

ICANN Transcription
Privacy and Proxy Services Accreditation Issues PDP WG
Tuesday 30 September 2014 at 1400 UTC

Note: The following is the output of transcribing from an audio recording of Privacy and Proxy Services Accreditation Issues PDP WG call on the Tuesday 23 September 2014 at 14:00 UTC. 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-ppsa-20140930-en.mp3>

On page:

<http://gnso.icann.org/calendar/#sep>

Attendees:

Steve Metalitz - IPC
Graeme Bunton – RrSG
Griffin Barnett – IPC
Frank Michlick – Individual
Don Blumenthal – RySG
David Heasley-IPC
Jim Bikoff-IPC
Chris Pelling – RrSG
Kathy Kleiman – NCSG
Darcy Southwell – RrSG
Sarah Wyld – RrSG
Victoria Scheckler - IPC
James Bladel – RrSG
Val Sherman – IPC
Todd Williams – IPC
Keith Kupferschmid-IPC
Amr Elsadr-NCUC
Osvaldo Novoa - ISPCP
Tatiana Khramtsova - RrSG
Phil Corwin-BC
Kristina Rosette – IPC
Phil Marano – IPC
Kiran Malancharuvil-IPC
Theo Geurts – RrSG
Susan Kawaguchi – BC
David Hughes – IPC
Justin Macy – BC
Stephanie Perrin – NCSG

Paul McGrady - IPC

Sean McInerney – no SOI
David Cake-NCSG
Libby Baney-BC
Michael Palage - RySG
Alex Deacon – IPC
Lindsay Hamilton-Reid – RrSG

Apologies :

Susan Prosser – RrSG
Michele Neylon – RrSG
Luc Seufer – RrSG
Christian Dawson – ISPCP
Carlton Samuels – At-Large
Holly Raiche – ALAC

ICANN staff:

Mary Wong
Marika Konings
Amy Bivins
Nathalie Peregrine

Coordinator: The recordings have now started, please proceed.

Nathalie Peregrine: Thank you very much, (Damon). And please now dial to Don. Thank you ever so much. Good morning, good afternoon, good evening everybody and welcome to the PPSAI Working Group call on the 30th of September, 2014.

On the call today we have Graeme Bunton, Frank Mishlick, Tatiana Khramtsova, Theo Geurts, Sara Wyld, Chris Pelling, Darcy Southwell, Susan Kawaguchi, David Hughes, Osvaldo Novoa, Keith Kupferschmid, James Bladel, David Heasley, Don Blumenthal, Todd Williams, Justin Macy, Jim Bikoff, Phil Corwin, Steve Metalitz, Val Sherman, Griffin Barnett, Stephanie Perrin, Paul McGrady, Vicky Scheckler and Kristina Rosette.

We have apologies from Michele Neylon, Christian Dawson, Susan Prosser, Holly Raiche, Luc Seufer, Carlton Samuels. And from staff we have Marika Konings, Mary Wong, Amy Bivins and myself, Nathalie Peregrine.

I'd like to remind you all to please state your names before speaking for transcription purposes.

And I am just checking if Don Blumenthal has joined on the call yet. He has not. In that case I would like to hand it over to either Mary or Marika to start off.

Don Blumenthal: Hello?

Mary Wong: Don, is that you? This is Mary.

Don Blumenthal: Yes. I'm here.

Mary Wong: Okay, welcome back, Don. Would you like to take over and start the call then?

Don Blumenthal: Yes, might as well. Wasn't even back, I couldn't even get through in the first place today. Phone service hasn't reached the Midwest I guess.

Anyway, as usual please update your SOIs if there have been any changes since last week. ICANN is focusing a lot more on transparency these days so I'm making a stronger point of at least doing a reminder each week.

I'm going to start off with a topic that - well it shouldn't surprise anybody. We - which is the whole issue of ground rules particularly for electronic gizmos in Los Angeles. We got the, you know, we saw the suggestions, in the interest of time decided to present them. In retrospect maybe could have spent some more time on softening language. You know, as I mentioned online I put an exception for myself right off the bat.

But, again, maybe should have done some softening language and - well we didn't - I think we're ready to address the concerns. To be honest, at least for my part some of the jumping ahead and throwing things out was the result of,

you know, seeing what had been suggested and understanding the concerns, as Mike Palage suggested.

Sometimes ICANN - and it's not limited to ICANN - isn't the best about having people focusing on the topic of a discussion. And, you know, that's happened to all of us. And I think we just - or I just thought it very important to at least present ways to make this program, the face to face pilot, as successful as possible.

We will adjust. And I've already said the phone issue is not an issue. But we'll be following up with what might be better called guidelines rather than rules. But at least we can maximize participation in the discussions and try to have people avoid distractions.

Graeme?

Graeme Bunton: Oh, sorry, I was on mute. This is Graeme for the transcript. I just wanted to chime in briefly and say, you know, people require technology for a number of reasons but so long as we're sort of adhering to the spirit of that request, which is to say that we're all present and focused, then, you know, you use what you need to use. But, you know, we're all there and working together and I just think that's all we need to try and work towards. It doesn't need to sort of escalate into a larger deal than that. Thanks.

Don Blumenthal: Absolutely agree. Kristina?

Kristina Rosette: Thanks. I agree with Graeme. I guess, Don, you know, clearly it sounds as if you have something particular in mind in terms of what the further refinement is so I would just ask that to the extent that that's the case that you share that with us now so that we don't finish this call and, you know, 8 hours from now we all get another email that has a further refinement and then just - this just turns into a big cycle.

Don Blumenthal: Okay, I appreciate the request. This has just kind of flown since yesterday. So I don't think we've had time to turn around and come up with anything formal. The idea behind the request or rules or whatever was just - and I'll use an example. I was in a three-day face to face session last week and more than once somebody explicitly said, "Okay, I'll go back to reading my email now." That's something I think we'd like to avoid.

But at this point given the concerns, and I think they're valid concerns, about chatting with colleagues, doing private chats even within the room, excuse me, even within the room I don't think we're going to be in a position to say any kind of electronic device is forbidden. We couldn't have said that anyway.

But we will put out a document that just, again, as Graeme said, the spirit to just suggest that - request people minimize use of the various toys for non-workgroup purposes. We're not in a position to stroll the room and monitor like I used to be able to do when I was teaching.

But, you know, like Mary said in her note there will be time set aside for people to catch up on email. And we're arranging breaks. But and that's where it is; it'll be the spirit of trying to just focus on what we're doing including when computers are used. That's enough for now.

Okay, I appreciate it. Had flipped over to - I flipped over to one of the private chats I just mentioned so I didn't see your response.

Okay with that let's talk a bit about the face to face. I've been - the amount of back and forth and discussion for possible issues has been great. I think I see a consensus toward a couple, not a consensus - I think I see just opinions drifting toward a couple at the head of the list so I think we still have a couple more days to continue taking responses if necessary to refine - if necessary to refine questions as we go along.

And just to answer Kathy, yes, there is still Friday but we need to start putting things together. You know, I see the trend now but, like I said, I'm not saying we're cutting it off at this point.

Oh, Kristine, I was not aware of that, the SLAC session. We'll work on that. Appreciate you bringing it up. And I'm apologizing here for my voice, it's obviously not real happy today.

So, you know, keep the comments coming in. At this point I wanted to just kind of toss out if anybody - and ask if anybody has thoughts off the top about you haven't contributed in terms of topics or again if we can refine how we define some of them.

And if I could ask folks to go on mute if you're not speaking? Thank you.
Steve.

Steve Metalitz: Yes, this is Steve Metalitz. Just one point on the agenda and just to clarify - this was discussed among the chairs yesterday, this Item 1530 for discuss draft accreditation framework and related questions, tentative, that depends on receiving a document from the staff that were on our call a couple weeks ago and that raised some issues about this.

So do we have a deadline by which we'll know, you know, if we have a document, a deadline, by which it will be circulated to the group so that we'll be prepared for that discussion and alternatively we will drop that agenda item?

Don Blumenthal: Thanks. Yes, glad you brought that up. Mary? Mary?

Mary Wong: Hi, can you hear me?

Don Blumenthal: Now, yes.

Mary Wong: Sorry, I think the mute button was doing funny things with me. But we've been speaking to our colleagues on the Registrar Services Team and they are working on a document. And the hope is to have the document sent out to all of you by the end of this week if not very definitely by early next week.

So I'll touch base with them again probably tomorrow but for now I think we are going to keep that item on the agenda on that basis. I hope this helps.

Don Blumenthal: Definitely. Yes, I think it'd be very useful to have that discussion - to see how anything compares to what was brought up a few weeks ago. One more item here just as a warning, a friendly warning - that's a bad word. This is a pilot. In a perfect world we might have had - well a number of planning issues have arisen as we've gone along. We're not - we're going to come up with these topics to be discussed, you know, relatively late, relatively close to Los Angeles.

We may reach out to working group members to at least lead the discussions or at least get the discussions kicked off if there's something that might be in a particular person's or group's bailiwick. So that's just advance warning. We'll make the suggestions or make the requests once we come up with - excuse me - with the final list.

One of my periodic pauses to just see if there's any more thoughts or comments on this topic or - Mary.

Mary Wong: Thank you, Don. And not specific to the 10th October face to face meeting but on the LA meeting proper I think everyone will recall that in addition to this facilitated session on the Friday before we will also have the usual scheduled working group meeting during the ICANN meeting itself with the hope that the community will attend and give us feedback.

The schedule that was published had the group meeting at, I believe, 10:00 am on Wednesday. That was actually not the original request so it's been

switched back to the original request. And it will not appear on the formal schedule for a day or so because of the switch and them having to change it.

But we wanted to let everybody know that the working group meeting is actually going to be still on Wednesday morning, the 15th of October, but from 8:15 to 9:45 am. And the reason for that is to avoid any clash with other sessions coming on at around 10:00 am like name collision, ATRT 2 and so forth that we thought the group might be interested in.

We'll follow up an email but, Don, this just came in to us, me and Marika, hot off the presses so I thought I should raise it here.

Don Blumenthal: Okay, appreciate it. Oh (cat), not chart. Okay so that's 8:15 which I think right there is a little bit off the original but okay that's good for planning both for me and figuring out who else from PIR is going to cover a conflicting program that day. Oh I hope I make it through here. Okay, last call here for face to face discussion.

All right I went back through all of the questions. And to be honest I kind of lost focus on how this list is. Is there any way we could bring up the question - the template grouping? Oh, cool, magic. Thanks.

We've done a lot of back and forth which is inevitable in this process. Appreciate it if - sorry, if - any topics we have not discussed to your satisfaction jump out at you. You know, so many of them have kind of come up in the context of different ones and perhaps I should have sent this out earlier but it just occurred to me about 9 o'clock this morning that we've done a lot of discussion about reveal, inevitably haven't done it in an orderly fashion.

But we need to go back either now or in preparation for Los Angeles to really identify what we have not even tackled at all if anything. I think certainly it's easy to say not sufficiently, not in depth. Is there anything we haven't even

looked at? I don't think so but I'm curious about opinions to help us guide next week's face to face in Los Angeles and beyond.

Kathy?

Kathy Kleinman: Let me mute the background. This is Kathy for the record.

Don Blumenthal: Yes, just for what it's worth I was looking at - literally looking at one of the privacy pieces when your hand came up, for what it's worth.

Kathy Kleinman: And that's - I wanted to - I know we've touched on a little bit of it. I wanted to look at a question Number 4, what safeguards must be put in place to ensure adequate protections for privacy and freedom of expression.

One of the things we haven't discussed perhaps is some of the abuses of the process and whether what registrars might be seeing and others might be seeing in terms of different motivations for trying to get the underlying data.

We're working with some - I'm not sure how we do it but certainly one of the things we're seeing emerging is notice that a number of registrars provide notice to the registrant. And an opportunity to describe a situation, perhaps, before - certainly before the personal data or the organizational data is revealed.

Because there might be something, you know, to explain why that particular party is trying to - the third party is trying to get the data. That might not be clear on the face.

So I wanted to make sure, since we're seeing it evolving, that notice to the registrant is included in all of our discussions because we're seeing that emerging as a pattern. So I'd like to build that into the templates that we're working with and also see if we can discuss a little more perhaps in LA some

of the abuses we might be seeing or some of the protections - any additional protections that we might want to add. Thanks, Don.

Don Blumenthal: Okay appreciate it. Certainly anything we talk about here in terms of Los Angeles discussion is - we're not limiting our self to face the face meeting is also an option as are any back channel ways folks may find. Steve.

Steve Metalitz: Yes, this is Steve Metalitz. I agree with Kathy that the notice issue is important. But I think in terms of the abuses we also - and I'm just going to ask this again - we need more information on the volume of requests and the results of requests.

We've been asking the providers for that for a couple of weeks. We've had several explanations of why they can't provide it or might find it difficult to provide. But that kind of leads to the question of what do we do in the absence of this data.

And what I would be concerned about is, you know, policymaking by anecdote. When, you know, there are a lot of - there are 30 million proxy registrations now, there is certainly volume of requests. The providers are in a position to know - best position to know what the overall picture is. Any requestor only knows what requests it has launched.

And I think that would be useful too if we have data from the requestor side. But we're still waiting for data from the provider side and we may have to figure out how to act in the absence of data since so far we have very little. But we're still hoping to see some on this. Thank you.

Don Blumenthal: Thanks. James?

James Bladel: Thanks, Don. I think Steve - just to follow up on - or James speaking for the transcript. I think Steve hit on the head, we need more data here. We certainly don't want to get into a situation where we're, you know, creating far-

reaching policies that really touches millions of people, millions of domain names in a very real and tangible way without, you know, some metrics.

And I think it's not just important to the making of intelligent policy but it's also the best way to understand if you're actually doing good versus harm and measuring the success of this policy down the road and the success of the accreditation.

I think that there are two sides of that data coin. I think that, you know, certainly some provider statistics on - would be useful on what we're seeing and what, you know, what our hit rate is, what our miss rate is. I sent a note on this to the list recently but it was fairly late and I apologize for that; most people probably haven't seen it.

I think we also would benefit from some either individual organization statistics or even some industry-wide statistics on the users of these mechanisms on what their experiences are, for example, are there particular service providers that are more receptive, more responsive, response times are better and some that are just - as I suspect are just black holes for these types of requests.

And I think that might be useful as well and it would help us differentiate between the practices that we want to encourage and fold into these accreditation requirements and then the practices that we want to be sure are left outside of these accreditation requirements.

And then just on that note I think that, you know, the one thing that might be missing here from this list, reveal, and I think it also, to some extent, applies to relay, is some mechanism to authenticate and track the use of these mechanisms, relay and reveal, by the providers so that we can ensure that if they are being abused, that someone's accessed these mechanisms, could be potentially revoked.

And I think that that's an important consideration as possibly folds in under Item Number 4 about safeguards to ensure protection for privacy and freedom of expression but also kind of freedom from harassment I guess would be the other side of that.

So that's just my contribution. I think the data, you know, doorway swings in both directions here. We need to get a true understanding of the scope of the problem so that we can really understand if we are making effective strides towards addressing it. Thanks.

Don Blumenthal: Thanks. A lot there. I guess my question would be as a follow up is - well let me ask first, Kathy, is that a new hand?

Kathy Kleinman: No, sorry, old one. I'll take it down.

Don Blumenthal: Okay, fair enough. I guess first how do we gather those statistics particularly on the requestor side. And to what extent are we going to be - are we drifting toward requiring some kind of a reporting system by accredited providers? James.

James Bladel: Yes, Don, if I can just take a quick stab at addressing that?

Don Blumenthal: That's what I expected.

James Bladel: Oh okay. So, well the queue was empty. So, you know, I think that we can put together provider statistics, at least the best we can, I know Graeme noted some important limitations but we can put together what we have.

But that's not going to give a whole picture of the industry, that's going to give the picture of the people and providers who participate in the process and are probably falling toward the good guy end of the spectrum. So I don't know that's going to be all that useful for separating out the types of practices that we want to, you know, explicitly exclude from these mechanisms.

And for that I think we're going to need some stats from the provider - or sorry the requestors of these services. You know, what are you seeing from the providers who don't respond, who don't, you know, handle these mechanisms. You know, I call them black holes, you know, the folks that you just ring their phones and send emails but nothing ever happens.

And so in order to, I think, draw the line in the proper place between the good guys and the bad guys and the good practices and the bad practices is probably the best way to say it, we need to understand what separates them and I think we - the provider side of the equation we can't provide data that shows where that line falls. Thanks.

Don Blumenthal: I will just note how much this conversation is helping with my ideas for planning the tracking system that I'm working on designing for PIR. Steve.

Steve Metalitz: Yes, this is Steve. Well I think James is being modest, as usual. I think it would be very useful to have information from the proxy privacy service provider associated with the world's largest domain name registrar and so I'm looking forward to seeing the data that he's mentioning. It's obviously not going to provide a complete picture but it'll certainly provide a very important data point on what kind of requests are being received and what percentage of them are being responded to positively.

I mean, the other side of it is not that complicated when a requestor asks for disclosure from a privacy proxy service provider and gets nothing. I'm not sure what there is to report. I mean, I'm not sure what's hard to understand about that kind of problem area. So that's obviously not where we want to be but if there's data about what requests are coming into the largest provider or some of the large providers, I think that's useful in terms of figuring out what the normal flow is in this area and we can always deal with educations and anecdotes but I think it would be very helpful just to know what the norm is. Let's put it that way. Thanks.

Don Blumenthal: Okay. Any rebuttals? Okay. Any comments from anybody else on this?
Kathy?

Kathy Kleinman: Hi Kathy. Just quickly supporting what we're hearing which is that more data would be useful on the requests, on the responses, on the concerns. I don't know how we get that but it sounds like that's what we're moving towards is moving off of the anecdotes into measurable types of problems and situations that we can then respond to but again, I don't know how we get there and I certainly don't know how we get there before our big Friday meeting. Thanks Don.

Don Blumenthal: I know. You're thinking much shorter range than I was. This is for the work of the group not necessarily the work of the - not necessarily for the face to face. Certainly anything from domains like proxy would be useful but that's one company's reporting, one company's categorization. So other methods, other systems would be useful to know about. I'm watching the chat but I'll stay out of it right now. Okay. Never mind. I'll stay out of the chat. I've got to stick to my guns sometimes.

(Karen): Don, this is (Karen). Some of us I don't think are on the chat. I'm not on the chat. Is it possible to maybe when you speak about what's going on in the chat, let us know what you're talking about. Thanks.

Don Blumenthal: Well, there's just some back and forth. Steve asking Graeme a question. I'm not sure. I didn't see the chat item that he's responding to. Well, he said we need to understand the volume from the requestor side and Steve was asking why but to be honest, I thought I had heard that raised. I think from now on, I'll just not refer to the chat at all and leave it open for people to read it afterwards. It'll bog things down pretty significantly I think to repeat the items. Stephanie.

Stephanie Perrin: Thanks Don. I just wanted to pick up on something that Amr mentioned in the chat. There is an issue as to what it is permissible for a provider to reveal in a jurisdiction that has data protection and I'm not aware that it has been decided by (Kinslaw) yet but we have to remember that the terms and conditions that we are sorting out in the working group will provide boundaries in terms of reasonable expectations and they may or may not be accepted by the protection authorities but it's just something we have to keep in mind that if you have data protection law and you have a contact with your customer, it doesn't follow that you can break that at a low threshold. So we have to pay attention to that. Thanks. That's all I wanted to say.

Don Blumenthal: Sorry. Yes. I mean, the privacy frameworks are floating in the background on anything involving (unintelligible). It's one more set of issues to confuse us even more. All right. Well, we'll continue to look at how to get data and how to make it meaningful particularly when gathered from sources that may not be standardized in how they approach the issues. I've had a couple of background - hang on.

I've had a couple of background notes in response to my 'what haven't we covered' so I want to suggest what those might be and work on setting priorities. I think the one that's clearest to me that we only skimmed over is item 8. I guess my first question is this even in - well, no. I just answered my own question but we will need, I think, to be discussing what would be in an accreditation program that would pose penalties if the provider acted improperly?

The question is there. I guess my first issue is, is that even in scope or is that an implementation issue? I think that maybe because it's there, it suggests the bias that it's in scope but I'm not sure about that and then what would the safeguards or remedies be? How much might we just wind up tracking what's done through the other compliance standards or where we - who are we looking to come up with different approaches? I appreciate your confidence Kathy. Go ahead.

Kathy Kleinman: I think that's valid to point out number eight. Not so much for if a provider acted improperly but safeguards and remedies can protect the providers also from undue pressure. There's going to be a lot of pressure to disclose this data and so we want to make sure that - unfortunately, proxy privacy providers are stuck in the middle.

So providing the incentive, the incentives or rewards for lack of a better word to try to prevent undue or too easy publication and we probably need to revise number eight to be both disclosure and publication because we want safeguards, we want balances that protect against undue revealing of the data and we've now defined revealing to be both disclosure and publication. So I don't see this so much as punishment but setting up the balances of the system, the checks and balances, so that there's a process for reviewing if something's out of whack and saves a lot of undue pressures coming in. I'm happy to clarify if anybody wants me to. Thanks.

Don Blumenthal: I appreciate that. This is all helpful in just trying to go about how to be using our time as we go forward and maybe there's more than is on the surface. Susan?

Susan Kawaguchi: I just want to bring a little bit of balance to the discussion. Yes as use of proxy registration grows and we're seeing it anywhere between 25 to 30% of the infringing domain registrations that we discover are proxy, there will be more of a demand but that's because the use of proxies are growing but it's still -- and I'd have to go back and look -- but I can't even remember the last time I requested a proxy reveal -- basically that I have requested that information mainly because I need to get to it and I've got too much other work to do but I would bet of the proxy registrations, at least for Facebook, but I do - going back historically, I did the same job for EBay. It was minimal. The requests were absolutely minimal.

Maybe 1% of all proxy registrations have I ever asked for contact information. Now, I try to contact each and every one of those that we've determined have been fringing but that's just relay. So I'm a little bit concerned when we talk about an abundance of requests when I don't think that's a true picture and maybe other companies have different processes but it takes time and lots of hands on to request contact information when 99% of the time, we just want to get a communication to that registrant.

So if you really - if all of this proxy providers could reveal or could tell us how often they did a reveal request for specific domain names -- maybe you're getting 1000 for one, I have no idea -- but I just think it's really a small number. So we need to balance the discussion based on that.

Don Blumenthal: I see your point but let me just suggest as was mentioned in email, there are a lot of different abuse types and the experience of one kind may not be reflected. Different kinds may have significantly different rates of reveal requests.

Susan Kawaguchi: I agree but I'm not sure if...

((Crosstalk))

Don Blumenthal: Susan, hang on. I'm just suggesting that your numbers may not be reflective of other kinds and it would be nice to get data but until we do -- again as Steven suggested -- I have to take act on the basis of anecdotal avenues. Go ahead.

Susan Kawaguchi: I thought you were done so I apologize for interrupting you there. That was not my intent. So I agree and we Facebook and eBay is a different animal than other companies but we also face a large amount of infringement and I would just be surprised if the proxy providers are getting authentic reveal requests.

I can't account for the crazies that just say I don't like this website, tell me who runs it but I would be very surprised if for other brands, for other issues, for law enforcement that there's just this wholesale request if you compared the request number to the actual registration and maybe we can do - maybe James can provide some of that information or some of the other proxy providers could provide how many requests they get per year and I apologize.

I was visiting family last week so I missed this call. So maybe that was a discussion but how many reveals are they actually getting -- real reveals, not crazy reveals -- requests compared to the number of registrations and I have never asked for one. I have never asked for contact information for anything other than a dot com.

Don Blumenthal: I guarantee they're not limited to dot coms.

Susan Kawaguchi: Yes but I'm saying that's where the higher percentage may be. So I think we need to figure out how many proxy registrations there are and how many requests and then really take it. If 30% of all dot com registrations are proxy registrations and you're getting that select - that number, I think, feeds to 30 million or something. Take that number and the proxies are getting 30 million requests, I'd be really surprised.

Don Blumenthal: I appreciate that. I think we need to be careful about repeating stats because I think they're getting a little conflicted and of course, going back over the transcript and the data just to make sure but if nothing else, that can be the start of trying to come up with some numbers. (Karen)?

(Karen): Sorry. I was on mute. Can you hear me?

Don Blumenthal: Yes. Got you.

(Karen): Okay. Sorry. I would have to agree with Susan and coming from Mark's monitor perspective, I think that we're slightly more - sorry. Slightly less anecdotal because we have such a large volume of clients all across the board, we are dealing with requests to all sorts of entities, all day, that's all we do and we - the information that I have so far from our enforcement team is that we rarely, if ever, and no one has been able to say affirmatively if they've actually requested a disclosure or a publication.

We are always, always requesting relay, always seeking communication but through the privacy proxy provider itself. Never saying please give us the contact information of this person so we can contact them directly and the of course as has been demonstrated with the list traffic that I participated in yesterday and today, on the flipside, we have not received any request of disclosure at least in the last eight years that our manager in charge of the maxing service has been working for us. He has not - he doesn't have one request of disclosures.

So I would have to agree with Susan and I would have to object to the idea that that's nearly anecdotal because we're one of the largest service providers in this area and it's just simply not what we do. So I hope that's helpful. I don't know how easy it would be for me to get super concrete data on that but that's the information that I have so far and I've provided what I can to the list and hope to provide something more concrete later. Thanks.

Don Blumenthal: No. I appreciate that and that would be a very useful and certainly would be anecdotal. Yes. If you could that'd be great. I guess and I'm maybe wading in here a little bit, I guess I'm wondering where this discussion takes us though. Is it suggesting we're spending too much time on reveal? That we shouldn't be looking at necessarily all these questions in depth because there isn't that much volume? Anybody? Vicky?

Vicky Scheckler: Hi. This is Vicky and I'm with Recording Industries Association of America. I understand the call for data and I understand that on the server side, the

service provider side; there's been some chatter about collecting the data. For RIAA and IFPI, I've put a call out and asked for the data but putting that aside, I can tell you that from our perspective, it is vitally important to have the ability to get this information in our most egregious cases.

We have always taken the position that we don't ask for this data if we have other avenues to deal with the problem and we don't ask for data for gray area sites or (unintelligible) sites or stuff like that. So in response to your question Don, I think we should move forward with thinking about some rules of the road if you will for legitimate cases where the information is required. I understand that there's abuse and edge cases and we have to deal with those as well but I would strongly suggest that we continue on the path of coming up with some reasonable rules of the road while we continue to collect the data.

Don Blumenthal: Great. I appreciate it. To be honest, it's nice to hear a different voice from the usual cast of characters. Thanks for the contribution. Paul?

Paul McGrady: My concern about the data collection is that it's not - from a requestor side is that it's not going to - first of all, we don't have access to the full universe of requestors and so we can't draw any conclusions about real life volume based upon that. It wouldn't even be fair to collect the number and then multiply it by the number of trademarks in the world or some other number like that because not everybody enforces at the same pace depending on how sensitive the other services are to consumers and the need to protect the consumers.

So I'm concerned about that that whatever data is collected from the requestor's side will not reflect real world volumes. I'm also concerned that it won't reflect a real percentage of requests that are ignored because at some point after you've been consistently ignored by some privacy proxy services and they don't respond at all and you don't know why they're not responding other than that they appear to just be protecting their customer, you quit

writing to those people and you just do what you have to do to deal with the consumer confusion issue and so again, whatever data sets are collected if we can collect data sets, will not reflect accurate volume and they won't necessarily even reflect an accurate percentage of who among privacy proxy services respond and who doesn't.

So for what it's worth, I still think it's interesting to have some numbers to think about from the requestor side. I think it's also vital to add the similar set of numbers from the provider side so again, maybe not have the entire universe of all providers but you at least know from your side, the provider side, what it is that you're doing but I think that we need to be careful that when we get datasets to look at that we don't assume that they are somehow scientific in nature and that they were developed in a way that you would expect from statisticians who do this for a living but there not anecdotal maybe but maybe they're hyper anecdotal and we should keep that in mind when digging through it and sorry this comment was so long.

Don Blumenthal: No problem at all. Yes. Good points. Lack of standard will - yes, lack of standardization is an issue when it comes time to analyzing the data and making use of it. Stephanie? (Steph)?

Stephanie Perrin: Thanks. Thanks Don. Sorry I was on mute. I just wanted to clarify while I think I probably agree that we need more logistics, more reliable data about what's actually going on in the different segments of (unintelligible), that shouldn't interfere with us analytically deciding what is the right term for a lot of these processes and so in particular.

With this discussion that's gone on in the chat as to whether we should just drop reveal or continue discussing it, in my opinion, we need to discuss it because we need to set extremely high standards in our compliant and data protection law and establish the due process that somebody should've had umpteen relays before there is a reveal and then we need to be clear about

exactly who the data is getting revealed to and what you do with a non-compliant person.

I mean, I think I'm worried that we are going in circles here. We've had a lot of good discussion on that. We just need to continue and nail it down and possibly get better stats on what the nature of the problem is. I hope that isn't being redundant. I just wanted to jump in and say that.

Don Blumenthal: No. That's fine and the trick is how to get the stats. Well, it's one of the tricks.
Mary Wong?

Mary Wong: Don, I'll concede to Steven and go after him.

Steven Metalitz: Yes. This is Steven. I would just agree with Stephanie that we need to go ahead and try to set a standard even if we don't have as good data as we like and I'd just point out that IPC made a pretty details proposal on this, the NCUC has made a pretty details proposal on this so we're eager to see if the providers can help contribute to that process. I think that would really help move this forward so we would have some concrete proposals on the table.
Thanks.

Don Blumenthal: It's like I just asked, I lost Steve's end because some older ones were up. If you could put yours down if you've already spoken and don't want to again.
Mary Wong?

Mary Wong: Thanks Don and my comments on the staff perspective was going to be fairly similar to what Stephanie and Steve just said and listening to the conversations and again, data and statistics aside as James) was saying, more data is always helpful as we proceed along. I just wanted to remind folks that this group has agreed on two types of reveals. Disclosure to a third party requestor and publication and who is and for both of those types of reveal, there's really two categories of reveals if you like. The third party requestors that might be (IT Light) holders and law enforcement.

If you look down at the last few questions in category F, it seems to us that a combination of those questions and some of the latest group discussion might be leading us towards maybe discussing at least one proposal along the lines of where publication is concerned that that really is something that takes place by and large if the customers service is terminated and that termination occurs because of a violation of the providers terms of service and so, we offer that up as a reminder that these are underlying assumptions, if you like, behind the last three questions and maybe this is one specific angle that the group can think of going forward in the next couple of weeks. Thank you.

Don Blumenthal: Thanks. Real quickly Kathy because my thing says 10:50.

Kathy Kleinman: Right. We're at 11 o'clock. Mary Wong's comment confuses me because every time we go back to publication, we leave disclosure and I still don't think in any way we've nailed down disclosure to third parties. So I love not jumping back and forth. I love picking it and zeroing in but what I gathered from today is that relay, relay is where the action is at and I'd love more data. I'd love more data from those requesting relay's and reveals and I'm still with James. I think we still need some more data otherwise we're deciding on anecdotes. Sorry to keep everybody past time. Thanks.

Don Blumenthal: My computer says 11. Thanks for your time. I think a really good discussion and a couple of other points in F that I'm not sure we've discussed - I will send those out in email. Talk to you on the list and on the phone next Tuesday. So long.

Man: Thank you.

Woman: Thank you.

((Crosstalk))

Woman: Thank you everybody.

Man: Thanks Don.

Man: Thanks everyone.

Coordinator: Thank you very much for attending. You may now stop the recording and have a great day. Goodbye.

END