
ICANN Transcription

EPDP on the Temporary Specification for gTLD Registration Data

Thursday, 26 September 2019 at 1400 UTC

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TERRI AGNEW:

Good morning, good afternoon, and good evening. Welcome to the GNSO EPDP Phase 2 team meeting, taking place on the 26th of September, 2019 at 14:00 UTC.

In the interest of time, there'll be no roll call. Attendance will be taken by the Zoom room. If you're only on the telephone, could you please identify yourselves now?

Hearing no one, we have listed apologies from Alan Woods from the RySG, James Bladel, RrSG, Ayden Federline, NCSG, and Matthew Crossman of the RySG. They have formally assigned Sean Baseri, Owen Smigelski, [Steffan Philatovy], and Beth Bacon as their alternates for this call and any remaining days of absence. Alternates not replacing a member are required to rename their line by adding three Z's at the beginning of their

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name and, behind their name in parentheses, their affiliation-dash-alternate, which means you're 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 chat, apart from private chat, or use any other room functionality, such as raising hands, 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 invite e-mails 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.

[inaudible] statements of interest, please contact the GNSO Secretariat. All documentation and information can be found on the EPDP wiki space. Please remember to state your name before speaking. Recordings will be circulated on the mailing list and published on the public wiki space shortly after the end of the call.

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

JANIS KARKLINS:

Thank you very much, Terri. Good morning, good day, good evening, team members. Welcome to the 21st meeting of the team. We have the agenda now on the screen. My question to you is whether we're in agreement that we work according to the proposed agenda.

I see no objections, so we will then proceed in that way. Housekeeping issues. It's not really a housekeeping issue, but at

the Los Angeles meeting, we asked the registrar group to formulate questions or a letter to ICANN org on the disclosure decision and how that could be done. After last week, there was a very constructive e-mail exchange on the topic. Now I see that there has been a proposal filed by the registrar group. I wonder who from the registrar group would maybe walk us through the proposal.

Any volunteers from the registrars?

In absence of volunteers, may I ask either Marika or Caitlin to walk us through?

CAITLIN TUBERGEN: Hi, Janis. I'm happy to walk us through the message and [register our call].

JANIS KARKLINS: In the meantime, Matt has raised his hand. Matt, please go ahead.

MATT: Thank you, Janis. Sorry. I was a little slow on the uptake to raise my hand. So we came away from Los Angeles with that assignment to go off and put a letter together. Hopefully everyone has had a chance to read James' message there.

I think what we're having a struggle with, frankly, is whether or not ... The homework out of Los Angeles came from an interaction between Chris and James. Chris indicated to send a letter to the Board and, as James point out in his e-mail last week, the

question is, should this be something that goes through the staff liaisons, through ICANN org, and ultimately the Board? Or is this something that we should send directly to the Board as we discussed in Los Angeles? We're happy to take and put ... I don't know Chris or Leon are on the call today, as I'm scrolling through, but if they have an opportunity to weigh in and give us feedback on whether that letter should go directly to the Board or we should work with staff to get that going. We'd be happy to get that.

For our ideal timing, we'd like try to get some input from the Board or from staff in time for the Montreal meeting, so we're sensitive to the timing of this. We are hoping to have something drafted and ready to go in the next week to ten days. [That's it]. Thank you.

JANIS KARKLINS: Thank you, [Matt]. I understand that, since I do not have access to Google Docs on my computer, I understand that those four bullet points that now are on the screen are the ones that basically are the questions that you would like to ask to ICANN org, as I understand, because this was something we were talking about.

MATT: Yeah.

JANIS KARKLINS: That would be, first, ICANN org to be asked. Then we would see when the Board may come in.

I see now a few hands up. It is Leon first and then Ashley.

LEON SANCHEZ: Thank you, Janis. Just a comment on this. If the questions are posed for ICANN org to reply, then I suggest that the letter goes directly to ICANN org. If it's something that will be addressed to the Board or is formally being asked to the Board, then we will be happy to relay the questions to the full Board. Thank you.

JANIS KARKLINS: Thank you, Leon. Ashley?

ASHLEY HEINEMAN: Hi. Thank you. This is Ashley with the GAC. Just in terms of where we stand on the text here, it's not totally clear if we have a chance as a party outside the Registrar Stakeholder Group if we can continue to make edits to this document. I think it's looking good, and I think these are a good set of points to get some feedback from ICANN on.

I still have a little bit of hesitation on Point 2, not that I don't think it's a good point to get clarity from ICANN on. I'm just afraid it somehow gives the impression that that is the only ICANN could do this. I don't know if there's a possibility to either amend this to include additional text or to have another bullet that recognizes or seeks inputs from ICANN on what it would be willing to do if it's not willing to have a replica database.

For example, would you be willing to establish a gateway by which responses to requests would flow through ICANN? Just to make it

clear that there are other options here available besides ICANN having to maintain a replica database.

So I just wanted to throw out there and see if there's an opportunity to amend this text further and, if so, if we could please consider something along those lines. Thanks.

JANIS KARKLINS: Thank you, Ashley. Marc Anderson?

MARC ANDERSON: Thanks, Janis. I raised my hand because James isn't on the call, which is a little bit unfortunate because I think a lot of this initiated with him. I wanted to add that, in parallel to these questions that he's proposed fielding to ICANN org, potentially via the staff liaison, James has also floated around a letter that he ran past me that would be intended to go to the ICANN Board itself. It's a draft along similar lines to these questions but written a little more formally and intended to be the basis for a communication from the working group to the ICANN Board asking these sort of foundational questions to try and get clarity on what the Board thinks around some of these issues and if they have thoughts on what they would or would not be willing to sign ICANN up for.

I think, again, it's a shame James wasn't able to make today's call because I'm sure he'd be able to explain this a lot clearer than me. But I think James has envisioned two approaches, one asking ICANN org for input on this to help inform the letter that we would potentially send from the working group to the ICANN Board.

So hopefully that helps and doesn't confuse things more. I also want to go back to Ashley's feedback. She had some good feedback there. On her points on Item #2 (maintain its own RDS replica database), I don't think the intent was ever to indicate that that's the [only] option. It was just that we were envisioning trying to get feedback on that particular option: if that would be workable, if that's something that would be considered, or if there were issues or complications that would prevent that from working.

So those were some good points on this. Hopefully this is something we can get a little more clarity on as we work further on it.

JANIS KARKLINS:

Yeah. Thank you, Marc. Just be aware that sometimes the volume is dropping and we do not hear you properly. So that's for the next time you will intervene.

What I would like to suggest is that we maybe put the text of the letter on Google Docs so that everyone can work and provide some input on it. We will try to finalize that text next Thursday and send it out to ICANN org so we can then get some feedback, as suggested, by the Montreal meeting.

I saw Chris Lewis-Evans' hand up. Please, Chris.

CHRIS LEWIS-EVANS:

Thanks, Janis. To be honest – we can make some suggestions – my only point was there's a determination on the validity of the request but we also might want to ask them about whether they

would want to assume responsibility of doing a 61F-style balancing test. So maybe we can [put comments on that and capture that part]. Thank you.

JANIS KARKLINS:

Yeah. I think it is somehow asked in Bullet Point 4. At least this is the way how I read it. Can we then proceed in that way? Because, again, it probably will not be a letter of registrar/registry groups to ICANN org. That most likely will be a letter of the EPDP team to ICANN org with these important fundamental questions. Hopefully we will get more clarity once we will receive a reply. Would that be okay?

Marc Anderson?

MARC ANDERSON:

Thanks, Janis. I apologize. I was dropping in and out. Hopefully this is a little bit better.

In answering your question, yes, I think that would be good. I think taking the e-mail on the list and [turning it into a] Google Doc so that people can provide their input seems like a logical path forward on this one. Then I'll continue to work with James on the draft letter to the ICANN Board. When that's a little more polished, I'm sure James will be sharing that with the full working group as well for their input.

So I think, like I said, James envisions this as a two-pronged approach. I think he's looking for and thinks it's necessary to get feedback from both ICANN org and from the Board. And I agree. I

also think we're at a point where it would be really important and useful to get feedback from the Board and ICANN org on what their thoughts on these things are and what they're willing to sign up for or not willing to sign up for.

JANIS KARKLINS: So we will then proceed in that way, though I see Milton's hand up. Milton, please?

MILTON MUELLER: Good morning, everybody. This is Milton Mueller at Georgia Tech. I don't have any objection to asking ICANN these questions, but I'm a little bit uncomfortable with some of the. ... It's only an implication or a hint at times that ICANN's responses would be dispositive of the policy.

If they say, for example, "We do (or we don't) want to accept responsibility," what does that mean for us? Does that mean we cannot make any decision that assumes that they have responsibility? Or does it just mean that they don't want responsibility, even though they might legally have it by some construction of the law? I'd just like to have that cleared up.

JANIS KARKLINS: Thank you, Milton. I think it would be useful also to revisit and then re-read the exchange of last Friday. I think there were many good elements that we could use in formulating those questions. All of them went in the right direction and were rather nuanced in that respect. If the team would think that there should be one final

editor of that letter, I could take a shot or I could staff simply to work on the final wording prior to sending it to ICANN org or the Board or to both.

I see a few hands up. Leon first and then Hadia.

LEON SANCHEZ:

Thank you, Janis. Just to bring a little bit light here or intending a little bit of light to that, I think it is useful to that you raised this question both to org and the Board, but we have to keep in mind that, regardless of the answers that we get at a certain moment, there might be some questions that are not up to either org or the Board to establish legally. By this, I mean, when you ask whether ICANN org or the Board would sign up for ICANN assuming liability or responsibility, we can answer that question but ultimately the answer will be up for [inaudible].

So, again, I think it is useful that you raise these questions, but we need to, once we get those replies, look at them with a bit of caution: regardless of what we say or what the org says, the ultimate interpretation and application of the law will be up to [inaudible]. So that's just a point that I would like to establish here. Of course, all the questions are very welcome. Thanks.

JANIS KARKLINS:

Thank you. Hadia and then Thomas and then maybe we can stop this part of the conversation. Hadia, please?

Hadia?

ANDREA GLANDON: Hadia, this is Andrea. I do show that your mic is open, but we are not able to hear you if you're speaking.

JANIS KARKLINS: Okay. Let me ask Thomas. Hadia, we do not hear you if you're speaking. Thomas, please go ahead.

THOMAS RICKERT: Thanks very much, Janis. Hi, everybody. With respect to the questions, I think – maybe this is because I'm not a native speaker – it might be worthwhile clarifying that, even if ICANN has a preference for one of the options, the assumptions [inaudible] will have not be agreed upon by the EPDP team. For example, I think we have not yet made up our mind or done a consensus call on whether it is desirable to have a replica database for ICANN to tap [into].

So I think it's worthwhile clarifying that we just want to understand their position and [inaudible] discuss the options. Thank you.

JANIS KARKLINS: Of course. That is our intention: simply to understand what would the ... or if many ifs would be answered in a certain way, whether then ICANN would be ready to do one or another. That would simply inform our own policy decision-making, though my take from what I heard also in Marrakech and during our face-to-face meeting is that org is working on a hypothesis about a UAM-

centralized model and they're simply now seeking the opinion of the European Data Protection Board on that. If that would be positive, most likely that would be the preferred option of ICANN org. So this is how I understand what Goran said in Marrakech and what also he told us in the face-to-face meeting. It's always good to ask and get something in writing.

We will set up a Google Doc and we would try then to finalize the questions by the next call, which means probably by Tuesday or Wednesday at the latest, so we can do the final reading and see whether we can get the letter from the team to org out next Thursday. I hope that's our common understanding. Thank you.

Let us now move to the next agenda item, and that is accreditation. We have here some further developments. Alex and then Milton, working together, have fine-tuned their thinking, though, as far as I understand, there is not, let's say, a 100% formulated proposal. But that's okay at this stage. Then I also saw that the business group and SSAC have tabled their vision of accreditation models.

Before getting in a conversation, if I may maybe ask Alex and then Milton and then either Margie or Mark Sv and then Greg maybe to walk us through their vision in very brief terms, concentrating on essential elements. If that's okay, then who will start? Alex or Milton?

Alex, please?

ALEX DEACON:

Thanks, Janis. Milton, why don't I kick things off at a high level? Feel free to jump in to add color if needed. Yesterday, late my time, I sent to the EPDP list (all of you) a link to a Google Doc that me and Milton have been using to work through these issues. It's roughly based on the accreditation framework that I presented in L.A.

If you look at the [DAC DM], basically what we've done is placed the diagram and the text that was in the PowerPoint that I presented into the doc and we started to flesh things out. Based on that, we distilled things down into several areas where there wasn't 100% agreement. We started to work through that.

Instead diving deep into the details, why don't I just simply summarize, which I did in the e-mail, where we ended up on six major issues? My hope is that, once we describe what the issues are, we'll be able to work as a team to come to some agreement that works for all.

The first issue that was raised is this issue of if there's a single accreditation body or multiple. I believed, and in my framework you'll see, that it supports that there will be multiple accreditation bodies and a framework to accredit the accreditors. Milton believes that may be too complex and there should be a single, uniform, general accreditation process that is run and managed by ICANN itself. So that was the first issue.

The second issue is around the code of conduct. If you remember, my hope was that the framework, if properly crafted and defined, including the various policies – the accreditation body baseline policy, the trusted accreditation program policy, and then of

course the practices statement from the accreditation body itself – would result in a uniform code of conduct for all sector-based accreditation bodies. My hope is that this code of conduct, if you will, would be defined in such a way that the differences between the accreditation bodies are minimal. They basically focus on just the things that are specific or special, if you will, to each accreditation body.

Milton agrees with this but thinks that a code of conduct should be uniform for all SSAD users and should not vary by sector or by accreditation body. I think there's an opportunity there to define things in a way where we could come to an agreement. But that's where we ended up with a code of conduct.

We've spent a lot of time, I think, over the past however long we've been talking about this using the terms "authentication" and "authorization." I think a lot of people have different views or ideas or understandings of what these things mean.

At the end of the day, I think Milton and I have come to an agreement and an understanding on a set of definitions that I've put into the document on how this works. So the framework document now defines these terms: authentication, authorization, and their related credentials. There's authentication credentials and authorization credentials. The accrediting bodies assist in the creation of these credentials.

As we've mentioned also quite often, the ultimate decision to authorize disclosure of registration data resides with the registrar or ICANN or whatever party we ultimately agree on. This decision is based on the credentials and the facts, if you will, that are in the

request: authentication credentials, authorization credentials, and any other data that's contained in the request.

Number 4. I think we've talked about the idea that individual users – well, both Milton and I agree that an accreditation framework must not rule out individual users from accessing non-public RDS data. I think there's lots of ways to do that. We've defined three. How we best accomplish this is still, I think, for discussion.

The fifth one is I think where the largest area of divergence, if you will, exists. It's the idea of accreditation and user groups. NCSG is opposed to relying on accreditation bodies that emerge from user groups that benefit from easy access – these are Milton's words – to the data that accreditation bodies should not be responsible [for] and that accreditation bodies should not be responsible for auditing and enforcing accreditation of their own users, as this creates a conflict of interest.

So, in that case, I don't agree. I think the proposed framework, with the safeguards, the auditing, the complaints process, the process for de-accreditation and the like is sufficient to address these concerns. So I think we need to dive into this a little bit and understand how we move forward. Despite that disagreement, I think Milton and I both agree that any auditing entities in the system must be independent third parties.

Finally, we touched briefly upon the concept of financial sustainability. I didn't spend too much time on that. I think it's a little too early to have a constructive conversation on fees, as we have many foundational questions to answer about how this

system is going to work. Milton states that NCSG's views were articulated in L.A.

So that's a summary of the major issues. Maybe what I'll do is pass it to Milton to give his thoughts.

JANIS KARKLINS:

Thank you, Alex. Also, from my perspective, this section on the definitions is very useful: we are using the same terms when we're talking about accreditation.

Milton?

MILTON MUELLER:

That's a pretty good summary. I think the e-mail, which bulletizes all the points, is the place to start. I think I would just emphasize two things. I think the linkage between accreditation and user groups is probably the key area of disagreement, as Alex said. I think they're fundamentally different models. In one, you have a centralized standardized system for gaining access to the SSAD, and everybody has a uniform set of standards. The other is self-selected groups or forming accreditation bodies, which, to my mind, is very hard to square with that uniformity.

It seems to create a layer of oversight, imposing that burden on ICANN on somebody, which I just don't understand the need for. If ICANN is able to properly supervise and accredit accreditors, then why can't we just eliminate that step and have them do it directly, particularly given the problem of a potential conflict of interest between groups that really want access to data for their members

and the need to be very balanced and objective in determining whether they get access and how they behave once they do.

On the financial thing, I pretty much agree with Alex that it's premature to get into details until we actually know the accreditation model. But I thought that there was agreement in Los Angeles that people would pay for accreditation. That was my main point.

Another observation is that I've looked over the principles that were circulated by the SSAC and I found them fairly acceptable. I haven't consulted with other NCSG members. I think most of the areas of agreement between Alex and I are consistent with those principles. I haven't looked at the BC proposed principles, but I think, from a quick scan, that they're again pushing towards more of a user-group-based accreditation model, which we really have trouble with. So I guess, if we could solve that problem or resolve that difference, we would have a pretty clear path to go ahead.

JANIS KARKLINS:

Thank you, Milton. Again, when we're thinking about those entities who can accredit, there might be either a unified model, where it's only entity that does accreditation for everyone. There might be multiple accreditors, which are already existing and can provide service simply because they worked in the area. Or that would be some kind of variation of both, a hybrid model.

Let me ask now who that will be – Margie or Mark Sv – who will introduce the BC vision.

I see Margie's hand is up. Margie, please?

MARGIE MILAM: Sure. Do we want to move to that right now or do we want to continue discussing ... I had a comment—

JANIS KARKLINS: No, no. Please, let's hear you and then Greg and then we will start our conversation on the accreditation [inaudible].

MARGIE MILAM: Sure. I will go ahead and present on behalf of the BC. What you see in the document we presented was our thinking on what would be an ideal process for accreditation. I won't go into the eligibility side of it because I think we've had a lot of discussions about whether it's user group accreditation or not. We can continue those conversations.

What I'd like to focus on is the accreditation process. If you scroll down to the accreditation process, we've given some thought to what the eligible entities should have. We've also walked through a process where at least there's a minimum for the different accreditation bodies. Alex is correct. We do think that it's better to have ICANN accredit the accreditors, as opposed to having ICANN be the accreditation body.

In particular, if you think through to some of the work that was done in Marrakech, we saw presentations from WIPO, as an example. Given that WIPO has put a lot of thinking into what they would consider as their role for trademark-related purposes, for

example, I think it's useful to piggyback on some of the work that's already been done.

As part of the accreditation, you'd need to have an authentication process. That's the first step that we've discussed in our paper, where you identify what your purpose is. You represent that your access is of a legitimate and lawful basis and that your processing will not be incompatible for the purpose for which it was sought and you'd agree to safeguards and comply with the laws in terms of service. We want to introduce the concept of graduated penalties and ultimately de-accreditation if there's been abuse. Obviously, there's the penalties under GDPR. Then you would submit an application with verifiable contact details.

So the authentication process is, I think, one of the main benefits of the accreditation body because they have the relationship. If you're talking about industry groups, I think it's probably easier for industry groups to be able to authenticate the identity of the companies or entities that are going to submit requests.

The authority would issue one of three decisions. It would be either be accepted and the applicant is issued a credential, or there would be questions, or it would be rejected.

To follow up a little bit on the fees issue, I do agree that we're still building the model. So the fees discussion probably is premature, but we think that all applicants should pay a non-refundable application fee proportional to the cost of validating the application. If there's problems with the application, there could be a reapplication. There would be another fee for that. The fees would be established by the accreditation authority because they

need to understand what the costs are and ensure that they are able to do the proper validation and authentication. There would be a renewal process annually, and the fees would scale for the number of users for each accredited entity.

So that's some of the thinking we've had. This proposal stems from some of the work we did a few years ago when we came up with something called the 3 A.M. model, as some of you may remember.

In the application procedure, in our ideal situation, there'd be three levels of accreditation. One would be a regular access accreditation. This is for entities that have real high-volume demand. So that's a much higher level of access. Then there would be special access for intermittent users. Then there would also be one-time access. As we think about the three levels of access, various degrees of responsibilities, with the regular access having the highest level of responsibility and commitment.

The accreditation, as I mentioned, would be provided by an ICANN-approved accreditation authority. The authority would publish their criteria for access, which would encompass these three different categories. As I mentioned earlier, the annual renewals would incorporate updated terms of service or other obligations. The user fees would be due at the start of service and then again on renewal. Further access is conditioned upon the payment of the fees.

If there's a need for updated accreditation materials and validity dates, that would be part of the renewal. For example, if you're relying on trademark rights, your trademark rights still have to be

in effect in order to continue your accreditation under those trademark rights. The accreditation authority would reserve the right to update the credentials are required for the accreditation. So it would be something that the accreditation authority would define depending upon the user group that they're trying to accredit.

There would be a logging responsibility, where the activity would be logged by the entity that provides the access. The logs would include the accrediting entity, the purpose, the query, and the date. These logs would be retained for two years in a machine-readable format and kept up to date. The logged information would remain information by default, but it can be revealed under legal justification. In the event of an audit or a claim of misuse, the logs could be requested for examination by an accreditation authority of some sort of dispute resolution provider. The logs obviously would be available for DPAs and ICANN for auditing. Each query must be mapped to the purpose that is applicable.

We've also given some thought to auditing. We think that a third-part firm should be chosen to randomly audit the query logs for compliance with the terms and conditions. So there's some thinking here related to the auditing.

When you move on, I think the accreditation would also involve a complaint process, so we've given some thoughts to what the complaint process would include. I think we were talking on our list earlier about that accuracy of data would be addressed directly to the domain-name-sponsoring registrar. Complaints related to the performance of the [providers] would be directed to Compliance. I don't think we need to go into more detail on that.

The data access. These are concepts that I think we'll continue to discuss in the query building blocks. We would be talking about access for either a single record or multiple records, depending upon the level of access. There would be no rate limits unless otherwise restricted in order to prevent a misuse of the system. Data would be stored by the accredited users for analysis and collection of the case data. Per GDPR, the user would be expected to only process the personal data that it needs to process for its purposes.

We also want to mention that we have to make sure that the accredited entities would follow the safeguards that we agree upon for the acceptable use building block.

I'm just trying to see. This is pretty long. So, of the types of accreditation, as I mentioned, we would have regular access. If you take a look at the use cases that the BC came up with, we're talking about the BC 1 through 3 and the BC 9 as an example of the types of entities that would be asking for this higher-volume accreditation that we refer to as regular access. But, because it is a higher level of access, there would need to be additional criteria that really determine the ability for that entity to have that kind of access, such as financial stability, reputation, and [link] of establishment. There would also be a requirement to post a bond or evidence of insurance to secure the obligation because of the higher level of access associated with this regular access accreditation, including additionally higher accreditation fees.

The next layer down is the special access accreditation. This is for a person to require non-public data on an intermittent basis. So this is not as high of an accreditation because the volume isn't as

great. So there'd be different levels of inquiries to be able to have that type of accreditation.

The third category would be the one-time accreditation, which is for a one-off request.

Finally, our proposal also takes about the accreditation principles. I think that's something we really haven't talked about yet, so I'll spend a little bit of time here. There would be graduated penalties and de-accreditation if there's abuse. The accreditation authority would determine that the accreditator has materially breached the conditions of accreditation. This could be based on a third-party complaint, a result of the audit, or other misuse of the privilege that is afforded under the accreditation. The de-accreditation would prevent re-accreditation in the future unless special circumstances are presented. The accreditation procedures would be on a reasonable notice to the accredited party, and there would be some sort of procedure hearing and appeal process.

Finally, one of the things we wanted to point out is that de-accreditation would not prevent the requester from submitting future requests under a manual process, but it does prevent them from being accredited at the level that they had previously. In case of regular access where there is some sort of bond or insurance, there's a possibility there that the bond would be forfeited in whole or in part or that other financial penalties would be assessed. So the notion is that there's significant penalties if there is a de-accreditation, especially of something like a regular access.

I think, with that, I'll pause.

JANIS KARKLINS: Thank you, Margie. I think it is very, very useful to have your vision on how it should be done. Alex is asking for a quick comment or question. I would like now to open the microphone for questions in relation to vision, not comments on vision but rather clarifying questions. Alex, please go ahead.

ALEX DEACON: Thanks, Janis. I want to put this into the context of the framework that I defined. There are things in here which I think are important to have in our baseline requirements that will ensure the uniformity – sorry. My dog is talking. There are some things, however, that are specific to the accreditation body here, and that would fall into the accreditation body practice statement that describes how they would actually conform to the baseline requirements: the things up to the top (what are the eligibility requirements, how are we going to authenticate these users and validate that they are in fact eligible, and so on). That would form, basically, how, which is described in the practice statement.

So I just wanted to hopefully put that into a little bit of context. Thanks.

JANIS KARKLINS: Thank you, Alex. We will talk about the accreditation. I have one clarifying question, Margie. In the section of logging, you are suggesting that all query activities of all accredited entities will be logged by entities [that] provide access to WHOIS queries. Does that mean that you think that the accrediting body also would

receive queries of each accredited organizations or entities or individuals? Or how shall in interpret this first bullet point that is now highlighted on the screen?

MARGIE MILAM: Thank you, Janis. No, the accreditation authority doesn't have the logs. It's the entity that provides the access. So, if the query goes to the registry or the registry, or if ICANN is the discloser, that's where the logs would be maintained. So it's at that level. Thank you.

JANIS KARKLINS: Thank you. It's important to clarify because I recall in Los Angeles that one option or one idea was that the accrediting body could possibly make also a disclosure determination. I think that did not gain much traction of the team (that type of option), and that's why I simply wanted to make sure that this is not what you're meaning [inaudible].

Okay, thanks, Margie. Now I will go to SSAC. Who will be walking us through SSAC's accreditation vision?

GREG AARON: Hi. This is Greg.

JANIS KARKLINS: Greg, please go ahead.

GREG AARON:

Thank you, Janis. We tried to keep it pretty high-level, so this is probably not a comprehensive list of all the things we could come up with but maybe some of the most important. In our conversations, we're probably sometimes mixing some principles with some system design or some system features. That's one way to look at it. But that's okay at this point. It's good to get all ideas out there. We decided to keep it at a fairly high level. A lot of the principles here repeat what others have proposed. A lot of it's probably non-controversial. I do want to focus on two things I think we need to think more about and discuss.

One is that a system is designed for users who are going to be using it on somewhat of at least occasional, maybe frequent, basis. A system generally is not well-suited for individual queries. Individual queries could be handled outside the system. A requester doesn't have any fewer rights if it goes outside the system. But if we're going to build a system, we think we are building it for those who would be using it relatively.

So the three tiers of single-use, occasional use, and frequent we think break down, and we need to focus on what we're building a system for. In fact, single-time access might conflict with the idea of accreditation itself. If I'm going to have a single request, why should I go through the time-consuming and expensive process of accreditation? So we think this system for access is for those who are going to go through the time and the energy of getting accredited and feel that that is worth their time.

One of the things that also means is that you're probably having organizations getting accredited, not individuals. I think probably

most of the users are going to be organizations of various kinds incorporated in some fashion.

One of the things we're trying to accomplish with accreditation is to set some bars. The idea of accreditation is to create some safeguards around the transmission and use of the data. That bar might not be reached by individuals. We will have some requirements around how you handle the data, for example. And there's a question about whether individuals could even meet those kinds of requirements if they're trying to make regular queries. To use another parallel example, we don't accredit individuals to be registrars or registry operators. You need some wherewithal in order to fulfill those functions.

As far as how many accreditation bodies there are, we haven't formed an opinion about that. It could be one or it could be multiple. I'll personally observe that there would be groups of users who might end up unrepresented and without access if there isn't some sort of an entity that can handle accreditation of users from various sectors. In fact, the idea of sector-based accreditation does break down for us. An organization might make a cybersecurity query one minute and then have to deal with, say, an intellectual property issue the next. What's more important is that you're making legitimate queries. What kind of work you're doing or what business sector you would put yourself into is less important. So the sector-based thing has some drawbacks that we need to discuss.

There's also a commonality, we think, in the legal requirements. Again, what we're trying to do is come up with a system that provides safeguards. Those safeguards are the same, no matter

who is accessing the data. A cybersecurity person is not going to have a different set of legal requirements than somebody who's accessing this for a different reason.

The requirements also come from the law. GDPR tells us about things like that there are retention requirements and there are secure storage requirements. We think that's a good place to start. Those requirements are going to be the same for everybody. One of the things that might mean is we can have some common contracts or guidelines for accreditation. That would make things probably a lot easier for everybody, and it doesn't make sense to have widely varying conditions again from sector to sector. We do have some common agreements in our industry. For example, if you want to be a registrar, you sign your registrar accreditation agreement. If you want zone file access, there's a common zone file access contract.

So the law is going to apply to everyone. Therefore, the general policies and procedures and any agreements might be the same for everyone as well.

One thing we didn't mention in our note was rate limits. We've discussed that in our publication SAC101. It's important that legitimate queries be fulfilled.

That's basically it. I'm happy to take any questions or comments.

JANIS KARKLINS:

Thank you, Greg. Are there any questions of clarification for Greg in relation to SSAC's vision of accreditation?

I see none. So thank you, Greg. I see a lot of commonalities in all three presentations that we heard. I think we have reasonably good material for trying to formulate that building block for our final reading, though I see that there is one element that we certainly need to discuss, and that is on how this accreditation could be launched and organized. Here I heard that there might be, as I already mentioned, one accreditor for all, and then there might be several accreditors which are accredited or identified and then selected by ICANN and also probably have some kind of contractual relationship in respect to accreditation. So I think the commonality is that, if there will be more accreditors than one, all of them should follow a similar process, a similar policy, use a similar accreditation structure and ask the same questions. That process itself would be standardized.

From the other side, there certainly might be some differences. One already came out in Los Angeles when we discussed whether any of the existing international organizations could be used as accreditors [so] law enforcement – here I'm talking under control of Ashely and then Chris – would not go through what would most logically would come to mind – Interpol or Europol – for accreditation purposes. So that already will rule out, let's say, total uniformity of accreditors or the accreditation process.

Can't we now simply, in the free-floating discussion, talking about those options of how accreditation could be done? WIPO has been mentioned as one who could do accreditation for trademark owners and brand owners because that is their core business and they know, more or less, the industry that they work for.

Let me stop here and take a few questions from team members. Ashely, Milton, and Greg, in that order. Ashely, please go ahead.

ASHLEY HEINEMAN:

Hi. Thanks. I just wanted to note that we did circulate a response back with regard to the GAC's view on accreditation. This is a bit of a non-answer, but just to say we recognize that this is a bit more complicated when it comes to governments and the identification of public authorities. So I just wanted you to be aware that we are thinking about it actively and to let you know that at least what we're thinking of right now, which isn't necessarily going to be what we come out with formally – I guess our biggest concern was having any entity have the responsibility of identifying what is legitimate law enforcement or recognized law enforcement.

So the way we're looking at it now is parsing up authentication and what an authentication role could provide. So we were thinking, if we could separate out the identification function as a national responsibility, that would be essentially just having the role and function of saying, yes, this is law enforcement. The actual credentialing aspect could at least in theory be handled by a more or less global entity or single entity because that's not as controversial as the identification component.

So I think there are ways here that, while we wouldn't be able to have a single entity responsible for that identification function, we could still, in theory, be part of this system that is being discussed and fleshed out here per the conversation today.

So I just wanted to throw that out there. Sorry we don't have anything more concrete than that. Thanks.

JANIS KARKLINS: Thank you. Did you circulate your GAC's vision on the mailing list? Somehow I [inaudible]. Apologies for that.

ASHELY HEINEMAN: Yes. It was circulated in response to an e-mail that Marika said, and I don't believe that included the full EPDP. It was perhaps just the leadership and some of the parties who were leading from the other constituencies.

JANIS KARKLINS: Okay. Thank you. So national authentication, and then credentialing could be then put somewhere in the existing framework.

Milton, please?

MILTON MUELLER: I'm just, again, trying to home in on this issue of the linkage between user groups or sectors and accreditation entities. I think Ashley's comments and some of Greg's comments have advanced the discussion a bit. It's clear that it is somewhat politically sensitive to have some entity deciding who is law enforcement or not. Clearly, we've been told that Europol or Interpol don't want to do this or can't do this.

So I think that's a good example of the complexity of the problem of trying to tie accreditation agencies too closely to particular user groups. I'm not entirely sure how to solve that problem, but I think it's easier to solve if we just think of accreditation as an authentication function that basically is "one step and gain access to data" but not all that dispositive.

What I'm really uncomfortable is this idea that it's completely open so that any group that considers itself a user group can come along and say, "Hey, we'll accredit people." I think, the conflict of interest question aside, it's just the administrative burden of being prepared to handle any and all of these requests. The difficulty of supervising all of them is something that should just rule out that kind of an option. We should not have an open-ended, "Hey, I'm here. I'm the group of happy phishers, and we want to accredit users of the database." Clearly, you're going to need uniform standards for accreditation in any case. So ICANN will be the accreditor of accreditors, at the very least.

I want to also reiterate something that Greg said, which is that many potential users of the SSAD will be in multiple categories. So are we saying that we want them to be going to six different entities to accredit themselves in different capacities? Or are we saying that a single accreditation agency can handle multiple user groups? You have a logical polarity there. You have to choose one or the other. If indeed you believe that a single accreditation agency can accredit multiple user groups, then you have conceded one of my key points.

On the other hand, if you think that they can't, then you are telling potential users that they've got to possibly get three different

forms of accreditation before they can use the system. They have to worry about how they classify themselves and so on and so forth.

So I would hope that we could quickly come to an agreement that we are not going to have accreditation performed by an indefinite number of self-nominated user groups. Thank you.

JANIS KARKLINS:

Thank you, Milton. I think we need to also base our proposals on common sense. It doesn't make sense, for instance, if one entity, let's say, does different activities and may belong to different user categories and that entity should do a three- or four-time accreditation if there are multiple accrediting bodies, some of them specializing on category. I think one accreditation should suffice in this sense.

We are also talking about money. That is how much operating the system costs. We need to be cognizant of that.

Let me take further requests. Greg, Alan, and Mark Sv, in that order.

GREG AARON:

Thank you. I agree with that Janis just said. There's a lot of common sense, I think, we can apply here. To get accredited three or four times for three or four different uses doesn't make sense. It's not practical. And it's not necessary because one of the conditions of using this system is that you're going to be making

legitimate queries. If you're not, you'll get kicked out or something else would happen to you. So I think that takes care of itself.

As far as I recall, the idea of accreditation came out of some language in the GDPR. There are some articles that gave rise to the idea. I don't know if we've examined what the GDPR itself says about accreditation and the guidelines it gives. My understanding is it does point to how you can get bodies set up.

So my general question is, have we understood enough about what the law tells us and the guidelines that it may give? Thanks.

JANIS KARKLINS: Thank you, Greg. Is there anyone who an answer that question of what the law tells us?

I'll—

GREG AARON: Let's press Thomas into this one.

JANIS KARKLINS: Okay. Alan Greenberg, please? Followed by Mark Sv.

ALAN GREENBERG: Thank you very much. A few points. On the issue of whether there's one or more accrediting bodies, I don't have strong opinions on that. But Milton has mentioned a number of times that we can't have people self-nominating themselves to be an

accrediting body. I don't think anyone has proposed that. So I'm assuming that, at the very least, ICANN accredits the accreditors or ICANN is the sole accreditor or ICANN accredits the single accreditor. Whatever. But I don't think anyone is discussing self-nominated, so let's not revert to that discussion if we can.

In Greg's discussion there, he was talking about whether there's a single system or not. I would like to assume – but maybe I'm missing something – that we are talking about a single system. There might be multiple front ends to it, and there might be different sets of questions and answers or requirements of what you submit if you're an individual versus someone who is pre-accredited, but I hope we're not going to build multiple systems, although they may look different to different groups of people.

The last one is it's not clear to me that we've actually determined whether we might be accrediting individuals or organizations. At one point, I know there were comments made – this was quite a long time ago – that we can't just accredit an organization and have any person within that organization be accredited but we had to identify people to make sure that they are providing the right assurances. That may or may not fit in law enforcement, for instance. It may not be possible to accredit people and we have to do the organization.

But I think we need to definitely make sure everyone is talking of the same thing. If we have only one accreditation for an organization and that applies for both intellectual property and cyber issues, I'm not quite sure how we have enough assurance to know that the person we're dealing with has made the right assurances and things like that. So I think we need to at least

clarity of which we're talking about as we go forward. Thank you very much.

JANIS KARKLINS:

Thank you. Maybe, Mark Sv, you can also go on what's your opinion on what Alan just said because if, for instance, you think of a company of five or six people, then maybe accreditation of an individual in a company – a security company, for instance – is feasible. But when you are thinking of multi-nationals, to go for accreditation of individuals and not multi-nationals, where maybe thousands are working on topics around the world, simply would be very difficult.

Maybe one think of a similar kind of proposal as Ashley said, that there would be a national contact point for law enforcement that would identify that the requester is a legitimate one. Maybe a similar type of thing could apply for multi-nationals, where there is an entry point which then says, "Yes. This chap works with us, and he legitimately asked my question."

Anyway—

MARK SVANCAREK:

You're stealing all my talking points, Janis.

JANIS KARKLINS:

Oh, sorry. Sorry, sorry, sorry.

MARK SVANCAREK: Hi. Thanks. Going down the list, I think it's much more reasonable to accredit organizations than individuals. But, having accredited an organization, every individual needs to have different credentials within the system. So, within a company like Microsoft, there could be different groups that have different roles, but then, even within those groups, every person has their own credential or API key or both so you can really track at a granular level if someone is obeying the rules of their group, as well as the group having oversight. So the group takes action against the individual if they don't act correctly, but you're actually tracking it not at the group level. You're tracking it at the individual level.

Regarding the organizations putting themselves forward as accreditors, I'm hoping that having an accreditor of accreditors puts a natural limit on that. So, if people just pop up and say, "Hey, I'd like to become an accreditor," the accreditor of accreditors decides whether or not we need an additional accreditor or whether that organization is a good candidate. So I'm hoping that there'll be a natural limitation on that.

Regarding multiple accreditations, it does seem like, if all of the accreditors impose the same rules, then you don't need to have multiple accreditations, although, again, individuals within an accredited organization may have different roles. That would have to be enforced in some way within the organization that is accredited.

Regarding user groups that Milton is concerned about, if think, if you look at the BC presentation, if we just simply take off the first three lines, where we say, "We envisage this to the following groups," hopefully that makes the concern go away. Really, the

use of that is just to provide some context and say, “This is not about law enforcement.”

I would point out that, if there is more than one accreditor, I think you’re going to see people have an affinity for one or another, not because that accreditor is easier or more lenient or whatever, but simply because, when organizations have to perform contracts with each other, there’s a lot of fraction.

Even in the example of the Universal Acceptance Steering Group, which is a funded community group within ICANN, people don’t like to work for us. We have a big budget that we can’t spend. That’s not just because we don’t pay well – we don’t – but mainly because entering into a contractual relationship with ICANN is just obnoxious and difficult. So, if I did have an existing relationship with WIPO, I would prefer to use them as my accreditor, simply because we probably already have a master agreement and this accreditation could simply be an exhibit attached to that agreement.

So does that mean that it’s a user group? Not necessarily. The way that we’ve been discussing it now is that all the accreditors have the same rules. So, if just some entity that has no affiliation with, say, WIPO wants to go to WIPO to be accredited, they could certainly do it. But I imagine that there would be more friction in that process than someone who already is involved with WIPO.

I think that’s all my topics. Thanks.

JANIS KARKLINS: Thank you, Mark. Greg, your hand is up. Is it an old hand or a new one?

GREG AARON: That's a new hand. I'll address a couple of things that people have said just recently. As far as credentials, I think we're starting to try to reinvent the wheel. In this idea, the organization would be accredited and the organization receives access credentials. One of the requirements of GDPR is that it then says that, if your company has access to the data, it's up to you to figure out who in your organization has access to the data to perform their job, and it is your responsibility to figure out how to partition that information from people who don't need to use it. And it's your responsibility to make sure that your employees handle the data appropriately. So that's one of the requirements of GDPR: that identity and access management. So internal controls are the responsibility of the organization.

I'll give you a parallel example. If you're a registrar and you're going to access a registry, the registry does not accredit all the individuals at your registrar. The registry gives you user name and password, basically. Then the transactions that your registrar makes are between the organizations. We don't try to get down to then granular level of which individuals and which employees are accessing.

There are some pretty standard guidelines for this kind of thing. There are ISO standards and documents, for example. This is an area where I think it's pretty clear how this could be handled and probably should be handled. The level of granularity and so forth

is probably not necessary for us to get into. I think we're starting to overthink things in this area.

JANIS KARKLINS:

Thank you, Greg. I think we have a lot of convergence. Somehow, we need to try to put that convergence in a framework. I really thank Alex and Milton and also Margie and Greg for putting forward a vision. And also Ashley.

So what I would try to suggest now or what I would like to suggest now is that maybe, based on all materials that we have – there are really good ones – staff could put together that building block and would circulate that building block for our review, maybe not for the next meeting but the meeting after, and then see whether we could converge on this building block after reviewing it.

Of course, any additional feedback in a Google Doc that's on Alex's and Milton's framework would be also very useful. I encourage everyone to look through again and put their thoughts and comments in that Google Doc, maybe within the next three, four, or five days. If there is any additional good idea pops up, that could also be factored in the staff's write-up for the building block.

Would that be okay?

I see no objections. Milton, you don't object?

MILTON MUELLER:

Well, not really an objection, but I do think that we need to clearly define the areas where we have somewhat tacit agreements as

well as agreement. So I think we've discarded the notion of an open-ended, self-nominated accrediting bodies.

JANIS KARKLINS: Right.

MILTON MUELLER: We still have not quite agreed on the relationship between user groups and accreditation bodies. We have agreed that there would be a standardized method for accrediting accreditors and that it would be based on ICANN policy and ICANN administration. I think we've agreed on that.

JANIS KARKLINS: I think so. That makes full sense.

MILTON MUELLER: I would say even I am not ruling out, let's say, an entity that somehow is associated with a user group as long as they are implementing uniform standards and they are properly supervised [for a] compliant with those standards. I just don't want it to be open-ended and self-nominated and biased. I really am concerned about that. We had some experience in the early days of the UDRP? UDPR? I can't even [remember.]

JANIS KARKLINS: UDPR.

MILTON MUELLER: The Uniform Domain-Name Dispute Resolution Policy, in which you had essentially arbitrage going on across different dispute resolution providers. The ones most likely to [inaudible] trademark owners got the most business. When money is involved, people may compete for that money. So, if people are paying fees to have accreditation, we have to be aware of the fact that there might be a race to the bottom.

With that in mind, I don't think it's going to be easy for staff to pull this together because there are still some disagreements out there, but I would like to see those narrowed down to those few items where we don't agree and the large area where we actually working on the same principles. That's good for staff to do. Thank you.

JANIS KARKLINS: Thank you, Milton. We can also – Marc Anderson?

MARC ANDERSON: Thanks, Janis. Fair points from Milton and Janis in general. I think your proposal makes sense. I agree with Milton's points. We have some areas of divergence and some areas where we haven't really covered sufficiently yet. But, as Milton said, there's a great body of work where I think is agreement. We do have some places where there's a logical path forward. I want to tip my hat to Milton, Alex, and all the others who've contributed.

The reason I raised my hand, though, is I'm concerned we have not covered law enforcement enough yet. I actually said earlier that the GAC is working on this. I gather you have some preliminary thoughts that have been sent. But I guess that's my one concern: I feel like we need a little bit more input on the law enforcement use case, if you will, here as it pertains to this topic.

JANIS KARKLINS:

Thank you. I think we had a brief conversation in Los Angeles. Please, GAC members of the team, if you want to pop in and then maybe describe in more details how you see this accreditation. What we came to a rough conclusion on in Los Angeles is that there would be one national entity in each country which would have an agreement with ICANN that that would that entity. And that entity would identify every national law enforcement that would put forward the request. Most likely, as Mark Sv suggested, there might be, let's say, that the identity just identifies and then each individual has its own personal information that, when it sends in requests, could be traced and we knows – not we but that national entity – who requested and they would build a national system on the same principles.

Georgios, your hand was up.

GEORGIOS TSELENTIS:

I just wanted to say that, from the definition of accreditation, we say that this is a designated authority. The question here, to what you just said, is, designated by whom? It makes sense that, if we want to cover all possible cases for layers, we go to the national

level. But this does not preclude that, if in some cases people want to go to a higher level and they believe that they are covered by a grouping, they can do so for many reasons. So I just wanted to do put that this is also a possibility, that, yes, if we want to be inclusive for law enforcement purposes, we have to go probably in some cases to the national level. But we could also think that, in other cases and in other jurisdictions, this can be covered by a higher intergovernmental body. I wouldn't exclude this to be a possibility.

JANIS KARKLINS:

Thank you. But then certainly we would need as soon as possible a write-up from the GAC on how it would look like, simply so all of us can assess and then factor that in.

Good. We spent too much time on this. Not too much time, but we spent time and I don't see how we can exhaust our agenda on time. Let me see. Shall we take now Agenda Item 6 on retention and destruction of data for second reading? Possibly we could then close this building block and put it temporarily aside.

Can I get on the screen Building Block E on retention and destruction of data? After the conversation of last Tuesday, we came to this type of proposal/formulation that I would like to run by the team and see whether that would meet consensus. The GDPR team recommends that the requester must confirm that they will still protect the disposed gTLD registration data in accordance with applicable law. The relevant data processing arrangements are expected to contain further details with regard to the requirements of the retention and destruction of gTLD registration

data. So that is the formulation that came out from our conversation last Tuesday.

Any reaction?

Marc Anderson?

MARC ANDERSON: Thanks, Janis. I think the first part makes sense to me. On the second part here – the relevant data processing arrangements expected to contain further details – I guess I’m not clear on what those arrangements are and exactly what that refers to. [inaudible] I’m good with the first part. I think it makes sense, but the second part I’m a little confused on what this is referring to or what this is trying to accomplish.

JANIS KARKLINS: Thank you, Marc. Any comments?

Caitlin? I think that that was staff who made this proposal based on our conversation last Tuesday.

CAITLIN TUBERGEN: Hi, Janis. As you noted, I believe that this edit was made in response to some comments that the team would be unable at this time to detail the specific requirements with respect to retention and destruction but that those requirements would need to be spelled out in data processing arrangements when they are completed.

JANIS KARKLINS: Thank you for reminding. It's always good to have institutional memory on the call. Thank you. Marc Anderson/

MARC ANDERSON: Thanks, Janis. I guess I'm still not clear. The relevant data processing arrangements? Does that mean that the requester would need to enter into a data processing arrangement in order to ... what is the word "arrangement" there referring to? Is that a data processing agreement? Is it a contract? Is it a code of conduct? I'm sorry. It's not making sense to me: exactly what we're recommending there.

JANIS KARKLINS: Let me see – Mark Sv?

MARK SVANCAREK: Thanks. I can't speak to whoever wrote this on staff. I can only explain how I read it. I read "data processing arrangements" as either one of two things. One is the arrangement between requesters and their accrediting body. That could be subject to codes of conduct or whatever, which is why the vagueness of this was okay for me. But it would also apply if a requester and a data controller have a separate data processing agreement. Those agreements would have to contain these similar confirmations. Thanks.

JANIS KARKLINS: Alex Deacon?

ALEX DEACON: Thanks. Can you hear me?

JANIS KARKLINS: Yes. Please go ahead.

ALEX DEACON: Thanks. I was going to say essentially what Mark just said. It could mean and it can mean that the agreements referenced here is part of the accreditation process and the process of getting accrediting and, I guess, the claims that you make and the obligations that you take on when that happens.

JANIS KARKLINS: No. As Caitlin reminded us, the last time we came to the conclusion that we probably will not be able to identify when data should be destroyed or how long it should be retained and when it should be destroyed because it would depend on basically the case. In some cases, you would need to maintain data longer. In some cases, the moment you establish contact you can say, "I don't need any further. Keep that data." As a result, the attempt was to say that the data retention and destruction is subject to the situation or circumstances. Again, if that's not something which we can accept, let's talk a little bit and see how we could reword capturing this idea that there should be maybe an implementation phase or some kind of guidance provided on destruction of data or

retention of data or something like this. So I'm just speaking aloud now.

Chris and then Marc Anderson. Chris, please go ahead.

CHRIS LEWIS-EVANS: I can see where Marc is getting lost. I was trying to sum things up probably very similar to what you were. [I'll give it to] Marc first. I think, if he's clear, then I'll drop my hand. Thank you.

JANIS KARKLINS: Marc?

MARC ANDERSON: Thanks. My recollection from the conversation on this was the same. I don't think there was any objection to the fact that the retention is situational and would really be on a case-by-case basis. I don't think there's any way we can spell out in a policy recommendation what the time period is before it needs to be disposed. So that matches with my recollection.

I guess I'm okay with the description that Alex and Mark Sv gave as far as what was meant by the relevant data processing arrangements. I would rather we reword the second sentence to be more in line with what Mark Sv and Alex said rather than the way that it's formulated now because, with the way it's formulated now, speaking of somebody who's on the IRT team for EPDP Phase 1 recommendation, I can say that the IRT looking at that

sentence will have no idea what was intended by it. So I think we need to be clear on what's meant.

JANIS KARKLINS: Thank you. I fully agree that we need to be very clear. Chris?

CHRIS LEWIS-EVANS: Thanks. Maybe the way I was going to phrase this might help us move forward then. I think really what we're saying here is the retention is limited by the purpose that the data has been requested for. So we could phrase this in some way it's part of the purpose limitation and, if the requester is a 61F, that would form part of the balancing test: how long the data has been retained for. So I think, if we tie those things together, that may make a better sentence. That would be my suggestion. Thanks.

JANIS KARKLINS: Thank you. Good. So then, again, based on this conversation and maybe reaching out to you, Chris, as staff though, we'll rephrase it and we'll post it for review. We will come back next time simply and hopefully for endorsement of this formulation.

Let me then go back to the agenda. I would suggest that we postpone the conversation on query policy to the next meeting. We do not have sufficient time.

Let me now go to Item 7 on the lawful basis table. There was one group who filed that information in that. Caitlin, could you introduce this item?

CAITLIN TUBERGEN: Certainly, Janis. Apologies. I'm just pulling up the e-mail. The Registrar Stakeholder Group [backed] the lawful basis table. As Janis noted, I believe it was the only group that thus far has submitted feedback. The team should have received it via e-mail. You'll note that the registrars have gone through and provided feedback to all of the lawful bases under 61 of the GDPR.

Janis, I think it would be best to turn it over to one of the registrar reps to go through a high level of [61].

JANIS KARKLINS: Yes. I will. From the registrar group, is there any volunteer who would introduce the ideas?

Alan, please go ahead.

ALAN: Okay. Thanks, Janis. Let me just open this up here on my screen here. What we did is the registrars went through and first gave some general comments there and wanted to make sure to highlight that, while these are lawful bases that we're considering under GDPR, there will be other legislation that will be coming up and impacting this, such as the CCPA in California, which will be in effect in January, which applies to consumers. There may be some overlap with that. But there are certainly differences and nuances and between the CCPA as well as GDPR. While, yes, obviously we focus on GDPR and that, we need to keep this forward thinking as well too.

So, while we [inaudible] that information there – all of a sudden I can't scroll here – then we went through all the different building blocks and went to, in regards to GDPR, engage on what our thoughts and our feedback our there under those various situations. I'm not going to go through and read them all individually because I think that's something that people can do on their own and review. But we're certainly open to questions, comments, and other feedback from other that are on this call as well, too. Thank you.

JANIS KARKLINS:

Thank you, Alan. And I thank the registrar group for filing this in. This is one of the homeworks. I would maybe like to encourage other groups to consider this table. That would help us in progressing in our work.

Any comments at this stage?

I see Mark Sv. Please go ahead, Mark.

MARK SVANCAREK:

Thanks. Actually, the BC has done this work. We weren't sure, though, that we were doing it correctly. So we've held it back. Sorry. We felt like it needed more discussion within the BC. But is there agreement that the way that registrars have done this is the correct intent of this exercise? We're not really sure.

What we did come up with looks a lot like what the registrars have done. So, if what the registrars have done meets the intent of this

exercise, then we should be able to [sip at] our very quickly.
Thanks.

JANIS KARKLINS: Thank you. I think we're learning by doing. I see a request for clarification of this exercise. That goes back to our conversation in Los Angeles. So that was the way ... My memory escapes. Caitlin, can you help me in absence of Marika?

CAITLIN TUBERGEN: Hi, Janis. Yes. If anyone on the call has a different recollection, please feel free to speak up. I believe, as we were going through the user groups discussion and the accreditation discussion, it may have been Alan Woods or Thomas Rickert that said that the team needs to focus on the lawful basis discussion as we go through the different building blocks.

So what support staff agreed to do was to set up a Google Document that goes through the building blocks and, where relevant, the team could opine on the lawful basis under the specific building blocks.

I don't know if that provides any more clarity. I know Alan Woods isn't on the call. I might be calling on the wrong person, but, Thomas, if you have any recollection, please feel free to speak up in the chat.

JANIS KARKLINS: Thank you, Caitlin. Marc?

MARC ANDERSON: Thanks, Janis. I don't know if that was just Alan. I think the registries in general were supportive of the idea of looking at the legal bases. I don't think we understood the suggestion to be looking at legal bases and mapping them back directly to the building blocks. So this format, I guess, was a little bit of a surprise to us and a little bit different than what our expectation was coming out of the discussion in L.A. That's maybe why others are a little confused as to exact nature of this particular task.

That said, we're doing our best to go through each of the building blocks and looking at the legal bases and providing feedback where we think it's applicable. As, Janis, you said, I think we're learning as we go and –

JANIS KARKLINS: Then I will ask maybe Marika to clarify, once again, intent because that was a staff idea: how to present it and how to use this approach. Caitlin, if you could mark as an action point simply to ask Marika to clarify that, either in writing or a sound message if that is easier so we can listen and refresh our memories.

CAITLIN TUBERGEN: Janis?

JANIS KARKLINS: Yes?

CAITLIN TUBERGEN: I found the action item and I think that might clarify what the [inaudible] posts this into the chat. But the table was to include a column for each lawful basis and a column for what a requesting party would be required to provide in its request: the expected response time, if automation could be considered, and standardized categories that may fall within the lawful basis. Following receipt of the different inputs by the EPDP team members and groups, the team could to see if there were any commonalities and draft recommendations accordingly.

JANIS KARKLINS: In a way, what could be automated and what could be done manually. I think this was in that direction. Anyway, it would be good if we could get clarification, simply a refreshing of memory and maybe even part of the transcript of the L.A. meeting, where Marika explained this idea. That would be also helpful: simply to pull it out and then put it forward.

Caitlin, your hand is up.

CAITILIN TUBERGEN: Apologies. Old hand, Janis.

JANIS KARKLINS: Okay. Thank you, folks. It's seven minutes to [02:00] UTC. I think we have got to the end of today's meeting. I was slightly confused. My apologies. I somehow dropped the ball on this particular topic. I should have been able to explain. Nevertheless, we're only

humans, and only those who do nothing never make mistakes. So we need to acknowledge that.

With this, I would like to thank all of you for your participation. I think we got better clarity on accreditation. I hope this meeting will help us to formulate the accreditation building block. If there will be some elements that we will not be able to agree immediately on, at least they will be clearly narrowed down. I think that is a good result of today's meeting. I hope that, in every meeting, we will be able to close one or another building block. That would bring us to Montreal with something that could demonstrate substantive progress done by our team on the way to policy recommendations.

With this, I thank all of you for your participation. We're meeting next time on next week on Thursday. Next week's Tuesday is the day of the Legal Committee meeting. The agenda for Thursday's meeting will be circulated as usual on Monday.

Thank you very much. I wish all of you a good rest of the day. This meeting is adjourned. Thank you.

[END OF TRANSCRIPTION]