
ICANN Transcription

GNSO Temp Spec RD EPDP – Phase 2

Thursday 02, May 2019 at 1400 UTC

Note: Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at:

<https://audio.icann.org/gns0/gns0-epdp-gtld-registration-data-specs-phase-2-02may19-en.m4a>

Zoom Recording:

https://icann.zoom.us/recording/play/LGR8NzSftwczv7o1L7EzCa4RFpCWJGH_xTVCM1ZTjfWEoGX_4IugiusWS9Ucb6Bw?startTime=1556805617000

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

The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page:

<https://gns0.icann.org/en/group-activities/calendar>

TERRI AGNEW: Good morning, good afternoon, good evening everyone, and welcome to the –

UNIDENTIFIED MALE: Hello. Can you hear me?

TERRI AGNEW: Yeah, we sure can.

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

UNIDENTIFIED MALE: Yes, they can.

TERRI AGNEW: Thank you for joining. Good morning, good afternoon, good evening, and welcome to the first EPDP GNSO phase two team meeting taking place on the 2nd of May 2019 at 14:00 UTC. In the interest of time, there'll be no roll call. Attendance will be taken by the Zoom room. If you're only on the telephone bridge, could you please identify yourselves now?

KRISTINA ROSETTE: Hi. It's Kristina Rosette, I'm having issues getting into Zoom, but I hope to have those rectified momentarily.

TERRI AGNEW: Thank you. Noted. Hearing no one further, we have listed apologies from Chris Disspain and León Sanchez, both board liaisons, as well as Trang Nguyen from GDD staff.

We have no alternates assigned at this time who will be replacing members.

Alternates not replacing a member are required to rename their line by adding three Zs to the beginning of their name, and afterwards, add their affiliation at the end of their name, which means you'll be automatically pushed to the end of the queue. To rename in Zoom just hover over your name and click "Rename."

Alternates are not allowed to engage in the chat apart from private chats, nor use any other Zoom room functions such as raising hands, agreeing, or disagreeing.

As a reminder, the alternate assignment form must be formalized by the way of the Google assignment form. The link is available in the meeting invite and also has been sent in a separate e-mail to the members.

Statements of interest must be kept up to date. If anyone has any updates to share, please raise your hand or speak up now.

Seeing or hearing no one, if you need assistance updating your statements of interest, please e-mail the GNSO secretariat. All documentation and information can be found on the EPDP Wiki space.

Please remember to state your name before speaking. Recordings will be circulated on the mailing list and posted to the public Wiki space shortly after the end of the call. Thank you. I'll now turn this back over to our chair, Janis Karklins. Please begin.

JANIS KARKLINS:

Thank you very much, and good morning, good afternoon, good evening everyone. Very happy to be back. Before we get to a brief introduction to Zoom, let me see if proposed agenda of today's meeting is acceptable to everyone. Is there anyone wishing to amend the agenda?

Doesn't seem to be the case, so then I will ask secretariat to make a brief introduction of Zoom.

TERRI AGNEW:

Thank you very much, Janis. Again, this is Terri from staff. Quickly, our quick overview of Zoom. Once you join, you'll want to go ahead and quickly hover your mouse towards the bottom of your screen. There, you'll find the mute button.

Also at the bottom of the screen, you'll find other icons that you'll need to utilize during our meetings. One of them, you'll always want to select is participants. This will actually pop out a participant window for you. This is very important for you to pop out this window as this is where the hand raise as well as some other icons are available to you to participate.

Also on that bottom toolbar, you'll find the chat icon as well, and you'll want to pop that out so that you're able to chat with us. One note about chat is you will only see Zoom chat from the time that you join and not anything previous. However, at the end of the meeting, the full chat will be sent out to the entire group, so it will be there for recordkeeping.

Back to the participants window, we just wanted to point out the order will go your name will always be at the top, then the host, then the cohost, then anyone with an open mic, then alphabetical order.

When you do raise your hand, the hand raised will go in the order that the hand was raised and not alphabetical order. We will encourage you to mute your line upon entry. Again, to mute, it's hover your mouse towards the bottom and select the mute icon.

Before we begin, it looks like somebody joined with phone number ending in 1354. Are you able to identify yourself?

KRISTINA ROSETTE: Yeah, that's me, it's Kristina.

TERRI AGNEW: Oh. Thank you, Kristina. I appreciate it. One other thing we do want to point out. We will always have the agenda available to you to be shown during the meeting. In order to utilize this, we will be using two view options. In order to see both menus, what you'll want to do is go to your top toolbar and you can select whose screen you would like to be shown. So the agenda will always be shown by one of the SO/AC supports, either myself or Andrea typically, so you'll just select our name. But the document being shared will be shared by EPDP staff leads, so either Marika, Caitlin or [Berry,] so you'll want to select their screen to see what they're sharing. Again, you can pop back to one of our screens to see the agenda.

Is there any further questions at this time, before I turn it back over to Janis, concerning Zoom? Amr, I see your hand raised. Go ahead.

AMR ELSADR: Thanks, Terri. Welcome back, everybody. Great to be back. I have a question on managing the queue. In Adobe Connect, when participants in a meeting would raise their hands, we would see the list of folks who have raised their hands and the order that

they raised it. That doesn't seem to be the case here in Zoom, so I'm just curious how the queue will be managed moving forward. Thank you.

TERRI AGNEW: Certainly. Thank you for asking. I appreciate it. I just wanted to double check, was anyone able to see Amr's hand raised when he raised it as a participant?

ALAN GREENBERG: I saw it, but it didn't move to the top.

TERRI AGNEW: Again, it'll be host, cohost, then the hands raised. So he was [of the type of the] hand raised.

AMR ELSADR: Terry, is that because my name starts with an A, or because I got moved up the list because I have a raised hand?

TERRI AGNEW: That's a good question, but you got moved up to the top of the list because your hand was raised. A hand raised will appear in the order of the hand raised and not alphabetical order. Alright.

JANIS KARKLINS: Thank you, Terri. I think we will learn by doing, since for some of us, Zoom is a new tool. So probably, there will be some hiccups.

But hopefully, not so many. So we will progress as we go, or we will learn as we go.

So thank you very much for that. Let me then move to next agenda item, and if you would allow me to say a few words. First of all, greeting all team members, and congratulating team on the accomplishment, conclusion of the first phase and the set of recommendations that have been developed.

I understand it was challenging to get to the final report. Nevertheless, the spirit of consensus prevailed, and GNSO council already has endorsed a report and board looking to the report either as we speak, during the workshop, or will be looking at it soon after.

I also would like to thank all those team members who sent me congratulatory messages. I hope that you will maintain the same spirit and attitude 12 months from now that we will be looking towards finalizing our activities.

As you can imagine from my CV, I do not really have a dog in this fight. For me, application was expression of desire to come back to the community that I left in 2010 after ending my duties as a GAC chair. I have only one ambition, and that is to help the team and all of us to arrive to a good conclusion where everyone will find themselves or everyone will scream equally in the satisfaction of the result. And I think that in this statement, this equal part is the most important one.

Of course, your advantage in terms of knowledge and understanding of the topic, I have to catch up, and I would like to

tell you that in order to catch up and receive the briefing from staff, I spent two days in ICANN headquarters where during two days, I got intensive briefing from the staff team as well as from the GNSO chair, Keith Drazek, and also, I had a couple of conversations with CEO of ICANN on the topic.

I also would like to say that I have been approached by different constituencies individually for a chat. I had a call with the IPC, and I would like to say that I'm very open to accommodate every request for individual conversation, because I really want to understand better the positions and concerns of each of the parties involved in this conversation. Therefore, feel free to ask, either before the Marrakech meeting or during the Marrakech meeting, I will try to accommodate those requests.

So about today, this is only introductory conversation, the free-floating exchange of views on the process, focus, timeline, expected outcomes. I would like to hear your views on those four issues, and I'll be listening very carefully.

As a result of today's conversation, I would try to make a proposal, which would be kind of a draft outline of the phase two that we could then discuss during the next call on 16th of May. That said, I will try to publish that draft sometime next week, and if someone would like to comment before the 16th of May meeting, please feel free to do so.

Briefly about myself, I'm 27 years in Latvian diplomatic service, with the past 19 years in multilateral diplomacy. I had a chance and privilege to chair the second phase of the world summit on

information society, and seems that I am chairman of the second phase of this EPDP also is second phase.

So I was chairing the GAC, as I said, from 2007 to 2010. I have been involved also in UN activities related to Internet governance. I was chairing the IGF MAG in 2013 for Istanbul meeting, and 2014, [inaudible] meeting, and recently, I was a member of the OECD Going Digital project expert advisory group.

So now about the phase two. As I understand, the phase two focus should be on the unified access model, and the outstanding issues of phase one as outlined in the mind map. And on this unified access model, we need to define how we see it, what are the key elements, what are the policy issues that need to be addressed in that model.

And if we think along the whole process, probably, there are some easier issues and some more difficult issues, and maybe we can think of kind of staggering and then see whether we can go for low-hanging fruit first and present those to the community earlier than others.

On the timeline, I understand that there has been a very difficult and tight schedule on the first group, and members of the team would like to have little bit of rest and a lighter schedule, which is fine.

Nevertheless, I think we need to think and establish kind of the target date, because otherwise, it will be very difficult to motivate ourselves. And when I'm saying target date, I'm not saying

anything artificial, but something that makes common sense. So endless processes are inefficient and ultimately senseless.

On the method, I think we have gone through already this in the first phase, or rather, you have gone through it in the first phase with the weekly team calls combined with the regular face-to-face meetings.

I'm thinking team calls about 90 minutes long. Of course, we can go slightly over 90 minutes, but that would be our target. Homework between each call. During the calls, it would be good if each of the stakeholder groups could express their views on the topic under discussion. I also would like to see that all team members are not only talking but also listening, because it's important not only to express your own views and concerns but also to listen others and think how concerns of others could be accommodated in your position.

And of course, I hope that we will be respectful, calm, professional, and constructive in our conversations. In all these discussions, sometimes emotions may hit high, but it's better to keep calm and respect each other.

So probably one should not disrespect that GDPR is there and will remain there. We should take it as a given, and in our attitude, try to work and see how we could use this difficulty, if you wish, that appeared by the decision of the European Parliament, and maybe even try to see it as an opportunity to improve the current environment and namely WHOIS that has been under discussion for maybe – actually since I remember myself in ICANN, there always have been discussions about WHOIS.

With this, I would like to invite all team members or representatives of the group to speak about their vision of the process, as I've mentioned. But before that, maybe if I may ask staff to put up the slide just as a reminder, which the slide of statement of participation.

MARIKA KONINGS: Janis, you should be able to see it, but you may need to toggle between Terri's screen and my screen. I think if you go to the top, you should have the option to select it.

JANIS KARKLINS: On the mobile phone, it's a bit challenging.

TERRI AGNEW: And while we have a moment, it looks like somebody joined with telephone number ending in 9923. Are you able to identify yourself, please?

MARIKA KONINGS: Terri, Georgios has indicated in chat that it's his line.

TERRI AGNEW: Wonderful. We'll get that updated. Thank you.

JANIS KARKLINS: Okay. Let us then move to next agenda item, and that is on potential modalities of the work of the phase two, and if I may ask

Marika to walk us through those two topics that are indicated in the agenda. Marika, please.

MARIKA KONINGS:

Yes. Thanks, Janis. I'm just going to share my screen. Let me see. [inaudible]. Please bear with us, because I think we're all trying to figure out how to get a handle on Zoom.

There we go. You should now see the first slide of my presentation. It's also posted on the Wiki page for those of you who prefer to scroll themselves or are maybe just on listen only mode.

For some of you, this may be a little bit of a repeat, but I know that we have some new members in the group. So maybe we're just briefly covering phase two scope.

As you may recall, there are a number of items that were identified in the original EPDP team charter that was adopted last year, one part focusing on the system for standardized access to nonpublic registration data, and the other part was the annex to the temporary specification were also called important issues for further community action.

And as you may recall, the temporary specification had this as an annex, a list of items that were flagged or raised during the conversations on the temporary specification or preceding the temporary specification that required further conversation and discussion and as such were included in that annex.

In addition, as a result of the phase one work, there were also a number of items that were deferred and they needed either further conversation or were dependent on input from others or other activities happening.

Based on that bucket of issues, staff created a mind map that you'll see on the next slide, but it's very small, so it's better to look at your own version. We send you the link as well with the agenda, and it's also posted on the Wiki.

Basically, the items that are highlighted in blue are those issues and questions that were flagged in the charter in relation to the system for standardized access.

The white issues or white topics are those that appear in the annex to the temporary specification, and then there are items that are flagged in yellow, and those are the ones that come from the phase one deliberations and recommendations.

Based on our discussions in Kobe, we already did a little bit of reorganizing, because some of the annex issues are either already addressed in some of the charter questions or the phase one questions, so we slightly reorganized the mind map. This is the one that we shared at the end of the Kobe meeting. It still should have all the issues in there, although we did flag a couple of items that seem to have already been addressed by some of the other charter questions.

So that's something for the group to review, which basically leaves, at a high-level perspective, three buckets of topics. First one's related to the system for standardized access, secondly a

number of questions that were flagged in the annex, and then there were issues that were deferred from the phase one conversation.

So to cover those, [flag in] a little bit more detail, although of course you're all encouraged to review the charter in detail as well as the phase one recommendations that explain some of the issues in greater detail.

So the charter contains a number of questions concerning the purposes for accessing data, credentialing in terms of access and compliance with terms of use, in relation to system for standardized access to nonpublic registration data.

There was also a recommendation as part of the phase one deliberations, namely recommendation three, that added some additional questions, although some I think are also overlapping with what is already in the charter, and those are listed here on the slide.

And then of course, there's also intersection with the work of ICANN Org and the Technical Study Group on the unified access model. For those of you that weren't in Kobe, you may recall that there was an exchange of views with the TSG to get a better insight as to the focus of their work and the potential intersection with their activities.

So this is a list of items that were flagged in the Annex 2 to temporary specification. And I think as you can see, a number of these clearly overlap what is also part of the questions in relation to the standardized system for access. But there are also some

items that either already came up in the phase one of the deliberations, but there are also some that were not specifically called out, [and instead we] kept those as part of the mind map and the group will probably need to kind of reconcile, is there indeed overlap, and are some of these issues already going to be addressed as part of the system for standardized access conversation, or do these need to be flagged separately, or dealt with even separately? So that's something for the group to consider.

And then there were a number of items that were deferred from phase one, where the group agreed that further consideration should be given to those, and some of these are dependent on other information being provided either through legal counsel or through other groups, or further research to be undertaken. [inaudible] first of all with additional purposes for OCTO research, there's a recommendation in relation to privacy and proxy registrations, question in relation to data retention, city redaction, and legal and natural.

As I said, all of these items are to a certain degree dependent on external input to be provided either from legal counsel, ICANN Org or another group, and we've also tried to flag that in the mind map where we've highlighted in a number of areas what the dependencies are. And again, it's something where the group will need to factor that in and kind of determine what timing they expect to be associated with some of those dependencies.

So we had some conversations about the scope of work and how to get from the scope of work to a workplan, and one of the things that staff worked on with Rafik who was stepping in as chair

before Janis came on board, we actually worked on a worksheet, because one of the things we heard in Kobe was that people said, well, we do need to all get on the same page with regards to what is the scope of the issues we're working on, what is the expected deliverable or outcome of our deliberations on those topics.

Several people flagged as well really important to understand at the outset, what are some of the legal issues that need to be dealt with? And also understanding what are some of the dependencies that need to be factored in. And I'll try to share with you now – and again, that's also something that you can find on the Wiki and we circulated to the mailing list, is a worksheet template. And again, we did circulate that. I don't think we got any feedback on whether the group believed this is helpful, so we're hoping to take the opportunity here to see if this is something that you think will be helpful in making sure that all the issues are properly scoped, all the issues are clearly identified and everyone's on the same page on the expected outcome and deliverable. That will then really help staff and leadership to basically translate this into a more detailed workplan and timeline.

So the example that you see here on the screen is in relation to the issue of display of information of affiliated versus accredited privacy proxy providers. The template has a number of entries that from a staff perspective we thought would be helpful and important for the group to agree on and align on, and then there are a number of areas where we may need further deliberations to be able to fill this out.

One hope from the staff side would be as well, if we're able to use this as a template for all the issues we're working on, we're

basically able to expand on it by listing the deliberations and eventually as well adding proposed recommendations, so this could also be the kind of template that we could directly integrate, for example into an initial report so that the readers also have full scope of the issues and fully appreciate the thought and information that went into it.

So the issue description and the charter questions, this language comes directly from the phase one recommendations and the language that was included there in relation to this issue.

Staff added here what our understanding is of the expected deliverable or the outcome of addressing this issue. As a reminder, this deals with the display of information of an affiliated versus accredited privacy proxy provider, so the first question really here is whether that's already being addressed by the privacy and proxy policy implementation. If they are addressing it, of course, the issue is off the table for the EPDP, but if it's not, it may be an issue that the group needs to deal with that, and then it would need to result in a recommendation that confirms how accredited privacy proxy providers could or should be identified in the public [inaudible].

Then we included a section that deals with legal questions, we weren't able to identify any at this stage, but again, that's probably a conversation where the group needs to think about, are there any legal questions in relation to this topic that need to be addressed in order to be able to answer the question. And what is some of the required reading that may need to be done before the group can deliberate on this issue to make sure that everyone has the same understanding of the issues that are being discussed

and [will] reflect for example that the final report on the privacy and proxy services accreditation issues PDP as well as the draft plan and framework, that may already give some insight into how the other group is feeling with this.

We also created a section for briefings to be provided, and again, I think that this goes also back to the phase one approach where for example at an early stage, people identified that it would be really important to have GDPR briefing or training. Similar for these issues, there may be briefings that are needed to really make sure that people have the same level of understanding of the issues and where either external presenters or members of the team may be equipped to provide such a briefing.

Then we also have a section on dependencies where we're able to flag what are some of the dependencies identified, and possible expected or recommended timing that could be considered, and then a section on proposed timing and approach. And again, here is just a really rough – just to put some language in front of you, something that staff put together based on looking at this issue. But of course, this is really the area where we anticipate the group to think about the appropriate timing and dependencies.

You may have also seen that we shared a similar template on the standardized system for access, and in this section, you'll then find the input that was received following Kobe from the different groups on how to deal with the questions in that bucket.

So this is really kind of a starting point. If this is helpful in order to get a clear picture of all the issues that are to be dealt with in phase two, staff would move forward and develop templates for all

the different issues, and at least fill them out as much as we can and then maybe share them as Google docs so people can start adding to them or make comments and suggestions.

If there are elements missing, of course, we would love to hear that as well. If you think this is completely unhelpful, do let us know as well because we don't want to create a work for the sake of work. As I said, the real objective here is to make sure that we document all the issues in detail, are all on the same page on what needs to happen or what questions need to be answered at the outset, so that can then help inform a realistic and detailed work plan that maps out how we're able to deal with all the issues in phase two, as well as the timing associated with those.

So that's all I had at this stage, Janis. Happy to take any questions or comments.

JANIS KARKLINS:

Thank you very much, Marika, for this. And if I may ask members of the team, when you speak about the process, also indicate whether you think that the work sheets would be useful or not.

Before going to the main part of today's conversation, I saw that Amr wanted to ask a question or make a comment on my introductory remarks. Amr, please. Amr, we don't hear you.

AMR ELSADR:

I can hear you now, Janis. I thought I lost audio.

JANIS KARKLINS: Now we can hear you. Please go ahead.

AMR ELSADR: Thank you. Oh, no, I didn't have a question, I just thought I lost audio. Apologies.

JANIS KARKLINS: No, at the earlier stage, you asked a question whether you can make a comment on my introductory remarks.

AMR ELSADR: Right. Okay. Thank you. This is Amr. Just two quick comments on the introductory remarks. Regarding trying to set up a target date for us to complete work on phase two, and this is something we discussed in Kobe. It would seem reasonable to me that we work out a workplan for the tasks we have in front of us now, and I'm trying to figure out how long each item would take to complete [or review,] and using that, that way we could set up at least a tentative target date that we can try to reach, and then of course, this could be revised as the work proceeds if delays occur, if more work is needed.

Another issue I wanted to bring up was regarding the e-mail we received forwarded from Keith Drazek, and the letter that Göran sent him. There was mention of work or dialog between Göran's team and data protection authorities, and possibly some complications on the unified access model, so it would be helpful to us, I think, if details of those discussions were shared with us, because as Keith mentioned in his e-mail, that would, I think, help

us complete our work at a quicker pace, and also give us more insight into what, if any, limitations exist to the type of work we need to do in terms of making sure that we're developing policies that are compliant with GDPR. Thank you.

JANIS KARKLINS:

Thank you, Amr, for these comments. We will come back to Marby's letter at the end of this call. On the timetable, of course, I said there won't be any artificial deadlines. Of course, the deadline will flow out from the estimates of the time which is needed to accomplish the task ahead of us. That's kind of common sense and natural.

So thank you very much. Let us move then to the next agenda item, and that is discussion on the phase two process, focus, timeline, expected outcomes.

We have all stakeholder groups listed in the agenda, and actually, I don't know what is the tradition, but maybe for the first time since also there is a little bit of a difficulty as I see from chat room to grapple with Zoom during this call, maybe we can go as indicated in the agenda without prejudice to any conspiracy behind this proposed sequence of interventions. Would that be okay, any opposition?

No. Then from registry group, who will speak?

MARIKA KONINGS:

Janis, Marc Anderson has his hand up.

JANIS KARKLINS: Yes, please, Marc. I do not see hands up on my mobile phone. Sorry. You should just follow my requests. Next will be registrar group. Marc, please go ahead.

MARC ANDERSON: Hello. Can you hear me okay?

JANIS KARKLINS: Yes, now we hear you. Please go ahead, Mark.

MARC ANDERSON: Okay, great. This is Marc Anderson from the Registry Stakeholder Group, and [inaudible] a quick note from the Registry Stakeholder Group. This is very similar to what we provided in Kobe, which in and of itself is an updated version of what we had said at the beginning of phase one, and it's basically the Registry Stakeholder Group is committed to participating actively and in good faith to develop appropriate consensus policy recommendations around access to nonpublic registration data per our charter and to ensure such recommendations provide a clear path to compliance with the GDPR, are commercially reasonable and implementable, take into account our differing business models, and do not inhibit innovation. We agree that developing a responsible and reasonable timeline and milestones are important to ensuring a comprehensive approach to the important work of phase two.

I also posted that into chat as well. And just expanding on that briefly, we've all talked about timelines and we felt it was important to note that it's important for us to have goal to move quickly and efficiently in phase two. of course, we don't want to have the same crazy frantic pace that we had in phase one, but we also don't want to spend the rest of our lives working on this. So we'd like to have a reasonable goal and milestones in place to get this work done as quickly as is reasonable.

The first part of that, we want to highlight really from a Registry Stakeholder Group what are important to us, what we want to get out of there, and of course, compliance with GDPR, commercially reasonable and implementable, recognizing the fact that registries have many different business models, and so whatever solutions or recommendations we come up with have to take that into account, and of course don't in any way inhibit our ability to innovate.

So we thought those were the things that were important for us to highlight and what we would like to see come out of our phase two work. Thank you.

JANIS KARKLINS: Thank you, Marc. Next would be registrar group, followed by IPC. Who'll be speaking on registrar behalf?

JAMES BLADEL: Good morning, Janis, this is James Bladel speaking.

JANIS KARKLINS: Good morning, James. Please go ahead.

JAMES BLADEL: Good morning. And I'll be speaking on behalf of the registrars, and just making a brief comment, and I'm sure none of this is surprising or particularly new for folks that were part of phase one. But our concerns and objectives for phase two are – well, we have three, essentially. The first is to gain some degree of legal and regulatory assurances that we can participate in an access model with confidence that we are neither violating our commitments to ICANN nor becoming noncompliant with the applicable laws, and that in any situations where that's ambiguous that we reserve some degree of discretion on individual requests for access.

We have operational concerns, we have no idea what sort of volume we expect to see and how it will be implemented. I think that the TSG can be informative in this regard. But also need to understand how it will be deployed in terms of security and guard against abuse or possibly even a data breach or data harvesting. And there are economic, commercial concerns as well, deploying and maintaining a system like this is going to be fairly expensive, and we need to understand exactly where those costs will fall and whether or not [inaudible] by the data subjects or the operators of the system, or the users of the system. I think we need to get some clarity on those questions.

As far as a target date, I think that we don't want to be stuck in this forever, but we also recognize that the pace of phase one, particularly towards the end, was unsustainable and was kind of driving everyone to the limits of their ability to participate.

So I think it is reasonable to set a target date and to aim for that date. I think that that is something that helps to motivate the work in this area. However, it needs to be supported with a realistic workplan, so we need to get that going as soon as possible.

And then just one other final point, there are a lot of questions regarding some statements in Göran's letter about putting together as small group of EPDP folks to engage with ICANN Org and the European authorities, and we'd just like some clarity on that and what that's going to entail and whether or not we should be planning to offer up a sacrificial member from our delegation.

So those are our concerns. Welcome aboard, and good to see everybody back here for phase two. Let's get going. Thanks.

JANIS KARKLINS:

Yeah. Thank you very much. Next is IPC, and seems that's Alex Deacon. Alex, please go ahead.

ALEX DEACON:

Hi, everyone. Thanks. So we also looked forward to participating collaboratively and productively in phase two. In her e-mail, Marika asked for our expectations and vision. If I could wave a magic wand and look into the future, I would hope we get to the point where we have a consensus on a set of recommendations that address all of the key charter questions. I think importantly, an agreement on a GDPR-compliant policy that allows ICANN to take on legal responsibility or purposes for providing access to nonpublic registration data while at the same time adequately addressing the issues relating to risk and liability of the contracted

parties, things that James had just mentioned. This includes nailing down important issues relating to controllership and legal basis amongst others.

The second is we hope that there's an agreement on a concrete and specific and explicit list of third parties that have a legitimate interest to access nonpublic registration data. These interests would include organizations or folks like cybersecurity, consumer protection, and of course, IP rights holders.

And third, we hope there's an agreement on recommendations that answer the questions related to access in the charter which are listed in the mind map of A, B and C that strikes a balance between the privacy rights of the registrants, which is important, but also the legitimate interests of third parties. This all has to be GDPR-compliant.

With regard to how we do this, as outlined in my e-mail, back in March I think, we believed that phase two work should occur in two separate and concurrent Work Streams. The first Work Stream should focus on the issues and questions related to the system for standardized access for nonpublic registration data as defined in the charter, and of course, the overlapping recommendation number three that we cooked up in phase one, and then Work Stream 2 would focus on completing the phase one issues that we punted to phase two.

I think continuing the work of the legal small team is also an important part of this, focusing on drafting questions to our legal resource specific to our phase two work in analyzing the responses amongst other things.

I think above and beyond the importance of addressing things in parallel and finishing our work as soon as we can within a reasonable timeline, having a separate Work Stream to allow us to set and work on its own independent schedules and plan, I think minimizing, perhaps managing dependencies.

And then finally, regarding setting a schedule, we support the recent statements from the GAC that suggest that we set a goal to finish our work within 12 months, or less if possible, and ensure we make considerable and demonstrable progress if not completion by the Montréal meeting. Thanks, everyone.

JANIS KARKLINS:

Thank you very much. And now it is Business Constituency. I was told that that would be Margie Milam. Margie, please go ahead.

MARGIE MILAM:

Yes. Hi. I'll speak on behalf of the Business Constituency. The BC, we remain united with the community to complete this work, and we really do think it's important to set a date and to get this done quickly. Obviously, it's essential to ensure that ICANN is complying the GDPR, and we recognize that the GDPR requires a balance between the privacy protection and the legitimate interests of third parties.

So we hope that the workplan will be something that produces steps to move quickly and focus on the important work of the TSG that ICANN had worked on and released, and really focus on the unified access model. That's very important for us.

We believe it's critical to the security and stability of the domain name system to establish a uniform and reliable system for providing nonpublic registration data. We see a lot of problems and difficulties right now because of a lack of certainty and a lack of access. This is affected investigatory capabilities, and [inaudible] some of the data that was referenced in some of the statements to the final report.

So we just want to keep that in mind as we proceed into phase two. We do feel that probably one of the first things that we would need to focus on is really fleshing out how the third-party legitimate interests fall under purpose two and take note of the statements from the ALAC and the GAC and the European Commission on how [inaudible] third-party interest, I think that that's probably one of the main areas that we should focus on immediately.

And then following separate tracks, one track being the phase one open issues, and the second track focusing on the unified access model so that we could move on this work quickly. And I think that's it. We're looking forward to working with our colleagues. We agree that phase one was very demanding from a time perspective, and hope that we can get to a timeline then that works so that we can get through this work fairly quickly. Thank you.

JANIS KARKLINS:

Thank you, Margie. And my apologies that I misspelled your name at the beginning when I offered you the floor. I will learn, certainly, all names, and hopefully during the meetings, I will also be able to

put names and faces together. This is sometimes challenging since I have been outside the community for a while, and some people, I don't know.

The next on the list is ISPCP, but I see that Thomas cannot speak but has provided his statement, "Looking forward to working with you all in a collegial manner towards a solution compliant with GDPR." So that was statement from Thomas, and ISPCP.

Next is Noncommercial Stakeholder group, and it will be Milton Mueller. Milton, please go ahead.

MILTON MUELLER:

Hello, everybody. Welcome, Janis. Good to hear from you again. So I think the basic perspective of the NCSG in this process is that we want to build on what was recommended in phase one, particularly the things that actually had consensus or preponderance of support. We do not want to reopen issues that were resolved. We don't want unresolved issues to be tied to ancillary issues that would send us down rabbit holes that would waste everybody's time.

We do want to emphasize here that the stakeholder group, not the constituency, is a basic unit of representation on this, and while it's true that people in the Commercial Stakeholder Group have slightly different views in some cases, we would advise the chair to keep in mind that constituencies are not stakeholder groups, not the equivalent of stakeholder groups.

As we deal with disclosure, we have the view that legitimate interests will not be abstract categories, they would be more case

by case based on a notion of legitimate interest that has to do with the parties' need for the information and the equities, the balance of equities in terms of getting that information.

In other words, we, I think, differ from certain groups in not seeing the process of disclosure as being based on somebody being categorically or some group being categorically accredited as having a legitimate interest. The legitimate interest will depend specifically on the registration and on the nature of the problem with the registration.

We would like the team to consider whether a data protection impact assessment needs to be conducted. At a minimum, we want to review Article 35 of the GDPR as well as recitals 84 and 89 through 97 and possibly seek legal input on whether a DPIA is required or not as we conclude this process. I think that's all we have to say for now. Thank you.

JANIS KARKLINS:

So thank you, Milton, for this perspective. So next on the list is the GAC. Who'll be speaking for the GAC? Ashley. Please go ahead.

ASHLEY HEINEMAN:

Thank you. Hello, everybody. I can say with a fair amount of confidence that we missed you all. Thank you for giving the GAC the opportunity to address our vision of things moving forward for phase two, and this has already been articulated, I believe, a number of times. You could see the GAC Kobe advice articulates this as well as our response to the ICANN board with respect to any public policy concerns we had with phase one.

And I won't duplicate everything here, because I think we would concur with much of what's been said so far, particularly by James and by Alex. We think that of course, whatever we come up with, the ultimate goal is to make sure that it is GDPR compliant as well as taking into account legitimate interests and our needs.

We do think that it's very important to have a date to shoot for to conclude our efforts. I think speaking from the perspective of a constituency that has really been looking forward to these conversations with respect to unified access model.

We did our best to work constructively through phase one and respect that timeline, and we're very much looking forward to [more] commitment for phase two. We think – and as we stated in our previous statements that conducting this within 12 months is certainly feasible, it's something to strive for, and that is what we support as a proposal to move forward. We also would like to recognize that we do see legitimate interest categories. We see that law enforcement, cybersecurity interest as well as that of intellectual property, we see that largely as a way to streamline, facilitate a model for providing access, not necessarily to give a blank check to those categories, but to help set a mechanism or at least a process by which to handle credentialing and that sort of thing, so differ a little bit with what Milton said before.

We also think that quite a bit of work can happen in parallel, and this is similar to what Alex had said. If there's way that we can have Work Streams that are working in parallel so we don't waste time. That'll be helpful. We also hope and look forward to looking to see where the Technical Study Group's efforts can help guide our work, not necessarily set our work, but I think it would be really

helpful that we take into account what they have proposed as a mechanism for us to look to ways to follow a solution that has already been taught up, even if [inaudible] shooting it down.

So anyway, I will stop there, and again, I'm happy to refer folks to our previous statements, and hopefully I have effectively captured them. Thank you.

JANIS KARKLINS:

Thank you, Ashley. Next is ALAC, and I was told that will be Alan Greenberg. Alan, please go ahead.

ALAN GREENBERG:

Thank you very much. Again, it's hard not to repeat things a lot of other people have said, but I'll try to be brief. We certainly are committed to seeing this through and to making sure that we do end up with something that does protect privacy where appropriate, but we really have to be diligent on making sure we consider the needs of those who want access. And I say needs, not necessarily just the desires.

The European Commission comment on the first phase report made it really clear, and they said explicitly that we have a responsibility to balance the interests. It's not a prerogative that we can decide to omit. And particularly, when we look at the phase one issues that we're revisiting, I think it's really important that we look at the issues and not just state what is the positions that each of us have gone into this on.

We have a real concern with the unified access model. If we indeed start looking at which data elements every group is going to get access to, and as Milton said, also look at the conditions of each individual request, I think we're going to be here forever. And moreover, that means if we ever had to add a new group who has access – and we will likely do that – we would have to reconvene the PDP, because determining that level of detail would be part of the formal policy.

So I think we really have to stay at a higher level, and I think Ashley alluded to that, when we work on the unified access model.

We also have a concern that if we serialize the two phases, then we're going to be going back to stream two, phase one issues late in this game, and because of the timing of implementation for contracted parties, we are effectively going to be changing the rules as they are implementing the last set of rules, or perhaps even afterwards. And although we have no desire to kill ourselves with work, parallelizing these two discussions may well be helpful in that regard.

So bottom line is we're committed to working through this, we understand the needs of privacy, we understand the needs of compliance, but we also have to look at the other aspect of balancing interests to make sure that those who do have a legitimate reason for getting access can do so. Thank you. And can do so effectively.

JANIS KARKLINS: Thank you, Alan, for your comments. Very helpful. And now the next on the list is SSAC. And is it Ben Butler?

BEN BUTLER: Yes. Thank you.

JANIS KARKLINS: Please, Ben.

BEN BUTLER: I want to echo what everybody else has said. We're happy to get back engaged and to start phase two process. SSAC remains committed to working hard and in good faith for phase two, and we really appreciate everyone's efforts to negotiating a compromise in good faith and work towards a solution that can be complaint and work for everybody.

I also want to echo the previous views of really wanting to avoid the frantic and frankly unsustainable pace that occurred at the end of phase one. That said though, SSAC feels very strongly that we need to keep momentum and work towards a system with the ultimate goal of having an access mechanism and policies that support reliable and predictable access for appropriate levels of registration data.

SSAC, as always, tries to stay focused on issues that affect the security, stability and resiliency of the Internet ecosystem. In this particular scenario, we're trying to emphasize SSR issues as it relates to the Internet ecosystem as a whole. We've found in

phase one that there's a lot of possibility to get focused in on each individual constituency or advisory groups' niche and what is important to them, and we hope that in phase two, we can remember that this is an ecosystem, everything we do is going to affect other groups. And if we can keep that in mind, then I think we'll get much more balanced policy recommendations and ultimately an access model.

Obviously, specific to phase two, this is, for SSAC, our focuses will include appropriate and legal access to legitimate security researchers and law enforcement, as well as possible security challenges and opportunities that relate to the other things that we still need to cover in phase two. So we are excited to get back stuck in, and happy to help wherever we can.

JANIS KARKLINS: Thank you, Ben. Now board liaisons. I heard two board liaisons have sent their excuses. By any chance, anyone is on the call from the board? No?

Then ICANN Org liaisons. So, who will that be? Trang, or Dan?

TRANG NGUYEN: Can you hear me?

JANIS KARKLINS: Yes. Please go ahead, Trang.

TRANG NGUYEN: Wonderful. Thank you very much. So Dan I don't think is able to speak, so I'll speak on behalf of both Dan and I. So hello, everyone. Dan and I, as you know, are the ICANN Org appointed liaisons from ICANN Legal and GDD, and as part of the EPDP charter, participation is to provide timely input on issues that may require ICANN input, such as implementation-related queries. And as ICANN staff liaison, we're not expected to provide or advocate for any position or participate in any EPDP team consensus calls.

So we have tried very hard to adhere to those requirements that were defined for our roles in the EPDP charter during phase one, and we'll continue to do so in phase two. We look forward to continuing to work with you in phase two, and we'll continue to provide support for you as you work towards a successful outcome. Thank you.

JANIS KARKLINS: Thank you very much, Trang. And certainly, we will rely on every support we can get from you and from ICANN Legal.

So we have made a first round. Is there anyone who wants to say something else which has not been said? And my apologies, I do not see the line. I need the secretariat's help if someone really now wants to speak briefly on this topic. No one for the moment. Good.

So then let me maybe suggest a few concluding observations. So first of all, seems that everyone is eager to get back to work, and that is very positive. I did not hear anyone questioning either

validity or reality or GDPR or the need of revisiting or questioning the outcome of the first phase. I think that is also very positive.

I was particularly pleased of the very constructive approach to this conversations. So more on substantive things, of course, we cannot establish the artificial deadline, and the probably deadline will be determined by the tasks ahead of us and the pace we want to address those tasks. But since no one really objected idea of trying to work in parallel, and I heard that maybe it would be useful to look on UAM as one stream and everything that is associated with that topic, and then in parallel, the outstanding issues for phase one, maybe with a slightly more emphasis on the first stream? So that is what I heard, but of course, we will discuss and analyze all what we heard with the staff in preparing the proposal of a way forward.

So, let me then turn to Caitlin to see what we can do with requested legal guidance of the first phase and then how that could be effective in our current activities. Caitlin.

CAITLIN TUBERGEN:

Thank you, Janis. I am going to be sharing my screen for anyone that wants to switch screens. If you're looking at my screen, you should be seeing the main page, the EPDP team Wiki page. And on the page tree on the left, you'll notice that we now have phase two and phase one, which has been archived.

When you go down to phase one, EPDP small meeting on legal committee framework, you'll see a bullet for all of the legal memos and input that we've received.

In the first section, you'll see the memos provided by Bird & Bird. For any new members, essentially, there were some legal questions that the EPDP team had identified during its work in phase one, and any time a legal question was identified, those questions were brought before a small legal committee, and that group, the legal committee refined those questions and sent them to legal counsel.

So the seven legal memos that are linked here are the seven questions that were put forward to Bird & Bird, our outside legal counsel, and we received these during phase one. We would ask that all EPDP team members go to this page if you haven't already, and read all of these memos in their entirety.

During our meeting in Kobe, there were a couple suggestions that it would be helpful if there was a presentation on this legal advice by a member of Bird & Bird to the entire EPDP team.

So that would be the proposal that we would put forward, that we would identify a date in advance where someone from Bird & Bird would present to the team on the legal advice that they provided during phase one.

We'd also ask again that everybody read these memos and come prepared with any questions that you might have that you could ask during this presentation.

That's all from me, Janis. Thank you.

JANIS KARKLINS: Thank you very much, Caitlin. So the question is, do we want to organize that presentation from the legal company providing this legal advice at one point? And probably, we would then devote one conference call for that presentation and subsequent conversation.

So, is there any objection or any comments from the team? I rely on Marika's private advice. Is there any hands up? Amr, please, go ahead.

AMR ELSADR: Thanks, Janis. This is Amr. Speaking for myself, really, based on the memos that I've already gone through, I'm not sure that a call with Bird & Bird might be helpful. At least not at this point. I would go with what Caitlin suggested, and everybody goes through these memos comprehensively, maybe hold a discussion, and then maybe at a later time, determine whether a call with Bird & Bird might be needed or not. But from what I've already read, it seems to me that their memos are very comprehensive and very clear. But that's just my personal take and happy to listen to others. Thank you.

JANIS KARKLINS: Okay. Thank you very much. Any other thoughts? So it is Hadia. Hadia, please.

HADIA ELMINIAWI: Welcome, Janis.

JANIS KARKLINS: Thank you.

HADIA ELMINIAWI: Just a quick remark. I do agree of course with Caitlin that we should go all through the legal advices if we haven't already done that. However, I do see the advice of or maybe a call or a webinar with Bird & Bird as useful, because as we all know, usually there are different interpretations to legal advices. And it's good that before, going through a discussion together and debating.

It's good to hear from the legal counselor their interpretation and presentation of the legal advices already presented. I do think that it is helpful to start with the meeting or explanation by Bird & Bird, and of course, prior to that, everyone is expected to have already read the advices, and [inaudible] maybe questions prepared for unclear parts. Thank you.

JANIS KARKLINS: Okay. Thank you very much. Look, maybe we could do the following. If you may ask all team members refresh their memories and revisit those legal memos, and look them through again, and then if there will be prevailing feeling that we need to organize a special briefing of Bird & Bird, then we will do so. But if after reviewing those legal memos, everything will be more or less clear, then we will drop this idea. Would that be acceptable? No one is saying no. Thank you.

So then let us go to the next item, and that is ICANN 65 planning, and I will ask Marika to walk us through the plans.

MARIKA KONINGS:

Yes. Thanks very much, Janis. This is Marika. Before going over the details, I first wanted to emphasize that this is still a draft. This is what is currently put forward as part of the GNSO schedule as the EPDP team starts for phase two.

Where we're currently at in the process is that the draft schedule has been shared with all the PDP chairs to identify whether that works from their perspective, the sequence of the meetings as well as any potential conflict, so this is what [inaudible] put forward for the EPDP Tuesday 25th of June from 8:30 to 3:00, and that same time frame on Thursday that would allow for some turnaround of documents or preparation on the Wednesday before going into the second set of meetings.

As you know as well, of course, there are other activities ongoing, and it is a four-day meeting, which means that the overall meeting time is limited, so we've done our best to carve out as much time as possible.

We already wanted to flag as well for those of you on the IRT that a tentative meeting is also scheduled for the Wednesday, but again, this is all still tentative. But please already pencil it into your agenda and also make sure to share this with your respective groups as they do their scheduling so that you're not hopefully pulled into too many directions.

One thing we wanted to flag as well is that we've reached out to the chairs of all appointing groups to request them to identify whether there are any members that require travel support to attend ICANN 65. As per previous allocations, the condition is here that first of all, the members otherwise not able to attend and there is no alternate that is already funded to attend and as such able to replace a member that's not able to travel there.

I think we've got responses from most groups. So far, we have one confirmed and verified request. We're still waiting on some feedback from some other groups. I just want to flag that we're already way beyond the deadline for providing funded travelers. If there are any requests, we do need to know that as soon as possible.

Also, per the previous process, we will be posting those that have received support on the Wiki page so that [everyone's] able to see how that was managed.

So I think that's all I had on the meeting planning, of course, based on the development of the workplan and approach to the work, closer to the date, we'll be able to share more details, the topics and approach for these sessions, but for now, please pencil the time and date in as ICANN 65 is approaching rapidly.

JANIS KARKLINS:

Thank you, Marika. There is one thing that I would like to tell the team, and that is that long before applying for this position, I made a very strong commitment related to family issue, and I will not be able to attend Marrakech meeting before Tuesday. So therefore,

myself, I will not be able to attend the first meeting in person, and I talked to Rafik who kindly agreed to step in to moderate discussion on Tuesday, 25th of June.

I can try, but without guarantee, to participate in the meeting online in the morning of 25th, but I'm not sure whether the bandwidth will be sufficient, and also, I have not made necessary travel arrangements, so at one point, I will [need to go to the effort.] But I will arrive on 26th June in the late afternoon or the evening, and 26, 27, and if needed, 28, will be present and fully engaged on the topic.

So, any questions? Any comments on the proposed meeting schedule? I see none, so then let us move to the additional item, and that is letter of the CEO of ICANN, Göran Marby, dated May 1 where he suggests to establish a subgroup of the team to work with ICANN Org on UAM-related issues.

So there was during the conversation question for more information about ICANN Org contacts with European Commission and European data protection authorities, and I would like to seek views of the team on suggestion to create this subgroup of team members to work together with ICANN. I see Brian is asking for the floor. Brian, please go ahead.

BRIAN KING:

Yes. Thank you, Janis. I did just want to kind of formally flag my comment about the legal advice and whether Bird & Bird has an attorney-client relationship with ICANN Org and/or with the EPDP

team. I think really will color how we read that legal advice and understand to whom that advice is being given. Thank you.

JANIS KARKLINS:

Okay. Thank you for your comment. I take note of it. I cannot answer myself, but certainly, ICANN Legal team can provide you with the answer.

So, any objections to proposal to create a subgroup who would work with ICANN Org on UAM clarifying questions? So the point is there is not 100% certainty that UAM would fly, and CEO is working with the commission and with European data protection authorities to clarify and to find out what issues need to be clarified in order that the European data protection authorities could give a green light, if you wish, to the proposed unified access model.

So there certainly might be a number of issues that need to be at least understood and asked, maybe without providing full answers to those. And my understanding is that that would be the main issue of that subgroup, just to think on what kind of policy questions we would need to raise in relation to implementation of GDPR through this unified access model.

And I don't think that that should be a big subgroup. I would say five people, not necessarily from every stakeholder group, but with a very clear understanding that the subgroup would provide feedback on a very regular basis, either during the meetings as a standing agenda item until the issue is resolved, or providing kind of a written feedback when it's feasible.

So I see Amr has raised his hand. So please, Amr, go ahead.

AMR ELSADR:

Thanks, Janis. I'm not going to support or object to setting up a subgroup, but I would like to just voice some concerns that we did bring up in the past. I'm worried that the track Göran's working on has been sort of a siloed effort that is running in parallel to what this team has been doing.

I think increasing engagement between us and ICANN Org on this issue is a good thing, not a bad thing. but again, setting up a subgroup, I would just caution against creating more silos with smaller groups of people working. So I'm encouraged to hear that there will be regular reporting to the full EPDP team.

However, I do think it would be a good idea to have representatives from each group on that team, not just in terms of making sure that the representation exists on the team but also, I think it would help keep communication between that subgroup and the work that ICANN Org is undertaking to the rest of the EPDP team and all the groups involved more streamlined and clear. So having that firsthand engagement by each group, I think, would be helpful to the EPDP team, and I would hope that it wouldn't be too cumbersome to the work ICANN Org is undertaking. Thank you.

JANIS KARKLINS:

Thank you for comments. I see hands up. Next is Alex, then Ashley. Alex, please, go ahead.

ALEX DEACON: Thanks, Janis. Yeah, I'm not objecting to this. I think it's important work that should be occurring. It's a piece of the puzzle that we're all working on. It seems to me that this really comes down to resourcing and time commitment and so on. So I think understanding a little bit more what may be required of individuals who may volunteer to do this work would be helpful for me at least understanding, is travel required? If meetings are going to happen, will they happen in Europe? And that may affect the decisions with regard to resources. How often will they meet and how long will they meet? And then of course, I'd like to see kind of a plan and a set of goals and transparency.

So again, I'm not objecting, but I think more information is needed for at least us to be able to sign up and participate in something that I think is important, but it's still too early in my opinion. Thanks.

JANIS KARKLINS: Thank you very much. Ashley, please.

ASHLEY HEINEMAN: Thank you. First off, I just want to say I agree with what Alex is saying in terms of expectations, understanding what would be expected of our participation in such a group, but with that, I think it's actually an excellent idea, I think from a couple of different standpoints.

One, I think it's really good that ICANN is doing its best to get clarification now with respect to unified access model, so we're not wasting our time and we have the clarity we need, so we're not constantly second guessing ourselves in this group with respect to the viability.

I also think it's a great idea because it does provide transparency into those conversations that are going to be happening, and I think it's really good that the opportunity is provided to the EPDP to have some kind of role in that.

And again, supporting what Amr was saying, I think, of course, there has to be some level of – to the greatest extent possible, transparency into this process. but I also want to say that the GAC has stated already in its GAC advice that we do support such parallel efforts. We think that it's good for the sake of time, if nothing else, but I think this is completely within ICANN's remit and for us to be engaging in. Thank you.

JANIS KARKLINS:

Thank you very much. So, how I understand that, as I mentioned, there is not very clear confirmation from European data protection agencies that unified access model would be fully compliant with GDPR and that everyone would accept that. So as a result, we really do not want to work on this unified access model without having clarity whether that would be accepted ultimately or not.

If we could clarify in general terms that that would be acceptable, sooner we get that assurance, the better it is for us. And probably, for European Commission, the working group of ICANN would not

be acceptable counterpart, but the CEO and president of ICANN would be. So from that perspective, I think it is logical that Göran is talking to commission, Göran is talking to European data protection agencies on ICANN's behalf and with [inaudible] not necessarily on behalf of the board but on ICANN Org and all constituencies and communities.

So I didn't hear objection, but what I hear is that there is a necessity for further clarification. And probably, next week, we will try to work out and provide more clarity based on these concerns that have been expressed today. But I see that Alan Greenberg is asking. Alan, please.

ALAN GREENBERG:

Thank you very much. Just a quick intervention. I'd like to strongly support what both Alex and Ashley said. I think it's really important that if we're going to form a group, we understand what this group is doing. Having said that, I think it's really important also that those within the EPDP have an idea of what's going on within ICANN and we don't have multiple parallel tracks that catch us by surprise as the technical group did.

So I'd like to move forward on this as quickly as possible. I agree with Amr that if we're going to do this, we need some representation. It can't be just a random selection of people, which makes the group a little bit larger than it might otherwise hopefully be, but I don't see any other way around that. Thank you.

JANIS KARKLINS: Yeah. Thank you very much. And as I said, for me, the regular feedback is a condition or creation of such a subgroup. Everyone needs to know what is happening in that process. Stephanie, you are next on the line.

STEPHANIE PERRIN: Thank you very much. I just wanted to point out that this constant consultation with the data protection authorities on models, until we actually figure out how to differentiate between one request and another, I don't think we'll get good feedback. They have said for 20 years that we should come up with a model of layered access, but the details of that layered access have not been spelled out as yet. That's my first point.

The second point is that there were a number of policy decisions inherent in the marching orders for the Technical Study Group. I'm working on a paper on those at the moment that is not yet out. But that also is very important. Proceeding ahead where the policy decisions are being made at the ICANN Org level rather than this PDP disturbs me quite a bit, just putting that on the record.

The third issue that I wanted to raise was cost, and I unfortunately had to take a call, not sure whether Milton raised it already. Building that Technical Study Group system strikes me as smashing an ant with a mallet. It may be that many of the contracted parties are perfectly capable of managing the requests without buying into a system of this size and complexity, and as the Noncommercial Stakeholder Group, who actually care about data protection and whether the rights of registrants are being respected, what will happen is if we buy into the concept of a big,

expensive system that is incapable of doing the differentiation required under data protection law without added cost – and I believe that that will be the case – then we will be sweeping data protection under the rug and coming up with the layers. “I’m an IP lawyer, I’m an IP paralegal, I get access, I get access to everything in this layer.”

That is not compliant with data protection law in our view. But cost imperatives are something that we all care about, and we don’t want the cost of this system to be added on to the cost of a domain name pricing it out of the average individual’s market capability. Thank you.

JANIS KARKLINS:

Thank you. Next is Kristina, and I would like to close the line with her. Kristina, please.

KRISTINA ROSETTE:

Thanks very much. I have a clarifying question, and I realize that we want to close the queue, so I’m happy to take this discussion to the list. But I quite frankly am really confused, and it may be because I was out for six weeks, but when I read our final report, we refer – and I’m going to refer simply to recommendation three – as a standardized model for lawful disclosure of nonpublic registration data.

In my mind, a unified access model is one form, but not the only form, of that. And further, the proposed TSG model is one form but not the only form of unified access model. So I think it would be really helpful before we get too much farther down the road to

have clarity as to what we all mean, because if my understanding is correct, then I am concerned that we're essentially already jumping past the discussion and deliberation on we're not going to consider other potential standardized models for lawful disclosure of nonpublic registration data, we're only going to consider the unified access model, and then further, we're going to start from the TSG.

And if that is the case, I don't necessarily agree with it, but I would like to make sure, quite frankly, that we all have the same understanding, because frankly, every time everybody has been talking about [- referred to] UAM, I'm not entirely sure what they're referring to.

And I realize this is really a [important] open ended question. I hate to ask it at the very end of the call, so please let's take it top the list. But I'd very much like to make sure we're all on the same page. Thanks.

JANIS KARKLINS:

Okay. Thank you very much for expressing your concerns. Look, I think we need slightly more information on how that interaction could take place, and maybe as a conclusion of this discussion, I would provide feedback to the CEO that further clarification should be given, and I will communicate that to you over next week, or ten days. If you would accept that conclusion of this part of our conversation, that would be good. Any objection?

I see no objections. Thank you. So we are almost at the end of the call. The wrap-up as a last agenda item. What I would suggest,

that next week, I would try to summarize this conversation of today and propose possible outline of process two with the indication of potential targets that we would try to achieve, and we would discuss that draft proposal at the next call in two weeks' time.

Next week, we're not meeting because of the GDD summit in Bangkok, and I assume that many of the team might be busy with that event. But we would restart on 16th of May and then for the moment, I have penciled in my agenda every Thursday at 2:00 UTC, a 90-minute conversation. And for the moment, that would go until the Marrakech meeting.

Certainly, we will not be able to complete work without face-to-face meetings, and maybe we should think, and that is also idea to propose one additional face-to-face meeting sometime in-between Marrakech and Montréal that we could try to progress on topics of common interest. But all that will be outlined next week, and I would invite those who would like to react immediately. Please feel free to do so. Hopefully, we come to conclusion on our work program during the meeting of 16th of May.

Any objections? I see that Caitlin is asking for the floor. Caitlin, please.

CAITLIN TUBERGEN:

Hi, Janis. I just wanted to confirm the one question for ICANN Org to make sure that everyone is on the same page. We usually do this at the end of every meeting. And that question was, is there an attorney-client relationship between ICANN Org and Bird &

Bird? So we will send that question to our ICANN Org colleagues for a response.

JANIS KARKLINS: Thank you very much. Any other interventions at this stage? I don't hear anyone taking the floor, so that brings us to the end of today's meeting. Thank you very much for your participation and comments. I see that maybe we need to become more proficient with Zoom, and I will talk to staff and see whether some kind of training could be possible, including for me. And the rest, you'll get some proposals next week, and we'll take it from there. So thank you very much all, and have a good rest of the day. Goodbye.

TERRI AGNEW: Thank you, everyone. Once again, the meeting has been adjourned. Please remember to disconnect all remaining lines, and have a wonderful rest of your day.

[END OF TRANSCRIPTION]