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**ICANN Transcription**

**EPDP on the Temporary Specification for gTLD Registration Data**

**Thursday 30, 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://gns0.icann.org/sites/default/files/policy/2019/audio/audio-epdp-gtld-registration-data-specs-phase-2-30may19-en.m4a>

Zoom Recording:

[https://icann.zoom.us/recording/play/wqzRN1nL5uqsSqrfgFtaL81x2uvqVchccZVemH3GEv\\_GSOoLZNO\\_D6H9f8jqDq5C?startTime=1559224812000](https://icann.zoom.us/recording/play/wqzRN1nL5uqsSqrfgFtaL81x2uvqVchccZVemH3GEv_GSOoLZNO_D6H9f8jqDq5C?startTime=1559224812000)

Attendance is on the wiki page: <https://community.icann.org/x/5YSGBg>

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, and good evening. Welcome to the 4<sup>th</sup> GNSO EPDP Phase 2 Team meeting, taking place on the 30<sup>th</sup> of May, 2019, at 14:00 UTC.

In the interest of time, there'll be roll call. The attendance will be taken by the Zoom room. If you're only on the telephone bridge, could you please identify yourself now?

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*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.*

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Hearing no one, we have listed apologies—

GEORGIOS TSELENTIS: This is Georgios.

UNIDENTIFIED FEMALE: Oh, go ahead.

GEORGIOS TSELENTIS: I don't know if the bridge [inaudible]. This is Georgios. I don't know I have an audio bridge via the phone or not.

UNIDENTIFIED FEMALE: Thank you, Georgios. We see you connected, and your audio is quite well. Thank you for testing. I appreciate it.

GEORGIOS TSELENTIS: Thanks.

UNIDENTIFIED FEMALE: You're welcome. We have listed apologies from Brian King of IPC and Volker Greimann of RRSg. They formally assigned Jennifer Gore and Sarah Wyld as their alternate for this call and any remaining days [inaudible]. Alternates not replacing a member are required to rename their line by adding three [v's] at the beginning of their name and at the end add "alternate" and your affiliation,

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which means you're automatically pushed to the end of the queue. To remain on Zoom, hover over your name and click Rename. Alternates are not allowed to engage in the chat apart from private chat or use any other Zoom room function, such as raising hand, 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 e-mail.

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 the documentation and information can be found on the EPDP wiki space. Please remember to space your name before speaking. Recordings will be circulated on the mailing list and posted on the public wiki space shortly after the end of the call.

Thank you. With this, I'll turn it back over to Janis Karklins. Please begin.

JANIS KARKLINS:

Thank you very much. Good morning, good day, good evening, everyone. Let us start our fourth call. We have a suggested agenda with ten points. The question is, can we follow that agenda?

I see no hands up. No objections. So we will do so. Thank you very much. Let us turn to Agenda Item 3. That is housekeeping issues. It seems to me that we are heading towards more lengthy

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meetings. As I suggested from the very beginning, we would try to keep our meetings 90 minutes. Now I would like to suggest that we strive to conclude our work in 90 minutes, but, please, for the planning purposes, keep 120 minutes in your calendars. So that would be a suggestion from my side, and I want to see whether there are any objections to this extension of the calls with the understanding that we would strive to conclude in 90 minutes.

I see none [inaudible]. Let us then move to the next agenda item, 4: Expected next steps in relation to Board action on Phase 1 recommendations. After our previous call, I contacted Keith Drazek, the Chair of the GNSO Council, and he kindly agreed to join our meeting and briefly talk about the recent Council meeting and outcome of that meeting and how that could influence our work. After that, of course, we'll open the floor for any comments or questions members would like to raise with Keith.

With this, I invite Keith to take the floor. Keith?

KEITH DRAZEK: Thank you very much, Janis. This is Keith Drazek, everyone. Hello. Just a sound check to make sure you can hear me.

JANIS KARKLINS: Yes, please. We hear you very well.

KEITH DRAZEK: Very good. Thanks very much, Janis. Hi, everybody. Thank very much for the opportunity to join the call and to give a brief update

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on the Council discussions essentially earlier this week on the Board's resolutions concerning the EPDP Phase 1 recommendations. I'm happy to take any questions. So I'll give a brief update and then open it for Q&A.

Essentially, I think similar to the experience of the EPDP Phase 1 Group, the Board's decision and communication of its resolutions regarding the Phase 1 work were communicated just prior to our last meeting. The Council last week did not have the chance to actually have any substantive discussion about the Board's decision, but we did have a special meeting of the Council on Tuesday this week, where we dedicated 90 minutes to two topics, one of which was this update, which was the Board's decision to approve 27 of the 29 EPDP Phase 1 recommendations and portions of the remaining two.

I think, as everybody understands, the Board, in not accepting all of the GNSO-approved recommendations from the EPDP Phase 1, as triggered a bylaw-mandated consultation period. We are in uncharted territory here. These are the new bylaws, and this is a situation that we have not experienced before. So I and the rest of the Council are mindful of the fact that we are setting precedent here in terms of how we engage the Board in the discussions and in the consultation process about the fact that it elected to not accept all of the recommendations in full.

That said, the Council, as the policy process manager or the manager of PDP process, is looking certainly at questions of process and procedure. But we also recognize very clearly that the substance of the recommendations came from you and came from the EPDP team and that, if there are any questions,

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comments, or concerns related to the substance of the Board's decision, we as Council would look to you as the EPDP team to help inform us prior to our engagement with then Board in that consultation process.

I guess the way I'd like to position this for future conversation between us, the Council, and you, the EPDP team, over the coming week, if we're going to respond to the Board's initiation of the consultation process in timely manner, is to ask you to focus on any questions, comments, or concerns that the EPDP team would like to raise or would like the Council to raise on substance. Then, separately, the Council will be looking at what questions we want to raise with the Board – questions, concerns, or comments – on process or procedure.

My goal here is to ensure that we as the community, for lack of a better word – the EPDP team on substance and the Council on process – are synced up prior to the initiation of any formal conversation dialogue or the consultation process with then Board. I want to make sure that we are aligned to the extent possible before going into the conversations with the Board directly.

With that, let me pause and see if there are any questions. Janis, I'm happy to run the queue. If you'd like to follow up with any comments, I'm happy to defer to you at this point. Just let me know how you'd like to proceed.

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JANIS KARKLINS: Thank you, Keith. Now we're open for questions. Please raise your hands, those who want to ask questions. Let me just start with one from my side. If I understand correctly, you expect from us questions in relation to the Board's decision by next week [and] we will not be able to produce anything prior to Thursday next week.

KETIH DRAZEK: Thank you, Janis. I'll just respond quickly. We put together a draft timeline that we would be happy to share with you following this call and after the Q&A. I hope that you might be able to provide us at least something preliminary by Friday of next week – so after your next meeting – but obviously we're sensitive to the fact that you also have a tremendous amount of work ongoing. So we would like to have that conversation with you.

JANIS KARKLINS: Okay. Thank you. I have three requests that I see: Hadia, Margie, and James, in that order. Hadia, please go ahead.

HADIA ELMINIAWI: Thank you, Janis, and thank you, Drazek. My question is, the questions to the Board that are definitely going to be related to adoption of the recommendations or the non-adoption of recommendations and the comments provided as well, but with regards, for example, to one of the recommendations that was not adopted, which is Recommendation 1 Purpose 2, it was not entirely adopted and requires further refinement, so who will do this refinement? And would that be an appropriate question to the

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Board, or is this something that the Council needs to [inaudible]?  
Thank you.

JANIS KARKLINS: Thank you, Hadia. Maybe I will take three questions and then, Keith, I will turn to you. Margie, please?

MARGIE MILAM: Thank you. Can you hear me?

JANIS KARKLINS: Yes. Please go ahead.

MARGIE MILAM: Actually, my question was similar to Hadia's. Keith, thank you for this information. Are you looking for us to provide what we think the updated recommendation should be? For example, in light of what the Board said? Or are you simply asking for questions to help us frame what our work would be over the next [few] weeks?

JANIS KARKLINS: Thank you, Margie. James?

JAMES GALVIN: Do we want to give Keith an opportunity to answer before we proceed?



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JANIS KARKLINS: If you wish so. Keith, please.

JAMES GALVIN: I'll pause, Janis, and allow Keith to respond to Margie's question.

JANIS KARKLINS: Okay. Keith, please.

KETIH DRAZEK: Sure. Thanks, Janis, and thanks, Hadia, Margie, and James. Let me go in reverse order of the questions so far.

Margie, I think what the Council is looking for is to find out whether the EPDP team identifies any substantive issues or concerns or questions related to the Board's action on the two portions or the portions of the two recommendations that were not accepted. In other words, we're going to be entering a consultation process, and we the Council need the benefit of your input on substantive matters. That could be comments, questions, or concerns. That's how we framed it in the discussions within Council as to coming up with a template or a framework for the discussion. So I don't know that, at this time, we're looking for you to decide how you will handle that. But if there are any clarifying questions or you see concerns or have concerns about how the non-acceptance of those recommendations or those portions of the recommendations might impact your ability to conduct business in Phase 2 ... I hope that's clear.

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Hadia's question I think was a question to the Board or maybe similar: are we looking for a refinement of the Recommendation 1 Purpose 2? I guess, again, I'll just say I think we as Council are looking for any substantive concerns, questions, or comments that you may have that you would like to feed into the Council's deliberations and the Council's preparation work before we start having conversations with the Board on those issues. I hope that answers your question.

Janis, I'll hand it back to you.

JANIS KARKLINS:

Thank you, Keith. Next in line is James, followed by Amr. And I see Hadia's hand is up [inaudible]. James, please.

JAMES GALVIN:

Thank you, Janis. Thanks, Keith, for setting this up and giving us some of the background. I have a question regarding Recommendation 12. This is a substantive question based on my understanding of the Board's rationale for their decision on Rec 12. Recommendation 12, for those who remember our found times in January in Toronto, was the result of a quite extensive discussion of what to do with a registrant organization field and particularly the inconsistent use and application of this field for decades across perhaps millions or even tens of millions of registrant records. There was a concern that – I think, reading the Board rationale, their concern is that executing any kind of process that involves deleting data is irrevocable. I think what a lot of us were landing on in Toronto was that we were fundamentally

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changing the rules around this field and the significance and the importance of it and that a number of registrants and registrars had been misusing that field for years. So it was an attempt to reboot that field.

Is there an opportunity in this consultation to revisit their rationale for Rec 12 in particular or any of their decisions, or is this simply a check-the-box activity and we're going to kick it over to the IRT and figure it out from there?

JANIS KARKLINS: Maybe, Keith, if you want to answer.

KEITH DRAZEK: Thanks very much, James. Understanding your points certainly about Recommendation 12 and the fact that this was a recommendation that came from the EPDP, I think the consultation, as I said, is unprecedented. We're in new territory here, so it's unclear to me exactly how it will play out. I think, again, if there are clarifying questions that the EPDP team would like to ask on some of these substantive issues – that one in particular – then the Council would like to take those and bring those to the Board during the consultation process. I can't predict at this point how it plays out in terms of, is there an opportunity to revisit something like that? Would the Board be in a position to change its recommendations accordingly following the consultation process? I just don't know at this point. But we could certainly like, as Council going into that process, to ensure that we've got the totality of your clarifying questions as we initiate

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that. I expect that there would be ongoing exchange between the Council and the EPDP team and the IRT moving forward.

So, James, I know that wasn't a direct or a concrete answer, but I hope that at least gives a sense of what we're looking for.

Let me also – I know there's a couple of other questions – just note that I think, on Recommendation 1 Purpose 2, the Board, in its scorecard and its rationale for making the decision that it did, acknowledged that the EPDP recommendations from Phase 1 were placeholder language and that there was an expectation that further work would need to be done in Phase 2 by the EPDP team on the question and that there was also subsequent or intervening communication from the European Commission on the topic and that the rationale for referring that back to the Council and to the EPDP was for those reasons.

So I hope that was clear and that that's well-understood in terms of the Board's rationale, but again, if there are questions the EPDP team would like us to ask in the consultation process, we're certainly open to that and would welcome that.

Janis, back to you.

JANIS KARKLINS:

Thank you very much, Keith. Amr is next, followed by Marc. Amr, please?

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AMR ELSADR:

Thanks, Janis. Thank you very much for being on this call with us today. My understanding is that – and just to clarify a [inaudible] my questions at this point right now are truly process, not on substance really. So my current understanding is that, whatever the EPDP team does in response to parts of the recommendations that the Board did not adopt, we will only act based on instructions from the GNSO Council. If I'm wrong on this, I'd appreciate clarification.

I do appreciate, Keith, you coming to the EPDP including us up front in the discussions and continuing this with us and giving us time to come up with some substantive questions, should we have any, but my question from a process perspective – I hope you could also maybe look into this with the rest of the GNSO Council, and possibly during your discussion with the Board – is, what happens if, specifically concerning Recommendation 12, the EPDP team, following the consultation process and then the Council giving us a task to act upon, comes up with the same conclusion we came up with Phase 1 and perhaps provide additional justification to that? Or what happens if the EPDP team comes up with another recommendation or a slightly amended recommendation that [again] the ICANN Board does not choose to adopt? I think it would be helpful for us to understand these things before we proceed to revise those recommendations, should that decision be made. So if you could include that in your discussions with the Council and the Board, I'd personally appreciate it. Thank you.

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KETIH DRAZEK:

Thanks very much, Amr. I heard a two-part question there. The first was, I guess, is the Council – to answer your question, the action right now, I believe, is with the Council. In other words, the Board has responded to the recommendations that were forwarded by Council. What has come back to us from the Board is now with the Council. I expect that we would then formally refer the components back to the EPDP team. So I expect that, procedurally, that's the way it will happen. Of course, we're just at the beginning phase of this engagement right now in terms of Council wanting to seek input from the EPDP on substance and then figuring out how exactly it will engage with the Board. But at some point, I expect that the Council will take an affirmative or formal action to refer any further work or consideration to the EPDP team. I hope that's the clear.

The second question is, as I understood it, what happens if the EPDP reaffirms or reconfirms the recommendation or wants to slightly amend – basically to go back and push back on the Board's decision and try to have the issue revisited? My understanding – again, I will confirm this and get back to you – is that the Council could certainly re-forward the existing or the former recommendation or an amended recommendation to the Board for further consideration. So this is not a tick-the-box exercise. I think that, if there are really substantive concerns or issues that need to be highlighted or revisited during this consultation process, then the Council stands ready to take that on and to engage with the Board accordingly.

Let me pause there, Janis, and see if there's any follow up or any further questions on that.

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JANIS KARKLINS: Thank you very much. There is one from Marc. Marc Anderson, please go ahead.

MARC ANDERSON: Thanks, Janis and Keith. Can you hear me okay?

KEITH DRAZEK: I can.

JANIS KARKLINS: Yeah, we hear you.

MARC ANDERSON: Okay, excellent. First, thank you, Keith, for joining our call and providing that. I guess first I'd like to advocate to the EPDP team is for us to take Keith and the GNSO Council up on this. I know it's a little bit of a distraction from our Phase 2 work, but I think this is important. So I think it's worth us taking the time to do this.

From my perspective, I see our task as really providing background information or arming the GNSO Council with as much background information or pertinent questions or knowledge to help inform their consultation with the ICANN Board. I think that's something we can do. Many of us – I know we have some new people – were there who were carryovers from Phase 1, so I think we can provide background. We can provide a little more information to the GNSO Council on why we did what we did, why

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the recommendations were what they were. I think there were a lot of discussions in Toronto specifically around Recommendation 12. And not all the background, not all the details of that, why we did what we did, are in the report.

So we have an opportunity to provide more information, more background, to the GNSO Council. That can only help their consultations with the ICANN Board. So I think we should do that. It's worth us taking a little time out of our Phase 2 work to provide that information.

JANIS KARKLINS:

Thank you, Marc. Keith, I do not have any further questions from the floor. Do you want to say anything else for the moment?

KEITH DRAZEK:

Thank you, Janis. I'll wrap up. I really appreciate you giving me the opportunity to come and speak with the EPDP team. Obviously, if there are any further questions or comments, then Rafik is available as the GNSO Council liaison and Vice-Chair. So feel free to touch base with Rafik if there's any follow-up.

Let me just note, in closing, that the GNSO Council is approaching this in a deliberate manner, in a cautious manner, and in recognition that we are effectively setting precedent in how we engage with the Board on this. This is certainly provided for in the ICANN bylaws. The process was anticipated or envisioned. We're going to take this seriously and we're going to engage in understanding that there's precedent being set here. That's one of the reason we want to ensure we're engaging with you, the policy



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development group, within this process, and then we as the Council, as the policy process managers, can be most effective in our careful and cautious engagement with the Board.

Thank you very much. I'll leave it at that.

JANIS KARKLINS:

Thank you, Keith. In conclusion, I understand that we're invited to submit comments, expressions of concerns or questions, for GNSO Council consideration by next Friday. We will attempt to do so with the understanding that that may be preliminary. There may be a need for fine-tuning that input after the deadline of next Friday. We will do our best.

Thank you, Keith, for reaching out to us. I'm looking forward in cooperating further on this topic.

KEITH DRAZEK:

Thank you, Janis.

JANIS KARKLINS:

Thanks a lot. Let us then move to – no. Before moving to the next agenda item, I would like to ask team members to provide comments, expressions of concerns and questions, if possible, by the end of business next Tuesday that we can compile and present in a compiled version, or Wednesday prior to our call. Then we will take up that list and discuss it during our next meeting. I hope that that will be acceptable.

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I see no objections. Let us then move to the next agenda item. That is the call for input from other SOs and ACs. It is a requirement that, at one point in the PDP process, we reach out – or those who write the policy reach out – to the ACs and SOs with the call for input. We agreed that that should be down earlier than later. In that respect, we put forward a proposal last week for how that call for input could look like and what questions we should ask to other SOs and ACs.

There was one comment that came in from Marc Anderson which suggests to replace proposed questions with ones which are in the charter of Phase 2. I would like to see whether members would be in agreement with Marc. I see Marc maybe wants to explain the reasons of this proposal. Marc, please go ahead.

MARC ANDERSON:

Thanks, Janis. Sure, I'll jump in. The registry representatives met to review this. We recognized that the intent of this template is to focus the feedback that we get from the SO/AC/SGs/Cs in their input. We don't want to leave the input too wide open or we'll get everything and anything under the sun. So I think that makes sense, but the bullet points that were provided in this draft we didn't think were really great questions to send out to the SOs and ACs. So we were debating different questions or alternatives that we could propose. We ended up coming back to the charter questions and felt that, really, the three main charter questions provided a pretty good template.

So our suggestion was pretty simple: swap out the questions that were in this first draft with the three main charter questions. I think

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the template itself is well-worded and written. I like that, in the annex, it contains all the information from the charter as well the Phase 1 report and other items that SOs, ACs, SGs, and Cs may want to comment on but still guides you back to the three main charter questions that we're tackling in Phase 2. So we thought this was a pretty straightforward suggestion for how to focus the type of feedback that we're looking for to help inform our deliberations on Phase 2. So hopefully that helps [inaudible] and give a little background on why we made the suggestion we did.

JANIS KARKLINS: Thank you, Marc, for your reasoning. Alex Deacon?

ALEX DEACON: Thank you, Janis. Hopefully everyone can hear me.

JANIS KARKLINS: Yes, we hear you.

ALEX DEACON: Thank you. We spent some time discussing this and, I think, in the end decided it wasn't worth too much debate and effort. I agree with Marc that sticking with the charter questions is probably the safest way to proceed. I started to redline the questions there and, again, decided that perhaps wasn't the best use of time and would just further confuse things. So I think Marc's suggestion is a good one.

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Finally, at the end of the day, the SOs and ACs and other groups can and no doubt will respond as they feel fit anyway. So I think just sticking with the charter questions in the framework that's outlined in this doc is the best path forward. Thanks.

JANIS KARKLINS: Thank you, Alex, for your opinion. I see no further requests for the floor, so no one objected to Marc's proposal. I see Farzaneh.

FARZANEH BADI: Thank you. I got a little bit confused by what Alex said. [Are these highlighted by Marie Carde?] Are they charter questions? I'm not sure, but for the first bullet point, I think that, instead of asking should such a system be adopted – well, as well as asking should such a system be adopted, we should also ask why the SOs and ACs think that it should be adopted or it should not be adopted? Because then the questions should jump to the criteria.

I also see that, at the beginning, the starting point says, "As the GNSO Council and the EPDP team have identified as priority the issues related to blah, blah, blah." I'm confused by this sentence. I don't know what it means that we have identified a priority the issue related to because I don't remember identifying cohesively and consensus-based that we agreed to prioritize this issue. Thanks.

JANIS KARKLINS: Farzaneh, what you see on the screen in yellow are questions that were in the draft proposed by staff and me. On the righthand side

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of the screen, you see three questions which are from the charter. The proposal is to – what Marc put forward – replace those that are in yellow with those that you see on the righthand side of the screen with the A, B, C. They come straight from the charter and send out those questions to other SOs/ACs, asking for their input within a 21-day period.

FARZANEH BADI: Okay. So we are going to replace all these questions with Marc's suggestion.

JANIS KARKLINS: Yes.

FARZANEH BADI: I don't see all the questions, but I still think that we need to, if we are asking about disclosure and what they think about standardized access, ask for a specific [reaction] now for having such a system in place. But I haven't read fully the questions that Marc has suggested for replacement.

JANIS KARKLINS: They're on the screen now. They're now on the screen and they come straight from the charter. We probably did not question charter questions. This is a very safe proposal because these are the ones we're working on. We're asking others to see whether they want to input to those questions that we're working on.

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FAZANEH BADII: Okay. Well, it is what it is. Sorry, I was not following up. I have some concerns about that, but if the group agrees on it, then I'm not going to object. Thanks.

JANIS KARKLINS: Thank you. So then the conclusion is we would replace the text, what you see on the screen in yellow, which was originally proposed, with the three questions coming from the charter that also you see on the screen. We would send out that letter to other ACs/SOs tomorrow, which then would bring answers to those questions for those ACs/SOs who want to answer on the 21<sup>st</sup> of June prior to the meeting in Marrakech. We will be able to review those inputs during the face-to-face meeting in Marrakech. So I understand that that is our common understanding of this outcome of this conversation. Thank you.

Let us move to the next agenda item. That is a legal memo clarifying questions. During the last call, we reviewed the first questions that have been presented. In the meantime, we have received questions from the GAC. That triggered some traffic on the mailing list. I would like now to invite Caitlin to kickstart this conversation. Caitlin, please.

CAITLIN TUBERGEN: Thank you, Janis. I also wanted to quickly note that I had inadvertently omitted the clarifying legal questions from the IPC, so I also went ahead and added those and the GAC's questions to the updated table.

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Following the submission of the questions and some of the feedback we received, the leadership team was looking to come up with a plan of how we would review all of these questions. As you might remember, we had taken the questions and aligned them with the various memo topics. What we did after receiving those questions is looked to see if those issues related to issues that were to be discussed in Phase 2, or issues that were identified on the mind map – for example, specific charter questions for Phase 2, questions mentioned in the annex, or any issues deferred from Phase 1.

The leadership team had made a preliminary suggestion for all of the categories, that, if the questions are not related to the EPDP team's Phase 2 work, it would not be reviewed further or forwarded to Bird & Bird at this time, and, if the question does indeed relate to Phase 2 work, that the leadership team would align the question with the relevant Phase 2 issue – for example, accuracy or the standardized system for access or disclosure – and determine if the Phase 2 issue is a Priority 1 or Priority 2 item.

From there, would note that Priority 1 items related to a system for standardized access, and those would reviewed first, and, with the Priority 2 items we would move all the received questions to the corresponding worksheet for further discussion following the EPDP team's agreement on both the scope and the expected deliverable for the topic. Once there was agreement on the scope and deliverable, these items would be considered as a matter of urgency and be reviewed by a group before they were sent to legal counsel.

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Janis has a proposal for which group would be reviewing these questions, since the idea of having the entire EPDP team review legal questions might not be the most efficient way forward. We're specifically looking for a group to review if the questions are truly legal in nature as opposed to possibly a policy or policy implementation question, if the questions are phrased in a neutral manner, avoiding any sort of presumed outcomes or a constituency's position, that the questions are both relevant and timely to the EPDP team's work in Phase 2, and ensuring that the limited budget for external legal counsel is being used responsibly.

Now I'm going to turn the floor over to Janis to describe his idea for the legal advisory group [he]'d like to use.

JANIS KARKLINS:

Thank you, Caitlin. These legal questions that we need to review, as we discussed earlier, need to be fine-tuned and put in the right words. As one team member said, if you ask the wrong questions, you get the wrong answers. As a result, we really need to focus on those questions. In such a big group, when you have everything [also online], maybe that is not the most rational way.

Therefore, I thought, unlike in the first phase, where we had a legal committee, I would like to propose to the team to constitute a legal advisory group to the Chair, which would be constituted based on the Chair's invitation. This would be a small group with legal professionals in it from the team members, of course. They would review those legal questions and would propose to the whole team the final formulations as we progress in our work. This



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advisory group would meet on an as-needed basis once we're ready. The questions would need to be reviewed. They would meet with open doors. In other words, everyone who would like to listen to that conversation would be welcome to do so. Whatever comes out from this advisory group would be put for formal endorsement by the team as a whole. So that is my idea.

Initially, those legal questions would be put on the worksheets for Priority 2 questions. Later we will be talking about reviewing those Priority 2 worksheets. After that review, then the group may look at specifically at the formulation of those legal questions.

So that's the proposal. I see a few hands up. Stephanie is first, followed by Amr. Stephanie, please.

STEPHANIE PERRIN: Thanks. I hope you can hear me.

JANIS KARKLINS: We can hear you.

STEPHANIE PERRIN: Wonderful. I would actually like to volunteer for that team and object to it being limited to legal professionals, by which I presume you mean lawyers. The grounds for that are that, in actual fact, when drafting policy, it's usually policy directors that ask the legal questions of the lawyers. Quite frankly, as one of the people with the longest and deepest privacy experience – that would be 35 years – of asking questions of lawyers to clarify policy issues, I

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think I'm richly capable of sitting on that committee. So I'd just like to ask for the rationale for restricting it to lawyers, some of whom have zero experience in data protection matters. Thanks.

JANIS KARKLINS: Thank you, Stephanie. Your request is duly noted. Amr is next.

AMR ELSADR: Thanks, Janis. I agree with Stephanie, for sure, and would like to follow up on her request by also requesting that part of the job of the legal committee, I hope, will be to weed out whether some of the questions being posed should be actually forwarded to Bird & Bird because it seems to me that quite a number of these questions are policy questions, not legal questions. So, if the legal committee could really work on that and try to figure out what questions here relate to what is legally applicable and what questions should be determined by policy discussions – this is where I think someone with policy experience, like Stephanie, could be helpful. I hope the legal committee does do this. I'm sure we're going to get around to that when the questions are being shared with the EPDP team and At-Large, but I would hope that the legal committee does take a first stab at that. Thank you.

JANIS KARKLINS: Thank you, Amr. This is exactly what the meaning behind the proposal is, that this legal advisory group look at those questions, define whether they're legal or not or if they're policy questions, and then bring the results of their consideration for the formal endorsement by the team as a whole. As I mentioned, the

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meetings of the legal advisory group would be open for everyone who would like to listen to their conversation.

Marc is next. Marc, please?

MARC ANDERSON: Thanks, Janis. I agree with what others have said. I just want to say, on the whole, I think I liked what Caitlin said when she explained it. Janis, your explanation made sense. As I understood it on the call here, I think that makes sense as a path forward. I guess my request is to put this down in writing. It would be useful to have this documented to make sure everybody is 100% on the same page and understands what we're doing and how we're handling these questions. At least based on the verbal explanation given, I think it made sense here on the call to me. Thank you.

JANIS KARKLINS: Thank you. Do I have anyone else?

Amr, your hand is still up. Are you in line?

AMR ELSADR: Sorry. Old hand.

JANIS KARKLINS: Okay. So no further requests for the floor. Let me then conclude by the following. I will put my proposal in writing, together with the names of my friends. I will send it out to the mailing list by the end of tomorrow. If no one will object that proposal, then I would use

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the silence procedure by the next call. I would take that this would be acceptable as a proposed method. If someone will object, then we will revisit that on the next call.

That would be the conclusion of this part of our conversation. Thank you very much. We can move now to the next item, which is already very much linked with our substantive activities, and that is working definitions on the purpose of the EPDP.

There was an initial draft proposed for the last meeting. There were a number of comments on proposals made by members of the team. In the meantime, staff and myself tried to take into account every opinion that has been expressed during this comment period and then [inter-] period and also tried to reconcile the sometimes divergent views on the same topic.

The result is in front of you. I would like to see whether we can live with it. I also would like to remind you once again that these are not legal definitions – these are just common understandings for the purpose of our exercise – that, when we use a term, all of us, for the purpose of this exercise, understand the same thing, not something different. This list will live as long as EPDP Phase 2 exists. After that, that will cease its existence. So this is just cheat sheet, if you wish, and a reminder that should keep us on the same page in our understanding of terms we will be using.

I would like now to open the floor for general comments. After that, we will see where we can get with that. I have three requests at the moment: Kristina, Sarah, and Amr, in that order. Kristina, please. You are the first.

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KRISTINA ROSETTE: Great. Thank you. Can you all hear me?

JANIS KARKLINS: Yes. Very well.

KRISTINE ROSETTE: Excellent. Thank you. I would like to raise something along the lines of a point of order in the sense that, according to my e-mail, I received this document at 3:02 A.M. Pacific Time. We're being asked to confirm it less than five hours later. For those EPDP members on the west coast, many of us were sleeping for a good part of that time or actually on this call. I'm concerned about the precedent that we are setting if we are going to be accepting and agreeing to documents and making, frankly, any kind of decisions on anything less than a reasonable turnaround time, which, in my view, I think would be eight hours business-day time.

Again, I haven't even had a chance to look at these definitions. They could be perfectly fine as far as I'm concerned, but the bigger point is that I would hate for us farther on down the road have our work vulnerable to challenge on the grounds that we didn't give sufficient time to members to review it, think about it, and consult with their respective groups. Thanks.

JANIS KARKLINS: Note taken. I agree. It is not a good precedent. So let's see what other members are thinking. Sarah, please.

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SARAH WYLD: Good morning, good afternoon. Thank you. I will start by supporting what Kristina said. This is really not sufficient turnaround time. Thank you, Janis, for agreeing with that one.

I am just having a hard time with the second bullet point – request of third parties for access – and the sentence that follows it. This does not seem to be a definition of a term, and it overlaps with the disclosure definition enough that I don't think we need them both. So I think we should remove that second bullet point – request of third parties for access – as well as the sentence following. I think there's no purpose for that. Disclosure is when the data is given to a third party. Access is when the data is accessed by the data subject whose data it is. The data subject would not request disclosures. I feel like that doesn't quite make sense, so my suggestion is to remove that second bullet point and the sentence following. Thank you.

JANIS KARKLINS: Thank you. Amr, your hand is up.

AMR ELSADR: Thanks, Janis. Actually, Sarah just beat me to what I wanted to say, although, before objecting to the second bullet and asking for it to be removed, I would appreciate some maybe background on why it was felt necessary to include it. I do find that a little confusing and don't see any practical purpose for it. Like Sarah said, I think, by defining the right of access and disclosure in the third bullet, we do cover what we need to cover. Apart from the

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second bullet being a little confusing to me, I'm not sure what purpose it actually serves. So I guess I'll just +1 Sarah there.

JANIS KARKLINS: Thank you, Amr. Alan?

ALAN GREENBERG: Thank you very much. I guess I have a number of comments that both support and differ with some of the previous ones. I agree with Kristina that we can't use this opportunity to approve this. On the other hand, even though there was only a few hours' notice, I appreciate it being distributed to give us time to talk about it at this meeting as a prelude to, perhaps at the next meeting, approving it or some successor of it. So that I appreciate.

I guess I like the second bullet, but moreover, you, in introducing this, said you and staff were trying to find a way to cross the divide between the rather strident positions that were taken before. I think this is a reasonable way to cross that: to not eliminate the word "access" in terms of third parties but to make sure it's carefully defined so that there is a differentiation between that and the data subject's right. So I support what you have here but agree that this is not the meeting at which we should look for closure. Thank you.

JANIS KARKLINS: Thank you, Alan. Hadia, please.

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HADIA ELMINIAWI: I do agree with Kristina that maybe giving more time for people would have been better. I do agree with Alan as well, but it's good that it's been distributed so that we get the chance to talk about it.

I just want to remind us all that, as you mentioned earlier, those are just working definitions. Going through the documents, I do agree with some and maybe don't agree totally with others, but generally speaking I think the whole document works. I personally don't think that we need to be debating a lot or wasting a lot of time on this. Those are just the working definitions that we as a group are going to be using. I don't see them impacting any of the outcomes or the work that we are actually going to go forward with. So I do support it. Thank you.

JANIS KARKLINS: Thank you very much, Hadia. Margie is next, followed by Alex. Kristina, are you in line? Margie, please.

MARGIE MILAM: Thank you. Pretty much Alan and Hadia said the same thing I was going to say. We do support the definitions here, and we've already given the reasons for it in previous calls and think that this is a good compromise. So thank you.

JANIS KARKLINS: Thank you, Margie. Alex?



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ALEX DEACON: Thanks. We spent time reviewing an earlier version of this doc yesterday – those of the west coast who came prepared to discuss that – so now that it's changed, I'm not quite ready to comment on the updated text. So I think we need a little bit more time to do a good job at that.

I do want to express a meta-concern that I have. We're now four weeks into our work – this is the fourth meeting – and we have yet to start any substantive discussion debate on important Phase 2 comments, particularly the charter questions. This is a concern. I understand that we need to do some kind of foundational work here, but it seems like, the more we walk down the path, the farther away the goal of actually starting important discussions and debates becomes. So I just want to implore us to quickly move on to finishing our homework, to quote Thomas, and get to work on answering these important questions on the charter. Thank you.

JANIS KARKLINS: Thank you, Alex. You will have a chance in a few minutes on our next agenda item, but I fully agree with you. I think we're very close starting the real substantive discussion.

Chris – the one from the GAC – please.

CHRIS LEWIS-EVANS: Thanks. I just wanted to agree with Kristina and Alex and Margie, really. As Alex has just said, we reviewed a separate document and, having just had a look over this this morning, these are

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terms that we could probably live with. But obviously we've not had time to discuss that fully.

I think the important point that Margie said is that this is working definitions. It's not something we're bound by. If we get down the line on policy and the decisions is you can't do access, which I obviously hope we don't get to, then that is the decision and the definition goes away. So I think I'd like to keep these reminders [that these are] working definition and try to get on with some of the substance. Thank you.

JANIS KARKLINS:

Thank you very much. I do not have further – no, I do have one. Alan, please? Alan Woods.

ALAN WOODS:

Thank you, Janis. I suppose I just have a quick question. I just want to ask about something that Sarah Wyld said about how it is utterly confusing the way the second bullet point and what comes after that is. I just don't understand that, again, having not really had the time to substantively look at this. I would pose one question for the consideration going forward.

I still don't fully understand why certain people are so absolutely attached to the word "access." I wish I could understand that more because we're coming at it from a very specific point of view, not as that there is a huge [difference between] disclosure and access, legally speaking. I think it might help if we understand that as to why this council needs to go back the word "access." I think that might help, and it could be leading into those substantive

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discussions. I understand what Alex is saying, but these are important beginnings of our substantive discussions as well because it sets the tone. So I would caution on that.

JANIS KARKLINS:

Thank you, Alan. This is an attempt to bridge the gap in different positions. I understand from the staff that the issue of access versus disclosure has been also widely debated during the first phase. From my side, though, I'm not a native English speaker. "Access" has different meanings. It can be used as a noun. It can be used as a verb. Maybe confusion is there. In the e-mail traffic, I think [Norton] put, really, a finger on the spot when he quoted GDPR, which was referred to right of access. I think that this is fundamentally important. But others use "access" simply as a verb, as a part of the process. So this is what the second bullet point is, just to say that "access" has different meanings and one of the meanings might be a process of how to get to the full set or subset of non-public data through disclosure. But I hear that maybe some more time needs to be devoted to reflection. I'm not pushing forward. This document is important for us just to keep us on the same page when we're using terms. It is not critical for our activities, and I do not really want to spend too much time on this. I can easily turn it into the Chair's working definitions and keep referring them as a chair's. So that may help those who can't live with these working definitions as a reference in our conversation.

Let us park that until next time week. Please, if you want to comment, do so by Tuesday, the end of the day, so we could compile and see whether there is any further refinement possible.

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The revised document will be published next Wednesday. So this is my proposal.

Alan, are you still in line? If not, then Mark. Mark, please.

MARK SVANCAREK:

Hi. I think a lot of people have said that we should move on from this, and I agree. So thank you for taking this to another meeting. I did want to mention that, in a previous meeting, I mentioned that we need to have a definition of authorization added. So I say that again. In our working definitions, there should be a term: "authorization" – oh, good. Okay. Sorry. I didn't see that. Great. "Refers to the [inaudible]." Okay. Thank you very much.

JANIS KARKLINS:

So we're very attentive to opinions and suggestions of members of the team, Mark.

If no one requests the floor on this topic, let us move to the next one. I conclude by suggesting to please review the document. If you have anything to comment on, please do it by Tuesday, the end of business in California. We could review it on and publish it the revised document on Wednesday, aiming at endorsement, potentially, during the next meeting. So thank you.

The next agenda item is the Priority 1 worksheet. That is probably the first really substantive element of our conversation, meaning

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the element on the substance of our conversation. I will ask Marika to kickstart the discussion. Marika, please.

MARIKA KONINGS:

Thanks very much, Janis. The worksheet you see on the screen is the one we shared with all of you earlier this week. It follows to a large extent the same approach as the other worksheets we've put out for the Priority 2 items. We know there's a lot of information to digest in this worksheet. As such, we've asked everyone to focus your input really on have covered the right topics, the orders being proposed, and the objectives as priority items at this stage.

I think it may be helpful to just quickly run through it so you can see what is in here and also hopefully help you then to focus on those elements that require input. I think today we received feedback from the Registrar Stakeholder Group, for which our thanks, because, again, the input that you will provide will help make this document better and make sure that everyone's on the same page when it comes to how the different topics are to be tackled as well as what the objectives of our work is.

So what we've done at the start here is listed all the charter questions and issues that have been brought up in the context of this topics, so it includes the questions that were specifically included in the EPDP team charter. There were a number of topics that related to this item from the annex of the temporary specification, which also was part of the charter, of course. Then there was a recommendation that specially related to this item from the Phase 1 final report.

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What staff also did in the TSG report is there were a number of policy questions identified. Again, the group is not specifically tasked to answer those, but we thought it might be helpful as well to link them here to the different topics because, again, it may help frame the conversation and with thinking through some of the questions that will need to be answered in the context of this work.

So what we've done/did as well, when going through the document, is we made sure that all these questions are currently placed in the different topics that were identified so that we make sure as well that, as we go through our work, we of course deliver on the requirements for the team to respond to the charter questions and any items coming from Phase 1.

Again, we've included as well some general required reading here. There's quite a lot of information here, but again, we think it's important that everyone comes to the table with the same background and same understanding of work that has been taken in relationship to this area over the last couple of months and maybe even years.

If there's anything that's missing here, do let us know. Again, the idea is to have a full set of documents, and of course, nothing prevents anyone to already starting reading up on those. Again, we're really hoping as well that some of the work that has been done in other areas will serve as a basis for the group's discussions so that there's no need to start at zero benefit from the thinking and work that has gone into this in the context of other efforts. So, again, it's quite a lengthy list, but please feel free as well to [answer] this if we've missed anything.

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We also started identifying possible briefings. Again, the group will need to determine whether those are necessary or at what time it would be relevant. We also noted some dependencies. Again, this is work that came out of our original brainstorming efforts and input that was requested on that. So we've noted it here as well, but again, this is also of course open to review.

Something we already shared with you in the last couple of meetings is the list of – we've called it so far the non-exhaustive list of topics, but I think, so far, no one has suggested any additional ones, although I think that the Registrar Stakeholder Group has suggested expanding on some of them to make sure that it captures adequately the different topics that are part of those items.

What we did as well following that list of items is we started thinking through what would be a logical approach for tackling these. Obviously, there are dependencies or linkage between these different topics, but there may be a logical order in which the group could start noting that at times and may be necessarily to go back and forth between topics or decide to close off on one topic and move into a next before you're able to complete on the previous item.

Again, this is what staff has come up with. Again, this is completely open to your input and feedback on does this make sense? Is there a good reason to not to do it in this order but tackle topics in a different way? If such, please share that and provide your rationale for changing the order.

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Then we had as well, as an overall topic and that I think also aligns with previous conversations, the question of legal questions, one that will probably come up throughout – definitions, of course, may also evolve as the group works through these items – and then as well this question of financial sustainability, I think, that has been flagged. It's probably also one that will need to be considered throughout the group's consideration of these topics.

Then we'll be giving you a snapshot of what we've done for each of the substantive items. I'll skip over the terminology and legal questions one. Looking at the topics or the category of topics that we've identified, each of those and the one you see on your screen relates to defining user groups, criteria, purposes, and lawful basis per user group. Again, from a staff perspective, we think the objective [of] is looking at these topics. It's really important that everyone is on board with the objectives we have identified. If we miss anything here, if anything has been misstated, again, we'd really like to encourage you to review this closely.

We've also started identifying the materials to be reviewed. As noted on many of these topics, extensive work has already been done in the context of other activities. So we've tried to do our best to flag at least all the documents that we are aware of. Again, it's critically important that you review this and make sure, if we've missed anything that will be of help to the group, that that is identified here. But again, this might be more of a priority when we start our detailed deliberations on these topics because, again, at least from a staff perspective, our hope is that we can use these



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materials as a basis for either putting something on the table or starting the deliberations. As said, a lot of work has already been done, either in the context of Phase 1 work or other initiatives that have focused on this topic.

What we then did as well to, again, make sure that the conversations are aligned with the requirements per the charter is to link each of the topics with the related – we refer to it here as the mind map questions because we use the mind map to pull out all the different aspects here, although it also includes some of the relevant TSG questions that we took from their document. Again, if you believe here something is misaligned or there's something missing, please flag that. I don't think this is necessarily a priority item, but again, at the end of the day, we do want to make sure that we've covered the whole scale of items.

You'll see as well that there is obviously some duplication of that because certain charter questions might be answered through addressing multiple topics.

Then what we did as well is we tried to flag, as best as we could as well, related EPDP Phase 1 implementation considerations. This especially related to I think Recommendation 18, where some work or some agreement was already reached in Phase 1 in relation to the submission of request for disclosure and the requirements related to that. So it may be helpful for the group to keep a close eye on that to see how that is addressed in implementation phase to make sure that there's no duplication of work and also, of course, that there's consistency between what has been done in Phase 1 and what the group will be addressing here.

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Then we tried to identify, following on from the objectives, what the specific tasks are in order to address this topic in addition to a target date for completion. Again, this is another important item for you to review at this stage because what staff will do is basically take those tasks and move them then into a more detailed work plan [inaudible] that really then maps out all the things that staff as well as the group will need to do in order to complete its deliberations on that topic.

That's basically what we've done for all the topics here in this document. I don't think we'll have time now to go through each of those, but again, it's really critical that all of you review this document [as I said with your] foremost focus on, do we have all the topics listed here? Does the order make sense in which we've organized these? Have we covered all the objectives accurately, and have we also covered all the tasks? Of course, if you have any insight into the time you think it will take to address a certain topic, that will also be helpful. I know some of the commenters already indicated that there needs to be flexibility around that, and I think that is probably a given. But any kind of estimation that the group can provide can, again, be helpful in building out the detailed work plan and making sure that we can work against that in the course of the upcoming meetings.

And, yes, Sarah, I know the Registrar Stakeholder Group has sent comments in. Thank you for that. I quickly glanced through them and I thought they were all very helpful and constructive. Again, we hope as well, as others review comments from others, that you also comment if you have any concerns about those because, if

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not, at some point staff will of course start applying those updates so that, again, we have a complete document.

I think, as we've noted before, the worksheets are really intended to be a living document. Of course, what we may do at some point when we start going into the details of it, we may separate out parts so that the document doesn't become that lengthy. But again, for now, we're keeping everything together in one place so everyone can clearly see what's part of this and included in here and also, of course, go back and forth.

I hope that was helpful. If there are any questions. I'm happy to hear them. With that, I'll give it back to Janis.

JANIS KARKLINS:

Thank you, Marika. I think this is a very fundamental document that we need to review, which serves also as a roadmap and basis for our conversation and also will be used as a notebook where we will write our common understandings and draft recommendations. So, basically, the work on this document is the beginning of writing the preliminary report or initial report of the group.

Questions that we have for this part of the conversation is about whether all topics that are listed are relevant, whether some topics or issues are missing, whether the proposed order of addressing those topics is right or something needs to be changed. Also, I would like to ask you to focus also on the target dates that are just target dates -- nothing is cast in stone -- simply to keep us more or less on our toes in terms of progression in our deliberations.

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With these words, I open the floor for any comments. I see three requests: Alex, Alan, and Ashley, in that order. Alex, please?

ALEX DEACON:

Thanks, Janis. I agree with Ashley. This is an awesome doc, and it would be very helpful as we move forward in our deliberations. The IPC has drafted a set of input based on the questions. We will send that as soon as possible.

I do have one specific question that I'm hoping Marika or someone can answer. On Page 7, just below where you are here on the Zoom room, it says, "Following the completion of this effort, each topic and its scope of work will form the basis of an overall scheduled work plan." So what does that mean? What effort is being referred to here? Is it the effort of agreeing to the templates and then getting to work? Or is there something more than that? I just want to make sure I understand how things are going to play out because, again, my goal is to get quickly to these points – C through I or L. So I just want to clarify, make sure what effort is being referred to in that paragraph. Thanks.

JANIS KARKLINS:

Thank you, Alex. Marika, if you would like to answer?

MARIKA KONINGS:

Yes. Thanks for that, Janis. Yeah, probably we should have referred here to the condition of the worksheet or be more specific about that, but that's at least the intention when we have the current state of the worksheet agreed on and finalized. Then we

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can move into moving that into the scheduled work plan. So we'll clarify that one [for you]. Apologies for the confusion.

JANIS KARKLINS: Thank you, Marika. Alan, please?

ALAN WOODS: Thank you very much, and thank you, Marika and the team, for pulling this together. The registries as well. We met actually and discussed this. We're trying to contemplate our feedback. We put together something, and I'm just waiting for people to come back so we can get back to you. So apologies on the delay on that one.

There are a few preliminary – I suppose I hazard to use the word “confusions” with this when we were looking at this. I suppose the one thing is that I understand and I hope that what the worksheets represent is a way of us to be able to keep stock of what we've done and where we're going. But I do wonder what ultimately will be the use of the worksheet and will it end up in something that is addended to a final report or to an interim report or whatever? Because, again, that differs the amount of effort that we need to make sure for every minute detail that goes into this report. So we need to be clear on that. That was one thing.

With regards to the questions you're asking specifically, we noodled hard over it and we tried to figure out what potentially we could answer to the questions – so things like, what topics are missing, what is the logical order, and what are the timelines? But for my own benefit, I find it very difficult to, I suppose, put the cart before the horse in a lot of these things because the discussion

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will create the new topics. We're doing a lot of preliminary almost guesswork on this. I do understand that we're coming from recommendations and we're taking our goals from that, but at the same time, it's very hard to answer that question at the beginning. So it was great to hear, Marika, that you were saying that this is very much a living document. I like that. But when we then starting going onto things like the order of what we're going to talk about, when we're talking about order, one of the first things we need to probably go to even before this – I think, looking at this now, I see the reference to the legal questions. I personally think that getting very clear, very specific Phase 2 key legal questions out will then inform everything on this worksheet. So, again, I feel us a little bit a step ahead of ourselves because I think we need to establish a very clear legal basis first.

Finally, I suppose my gripe in this – I know that everybody is – I shall use the word, and apologies if I put anybody's nose [inaudible] – obsessed about the timelines on this because we cannot just blindly suggest timelines because we think it's going to take X amount of time. Again, I understand it's a living document, but we're setting ridiculous expectations for ourselves. If we're trying to expend time and trying to figure out timelines for something that we don't actually know – we don't have a work plan in place yet – we can't actually realistically put these timelines down. Yes, we will want to do this is a very good way, but I don't think the emphasis at this point should be on timelines. The emphasis at this point should be making sure that we have key basic legal tenets to go from from the legal questions that are being asked that are clear. That's where we get our topics from, and then the order should also be clear from that as well.

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So I still think that we're just a little – and this is probably why we delayed in getting feedback back to you – one step ahead of where we need to be. It's just not clear to me. Perhaps I'm being [inaudible] a lot. Apologies for that, but again, it was just very hard for us to come up with these comments at this point. We will get them to you and we will probably vocalize it a lot better than I'm saying in person, but I just wanted to flag that with you as well.

JANIS KARKLINS:

Thank you, Alan. I think all of us need to make a best effort in guessing and trying to motivate ourselves but also with a clear understanding that we should not rush and miss important elements along the road.

So you clearly hear in the team that there are two opinions. One is that we need to demonstrate substantive process by November. Therefore we need to put in all efforts, because this is only, really, priority for ICANN – this work at the current time. Then we hear some who said, “No. Our experience in the first phases was so painful that we want to drive the car with the first gear all the time.” Therefore, this document is also a little bit setting expectations, and certainly nothing is carved in stone. We will learn from the progress that we will make by addressing the topics. Most likely, during the next meeting, we will start the first topic on the groups. Then we'll see how it goes and what we can learn from our own experience in addressing substantive topics in a logical order that hopefully all of us will agree on. We're looking forward also to hear your comments in writing.

Next on the list is Ashley. Ashley, please, go ahead.

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ASHLEY HEINEMAN: Hi, all. This is Ashely with the GAC. I know we're running low on time, so I'll try and be brief. I just want to say I find it to be an immensely helpful guide. I don't see this as something that we are going to be held to. I appreciate that it's been clarified multiple times now that this is a living document that will be amended as necessary. I think it does an amazing job of setting expectations, including my own. This is an incredible amount of work, and I think it's, for the most part, really comprehensive at a very early stage.

So I think, because of a lot of the concerns people have, this document will have to be amended along the way. The amount of detail in here I'm really quite surprised and amazed that people were able to do, but things will morph as we go along.

In terms of the GAC-specific comments, we're looking at the document now. I have to say that, since this is so extensive, we don't expect to have a whole lot of substantive comments since so much substance is already here. We would like to see how this starts to play out. Rather than spending an exorbitant amount of time and nitpicking this, we'd rather see it play out and see how it goes.

In terms of the references to the TSG policy items that were identified, we're not going to touch upon this, I don't think, but just make clear that we saw that section in the beginning, referencing the TSG policy items that they identified, as more of just a quote. We won't tinker with it, but just to note that there's a couple of items in there that we think are outside the scope of the EPDP, including identifying certification bodies in that sort of thing.



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One question I do have that I think is fundamental to what we're talking about and how we proceed is that, when we talk about the system for standardized access disclosure, we make this initial assumption that it's for third parties. I'm not opposed to that necessarily, but I do have a question that builds upon something that somebody mentioned on our last call, which is, what does this mean for parties like ICANN or even contracted parties who also need to request? I assume they have needs as well to request information that is redacted. I'm curious. Is this system intended to cover their needs as well, or is it something different? If it is intended to include their needs, perhaps we need to just be careful in how we reference this. Perhaps it's not limited purely to third parties in the context of third parties to the contract between ICANN and the other parties.

So I'll stop there. We'll get you some input, but again, I wouldn't expect it to be a lot.

JANIS KARKLINS:

Thank you, Ashley. I think the question is very relevant for the discussions of the definitions of user groups, where ICANN also could be considered as a user group if that is a consensual opinion of the group. So thank you.

I see Alan. Alan, please go ahead.

ALAN GREENBERG:

Thank you. I just wanted to reiterate the last point that Ashley made, and that is access by ICANN. I mentioned that at an earlier meeting on the definition of [SSAD], which currently says third

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parties. I suggested that we add ICANN into that. ICANN clearly is not a third party, as one of the implied controllers, but it would be foolish to build a completely separate system for ICANN's access to this same data. Therefore, I believe our access system should provide for ICANN, assuming ICANN does not ultimately have a full repository of the data and that's not currently in the plan. It will need access, and we should incorporate it into this. So I'll repeat that, again, unless we're planning to do something completely parallel, of the definition of [SSAD] should include ICANN. Obviously, these documents make reference to it. Thank you.

JANIS KARKLINS: Thank you. Stephanie is next.

STEPHANIE PERRIN: Thanks very much. I agree with Alan Greenberg that ICANN needs to be included somehow, but ICANN needs to get off the fence and define it's own role as controller, co-controller – whatever it thinks it is – and then come up with a policy that defines who in ICANN can access it and under what terms. So I think this is super important and perhaps should have been done a long time ago. Thank you.

JANIS KARKLINS: Thank you very much, Stephanie. I do not have any further requests for the floor. What I would like to suggest in conclusion is to please feel free to provide your inputs along the lines of input

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that has been already submitted. We will try to incorporate them in the document.

I understand that preliminary – there is no objection to the proposed sequence, which means that we could try to address issues of user groups, criteria, and purpose in the next meeting and start working on substantive issues.

As Marika suggested, the specific or concrete discussion parts of this worksheet will be taken out for ease of reference and work. They will be provided with additional, of course, substantive elements prior to every meeting. I think that this is really the beginning of our substantive activities and should be considered as a roadmap. Thank you very much for your input, and we look forward to receive further input.

Let us move then to the next agenda item, taking into account the time that we have spent on the call, and that is Any Other Business. We have three elements there. The first element is the proposed call schedule for the Priority 2 worksheet reviews. If you recall, the Secretariat has produced the Priority 2 worksheets. We agreed that those members of the team who would like to look through those worksheets and advise the Secretariat on improvements are welcome to do so during these specific calls, which are addition to the main call on Thursday, also with the understanding that, after reviews, the worksheets will be presented to the whole team and then will be used for our further deliberations.

Are there any reactions on the proposed schedule?

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I see none. So then I invite those who are interested to join on Monday, the 3<sup>rd</sup> of June, the first call, which will address two topics: the spread of information of affiliated versus accredited privacy proxy providers, and legal versus natural persons. Thank you.

After the last call, I sent out additional information about a proposed extra briefing with Steve Crocker on the framework he's working on. I received support from some members and no objection for the meeting with Steve Crocker. I suggest that we would invite Steve to talk to us for about 45 minutes with a presentation and Q&A included during the next call as a first substantive agenda item. Then we would continue with others. The substance of the presentation, as I suggested, would stimulate our own thinking about our tasks.

I see two hands up: Kristina and Amr, in that order. Kristina, please.

KRISTINA ROSETTE:

Thank you. This is a general request with regard to presentations by experts. To be clear, it's not targeted at Steve by any stretch. I do believe that, in the interest of transparency, it would be important for the EPDP to know, before and in connection with any expert briefing, whether the work that's being presented and discussed by that expert is being funded in whole or in part by any third party, and, if so, the identification that party. Thank you.

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JANIS KARKLINS: Thank you. Noted. To my knowledge, the work which is done by Crocker and the [BBQ Group] is purely volunteer and is not funded by anybody. That is just an intellectual exercise.

Amr is next.

AMR ELSADR: Thanks, Janis. Actually, Stephanie asked my question in the chat. I'm personally not familiar at all with what [his] group is doing and it would be helpful if we could get, in advance, even a very short briefing just so we understand what it is we're [hoping to be discussing] when Steve presents to us. Thank you.

JANIS KARKLINS: I thought that the general description of what the group is working on was in my e-mail to the team after yesterday's call.

AMR ELSADR: Janis, my understanding is that it's some sort of system that both gTLD registry operators, as well as ccTLD registry operators, would be able to take advantage of. But beyond that, I don't know. I might have missed something else. Apart from that, I'm not clear on what it is we're going to be discussing. Thanks.

JANIS KARKLINS: Yeah, that is the framework: how to map the WHOIS information or match WHOIS information and redaction or disclosure of it to the GDPR requirements. That is the essence of this work. This is not in any way pre-judging any policy questions or suggestions. It

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is simply an engineer's view to how that system could work or could be used by different registries or other users.

James?

JAMES GALVIN:

Hi, Janis. Thanks. Without sounding overly cynical or skeptical, I would also like to understand the nature of this work product. Look, there's a lot of folks, I think, in the community that have a lot of good ideas on just broadly how to make WHOIS or registration data more compliant with GDPR and privacy laws and what sort of architecture that looks like and what sort of economic foundation we can put for that.

What's the process for those folks to come before this group and pitch their ideas? Is there one? Or is this just a privileged lane for Steve and for some of the folks from the TSG? If I'm misunderstanding or mischaracterizing this, please let me know. Obviously, anything that can further our work or can eliminate some of these questions and what's possible and what's not possible I think we should pounce on. But I am also mindful that we are under a very tight timeframe and, if we open the door to everyone who has an idea, we could spend a lot of time analyzing those. In fact, we could start to go in circles.

So I'd just like to understand where we're going with this. Thank you.

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JANIS KARKLINS:

It was suggested or asked by one of the team members or a group of members at the early stage, and I think it was the first or second meeting: whether we will do expert briefings the same way as they were done in the first phase. I identified one and I'm suggesting to listen to one.

But equally I suggested to the team that, if, in the opinion of any team member, there are any other experts whose presentation would be beneficial for the team as a whole to stimulate our own thinking and conversations, please make suggestions and we could consider them. So I asked staff to check whether Steve's presentation would be beneficial for our thinking, and staff confirmed that that would be because I'm new in the process. So therefore I am suggesting. If a team thinks it is not needed, I'm not insisting on that. So, therefore, I'm in your hands. I think, if the presentation is stimulating for our own task – but if the prevailing opinion in the team is that we do not want to do that, so be it.

In that, let me use the method of silent procedure. So I suggest that, by tomorrow evening, California time, if there will be objection to the proposal to bring Steve's presentation to the next meeting, I will not do that. If there won't be objection, Steve will be invited to make presentation during the next meeting. Thank you.

The third point under this item is the request for GNSO Council for support for the face-to-face meeting, which is proposed in mid-September in Los Angeles. With the staff, we looked at the possibilities to organize a face-to-face meeting, which also has been a practice in the first phase. We identified that the best time might be mid-September, which is in between two ICANN meetings. We would have three working days – the 9<sup>th</sup>, 10<sup>th</sup>, and

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11<sup>th</sup>. We would start early in the morning, the 9<sup>th</sup> of September, and we go for three days. So hence the arrival date to Los Angeles would be the 8<sup>th</sup> of September. But no meetings or substantive activities are planned for the 8<sup>th</sup> of September.

So would these dates be acceptable? I see Amr. Please, go ahead, Amr.

AMR ELSADR:

Thank, Janis. I would just ask that, whatever needs to be done to support travelers to the face-to-face in Los Angeles in September, this process gets kicked off immediately so that those of us who require visas – the application process for visas to the U.S. is quite lengthy – have the time to apply for one and secure one before the time of the meeting. So, ideally, I would think that, immediately following the meeting in Marrakech, support documents and so forth would be available so that the application could begin at that time, straightaway. Thank you.

JANIS KARKLINS:

Thanks you. This is the exact reason why we're asking opinion now in order to kickstart both the process of preparation for the meeting, including travel support, but also a request for funding. We have a promise from the CEO that there will be sufficient funding allocated for the process. Nevertheless, there is also the process of how this funding needs to be requested. Hence, we're asking whether the 8<sup>th</sup> to the 11<sup>th</sup> of September would acceptable dates for the meeting in order to kickstart the process immediately after the end of this call.



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I see no objections, so I may take then that the face-to-face meeting on the 8<sup>th</sup> to the 11<sup>th</sup> of September is acceptable to the team?

So it seems this is a good week. Thank you very much. We will proceed with that understanding of the meeting.

That brings us to the end of today's meeting. I would like to thank [all] for active participation. If I may ask Caitlin to recap the confirmed action items.

CAITLIN TUBERGEN:

Thank you, Janis. I have captured the following action items. The first is that the EPDP team members provide input on clarifying questions, concerns, or background information for the GNSO Council's consultation with the Board by next Tuesday, June 4<sup>th</sup>, at the close of business. EPDP support staff to update the SO/AC/SG/C early input template with the Registry Stakeholder Group's edits and send to the various groups tomorrow with a deadline of June 21<sup>st</sup> for response. Janis to provide the proposal for dealing with legal questions, including the members of the legal advisory group by tomorrow, Friday, May 31<sup>st</sup>. EPDP team to comment on the working definitions draft by close of business, Tuesday, June 4<sup>th</sup>. Lastly, if any EPDP team members have objections to having Steve Crocker's presentation during the team's next meeting, please express them by close of business tomorrow, May 31<sup>st</sup>. Thank you, Janis.

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JANIS KARKLINS: Thank you, Caitlin. That brings us to the end of the meeting. Of course, these action items will be circulated in writing to the team. I see Amr still is asking for the floor. Amr?

AMR ELSADR: Thanks, Janis. Last question. I had also asked in the chat that the Priority 2 item – the worksheets ... There's going to be those extra calls that are going to be held on these, and staff had shared in the chat that folks who can't make it to the Priority 2 worksheet calls should provide inputs over e-mail. So I'd appreciate if we include that in the action items, just as a means of flagging this, just so it doesn't slip off the radar. That would be helpful. Thank you.

JANIS KARKLINS: Thank you very much. It's noted. Any other comments?

In absence [of any], thank you very much. I think this was a very good call, so thanks a lot. See you next time on the 6<sup>th</sup> of June at 2:00 P.M. UTC. This meeting is now adjourned. Thank you.

**[END OF TRANSCRIPTION]**