
ICANN Transcription

GNSO Temp Spec gTLD RD EPDP – Phase 2

Tuesday, 02 June 2020 at 1400 UTC

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TERRI AGNEW:

Good morning, good afternoon, good evening, and welcome to the GNSO EPDP phase two team call taking place on the 2nd of June 2020 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, could you please identify yourselves now?

Hearing no one, we have listed apologies from Julf Helsingius, NCSG, and Amr Elsadr of NCSG. They have formally assigned David Cake and Yawri Carr as their alternates for this call and any remaining days of absence. All members and alternates will be promoted to panelists for today's meeting. Members and alternates replacing members, when using chat, please select all panelists and attendees in order for everyone to see the chat. Attendees will not have chat access, only view to the chat.

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.

Alternates not replacing a member are required to rename their lines by adding three Zs to the beginning of their name, and at the end in parentheses, their affiliation, dash, “alternate,” which means they are automatically pushed to the end of the queue.

To rename in Zoom, hover over your name and click “rename.” Alternates are not allowed to engage in the chat apart from private chats or use any other Zoom room functionality such as raising hand, agreeing or disagreeing.

As a reminder, the alternate assignment form must be formalized by way of the Google link. The link is available in all meeting invites towards the bottom.

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 do need assistance with 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 posted on the public Wiki space shortly after the end of the call. As a reminder, those who take part in ICANN multi-stakeholder process are to comply with the expected standards of behavior.

Thank you, and with this, I'll turn it back over to our chair, Janis Karklins. Please begin.

JANIS KARKLINS: Thank you very much, Terri. Hi everyone. Welcome to the 62nd meeting of the EPDP team. The agenda of the meeting is on the screen, and may I assume that we're willing to follow the agenda as suggested?

I see no objections, so if we will need more than two hours in the call, so then after 90 minutes, I will propose to make a technical break for about five minutes and then we will go up to three hours today.

So with this, I am going to housekeeping issues. We have two of them today. The first is on homework assignment and I will ask staff—Marika—to talk about this topic.

MARIKA KONINGS: Thanks, Janis. As you will hopefully have all seen—and an e-mail went out on Friday basically confirming that proposed language for all recommendations is now up for review and Berry has here on the screen the Wiki page where you can find that. As we noted, if you go to each of the recommendations, you basically find on the top first of all the tables that we expect you to fill out first of all focusing on the “cannot live with” items and secondarily, any minor edits or suggestions or things for consistency that you want to kind of share and flag but that do not necessarily rise to the level of “cannot live with” items.

You'll then see first of all a clean version of recommendations followed by a more colorful version in which you basically try to track the changes and updates that have been made as a result of the group's discussion.

Again, items that highlighted in yellow are edits that are made in response to a review of public comments, and then in some of the recommendation, you'll also find blue highlights which are more the result of either merging certain recommendations together or kind of reorganizing them that has resulted in some editorial changes for clarity.

Just to mention as well, I think Berry just pulled one up, in some of the recommendations we also tracked specifically the changes that were made. So again, the color coding should already help, but if you want even more details, you find in the table at the end of some of the recommendations the specific changes that were made and when those were discussed, so you're also able to kind of trace those back and even review notes or recordings to make sure that things align.

One thing I do want to note, and we pointed it out in the e-mail as well, we would like to encourage you to start your review on those recommendations that already have a date attached to them. We still have an outstanding recommendation that is recommendation number two. I'm hoping and I give the GAC colleagues a moment to hopefully raise their hands to provide the team with an update on when that can be expected. Depending of course on how recommendation two looks, some updates may also be required in recommendation one. The language that is currently linked from there had the original proposal, which basically integrated recommendations one and two, and as you may recall, and the GAC team was requested to review that and either suggest, because there were a number of questions that needed answering and either address those in the integrated rewire or separate

things out again. And I think we're still waiting to receive that updated recommendation.

So I think that's all I have. Just to note that the deadline is end of this week, so really, please, do your homework and make sure to get your input in in a timely manner. As we noted before as well, it would be really helpful, if you flagged "cannot live with" items, please come forward as well with an alternative proposal that you want the group to consider. It's not going to be very helpful to say "I don't like it but I don't have any other suggestions either," because that of course doesn't really help the conversation forward.

So again, we're looking forward to your constructive input. And happy reading, I would say.

JANIS KARKLINS:

Thank you, Marika. I don't know how happy it is, but it is certainly important to have the last reading for consistency and that we can finalize our work by June 30. So I have Chris' hand up probably on the recommendation two. Chris, please.

CHRIS LEWIS-EVANS:

Thank you, Janis. Marika, as always, sorry for the delay in this. The GAC has provided all the feedback on the rewrites, and just for everyone's knowledge, we have, I think as we discussed, and the contracted parties [agree,] I think it was that the language is a little bit stronger as a separate recommendation so the rewrite has been done or continued as a second recommendation, and

hopefully we'll get that out either close of business today or very first thing tomorrow morning.

JANIS KARKLINS:

Okay. Thank you very much, Chris. Any other questions to Marika in relation to homework? So I see none, then we can go to the next sub-item, and that is response to team's question related to ICANN Org, acceptance of consensus recommendations. So you have the document and answer to the questions that I sent on behalf of the team, and I think that the result is positive, confirmation, or yes or no questions that we raised, provided that we have a consensual agreement and provided that this consensual agreement is approved by the GNSO council, and ICANN board.

So I'm not sure that we need to spend some time on discussing answers. Nevertheless, if there is somebody wishing to take the floor at this stage, this would be the time. So I see no hands up, which means we can move to the next agenda item and that is continuation of discussion of outstanding issues on recommendation 15 on financial sustainability.

So we started reading last meeting and we examined five topics, and we stopped on question six and we will start reading with question six. And I will invite Marika to present the question.

MARIKA KONINGS:

Yeah, thanks, Janis. And just to note for this specific recommendation, staff already took a stab at updating the recommendation language based on the discussions on question

one to five. So that has already been posted, but following this call, we of course will make further updates to address any of the changes that are discussed now.

So in question six, there was a suggestion from one of the public comments that the team should maybe consider having ICANN Org incur the development and operational costs. And then after that, those costs would be recovered from contracted parties in a manner which reflects their respective SSAD usage.

Some of the input that was received from the different groups noted that maybe that should be further discussed, but one thing that we wanted to clarify from our side was that our understanding was that the reference to contracted parties bearing the cost in developing and deployment and operationalization of SSAD was mainly related to resources that contracted parties are expected to dedicate to either developing or updating or aligning their own systems and working with ICANN Org on the implementation of SSAD. Not in the form of any kind of payment that contracted parties would make to ICANN to develop or implement SSAD.

But if that is an incorrect understanding and the EPDP team has a different understanding of what that reference means when we talk about contracted parties bearing the cost of the initial development and operationalization, it'd be helpful if the group can clarify that so we can make that more specific in the language.

JANIS KARKLINS:

Okay. Thank you, Marika. Marc Anderson, please.

MARC ANDERSON: Thanks, Janis. Marika, just responding to this, I'll confirm your assumptions are correct, this is related to contracted parties' costs. I think this is specifically—I don't see it here, it doesn't say anything about integration. I think this was specifically about contracted parties' integration with the SSAD system. And I think that's the cost we're talking about and that's what we discussed contracted parties would have to cover that and certainly would not involve some kind of system where contracted parties pay ICANN to do the development and implementation of SSAD.

So I think you have it correct in your assumptions here.

JANIS KARKLINS: Okay. Thank you, Mark. Volker?

VOLKER GREIMANN: Yeah, I think the differentiation was to make clear that we would not be charging requestors on a per request fee in addition to what the SSAD was costing them already. So we are responsible for our own cost means basically we are responsible for the costs of integrating our systems with the SSAD and having a team ready to respond, not any costs for example as the TMCH charged the registries for getting online with that. That's something that we haven't envisioned. So any accreditation fees for SSAD for the contracted parties would be out, but we would be paying for our own natural costs. Thank you.

JANIS KARKLINS: Okay. Thank you, Volker. So, any different view? If not, then we can move to—so I see Yawri's hand up.

YAWRI CARR-QUIROS: Hello. Yeah. I just wanted to add that from the NCSG, we think that if the SSAD is going to cost millions of dollars to develop and another much more money to operate and maintain, we really think the registrants don't have the interest into development this kind of thing at the SSAD. And we think that this is something that the entities are looking up because they want their registration data on the domain's name and that they will benefit from it. So we just wanted to say that requiring contracted parties or registrant paying for this isn't something that we think is financially sustainable and that we think is not beneficial for the community and [for any civil society in] ICANN. Thanks.

JANIS KARKLINS: Okay. Thank you. It's noted. Can new move to next topic, next question? Marika, please.

MARIKA KONINGS: Yeah. Thanks, Janis. I think seven is maybe already answered, because I think it's a very similar question. So I don't know if you want me to still read it.

JANIS KARKLINS: It is, actually. Yeah. Let's move to eight.

MARIKA KONINGS:

Okay. So question eight, there were a number of questions that asked for further clarity in relation to how fees are expected to be differentiated. I think the recommendation currently refers that to implementation but notes that the fees may differ, may be aligned with either volume or type of user, or maybe other factors that would come into play. But some are asking, is that a detail or information that should actually be addressed here instead of in the implementation phase? And then also, there were a number of comments that suggested or requested preferential treatment to certain organizations such as CERTs, academic research and others. But as said, currently also the type of user is mentioned as a potential differentiating factor, although apart from I think a previous comment in relation to governmental entities, it doesn't specify further details in the recommendation at the moment. So the question really is, should further detail be provided on how fees are expected to be developed and which basis should they be differentiated? And if so, what should that look like in this recommendation?

JANIS KARKLINS:

Thank you, Marika, for introduction. Let me add from my side that we're dealing here with a number of known unknowns. We do not know how many organizations or entities or individuals will view the system. We do not know how many requests will be put in the system and how this dynamic will change over time.

So as a result, it is proposed that the fee structure and financial sustainability issues would be one of five topics that would be reviewed on a regular basis by the evolutionary mechanism that we will be looking at on the next agenda item. So please keep that

also in mind. I have three hands up: Volker, Milton, and Marc in that order.

VOLKER GREIMANN: Yes, I think you're absolutely right, Janis. This is something that ultimately should be part of the implementation phase, because obviously when this is implemented, we won't know how it's going to be used. There will have to be some refinement down the road, but the only thing that we have been pretty clear on, I think, as a group, is that we have lined out certain fences, so to say, the first fence being that this system should be self-financing, i.e. not be a load on the ICANN budget down the road. Maybe for implementation and building, but not for operations. Second part being that certain requestors will have much cheaper, if not free, access to the system based on their nature of existence.

As long as this framework is maintained, I think the implementation team and the evolution team has its guidelines to work this out, but this does not need to be worked out now. Thank you.

JANIS KARKLINS: Okay. Thank you, Volker. Milton, please.

MILTON MUELLER: Yes. I'm a representative of the Noncommercial Stakeholders on this panel but I'm in an odd position of arguing against special or preferential treatment for academic research and similar nonprofit endeavors. And if you start looking at this list, you can see how

this can get bigger and bigger, and essentially, you're starting to punch holes into the economic support structure of this whole system.

And of course, everybody is going to be willing and able to make some kind of a claim that they are one of these people who deserve preferential treatment. I am very familiar with policy processes in which happens in a variety of contexts, anything from spectrum allocation to number allocation. And I just think this is a mistake, to have this kind of a statement in here. In effect, I'm saying we do not want to have a fee structure that is trying to discriminate on a fine basis about how meritorious or public interested particular people are. I think the people who insisted on having an SSAD have said from the beginning that the whole system is in the public interest and that we need some mechanism for disclosing data to people with a legitimate interest. If that is indeed the case, then every user is serving some kind of a public interest by trying to, let's say, hold certain Internet users accountable for bad actions.

So don't punch holes in the fee structure. You're going to get into a morass of arbitrary distinctions and you're going to increase the support costs for everybody else. I do academic research. If I want data from a source, I end up paying for it or I end up paying people to collect it. That's what research budgets are for. The same is true of CERTs and CSIRTs, many of whom have government-supported budgets. I really think this is a path we don't want to go down, and there's a question here. Should the fee structure provide preferential treatment? My answer is a flat no.

JANIS KARKLINS: Okay. Thank you. The recommendation, Milton, suggests that there is “may,” but of course, your position is very clear. Marc Anderson, please.

MARC ANDERSON: Thanks, Janis. I agree with the points you made on your position teeing this up. I think we already have implementation guidance on the second paragraph on the bottom of the screen on the left. I think that covers it pretty well. I don't think—even if we wanted to get into the questions raised here, which I don't think we want to, even if we wanted to, I'm not sure if we could, as you rightly pointed out in teeing up this question. So I think there's nothing for us to do on question number eight. We leave this to implementation to work out.

JANIS KARKLINS: Okay. Thank you, Mark. Alan Greenberg, please.

ALAN GREENBERG: Thank you very much. It dawns on me as we're having this discussion that one of the issues we've never discussed, at least I don't recall ever discussing it, is to what extent the fees for use of the SSAD should be commensurate with the effort involved.

As an example, if we decide that academic research is something that is worthy of supporting, of having, and GDPR certainly does include it as one of the things that is possible, with the proper disclaimers and restrictions, the information could be released to a researcher essentially automatically. It doesn't require a one-by-

one inspection of it, and therefore, the costs of actually doing that may be quite minimal. And we've never really discussed to what extent the costs that we charge should be commensurate with the actual operational costs of providing the service.

And maybe it's too late to do that right now, but this raises the issue that some of these requests may have radically different cost bases than others. And to what extent do we want to be able to factor that in in the discussions during implementation? Thank you.

JANIS KARKLINS:

Thank you, Alan. No, as said, there might be hundreds of potential situations, and it would be very difficult for us even to think dozens of them. So as a result, the current proposal is that it should be thought through during the implementation phase, and then reviewed as we go and as we learn how the system operates and what is needed. Again, it's my personal opinion when I was thinking most likely there will be mixed kind of financial model where some will be paying a fee per request and some will be paying subscription fee depending on the size of the organization and the volume of use of SSAD. But then the level of those fees should be reexamined on a frequent basis depending on the volume and how the system responds.

So I think we have answered the question of providing guidance for the staff. I don't think that there is some kind of need to rewrite anything, and I think that Milton's concern is covered by reference to "may differ," not "must differ." Number nine, Marika, please.

MARIKA KONINGS: Thanks, Janis. There was a suggestion made in the public comment responses that accreditation for a fee is not necessary as assertion under penalty of perjury should be sufficient to accredit most users. And some responses from PDP team members indicated support for that suggestion. So the question is registry, is that something the EPDP team is willing to consider at this stage? As that would make accreditation, as it's currently foreseen in recommendation one and number two, potentially no longer necessary, and that obviously would have a cost implication.

JANIS KARKLINS: Thank you. Volker.

VOLKER GREIMANN: Well, I think just a statement, "under the penalty of perjury," is probably not sufficient as that would also have to be enforced and enforceable, and depending on where the requestor is in the world and where the organization that makes these statements is, this may be worthless as a piece of paper. Clearly, the community has decided that for other accreditations, like registrar or registry accreditations, much deeper background check is required, I don't think we need to go that far in the level of accreditation that a requestor has to go through, but I think just a simple statement on paper is not sufficient. And what is sufficient, that should be [relegated] to the IRT. Thank you.

JANIS KARKLINS: Thank you, Volker. Marc Anderson, please.

MARC ANDERSON: Thanks, Janis. I kind of think one of the benefits of the SSAD system that we've developed is that we are providing a way to accredit an entity looking for nonpublic registration data, [inaudible] they say they are. And in particular, the three main use cases we've talked about are security researchers, law enforcement, and IPC interests.

And I think there's a lot of value in that. This recommendation seems to chip away at that in a way that makes me a little bit uncomfortable. So I don't find myself supportive of this. I think that would change things in a way that really would undermine the work we've done up until now.

JANIS KARKLINS: Okay. Thank you, Marc. Mark SV, please.

MARK SVANCAREK: Thanks. This policy has a number of safeguards in it. it's a sort of layered approach. Everything depends on something else in order to have a lot of safeguards to make sure that the whole system can be operated in a lawful fashion and that there are no surprises down the line.

And the idea that you would suddenly take out the accreditation, which is really a big pillar of the safeguard systems, and replace it

with an assertion that stands alone and is connected to nothing, is kind of absurd and I do not support this change. Thank you.

JANIS KARKLINS: Thank you. Alan G, please.

ALAN GREENBERG: Thank you very much. I too would not support this. We have put a lot of effort into accreditation and I think it's a good part of our system. I just will remind people however, when I listen to the comments on the benefits of accreditation, they don't seem to be reflected in our discussions of how we perform balancing tests and how we actually make decisions on individual requests. So I'd just caution people to remember that we are putting a great value on accreditation and we should be using that value when making the operational decisions. Thank you.

JANIS KARKLINS: Thank you, Alan. Seems that we have common understanding in answering question nine. Now, question ten, that's probably the \$9 million question. Marika, please.

MARIKA KONINGS: Thanks, Janis. Yes, exactly. So question ten, not in response to public comment, but this is basically in reference to the conversation the group had a couple of meetings ago reviewing the paper that ICANN Org has shared in relation to the cost estimate for SSAD.

So I think the question really here to the group is based on that review and your consideration of that paper, is there anything that needs to be changed or added to the recommendation? Obviously, I think from the staff side, there's still a reference in the recommendation to that request having been made. what we can do to update, of course, is to know that that input was provided and provide a link to it. But at this stage, we're not sure whether there's anything further that needs to be addressed in the recommendation itself in response to the assumptions and the paper that was provided by ICANN Org.

JANIS KARKLINS: Thank you, Marika, for introduction. Marc Anderson, please.

MARC ANDERSON: Thanks, Janis. I don't know if we've formally thanked ICANN Org and their team for putting together the cost estimate, but I [inaudible] no doubt a lot of work went into that.

JANIS KARKLINS: Marc, you disappeared somewhere. Could you speak in the mic?

MARC ANDERSON: Sorry. I was just suggesting that I think we should thank Org for the estimate. I think obviously, a lot of work went into this and it's appropriate for us to acknowledge that and thank them for their work.

Generally, by my review, I think they made reasonable assumptions that make sense and I think are in line with what I thought we were recommending be built, so I think it's reasonable assumptions and I didn't see anything that really jumped out at me that needed to be changed or redone. So my main reason for raising my hand was just to suggest that we send some kind of formal thanks to ICANN Org for their work on this.

JANIS KARKLINS: Okay. Thank you, Mark. Volker, please.

VOLKER GREIMANN: Just a few considerations. I don't think, for example, that the accreditation part needs to be necessarily—it could be, of course, but needs to be that well-funded, since we have been looking at and not excluding the possibility of self-organizing of groups that would take over that accreditation part. So if groups were to self-organize and create a body in and of themselves that would be reliable and subject to ICANN review, then anything beyond that review would not have to be costed, for example. And there are some other parts in there, like having a [bidding] war between the two winners that want to provide that kind of a system or maybe somebody already as developed a system that would be easily modifiable. So yes, if we had to build everything from scratch, I think that would probably be very close to the cost, but we haven't looked at savings and we should encourage ICANN to do so. Thank you.

JANIS KARKLINS: Okay. Thank you. Any other comments? So I see none, so from this conversation, apart from acknowledging the cost estimates that probably should be referred in the report anyway, and a formal expression of gratitude for ICANN Org to making this cost estimate, we may also add a sentence suggesting that in developing system over the existing prototypes might be used or adapted in order to lower cost, but that's again an implementation issue. Hadia, please.

HADIA ELMINIAWI: Thank you, Janis. I was thinking that there might be required an update to the accreditation part, especially the assertions part where there was an issue here with the assertions about things happening in the future that's actually not possible, like how can the accreditation authority make an assertion that the requestor in the future when he gets the data follow what's required by GDPR in relation to retention or storage?

So I think there might be an area there that needs to be revisited. Thank you.

JANIS KARKLINS: Thank you, though the responsibility of user of SSAD is squarely defined and also responsibilities. Any reaction to Hadia's comment? If not, then I would suggest we go to question 11.

MARIKA KONINGS: Thanks, Janis. I think this was also a suggestion that was made in the comments received. This is not a kind of typical policy

recommendation because it's not something that is expected to be translated into a consensus policy of any kind and it's really specific guidance and input for consideration during implementation. So the suggestion was, is there any concern about making clear that this whole recommendation is guidance that is expected to be considered in the implementation phase where a lot of this will be further worked out?

JANIS KARKLINS: Thank you. Straight forward question. Marc Anderson, followed by James.

JANIS KARKLINS: Thanks Janis. Yeah, I would completely object to that. I think these are clearly policy recommendations and are meant to bind the implementation of SSAD. So changing this policy recommendation to implementation guidance would be problematic for me.

JANIS KARKLINS: Okay. Thank you, Marc. James, what about you?

JAMES BLADEL: Thank you. I mostly agree with Marc. There's probably no way the implementation team escapes discussing this, but presumably, they will be discussing more of the finer points and details. I think it's important to keep the broad principles associated with financial sustainability as policy recommendation so that the

implementation team knows it's clear that there were some pillars, if you will, that needed to be upheld, the principles of how this thing is going to pay for itself. So I guess I'm agreeing with Marc.

JANIS KARKLINS:

Good. So, any opposing views? Then it stays as drafted as a recommendation. Thank you. This brings us to the end of consideration of outstanding issues on financial sustainability, and we can move to recommendation 19 on evolution mechanism. Let me start by reminding little bit of a history before I give the floor to Marika.

This evolution mechanism is part of the compromise deal and is really a central part of the whole package that we're working on. It should ensure that system and functionality of the system is improved in very clearly defined areas and as we go and as we learn how the system and what is environment in which system operates. So therefore, this is extremely important recommendation for consensus building on the package. That's one element.

The second element is this proposal has been developed by a small group of members of the team throughout many meetings, and it is the result of the best effort we could make, and it also should be seen in light of already existing mechanisms, not creating a new one that would require additional time. Nevertheless, it is also built in some safeguards whereby if this mechanism for one reason or another is not efficient, then it should be reviewed. So these are important elements that are built in the system, and of course, it is far from ideal, but at least it tries

to make sure that there is no policy development substitution but rather it is improvement of existing policy recommendations at the time when we're learning how system functions. So that is the effort and attempt to formulate this mechanism by that small group.

So with these words, I would like to invite Marika to introduce the topic and questions.

MARIKA KONINGS:

Thanks, Janis. So for this one, we actually didn't develop a separate discussion document as first of all, I think many of the comments or "cannot live with" statements that were made basically boil down to the same concern, which I think was already discussed or expressed in the context of the small team conversation. Some groups are [still not] fully happy with using the GGP as a process for the evolution of SSAD.

And if I can maybe summarize—and of course, anyone can speak up to correct me there—I think the main concern goes to that the final decision, even though within the GGP and the preparation for the GGP is done with full participation of all those that are around the table here as well, the final decision within the GGP, similar to how it is for the EPDP, is made by the GNSO council and obviously, GNSO council doesn't have any votes at this stage for advisory groups. And I think that the main concern that is being expressed—as Janis noted as well, this was also a point that was raised in the discussions in the small team, and what has been foreseen in the proposal as it currently stands is that after a first iteration of the GGP, there would be a review process in which

indeed the use of the GGP and the outcome and deliberations and decision making can be reassessed and a potential different course can be taken.

Having said that, the small team as well as the work that staff did beforehand did go through all the existing processes that are currently in play and kind of looked at pros and cons and suitability for what the group has in mind, and based on that, at this stage the group concluded that GGP might be the best or only fit for what the group is specifically trying to achieve here.

I do note [indeed as said,] several groups expressed concern, but I don't think there were any specific alternative proposals to be considered. I do note, I think the IPC referenced something that is being considered in the context of the new gTLD PDP working group, namely I think they're calling it SPRIT as they're looking for something as well, a mechanism to kind of support the implementation and rollout of the subsequent rounds. But we chatted a bit with our colleagues and first of all to say there, that's not something yet that has been agreed or finalized yet, so it's something that's still being considered and discussed and worked on. so it's not clear either whether it's something that will be proposed, but maybe more importantly, I think as that mechanism is foreseen, it's really kind of a triage committee. So any issue that comes up is kind of reviewed by that group and then directed to the appropriate place, which in certain cases may also be a GGP or a PDP or something else. It's not actually a group that would make any kind of decisions or proposed solutions, and it also works under kind of the oversight of the GNSO council. So again, it's obviously something that some of you may want to look at, but

from what we understand, it doesn't really seem to fit with at least the concept of evolution that this group has been looking at.

So with that, of course, if I've missed anything here—there were, I think, a couple of more minor suggestions and edits that we can of course look to, look at, and maybe clarify if there were some confusion around some of the aspects there which we can of course discuss as well, but again, I think the main kind of “cannot live with” comments that were expressed by a number of groups, I think IPC, BC, GAC and ALAC centered around discomfort with the use of GGP.

JANIS KARKLINS:

Okay. Thank you, Marika. Alan Greenberg, please.

ALAN GREENBERG:

Thank you. I'd like to try to elaborate a little bit more on what our discomfort is. First of all, at this point we're being asked to take it on faith that the size and composition of the GGP group will be something we consider acceptable, but it's a complete unknown right now and completely out of our hands in that we would not be involved in the discussion at all. And I'll remind the group that the composition of the EPDP did not even include liaisons to the GNSO, it was restricted to full members. So the fact that we may have no say, and certainly no control over the composition of the group, puts the whole process in question.

Second of all, this is an evolution process. We are setting the policy in the EPDP. The evolution is not going to change the policy. It may change some parameters, some entries in a table,

but it's not changing the policy. And yet the GGP requires a supermajority of the GNSO to approve it, which is the same as required for policy changes. That means a single stakeholder group plus one other person in that house can veto anything that comes out of the GGP group.

So that says the chances of actual evolution may be stymied, and the whole concept that we're approving at this point depends on the ability to evolve and not something that can be vetoed by a relatively small part of the overall group.

So when you put those two together—and Marika also said, “But the group could evolve, we could change from a GGP,” but again it's going to be the GNSO because there's no other entity at that point to change to a different solution. And it's not clear the GNSO is going to voluntarily give up the right to control the evolution once it already has it.

So when you put all of those together, it's a very iffy situation from our perspective. Thank you.

JANIS KARKLINS:

Thank you, Alan. So the thing is we have spent some time thinking, is there any alternative? And ultimately, every alternative has its own home somewhere, whether that is in GNSO council or that is in other existing organizations within ICANN. So as a result, we simply need to have faith in GNSO council that it will act in the best interest of organization and Internet community and so on.

From other side, the composition of this mechanism will reflect the composition of EPDP where not only council members but also

other organizations are present. So that should comfort you, that ALAC will be present in that mechanism.

And finally, the, let's say, modus operandi of the mechanism in any case would be attempt to reach consensus. And if there is a consensus in the mechanism, there is a good possibility that the council will accept consensus proposition.

So these are just elements that I wanted to put on the table for better understanding of the work of mechanism, or intended work of the mechanism. Milton, you're next, followed by Mark SV and James.

MILTON MUELLER:

Yes. I just wanted to address the comment that Alan made, that it requires a supermajority. It's true that policies require a supermajority, and that's of course appropriate. What we're concerned about—and it should be fairly obvious—is that when you start to talk about modifications to the practices and implementations and operations of this, the line between policy and implementation can be very thin. And there has been very strong concerns expressed about this group essentially being a way to bypass the policy process and to turn a carefully designed set of policy compromises and balances into something completely different.

Therefore, it's entirely appropriate that any of these recommendations have strong support, supermajority support within the GGP itself. And I think if you don't have that, then

there's real danger of some kind of capture or tricks being played in which we start making policy outside of the policy process.

And again, regarding the role of the GNSO, I'm sorry, but this is the way ICANN is constructed. There are these things called supporting organizations. Each of them has a designated area of policy and a carefully balanced set of representational structures to develop policy. An Advisory committees have a different function.

So the kind of primary role here for policymaking is indeed the GNSO and therefore it's perfectly appropriate for it to be in a position to make these decisions about composition.

JANIS KARKLINS: Thank you, Milton. Mark SV, please.

MARK SVANCAREK: Thanks. Janis, you said the word "consensus" a lot, but the question we're looking at here is the consensus of who? So the consensus of advisory committees? If they don't have a vote, then the meaning of consensus is different than if they do have a vote. And I get what Milton's saying, that we've always done things a certain way, but the EPDP is of course a break from previous operational practice. We've learned a lot of things along the way. But the main thing is that we try to do something different, and this is an opportunity again for us to try to do something different.

So I don't think that we should lock ourselves into existing structures just for the sake of being locked into existing structures.

We're trying to solve a very specific problem here, namely that we need to be agile as we go forward. If the only solution to making tiny little tweaks to this policy is to spin up entirely new EPDPs, then it will be unwieldy and there will be no evolution. So we do need to keep our minds open to some sort of evolution, not just of this policy but policy development in general, and I think that's what it comes down to. And of course, it's a challenging thing to ask people to do. It is different, but I think that's why we're here in this EPDP, to do something that's different. Thanks.

JANIS KARKLINS: Thank you, Mark. James, please.

JAMES BLADEL: Thanks. Just kind of taking onboard the previous interventions—and it sounds like there's just some general frustration with the model, really, at this point, that in order to make meaningful changes, that these things have to go through the GNSO policy development process.

To Mark's point, innovation is laudable, I think, and expected in technology development companies, but that is not the purpose or function of ICANN. These bylaws and these structures exist and their roles and remits are limited intentionally, and for the protection of the different stakeholders. So saying that we need to try something different is very concerning not because people fear change but because their businesses are predicated on there being certain institutions and safeguards in place. And bypassing them when they're not convenient is concerning.

But I agree with the general point that operationally, the SSAD should not be static and carved in stone, that it needs a way to improve over time, particularly if the ground shifts again from a regulatory perspective. I don't think we can count on the current status quo from a legal perspective just being the way it is forever. We saw how much of a disruption GDPR is, imagine the next data protection round of laws, or the expansion of that into different jurisdictions in the US.

So my thinking is, yes, it does need to improve. I think we shouldn't assume that improvement means that it will become more lax in disclosing data. It might become even stricter than what we've designed here potentially, depending on where the law goes.

But generally, I think that we have to have a mechanism to say that certain aspects of improvement or evolution are a function of how the SSAD operates and therefore it's not material, but anything that creates new obligations, either for registries or registrars or the data subjects, registered name holders, that's got to go through the GNSO, full stop. That's how ICANN works, that's how this thing was put together, and in my opinion that's not up for negotiation within a PDP. A PDP cannot change the bylaws of ICANN.

So within those constraints, I think we should pursue a model that keeps this thing current but doesn't throw out the institution. Thanks.

JANIS KARKLINS: Thank you. Actually, I'm trying to follow also the chat space and it really revived my memories from the meeting of the group which designed this proposal, because we had this conversation already and so the group was not able to come up with any reasonable alternative to GGP sort of proposal. I understand that everyone is uncomfortable, but unless there is somebody who puts on the table very clear cut proposal how the evolutionary mechanism would function outside existing structures and processes, so then we could discuss. So far, all the attempts to put something alternative have not brought any tangible result. Franck, followed by Alan G.

FRANCK JOURNOUD: Thank you, sir. I just want to be clear that we're not just in a state of discomfort with the GGP. More than that, we just don't think it cuts it. In particular, because of how it's organized and who is and who isn't, what groups, what ACs in particular are—or rather are not—on the GGP. But I think as we've made clear, our support for—back I think it was in sort of January, for the notion that we're not going to have centralization, we're not going to have a number of things that we wanted to see in the initial policy, but that there would be a mechanism for evolution, and I underlined the word “evolution” three times, that evolution needed to be chartered and explicit direction, with milestones, etc. That was how we were willing to continue to negotiate [after the path we took] around beginning of the year. And that's just not there in the draft as it currently stands.

So because of composition, because of mission and milestones they would have to meet to pursue this mission of evolution, we just don't think that what's on the table cuts it.

JANIS KARKLINS:

Franck, my question to you is those five areas of activities of the mechanism which are defined and are spelled out, SLAs, automation, third-party purpose, financial sustainability and operational system enhancement, are you opposing of these? It's not enough for you? Or how shall I take your comment? I understand unease with the GGP mechanism, yes, but we tried to design and I think with reached consensus in that small group where IPC was represented that these would be areas that mechanism would look like and the policy recommendations would allow the mechanism to look at those issues and improve them as a result of lessons learned from operation of SSAD.

FRANCK JOURNOUD:

Those are just topics for conversation, for discussion in the GGP, the mechanism for evolution of the SSAD. The GGP could essentially decide no on each and every one of them. "No, we don't see the need for possible updates to third-party purposes and justifications," "No, we've looked at the SLAs and we think they're just fine, we don't need more automated use cases." I just don't see—those are topics for discussion, they're not like goals that need to be reached.

JANIS KARKLINS:

But these are elements—the problem—no, the attempt here is to avoid that evolution mechanism, as Milton suggested, may enter into the policy development and would be a shortcut to existing policy development process. So therefore, we designed the mechanism with the very clearly defined parameters and topics that mechanism would look at and we formulated the policy recommendations that allow improvements of implementation of those policy recommendations without changing policy itself. And if group comes to conclusion that there is a need to change policy, then it goes to GNSO council and GNSO council launches the full-fledged policy development process. So this is the raison d'etre of the system. Otherwise, it will not fit into the initial objective of the mechanism.

Let me take Alan Greenberg and Brian who has alternative proposal.

ALAN GREENBERG:

Thank you, Janis. You've captured exactly what our concern is: the five points that are outlined here are operational issues, they're not policy. If this evolution group finds something which requires policy, it has to refer to the GNSO. That's exactly why we believe that using the GNSO policy thresholds to approve GGP things is unreasonable, because these are not—we've carefully worded these to not be policy, they do not create new commitments.

They may change the threshold of what is an SLA good result versus a bad result, but it doesn't change the overall commitments. Moreover, certainly I have—and I think others

have—said that for the things that affect the contracted parties, such as SLAs and approval of new automations, they're going to have to accept it as a group, because if indeed we have a joint controller agreement where they end up having liability for these decisions, then they have to be willing to accept that liability in a new automation one.

So we're giving the people who have potential downside implications significant control. But these issues are not policy issues and they shouldn't be subject to the same policy decisions. Moreover, we need composition of a group that is more balanced, not necessarily mapping the GNSO, which is what the EPDP did, and if we say that the new group has to map the EPDP, it also has to map the GNSO. And that's where a lot of the concerns arise.

So I agree with Mark, I think this is an area where there are no existing groups or formations within ICANN that [meet the need] for this. We've never had a group that looks at operational things in the same way as this group will be doing. The GGP has never been tested, we don't even know if the rules are reasonable for other types of operational issues.

So I think we need to not be afraid of inventing something new.
Thank you.

JANIS KARKLINS:

Thank you, Alan. Brian, you have alternative proposal, as you wrote.

BRIAN KING:

Thanks Janis. I do. The concept here that I'd kind of like folks to consider is that we don't intend for these things to be policy recommendations. Or I guess, let me be clear, we don't intend for the mechanism for evolution of the SSAD to do things that could be confused or construed as policy. And I am, believe it or not, sympathetic to concerns Milton expressed and a big believer in the picket fence, not just because I work at a contracted party but because [inaudible] multi-stakeholder model.

The mechanism for evolution can't be doing new policy creation. I think what we need to think about here as an EPDP to maybe come closer to agreement on is about what is in the parameters, what's in scope here with the things that are highlighted on the screen that would make evolution a policy development matter versus not a policy development matter.

I'll give you one perspective. So the concept of more use cases for automation is probably the most important one for us, automation or centralization in fact and we probably shouldn't confuse those facts.

So the example that I have in mind is the concept of proximate cause with fully automated decision making. Bird & Bird agreed that that's probably an area where the law will become clear that use cases that Bird & Bird didn't have comfort advising us to automate today will probably in the future, once we get a little case law, be automatable because the proximate cause issue will make that clear.

When that happens, why would we want to do another PDP to automate those types of things? I think the contracted parties

would like to automate and centralize and give up decision making on as much of this as possible as soon as they can be assured legally that they don't carry the liability. And I don't think that even the GGP is lightweight and fast enough to make that happen in a reasonable time frame but that I think we could agree that contracted parties and everyone would like to automate and perhaps centralize as much as possible with the understanding that in order to do that, the contracted parties can't carry liability for the decision.

I don't think we need a GGP to do that, but perhaps we need a policy recommendation that says when legal guidance has been received, that makes it clear that contracted parties will not carry legal liability for a centralized decision making of some sort that ICANN can instruct the central gateway manager to go ahead and centralize and/or automate those types of decisions. I think that's the type of policy language that we need that gives ICANN the go ahead to do that when that language is clear. And if I'm reading the minds of my contracted party friends, they're going to be worried about how that could be abused or what kind of controls could be around that, and that I think is where it could really benefit from some conversation, what kind of controls or parameters does ICANN need to provide a public comment period before implementing those kinds of evolutionary changes, or is that the opportunity for some lightweight group, representative group to serve as that kind of check that ICANN hasn't gone rogue and said, "Automate everything." So that's the concept that I think is worth exploring further. Thanks.

JANIS KARKLINS: No, but look, Brian, thank you. All that you said specifically on automation is already here. The issue is once this new guidance is received or once everyone is in agreement that things should be further automated because of the risk mitigation or things, so then the question is, when we have reached this stage of agreement, how it is implemented, who decides. So not only on automation, on everything else, on SLAs, on third-party purpose, on financial sustainability and so on.

So you're saying it should go straight to ICANN Org, ICANN Org, those decisions put for public comment, and implements. That's what you're suggesting?

BRIAN KING: That's right, Janis.

JANIS KARKLINS: Okay, so that's a simple proposal. So we create an evolutionary mechanism which mirrors the composition of EPDP, which means that every interested supporting organization or advisory committee is present in that mechanism. Mechanism works on the basis of consensus. When consensus is achieved, it goes to ICANN Org, ICANN Org is putting that recommendation for public comment, and after public comment, implements it. So that's the alternative proposal to the one on which we're discussing on GGP. Volker, how do you like it?

VOLKER GREIMANN: Not that much, actually. Ultimately, it comes around to the question of circumventing existing policymaking processes, and that's something that EPDP set aside, we are not very fond of.

With regards to the suggestion that Brian made, we already have such mechanism in place. It's called voluntary adoption of automation, and that's something that we've foreseen from day one, I think, which is now in our recommendations. When a contracted party, as Brian says, is reasonably sure and certain that the liability risk is negligible or bearable, they would be able to automate certain requests, and I'm sure that many will do so.

What Brian seems to be talking about is that once we are comfortable, then let's make it mandatory. That's not something that we are very happy about, because ultimately, even if we have some piece of legal advice, that may only apply to certain parts of the community, certain parts of registry-registrar community and therefore other registrars under other jurisdictions might not be covered under that liability cover. And therefore, I support anything that is voluntary, and anything that is mandatory should probably go through the proper processes. Thank you.

JANIS KARKLINS: Thank you, Volker. Alan G, please.

ALAN GREENBERG: Thank you. Just a quick note. The SSAC, although didn't make a comment in this Google doc, did issue a report, SSAC 111 that does have a significant section on the evolution mechanism. And among other things, it does note that the SSAC doesn't believe

there's an existing mechanism that really maps to this particular need, which again is an indication of something needed that is not an existing mechanism. We have to come up with something that fits the need of this one.

Your proposal, I think, is close to what we want, and as I've previously said, I believe that for new automation requests, the contracted parties as a group with their representatives need to accept it. We can't wait for every single contracted party to independently make that decision. We know some of them will never make that decision and it's not necessarily based on liability. Thank you.

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

FRANCK JOURNOUD: Thank you. I just want to make the point that I just made in the chat, that centralization is not—but should be—among the topics the mechanism for evolution should be charged with. But again, I'll repeat the point that I made earlier, that these are just topics for discussion, that contrary to what my colleague, Brian King suggested a few minutes ago, it's not a mechanism for evolution. There's nothing that sort of pushes in that direction.

JANIS KARKLINS: So, disagree. It is. It is constructed so centralization ultimately is a policy change because when we discussed centralized versus decentralized, it turned out that centralized model does not have

chance to be supported, and we were looking from how to move from decentralized to more automated whereby automation de facto you can argue means centralization because since there's no distance in cyberspace, the automated decision, doesn't matter where it's made, at contracted party level or central gateway level. It is automated and it happens instantaneously after the request is received. And actually, you have the evolution from manual treatment of contracted party level to automated treatment and where it happens on contracted party level or central gateway level. Actually, doesn't matter because it happens in automated fashion anyway.

So you have alternative to so-called centralized model where you have the centralization via automation. So that would be my comment. Yes, please go ahead, Franck.

FRANCK JOURNOUD:

I agree that the automated decisions we've talked about are in fact done in a centralized way, but I'd also point out that that is at best marginal in numbers of cases and types of requests that would be automated. But in any case, centralization isn't just automation, it can also be automated centralized decision making.

So no, I don't think that just having automation is sufficient to reflect again how we engaged in sort of this discussion where we were saying, okay, we're not going to have any of this type of centralization that we, the IPC and others, advocate but that we can have mechanisms that can get us to it more and more.

So no, it's not just automation, and again, these are just topics for discussion, not actual objectives.

JANIS KARKLINS:

Okay. Thank you, Franck. Anyone else? Look, I didn't hear much except Brian's proposal to take out GGP from the picture as a, let's say, method, but rather to create a mechanism that is mirroring composition of EPDP, in other words, representative of supporting organizations and advisory committees of ICANN, those who want to participate in that mechanism. And that when mechanism arrives to consensual recommendation on five operational issues outlined in this recommendation, it goes to ICANN Org. ICANN Org after public comment implements it. So that is alternative proposal that is on the table so far.

There was some reservation or unease expressed by that proposal by registrars. Nevertheless, it is on the table. We have another month to conclude our activities, and this is extremely important part, so I would be happy to entertain further conversation in the smaller group or in whatever way team wants to address these issues. Maybe staff can take the elements of existing mechanism recommendation and attempt to take out GGP and follow Brian's proposal. Straight forward. ICANN Org [inaudible] the consultation process and implementation and see whether that proposal would get us closer to consensus on this evolutionary mechanism. Alan Greenberg, please.

ALAN GREENBERG: Thank you. Janis, I support what you're saying. I think that we probably need some constraints, or what we're often calling guardrails these days in ICANN, to ease the concerns of the contracted parties that they may end up with liabilities because of these decisions made. so I think we need to think about that, but I think what you're talking about is much closer to certainly what would be acceptable to our group.

One other point though, a week or two ago, we tacitly accepted that we could have centralization or some level of centralization without automation. There were some strong comments made in favor of that.

This proposal that we're looking at today was drafted before that meeting. I think in light of that, we do need to recognize that the concept of centralization does not necessarily imply a full automation and we should have that as a separate item in within this when the small group reconvenes. Thank you.

JANIS KARKLINS: Thank you. So let me then suggest the following: based on this conversation, I would invite those who are interested in continuing conversation on the evolution mechanism to manifest that interest in the chat room that staff can capture. So we would continue conversation in parallel to other work that needs to be done on the SSAD next week, and then we will bring whatever we will come up with on recommendation 19 on evolutionary mechanism. So that's the best effort we can do, and if we will succeed, that will be very good. You have my commitment to spend as much time as

needed on this evolutionary mechanism, but in parallel with the work we do.

And staff will do alternative version based on today's conversation and Brian's suggestion. So with this, I think today, we exhausted our limit on this topic, and seems we're heading towards an up to two-hour meeting, and I would not make a break. Of course, depending where we will land with the addendum.

So let me invite now Marika to make a presentation of the public comments on priority two issues. Marika, please.

MARIKA KONINGS:

Yeah. Thanks, Janis. So from the staff side, we put a couple of slides together with the aim of providing you with a high-level overview of the input that was received on the addendum to the public comment forum that was held on the addendum that covered priority two items and as well as some instructions in relation to the homework that is associated with that. Next slide, please.

As you many recall, there were a number of topics that were covered in the public comment forum, so we'll go through each of those, and staff has attempted to, at a high level, summarize what the main concerns seemed to be that were raised. But of course, you can review all the comments in detail. We have also produced discussion tables for each topic where we've tried to group similar concerns. And of course, your homework will eventually be to look at that and provide your input.

So in relation to the display of information of affiliated versus accredited privacy proxy providers, as you may recall, that was an item that was carried over from phase one and the group actually developed a specific recommendation on this topic that was included in the addendum.

Some of the main concerns expressed did not necessarily specifically relate to the recommendation itself. Many expressed concern about the continued pausing of the implementation of privacy proxy service accreditation issues IRT, which is something that I think several of you have already spoken about, and I think at least on the council level, are very aware of. So again, concern that was raised, not specifically in relation to the recommendation itself but as part of an overall concern in relation to this topic.

There was a specific proposal that was put forward that the recommendation should maybe also include a privacy proxy customer ID to be able to correlate privacy proxy registrations, so please look at that and determine if that's something you want to consider further as a group. And there was also a couple of questions on whether the EPDP team should consider underlying privacy proxy customer data as part of SSAD in its deliberations.

And there, it may be worth reminding the group that a communication was sent when the group finalized the addendum to kind of indicate that at least from the EPDP's perspective, at that point in time, it didn't foresee any further action or any further work in relation to privacy proxy recommendations which were shared with ICANN Org at the time. And here you have, of course, the link to the actual recommendation.

Then legal versus natural persons. As you may recall, no specific recommendation was included in the addendum but more of a status summary of where things are at this stage. The group is still waiting for the results of the study that are being finalized.

So again, a lot of the input kind of focused on opinions on this question, not so much on status update but views expressed on whether or not contracted parties should be required to distinguish, and several groups also pointed out that in phase one, the group did commit to resolving this issue in phase two and as such, it's a topic that shouldn't be discarded as such.

In the discussion table, you'll see as well we haven't gone into the details of the different viewpoints or arguments that were useful, why or why not there should be a requirement to distinguish, because we think at least that's input if or when the group starts deliberating on that topic in detail. At this point in time, of course, the group is more focused on which recommendations and what input needs to be considered as hopefully some of these priority two items are finalized for inclusion in the SSAD final report, some topics may potentially require further time to get to that stage.

City field redaction, the main concerns expressed in relation to this topic was that some groups don't like the conclusion that the phase one recommendations should remain in place for redacting the city fields from the public domain. Again, it's probably something that the group already debated and discussed, but you can review the discussion table and see if anything there should change the group's view on that recommendation.

Data retention, this one also had a specific recommendation in the addendum. Basically, this was also an item that was passed on from phase one where there was more of a kind of interim recommendation with the request to further consider data retention in phase two.

There were a number of concerns that were expressed regarding the data retention period where some were arguing that it should be potentially longer but no details were provided on what would be the foundation for requesting more time or the rationale for that. but again, the group should look at that input and see if it's something that should result in changes.

And then there was also basically two different perspectives whereby contracted parties indicated that in their view, the recommendation should be limited in such a way that data that is retained can only be used for the purpose of TDRP, transfer dispute resolution policy, where others want some further clarity that data can also be used for other purposes, compatible with the purpose for which it was originally collected. And I think the recommendation currently tries to make clear that it is retained for the purpose of TDRP, but if requests are received for disclosure of that data, of course, they also need lawful basis and legitimate interest that the contracted party would review to determine whether or not that data that is retained can be disclosed or not.

So again, that seems to be two different viewpoints there and we would encourage you to look at the different [inaudible] and see whether or not changes should be made to that recommendation.

In relation to the purpose for OCTO, I think there's general agreement for the conclusion that was reached in that regard, although a number of groups indicated that their support for that conclusion is to a certain degree tied to the conclusion or the recommendation on purpose two, and should changes happen to purpose two, that might also change their perspective on the OCTO purpose.

The next one, feasibility of unique contacts to have a uniform anonymized e-mail address. This was a recommendation 22 in the addendum, basically based on the legal guidance that the group received from Bird & Bird on this topic.

The main concern here is that a number of commenters suggested that the group really didn't have enough time to fully consider this topic. Many based its conclusion on the legal guidance received and didn't really have time to look at how other registration authorities may have implemented safeguards in relation to this topic. And maybe this is one where advice or guidance could be sought from the EPDP. So I think here, the main suggestion from different groups is to not close this topic off yet but potentially continue consideration of this topic by obtaining further information that may help inform a different conclusion on the specific topic.

Next, accuracy and WHOIS accuracy reporting system. I think on this one, everyone's aware that this topic has already been removed by the GNSO council from the EPDP team's consideration, but a number of commenters basically noted their disagreement with the council's action and are of the view that the topic should be addressed by the EPDP team. And then there

were some others who actually noted their disagreements with the council having taken on this topic and indicated that further work might be done through a scoping team because they're of the view that no further work should be undertaken on this topic at all. So again, the comments seem to be mainly directed to the council's action at this point in time.

I think then we have one more. I think this is the last one of the topics addressed in the addendum, so purpose two as you know, as well, I think we also had a specific recommendation that has been put forward. There are a couple of commenters that suggest the group should go back to the original purpose two language or a slightly modified version thereof from phase one. And of course, that is something that the group did consider extensively, and based on its consideration came up with the new language, but there's also one group—NCSG—that suggested that the recommendation should be deleted as it's not specific enough nor relevant. And they suggest that in order to help clarify this purpose, the EPDP team should develop a worksheet similar to those developed for purposes in phase one of the EPDP with the processing activities listed, and controllers and processors of the data declared and lawful basis for each processing activities should be identified.

And if I may just note that there is actually a worksheet that was developed for purpose two in phase one which was included in the phase one final report. So if there's, of course, support for that suggestion, that may be something that the group may want to have a look at. But as I said, look at the discussion table and you'll find more details on it there.

I think there's then one more slide. So what's now the ask from the different groups, as I said, this is a very high-level overview in which we've just tried to summarize the high-level point of input received on the different recommendations. We don't expect to go into any kind of detail or substantive discussion at this point in time, but we are asking all of your groups to review the discussion tables that have been posted. The link is here, it was also circulated. It's also on the left-hand side of the screen. It's basically in the same spot where all the other public comment review tables and discussion item documents are posted on the Wiki. It's really just underneath the table that we've basically completed with today's review. Look at those and review them and provide your input.

We would like to ask you to put your energy in those items for which concerns may be easily addressed to allow inclusion in the SSAD final report. For some of the items, even if there is support for the deliberation or consideration, another public comment period may be required because there was no specific recommendation in the initial report. So those items will need to be on a separate timeline regardless of how much agreement there might be in the group to resolve a certain issue. So again, please focus on specific suggestions that have been made to recommendations or conclusions where you feel comfortable to move forward and think constructively on some of the suggestions made in view of trying to get as many of those where the group feels they are ready in the SSAD final report.

The deadline there is also 5th of June, and as I said, I think the staff support team and leadership will have a look at the input

provided, and based off that, kind of try to make an assessment on whether there's an easy resolution for some of the concerns expressed and those that may be considered as part of the final considerations on the “cannot live with” items on SSAD so they can all be wrapped up together, or whether the items will need to be parked and considered following finalization of the SSAD final report.

And I'll note here that the GNSO council is already in the process as well, and considering possible next steps as they are aware that some items may not be addressed here. And Rafik as a council liaison may have some further input to provide in that regard. So I think that's what I had in a nutshell.

JANIS KARKLINS: Okay. Thank you, Marika. So we have one hand up, Alan Woods. Alan, please go ahead.

ALAN WOODS: Thank you, Janis. And thank you, Marika, for that, a very comprehensive nutshell. I know we're not going into any detail on this, I just wanted to talk about that one slide with regards to the retention. I think it probably misrepresents in a way what was being said there, but the CPs want to limit the data that is retained for the purpose of [TDRP.]

We wanted to clarify that that is what the recommendation stated. The recommendation stated that the only identified retention period—and that's the process we went through of identifying why

there was data to be retained by the registrars for a certain point of time, and the only thing we could link it to was the TDRP.

And the way that the evolution has somewhat expected it to go is that you can hold it for the TDRP but then you could figure out and use it for something else. That's not necessarily the clarity that is intended under data protection law. If you are going to retain something, you need to tell them why it is being retained, not that we're going to retain it for this and anything else that we might come up with. We don't want to skirt that issue.

So I think it's just a misrepresentations in a way saying that CPs want to limit the data that's retained. If we can identify data that is to be retained, absolutely, [put it in, justify it] and make it clear to the data subject. No problem with that. It's just that we wanted to be sure that we are interpreting the recommendation as it is correctly and not adding this weird back door which is not in the spirit of data protection. So just wanted to put that on the record. Thank you.

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

ALAN GREENBERG: Thank you. My recollection is we did not say data was retained for the TDRP. We said that the TDRP was what set the outer limit of it. There are other policies that require retention of the data, perhaps for less amounts, but somewhere within that overall period, there may be other requirements based on ICANN policy that must be implemented. So the TDRP is what set the outer

limit, it's not the only thing that it might be used for while it's being retained. Thank you.

JANIS KARKLINS:

Thank you, Alan. Any other comments on the general overview? I see no hands up. It seems everything is clear in terms of homework. So as Marika suggested that it is unlikely, especially also in light of exchanges we had previously on some of the topics, that we would have enough time by June 30 to conclude the review of comments and then make a final determination on recommendations on priority two issues. And I understand that this might be something that may be a deal breaker for some groups represented here on the team.

So as a result, my sort of game plan is to see whether at the time of release of report with all recommendations we are able to agree on, the GNSO council also sort of comes to conclusion or determination how and when outstanding issues could be addressed in satisfactory manner. So that is where I see possible kind of compromise in order to finalize SSAD and put in motion the consideration on acceptance, or not, and implementation of other issues would not be put on ice for undetermined period but rather would be a clear vision how to proceed with them as soon as, or after, June 30.

So that is where we are now, and I would like to see if there's anyone who would like to take the floor at this stage. I see none, which means that we are done with this agenda item, and so we have even concluded before scheduled time. Potentially, our next meeting is on Thursday, June 11 at 2:00 PM UTC where we will

start reviewing all recommendations in a row, of course with the understanding that GAC will submit recommendation two revised version. That may entail review or need to review recommendation one.

So, in the meantime, I saw that there were some volunteers to the small group on evolution mechanism, and maybe take into account that this week until end of the week is crunch time for all groups to do homework. Maybe we could convene the small group meeting on evolutionary mechanism next Monday. Next Monday, June 8th, and by then, we will have alternative proposal developed by staff on the basis of today's conversation and on the basis of existing recommendation, and we will discuss that on Monday, 8th June, and if needed, also Tuesday June 9 prior to the meeting of team on June 11th.

So the small team would meet on Monday, 8th of June at 2:00 PM UTC. Any violent opposition? I see none. So that means we are done with today's agenda and the call, so thank you very much, everyone, for very active and constructive participation, and all I need to say, this meeting is adjourned. Have a good rest of the day. Bye all.

TERRI AGNEW: Thank you, everyone. Once again, the meeting has been adjourned. Thank you for joining, and stay well.

[END OF TRANSCRIPTION]