

**ICANN Transcription
Privacy and Proxy Services Accreditation Issues PDP WG
Tuesday 07 October 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 07 October 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-20141007-en.mp3>

On page:

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

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
Val Sherman – IPC
Todd Williams – IPC
Keith Kupferschmid-IPC
Tatiana Khramtsova - RrSG
Phil Corwin-BC
Kristina Rosette – IPC
Kiran Malancharuvil-IPC
Susan Kawaguchi – BC
David Hughes – IPC
Justin Macy – BC
Paul McGrady - IPC
Luc Seufer – RrSG
Christian Dawson – ISPCP
Carlton Samuels – At-Large

Holly Raiche – ALAC
Alex Deacon – IPC
Libby Baney-BC
Phil Marano – IPC
Thomas Rickert

Apologies :

Oswaldo Novoa - ISPCP
Michele Neylon – RrSG
Lindsay Hamilton-Reid – RrSG
Stephanie Perrin - NCSG

ICANN staff:

Mary Wong
Marika Konings
Amy Bivins
Nathalie Peregrine

Coordinator: The recording has started, you may proceed.

Nathalie Peregrine: Thank you ever so much (Gayle). Good morning, good afternoon, good evening everybody and welcome to the PPSAI call on 7 October 2014.

On the call today we have Holly Raiche, Graeme Bunton, Steve Metalitz, Chris Pelling, Sarah Wyld, Christian Dawson, Don Blumenthal, Victoria Scheckler, Keith Kupferschmid, Griffin Barnett, Darcy Southwell, Todd Williams, Alex Deacon, David Heasley, Libby Baney, Jim Bikoff, Thomas Rickert, Paul McGrady and Susan Kawaguchi. Tatyana Khramtsova has just joined the Adobe Connect room.

We have received apologies from Lindsay Hamilton-Reid, (unintelligible), Michele Neylon and Oswaldo Novoa. 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 name before speaking for transcription purposes. Thank you ever so much and over to you, Don.

Don Blumenthal: Great. Thanks, Nathalie. First as usual, please update your Statements of Interest. I'm doing some scrambling back-chatting to see if we need to adjust our agenda a bit. So now I'll focus on the call.

So I think the main thing to discuss today is the face-to-face. It's the biggest thing coming up for us right now and a lot of the substance that we might talk about today, and I'm not saying we won't, we are really going to get into in depth on Friday, Category F.

You've got tentative close to final, I think, agenda for Friday on the screen there. We have, shall we say softened the rules of the road that we laid out last week. I think most of the comments we expected, all of them I think were fair in different ways.

But we will ask, you know, to minimize - people to minimize distractions. That's something that we've all seen at ICANN meetings and elsewhere, so it'd be good as much as possible to just spoken on the conversations, I think that will be a big part of the success of the program.

We'll get started about 9:30. A refreshing break for ICANN, for long programs, and go to the end of the day. We talked a little bit about order earlier today, the chair's group. And what we are thinking now partly in general, partly to accommodate the request from a working group member, is that we'll switch a little bit of what you see there.

We think it's important - well know, yes, I'm sorry, my voice is still not good. Maybe LA will get me out from under the Michigan allergies. We still want to dive directly into substance. David and Thomas, and Thomas is on the call here, will outline the approach, talk about the face-to-face, how we're going to operate it, procedures, things like that. And we thought it would be best to dive right in.

We also - excuse me, we're thinking that because relay and reveal possibly are related, I'm not sure everybody agrees, but they possibly are, that they should go in order but it might be a good idea to have a break between them. Either could get kind of intense I think.

So right now what we are thinking about is we will have the introduction, we will jump into the transfer issues, we'll go to relay, have a lunch break so give people a chance to recover and let things percolate, and then we'll go into reveal after lunch and then have the staff presentation.

You should be, if you haven't already because I haven't looked at my email in a few minutes, you should have the document from staff, okay, and hope to get it to us before today's meeting so that people could review but at least one staff member is traveling. I think we all know the challenges that that presents to getting things out.

Okay, after more backroom chats we'll continue our agenda the way it's laid out. Just curious if there's any reactions or thoughts to the - to what I've just said in terms of how we're going to schedule the discussions or ground rules or anything else. I'd like to get as solid an idea of how we're going to proceed beforehand so that we don't waste time Friday morning switching things around.

I will note that Thomas Rickert is on the call just to get an idea of what we're all about which I appreciate. So I'll stop talking, give other people a chance to. Steve.

Steve Metalitz: Thanks. This is Steve Metalitz. So, Don, just to be clear this basic order will be followed but Topic 1 - rather Topic 2 and Topic 3 will be relay and reveal or reveal and relay, is that what we're determining here?

Don Blumenthal: Yes.

Steve Metalitz: In other words - yes.

Don Blumenthal: And, you're right, I'm looking at the document and pretty much 1, 2 and 3 are as we're laying out as they're numbered in the document or as they're numbered in the options.

Steve Metalitz: Right.

Don Blumenthal: So, yes, it did work out well that way, yes.

Steve Metalitz: Okay thanks.

Don Blumenthal: I think there was some suggestion that reveal might be better dealt with first. And to be honest I'm not sure we'll be able to isolate those two completely but I think one of the advantages of the face-to-face is it might make it easier to drift a little without losing complete focus on the - on the primary topic at hand.

You know, I appreciate the support and Mary notes the document is going out now. Any other thoughts or suggestions? Great. Just as an aside I think getting into substance early will also be best for jet lag purposes. I know some people have - many folks aren't getting in until Thursday night so not until very late on Thursday. So deal with heavy thought before crashes begin.

File alarm? That's what I thought, okay. I've had file alarms too so I wanted to make sure.

Okay I really expected there'd be a little bit more discussion on this but it's nice to know that things are well lined up here. Let's - Mary, could you bring up the F template that you sent out? The preliminary template. Excellent. Everybody's got control.

Looking over this I think that we are - to be honest I think we're farther along on F than I had realized. I hope I'm not being - not playing Pollyanna here. I'd really - I hope that everybody's gone through the document.

What I want to do is throw out two things, first see if there are any just - and if you haven't then you're clear to scroll down - see if you have any issues with the preliminary conclusions we have here. Again, that'll be very useful in helping us focus in on what we really need to discuss on Friday.

And I would urge people to come to the meeting with thoughts on what - the areas that you believe we need to focus on specifically for E and F - relay and reveal - transfer also but not like we've attacked that a lot so I think that's more wide open at this point.

Wait a minute. I think - I apologize, I should have set this up earlier to make sure we're on the same page. And I was thinking - Mary, I think the document you sent out last week - or was it earlier this week? No, last week, it's only Tuesday, the one that's more in narrative form.

Mary Wong: Right, Don. I'll pull that up right now. I think that's the one that we sent out that is titled the Preliminary Conclusions for Category F.

Don Blumenthal: Yes.

((Crosstalk))

Don Blumenthal: ...I'm sorry.

Mary Wong: That's fine.

Don Blumenthal: Perfect. And then give over control. There we go. To me this is a fair statement of where we are on the issues that are identified here. Anybody have any concerns, reactions? Mary.

Mary Wong: Thanks, Don. This is Mary from staff speaking for the transcript. Not so much concerns but just to note that you see here is basically a redlined version and the changes were the ones that we made in response to suggestions that various members had made on the call on the - I believe the 22nd of September. So that just explains the redline and I just wanted to call the group's attention to that to make sure that what we've done is in line with what was suggested.

Don Blumenthal: Appreciate it. I hadn't even caught that. No, one of the - oh, Steve.

Steve Metalitz: Yes, this is Steve Metalitz. I was just going to say - I don't have any comments on this document but obviously there are a couple of TB, you know, important TBA items here I guess on the top of the third page.

And I think we were waiting to see if there would be a, I mean, there have been some proposals back in the earlier - in the document that was up just before this there were proposals from IPC, from NCUC I think, generally addressing this at least. And I'm just wondering - I think we were waiting to see if there would be something from providers participating in the working group on this question so I'm just asking about the status of that.

Don Blumenthal: Yes, you anticipated sort of what I was about to say there so perfect. I think we have a - okay, Graeme.

Graeme Bunton: Hi, there. This is Graeme for the transcript. Just to let you know that I know there's a number of providers working together to try and put a proposal forward or at least, you know, bits and pieces of what may, at some point, constitute a proposal. That is not, at the moment, complete as far as I know. We'll see I guess if we can get that together before our face to face with enough time for people to digest. So it's taking a bit of time to get that together.

I guess I would just like to remind everybody that most registrars in this working group and, you know, outside of that, we're competitors so working together doesn't necessarily always come naturally to us. So hopefully we can.

Don Blumenthal: Yes and you've got a former antitrust lawyer sitting here on the phone too which could make it interesting. Steve.

Steve Metalitz: Yes, this is Steve again. Graeme, that's certainly a fair point and I appreciate that. Of course this I kind of the nature of ICANN isn't it where we have these groups that bring together competitors and they make a lot of decisions about their marketplace but, you know, let's not - I won't delve too deeply into that.

But let me just say that appreciate your efforts. It has been now I think 4-5 weeks since we've been asking for this so some of us from the IPC grouping within this working group have been also talking and working on getting a more detailed concrete proposal about policy on disclosure together. And I think we're at the point now where we can circulate that prior to the Friday meeting.

Kathy Kleinman: Great.

Steve Metalitz: So we will plan to do that. And it's for discussion, not a formal position of the IPC, I should hasten to add since it hasn't been brought back to the IPC as a whole. But hopefully it will help move the conversation forward and it draws from some of the material that the providers have put forward, the policies that providers have posted to the list so hopefully we will be able to make some forward progress with this. But we'll try to get that out hopefully by the end of the day today or else first thing tomorrow. Thanks.

Don Blumenthal: Excellent. Well we've now hit two things I was going to ask about when I let the mic over to Steve. Yes, because we have done a lot of talking the last

couple weeks in generalities which are sort of the process. But anything we can do in the way of concrete proposals, concrete numbers, whatever.

As an aside I reached out to - looking very quickly to see if he's on the call or not - no. I reached out to Daniel Burke from the US Food and Drug Administration. I'm not sure if he'll be there on Friday. But some of the considerations on relay and reveal from the law enforcement or anti-abuse side are different from the intellectual property side.

So I'm hoping to get that kind of perspective because we haven't had much of it. If necessary I'll channel my days at the FTC but that is regrettably been a while so something from somebody who's active in the program right now would - or active in the field right now I think would be very helpful. I do anti-abuse work on the private side. Again not quite the same.

Steve, is that new or old?

Steve Metalitz: It's new. This is Steve. I agree with you, I think that viewpoint is missing in our discussions here and it's, you know, it's the first TBA I guess that Mary has flagged.

And we need to get it - assuming that we don't get it on Friday, which I think is likely, we might think about scheduling a meeting, you know, taking one of our meetings in a couple of weeks from now and really specifically inviting law enforcement folks to participate and giving them something, you know, some summary of where we are or something to look at and get reactions to.

I just think we need to get them - that viewpoint to the table and better earlier, you know, better before we do our preliminary report than afterwards and they come in and say you didn't take this into account. And I recognize that they could have been here throughout this process. They have some difficulties in doing that, a number of them.

But at least I think we should plan maybe a couple of weeks after the LA meeting to have a session that's focused on law enforcement interests. If we can get a few people from law enforcement - and I'm glad to talk to some of these folks in LA - if we can get a few people from law enforcement agreeing to participate on that call I think that would be useful. That's my suggestion. I think you put your finger on a very important problem.

Don Blumenthal: Yes, I guess we'll have to check what the guidelines are concerning non-working group members but we'll do that and see what we can do definitely. You know, (Jemma), you know, I never get her last name right so I never try from the government - Spanish government had been (unintelligible) early but had to drop off. Dan Burke's got a lot of distractions.

But, you know, such is the nature of government involvement in general at ICANN working groups. It can be difficult from a time crunch and policy side. Kathy.

Kathy Kleinman: Yes, hi Don. Hi, everybody. Similarly - I'll just repeat what I put into the chat that similarly we should bring some of the data protection commissioners or more likely their senior staff onto a separate call as well; it doesn't have to be the same call - to discuss what their concerns and issues surrounding disclosure and publication. I think they would have some very interesting input as well.

Don Blumenthal: Okay. Fair enough. Mary, I think we do have the names - we do have the right people. I think so the question is, and maybe we can answer this right now, and I know we discussed before the issue of having non-staff, non-working group members involved in the calls; is not allowed under the rules? Mary?

Mary Wong: Thanks Don. This is Mary again. And Marika can probably provide the specific reference is but I believe that it is open to a working group under the

guidelines to consult experts on particular areas where they are seeking advice or assistance.

Don Blumenthal: Okay great. Let's talk about this in the next few days and see if we can come up with some thoughts by Friday just on how we could go about it. Again, now that we've hit a few of the points that are in this document, albeit a little bit indirectly, does anybody have more thoughts on where we are on 7, either things that are covered in here accurately or need modification or things that we should raise now?

Okay, I really did think we would spend a lot more time on the face-to-face. But on our chair's call the other day we were wondering if it might be best just to cut this one short then it will be closed for seven hours or whatever it is on Friday. You know, we're - it might be better to note the issues of concern, make requests on things to do so that we can move forward most efficiently for the face-to-face.

So let me suggest this, and I'm going to hesitate here, I want to scroll back up. Okay, let me just address something Kristina just wrote there. You're right about reaching out but there have been some law enforcement - some members of law enforcement that have expressed their interest in these topics so it could be appropriate to go back and go to these individuals, some of whom are (unintelligible) and then let them worry about who might be (unintelligible) approach.

(Unintelligible) see what people are or aren't willing to do in terms of speaking out. In any event what I'd like to suggest is that before Friday take a look at the template, preliminary conclusions, whatever, on the topics that we are going to be discussing.

Take a look at the questions as we laid them out in our groupings back in February, whenever it was, and come prepared to identify what you think we really need to touch on in those meetings where we are both - where you

think we are good because it'd be nice to put aside anything that we don't have to talk about and identify what you see as the real points of either no conclusions or contentions, we can really focus what we're talking about.

And also take a look at the staff document that I guess has come around since the meeting started. I'm going to capture the chat here and then do a - may be some follow-up emails to the group because things have been going by too quickly for me to follow. Steve.

Steve Metalitz: Yes okay well I'm sort of reacting - this is Steve Metalitz - reacting to the chat here - dialogue between Kristina and Mary. I mean, I agree with, I mean, I think we are saying that you can use your laptop and you can use your phone to text but not to talk unless it's a dire emergency but encourage people to focus on - to do that in furtherance of the meeting and to focus on the meeting and not to be doing extraneous things. I think that's kind of where we've left it but maybe the staff could correct me if I'm wrong.

Don Blumenthal: Okay, I completely missed that part of the text. Appreciate it. No, certainly we're not in a position to say no devices but I would really hope that any work type activity is worth type activity involving Friday's topics. We will have break times for other stuff that you request. Again, I think will help the success of the pilot. It'll help the success of our efforts but beyond that I think part of the testing the value of doing the face to face.

Steve Metalitz: Thanks.

Don Blumenthal: Any other thoughts, comments, objections to wrapping early? Highly rare yes.

((Crosstalk))

Don Blumenthal: Yes, I think we need to break early. Mary.

Mary Wong: Thanks, Don, and everybody. And this will not take long but I just wanted to draw the group's attention to the fact that amount to our next steps is the next meeting and not counting this Friday's facilitated session that the next meeting is the face-to-face with the community and the group next Wednesday in LA.

So our thought was that the group might probably obviously first depend on some of the discussions on Friday but generally in terms of format whether the group thought that what we did in London, which is to prepare a set of the preliminary conclusions and share them with the community for their feedback was something that was helpful.

Cheryl Langdon-Orr: Yes, yes, yes.

Don Blumenthal: I appreciate you mentioning that. One of the problems of the notes is that - the notes panel on the right side is that our agenda disappears and I forgot about Item 4. So yes, I think - yes, I think that's a good idea. It sounded like some folks on the call agree.

I think it's worthwhile to take stock of our work on Friday and see if we want to use it as a launching point for some open discussions at our face to face but we definitely want to I think do a general overview for people who haven't been following and also make sure we leave time for a community - community, spectator, whatever we want to call it, comments because it's really the only way we get them for the most part from the early stages until we put out our final report - our draft report.

Okay? Well...

Cheryl Langdon-Orr: See everybody Friday.

Don Blumenthal: Pardon? Okay. Why don't we get back to all of our pre-ICANN panics and deadlines and whatever else and hope to see -- or for people who will be remote -- hear you on Friday. Thank you.

Steve Metalitz: Thanks.

Graeme Bunton: Thanks, Don.

((Crosstalk))

Mary Wong: Thank you everybody.

Woman: Thanks.

((Crosstalk))

END