registrar contracting process; they're data requests that fall outside of the contract or something like that.

Pam Little: Sure, but, Jonathan, the point...

((Crosstalk))

Pam Little: Sorry, sorry to jump in. It is, I mean, correct me if I'm wrong. If a registry is not under contract to provide the data I just don't know what is the basis to compel them to provide the data. It can only be voluntary unless there's a contractual requirement. So, I mean...

((Crosstalk))

Jonathan Zuck: Yes. And as I said at the top I think that that is entirely accurate legally. It's just operationally handicapping. And so I want to find a way or - I hope that I'm not alone in this - find a way to get passed the notion of optional to operational. In other words, you know, hey, this data would really be useful if you guys would be up for providing it is not how I want that conversation to go. Does that make sense?

Pam Little: Yeah, it does.

((Crosstalk))

Jonathan Zuck: Even if what we're really providing here is not a legal compunction to supply the data, it may be a kind of political compunction or a peer pressure compunction to supply the data or to at least be rigorous in the denial of the data so that we actually ask hard questions about why are you not providing the data and an attempt to solve those problems so that we're doing everything we can to get the data as opposed to making the request under the umbrella of give it to us if you feel like it. Right, that's what I'm trying to get away from.

And so, yes, I think you are in fact, completely right legally that we can't compel them from a legal standpoint to give the data but let's make the process of data request rigorous enough that we all understand what happened and why it happened. That make sense?

Pam Little: Sure.

Coordinator: Tony Onorato joins.

Jonathan Zuck: Thanks, Tony.

((Crosstalk))

Jonathan Zuck: Graeme, do you want to speak up?

Graeme Bunton: Sure. Thanks. This is Graeme for the transcript. I think what you're trying to do there, Jonathan, is, you know, a good idea. It would be really nice to sort of have that starting place where we're all where providing data is sort of the default response.

Jonathan Zuck: Right.

Graeme Bunton: But I think, you know, there's huge impediments to that like, you know, the size of the registrar, for instance, is going to make a huge difference; how many are actually register - you know, like have IANA numbers, what is that, you know, there's 2000 or something like that? You know...

Jonathan Zuck: Right.

Graeme Bunton: You just - and how many of them are tiny that, you know, they're like one person shops. You just can't compel those people and ask for rigor around it. Also we would have a very difficult time, I think, absorbing the data from 2000 different places. You know, so that's a problem.

And then also like, you know, I haven't done a ton of working groups but I've done a few and, you know, they're happening all the time and how many requests is it fair to put through to every single registrar at once, you know, how many a year is sensible? If it's, you know, if you're rotating through people to require them to give data or to ask them for data how are you going to go about doing that?

I just - I can't see how it's - without being, you know, yeah. I don't have an easy answer for how to make that default as provided.

Jonathan Zuck: So, I mean, let me - let's kind of open this up for discussion. I guess the question that pops into my mind, can we manage the size question by baking in something like that about the - where we request data so that it doesn't unduly burden the small guys but it isn't considered discriminatory by the big guys. I mean, does that make sense?

Graeme Bunton: You know, I wouldn't say no to trying something like that but I think that's going to be a really difficult line to draw. And I suspect, you know, it's going to be the top 20 registrars overall that, you know, sort of have the capability of providing data and the expertise in-house to do it on a semi-regular basis. You know, outside of that...

Jonathan Zuck: Right, right.

Graeme Bunton: ...you know, it's probably a pretty long tail. And, you know, obviously most domains are, you know, within the top 10 or 20 registrars overall.

Jonathan Zuck: And that's right. And so, I mean, let's put that on our agenda to try and discuss how to handle that issue of size. And the other issue you raised is one of frequency and I think that's something that we should try to build into the framework as well.

You know, we're focusing a lot right now on contracted parties but in theory the product of this, you know, working group is not just how to get data out of contracted parties but how to make use of third party data sources, how to better use data coming out of compliance that's already, you know, gathered, etcetera.

I mean, there's a lot of other types of data that will get used by working groups at least in theory hopefully moving forward after this exercise, right? So we're focused on contracted parties because that's where I think the most complexity - in other cases it might just be a question of money maybe or staff resources or something like that. But I think, you know, as you would admit this is probably the biggest amount of complexity is in the (unintelligible) data.

Jeremy, do you want to go ahead? You have your hand up. But now you're muted. Okay, can you speak up? Are you hearing me? Not working, okay. Do you want to put your question or your statement into the comments or should we just come back to you?

"Wouldn't the principle be that only necessary data for the issue can be requested?"

I think that's a reasonable principle as well. So, Steve, if you're taking notes from this let's build that into the principle document, the idea that only necessary data will be requested.

So does anybody else have any comments or questions about these principles as they exist - things they think they want to add or that give them some pause or concern? Oh, okay.

So, Steve, if you would switch back to that other document, talk a little bit about whether or not what I did makes any sense to people as the beginning; it's very early but as the beginning the way to talk about protocols, if you will.

So the idea here was to try and come up with a kind of a worksheet. And it might take the form of a flow chart or something like that that begins to develop a set of protocols or processes for making a data request. In theory a data request is made using the principles outlined in the previous document such as nondiscrimination (unintelligible) beyond objective discrimination based on size or something.

And on - has been carefully crafted to be just data needed within the scope of the PDP, etcetera. And once that request is made an objection is raised (unintelligible) contracted party to the provisioning of that data. So that's the idea and that's where this document is meant to begin is at the point of which an objection because if there isn't one then everybody's happy, right?

So then the idea is what are the natures of the objections so that might be the cost to prepare, confidentiality, and issues like that. And then within each of those we begin to ask additional questions about how to address that concern and then come up with what the action items are given those different scenarios or questions or outcomes.

So I'm trying to stay up with the comments and stuff at the same time. Jeremy, what you wrote seems to be part and parcel to your principle if I'm understanding it correctly which is that a particular objection might be that the data seems to go beyond the scope of the problem being addressed by the PDP and I think that would be a reasonable objection to handle in this document as well.

So I think that would fit directly into this thing so at the same level of this outline that you (unintelligible) confidentiality if you go further down discrimination was one of them, etcetera. We come up with these large categories of objections, one of those might be out of scope data requests. And then we would figure out what the means, you know, what we would need to do to refine the data requests and resubmit it.

So, for example, one objection might be the cost to prepare the data. Graeme has mentioned that in a couple of meetings that, for a number of reasons, there might be costs to get useful data out of contracted parties.

One of the might be the state of the data within the contracted party and sort of retrieving it in a useful way and the other might be the normalization of data across contracted parties whilst storing the same data in different schemas so that they're not out of the box, you know, easy to merge together are a couple of the reasons that there might be some costs associated with it.

So then some questions might come back which is, you know, can ICANN resources do some of the cleanup and normalization of the data? Are there staff resources that exist or might be recommended to exist within the ICANN staff to look at how to, you know, improve or clean up some of the data? Are there confidentiality concerns to the ICANN staff being the ones that do it? If so then we drop down to confidentiality. Right, that's sort of how that works.

Can a third party do some clean up and normalization? And then if the answer to that is yes then we need - the workgroup or the staff doing the issue paper would need to ask the question is the cost commensurate with the benefit of the individual data that's being requested? And then the next step there would then be to place a budget request to, you know, and maybe there's already budgets - staff budget and that's something we should understand better to get data for an issue paper.

And if it's out of budget make a request to the Board for budget to have a third party do the data cleanup and normalization to make the data useful. And then the third possibility is direct payments to contracted parties so that they can allocate the resources necessary to clean up and normalize the data.

So does that structure begin to make sense as a way to think of this in terms of a communications protocol with contracted parties? Does anybody have any feedback on that or questions or comments about just this way of thinking about the problem? Have I put everybody to sleep?

So then it would go, you know, it would continue down; is confidentiality an issue? Is out of scope data an issue? And then so the idea - and I think that Graeme's points are good in terms of the challenges we need to look at in terms of the default answer being yes.

I guess I think - and I'm open to disagreement from the group - I think we want to try and figure out what the constraints are on that so that absent those constraints size, frequency, etcetera, that in fact the default answer is yes. And let's try to figure out a set of protocols in which that's the culture that we're trying to create. Does that make sense to folks? All right.

So are there - I'm not sure what the best approach is to proceed with this. It may end up being that Steve and I and maybe with Berry's help, etcetera, continue to develop this document and circulate it to the group so that people just have a straw man to react to. But if people are sort of in agreement with this as a structure we'll continue to try to build out a set of communication protocols as a straw man both for this group and then ultimately for contracted parties to take a look at both individually and hopefully face to face in Los Angeles.

Pam and Graeme, does that feel like a kind of a document that would be well received and work well as a working document for having these conversations?

Graeme Bunton: If I can jump? This is Graeme for the transcript.

Jonathan Zuck: Yeah, please do.

Graeme Bunton: I don't know how well that will be received but it is certainly - will be useful for getting reactions. And I can focus people around something like that.

Jonathan Zuck: And you could help focus them around positive reactions, right? Subjective reactions. Because we're not looking for just any reaction, I mean, you know, those would be good to know but...

Graeme Bunton: I enjoy your optimism.

Jonathan Zuck: Hopefully we all have the same objective of having more rigorous policy development processes going forward. That's Cheryl's (ICANN) there she's laughing at my optimism as well it sounds like. Cheryl, you know, go ahead and say what you have to say.

Cheryl Langdon-Orr: Just it's all good. Cheryl here for the record. I think the optimism is a fine and reasonable thing but I do think we will have to socialize this with the industry side a lot more thoroughly, that's all. And I do have a movie going on in the background because it's school holidays here in Australia and I have the kids on a Wednesday so I'll go back on mute.

Jonathan Zuck: No problem. So I guess as a next step then, I mean, so, Graeme or Pam, if you have any recommendations for, you know, how this might be different or anything like that to make it easier to use as a working tool, as a working straw man, then speak up or let me know offline.

So that's - otherwise we'll continue along this line and try to just capture the different scenarios and then I'm sure that other people, once they see it, will be able to react to and to think of different scenarios that we haven't thought of. That make sense to everyone? Excellent.

So I guess that the topic of discussion is the - and folks, also look at the principles document, you know, when you get the chance and add or raise concerns as you see them on that document as well.

So the next discussion is about the LA meeting itself. And how are we feeling now in terms of - did we commit to something? Did we get a meeting scheduled? And it's - we realized it's not the day after the gala this time because no sponsor stepped up to have a gala so we won't have the same hangover problem as last time.

Do you - Graeme and Pam, do you have some confidence that we might be able to get some more of your ilk into the room to have an open conversation about this?

Steve Chan: Jonathan, this is Steve. Just - I just wanted to clarify when the meeting actually is because that might be a helpful piece of information.

Jonathan Zuck: Yeah.

Steve Chan: On the right hand side the session is scheduled for 10:30 on Monday local time and it's set to run for 90 minutes.

Jonathan Zuck: Oh, 10:30, that's not bad.

Steve Chan: Glad to hear.

Jonathan Zuck: So, Pam, you have your hand up.

Pam Little: Yes. I didn't know that was the meeting. I thought we - last time when we met the time proposed was in the afternoon. But never mind, I just realized Andrew just informed me that time actually conflicts with NTAG meeting which is a sub group within the Registry Stakeholder Group.

But even that issue aside, in terms of conflict, my personal sense is we won't get a lot of participation based on this round of feedback Andrew and I were

trying to get from the group. To me it's just not an item that is on Registry Stakeholders priority at least at the moment.

As I said, I don't know what the reason is, maybe because this is a non-PDP, maybe there are too many other more important or pressing topics going around at the moment. But I'm not really optimistic we'll get a lot of participation from members of the Registry Stakeholder Group.

Jonathan Zuck: Okay. No, I'm just - is there anything you think we can do to encourage that? Because, I mean, by participation I don't mean the we need, you know, 20 people, it's just more minds thinking through this stuff, that's all, so a few more people I think could be useful.

And I could try to send a note to - shall I send a note to Keith Drasek or somebody like that on the Registry side if you think that's helpful?

Pam Little: Yes, try to do that. Actually I tried to see if we could get the - you to come to one of the Registry Stakeholder regular meetings which happens every two weeks. And, you know, the - it seemed to be really difficult to squeeze in 10, 15 minutes for you or even just 5, they're just so - usually those meetings are just jammed packed and we only have one left before LA.

So, you know, by all means reach out to Keith and then Keith may forward your email to the whole group. Because we try to do that, we try to seek feedback. And I really understand people are very busy...

((Crosstalk))

Jonathan Zuck: Sure.

Pam Little: ...I just think this is not going to be a very popular topic among Registries regardless how we package this thing, how we're trying to sell it, data requests won't be a, you know, Registries are not going to jump for joy, hey, I

got a request from ICANN policy, (unintelligible) or ICANN compliance got to provide data.

This is not something - unless we can show to them, hey, by providing this data at the end of that policy making it's going to be positive outcome or whatever benefit for the registry or registrar that provides the data. Otherwise it's just a burden, cost, time, effort. And how is that going to be popular or well received? I can't see that at this point.

Jonathan Zuck: Yes, so you don't share my optimism it sounds like but I guess, as we went through some of the case studies, we, you know, we saw where better policy, you know, was or could have been created through the availability of more data and so I guess that's what we're hoping is compelling. But, Graeme, go ahead, you have your hand up.

Graeme Bunton: There we go. I was just going to say it seems like there's lots of other issues on registrar minds leading up to ICANN...

Jonathan Zuck: Sure.

Graeme Bunton: ...and this is not one of them. So I suspect we'll be able to get at least one or two more people out and I will push for that.

Jonathan Zuck: That may be plenty.

Graeme Bunton: Yeah, hopefully. Hopefully we can get someone interesting vocal and excited in there and bring some new ideas. But, like Pam, I think this is not getting huge tons of traction in the community. This document we've got, when we get it to a place here where shared around may stir some thoughts that I'll be able to share but it's kind of a wrap.

Jonathan Zuck: Okay. All right well I'll make it a priority to try and get this to be something that can be shared in advance of that and then if nothing else people will be able

to see the process going off the rails with this document and want to be there to prevent it so, you know, that could be an impetus for participation at times too (unintelligible).

Anybody else have any questions or comments or things that they want to raise with respect to this? And is there anybody else that wants to volunteer to be part of the drafting process of this document? All these hand are going up, I don't even know how to cope with it but.

Okay so let's at least get the process started. Cheryl, you know, it could be that it'll get pushed out but let's try to get a document in folks' hands and at least have a meeting with what we have and get this process going so that we don't have too many more PDP processes operating without some kind of framework going forward. So been trying to keep the thing - keep the momentum and not push it (unintelligible) if we can.

Tony, what's your - are you on the phone at all or only on chat?

Tony Onorato: Hey, Jonathan, yeah I've kind of been dropping in and out phone wise. (I know) you were asking for drafting assistance and I'd sort of like to be able to help you with that. A lot of (unintelligible) but to the extent we can work together within the group I would certainly raise my hand for that.

Jonathan Zuck: All right, that sounds good. Is - and I guess the next question - I'll hand it back to Steve to look at when we might have another meeting.

Steve Chan: Thanks, Jonathan. This is Steve. So we were thinking with the ICANN meeting starting on the 12th I think it is...

Jonathan Zuck: That's right.

Steve Chan: ...or 11th or 12th, it might not make sense to have the meeting on the 7th. So if we want to have a meeting that leads up into the ICANN LA meeting we might want to do the 30th, that's a suggestion...

Jonathan Zuck: Right.

Steve Chan: ...to the group.

Jonathan Zuck: Well what do folks think? Is this maybe something where we're doing more on the list rather than on another call as we try to do some - hash out these principles. Do folks have a feeling about this? We're sort of focused on contracted parties right now.

The other thing we could have in a meeting is this - is moving on to some of the other scenarios. But I feel like if we try to tackle this one at a time the contracted parties' framework is probably at the forefront of our minds. Does anybody have any thoughts on another meeting? Do folks want to meet on the 30th or is that too soon?

Graeme is unlikely to make a call on the 30th. Anybody else? What's your story? Cheryl, is that a vote in favor of a meeting on the 30th or is that...

Cheryl Langdon-Orr: Yeah, I'm okay for the 30th but, you know...

Jonathan Zuck: Okay.

Cheryl Langdon-Orr: ...obviously if it's just you and me, Jonathan, whilst we'd have a lot of fun I'm not sure that would be the answer either but...

((Crosstalk))

Jonathan Zuck: Well we might get a lot done too.

Cheryl Langdon-Orr: We could. We could disagree with each other violently of course as well.
But anyway.

Jonathan Zuck: All right, anybody else have an opinion? I've got two - I've got one yes and two eh. So I guess, Steve, given this feedback I'm inclined to put off more calls and do some things on the list and try to get folks to reply on the list to this document. And let's get the document circulated to contracted parties in advance of LA and make that the priority.

And then we'll play it by ear, you know, if folks think we need to have another face to face before 51. That make sense, Steve?

Steve Chan: Sure. This is Steve. Thanks. Did you have a date in mind - a target when we could circulate a draft to the...

((Crosstalk))

Jonathan Zuck: Yeah, I'm in the middle of driving through the mountain regions of the US this week so, I mean, let's try to circulate a draft by the middle of next week.

Steve Chan: Sure.

Jonathan Zuck: All right.

Steve Chan: This is Steve again. I can also volunteer to put together a straw man that the drafting team can start with...

((Crosstalk))

Jonathan Zuck: All right well let's - Steve and I, let's you and I schedule a call, I mean, it could be that like I said maybe it's a flow chart becomes a document or a questionnaire or something like that so let's hash out the format a little bit and, you know, we can fill in the blanks.

Steve Chan: Sure.

Jonathan Zuck: Okay, all right everyone. Thank you for being on the call and let's keep this process going forward and I'm going to count on Graeme and Pam to twist a couple arms to get a few extra people there in LA. And I will also reach out to Keith on the Registry side. Who's the arm-twister for the Registrars, Graeme?

Graeme Bunton: Me probably.

Jonathan Zuck: You, okay.

Graeme Bunton: Maybe Michele.

Jonathan Zuck: Excellent. All right, I just did Michele radio show this morning so I'll go use up my chip on this. All right, everyone...

Graeme Bunton: There you go.

Jonathan Zuck: Thank you so much and let's keep the discussion going on the list. Thanks a lot.

Cheryl Langdon-Orr: Thanks. Thanks, Jonathan. Thanks, everyone. Bye.

Graeme Bunton: Thanks, all.

END