
ICANN Transcription

GNSO Temp Spec gTLD RD EPDP - Phase 2

Thursday, 01 April 2021 at 14:00 UTC

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TERRI AGNEW:

Good morning, good afternoon, and good evening. And welcome to the EPDP P2A Team Call taking place on the 1st of April 2021 at 14:00 UTC. In the interest of time, there will 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 do have listed apologies from James Bladel (RrSG), Margie Milam (BC), Sarah Wyld (RrSG), and Thomas Rickert of ISPCP. They have formally assigned Owen Smigelski, Steve DelBianco, and Matt Serlin 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,

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when using chat, please select All Panelists and Attendees in order for everyone to see chat. Attendees will not have chat access, only view to the chat.

Alternates not replacing a member are required to rename their lines by adding three Z's to the beginning of your name, and at the end, your affiliation "-Alternate" which means you 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 chat, apart from private chat, or use any other Zoom room functionalities such as raising hands, agreeing, or disagreeing.

As a reminder, the Alternate Assignment Form must be formalized by the 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 Statement 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 multistakeholder process are to comply with the Expected Standards of Behavior.

With this, I'll turn it back over to our chair, Keith Drazek.

KEITH DRAZEK:

Thank you very much, Terri. Hi, everybody. Welcome to our EPDP Phase 2A meeting #13 of the 1st of April 2021. If I could just, again, to reinforce Terri's point. If everybody could select "All Panelists and Attendees" in chat. It's important that you do so, so that what you type will be captured in the transcript. So, thank you in advance for your attention to that.

I'll do a quick review of our agenda, and then do a quick intro and hand it over to Berry for a review of the project package. So, essentially, today we'll go through a brief introduction and then get right into the discussion of legal and natural. And this is following up the document that the staff has circulated to the group. I understand that several folks have done some homework and provided some input into the Google Doc. And thank you in advance for acknowledging that you have actually spent time working on it intersessionally in between the plenaries. It's very much appreciated, and we'll get into the detail of that shortly.

We had initially put on a placeholder in the event that we received any feedback from Bird & Bird. My understanding is that we have not yet received the feedback from Bird & Bird, and certainly not with enough advanced notice or advanced timing for any substantive discussion today. And we can confirm with staff here shortly. My understanding is that it's still expected and imminent, but not yet received at this point.

So, we'll turn to Becky for a brief update on legal committee status shortly, maybe after Berry gives his update. But my sense right now is that there's not much to update.

But anyway, I want to just make sure that we're focused on the document that was circulated by leadership team and staff in terms of the write-up on the guidance development for the legal and natural question; and, really, just to reinforce that when we get to that section, it's really important that we focus on that and that people really dig into that and raise any questions or concerns that you may have with the direction that's going.

Because, essentially, the document that we're reviewing now is going to become the foundation for the draft of the initial report on this topic—on legal and natural, and guidance development for registrars who choose to differentiate.

So, it's really important that we start coalescing around the language that's included, the text that's there, the points that are being made. And if there are questions or concerns, that they're flagged and raised very early in this process so we can all have a clear path forward, understanding the path to consensus whether it's on guidance or consensus policy recommendations.

And with that, I'll just take a moment to note that the update that was provided to the GNS Council last week during ICANN70—we discussed this during our Thursday call last week. But just to reinforce that the feedback that I've received is that the update was positively received; that the Council is fully understanding the current state of our work, the project plan that Berry will speak to momentarily, the timeline which has us providing a brief update during the GNSO Council's April meeting through Philippe, as the Council liaison.

Then, really, as we head into the end of May, an update to Council as to whether we are on a path to consensus or not. As we approach the end of May, the goal is to publish an initial report and that we will do, essentially, a consensus call on the initial report. If we do not have consensus on the text of the initial report, then that's a pretty clear signal that the group is not on track for delivery on the timeline that we've put forward.

And I just want to reinforce that unless there is the need for an extra couple of weeks or we are very, very close to finalizing something but the May date looks like it may be at risk, I am not inclined to ask for an extension of the work of this group at the Council. We have a project plan that gets us to an initial report at the end of May, a final report in August with all of the necessary public comment periods. And unless it's clear that we are on a track to consensus and that we might need just a little bit more time, then I think the key question for us is, are we on track to consensus? Are we not? And by the middle of May, we'll have a clear distinction on that one way or the other.

So, this is just as just another way of saying it's really, really important for us as a group to focus over the next six weeks or so to develop the consensus language that we can support, and to make sure that it's in the form ready for an initial report in May.

So, let me stop there and see if anybody has any questions/comments/thoughts/feedback/any suggested adjustments to the agenda. And if not, I'll hand it over to Berry for the project plan update. And then I'll turn to Becky to see if she's got anything she'd like to offer from the legal committee.

So, any questions, comments, thoughts, or feedback? Seeing none, Berry I'll turn it over to you. Thank you.

BERRY COBB:

Thank you, Keith. I just briefly want to go through the March project package here. For the veterans of Phase 1, you'll recall that the Council was very eager to be fully informed as to the deliberations, the progress made during that EPDP for the Phase 1. I think, at the time, we struggled about exactly how or what those updates would consist of. We were kind of making it up ad hoc. And given the represented model that we're working with, all of our groups were pretty much informed, at least within the PDP, to take those messages back to your respective groups with where we're at.

But also, in parallel to that, PDP 3.0 came along and this whole concept around trying to introduce into the culture a much more rigorous project management approach to how the groups operate. And I think one of the main points or rationale behind that is to increase the accountability for all of us here within these groups—not just staff supporting it, not just the chair or the leadership team that are on the hook to attempt to deliver to these dates, but even the members of the group as well.

And, of course, every project I've worked on in my entire life, very few ever truly come in on time or under budget, and those kinds of aspects. And as Keith kind of alluded to, there are relief mechanisms where, and when appropriate, by which to ask for more time. But those aren't decisions that we get to make

amongst ourselves. We are accountable to a larger decision-making body.

So, I just want to briefly run through some of the key aspects of this project package. The summary timeline, you're very familiar with, as Keith noted. If there is a tangible initial report with high levels of confidence in consensus around the proposed recommendations, that is the gating factor to move into a public comment period. A minimum 40 days. Once the public comment period closes, staff would compile those comments and then we would work towards finalizing the recommendations and submitting a final report. And so, that would occur around the end of August.

I'm bringing this up mostly because the previous timeline ... We've moved along from left to right enough that this has shifted over, and so we can see the downstream tasks that will occur after a possible final report. And these durations are just a rough educated guess. They're not specific.

What I really do want to draw your attention to, though, is the second page which is what we call the situation report. This is an extract of the compilation of projects that the Council considers for its meetings. So, in essence, I'm really updating this twice a month: one in preparation for the close of the project package for the month, and then another update in preparation for the Council meeting.

But the main takeaway here is really just to highlight the things that we're working on, what we plan to work on next, and what

we've completed in the last two to three or four weeks, depending on what we had planned to accomplish in that prior period.

So, what we're doing, what we plan to do, and what we've done. We've got to show progress, and in a compliment to that, that's where we kind of get to these “percent completes” on our project, which is a derivative of the project plan that's further down into this section.

In terms of status and health of this, we're ... As of right now, we're on schedule and on target from a status and health perspective. I would note that I have slightly downgraded the issue around the feasibility of unique contacts. We haven't had an opportunity to fully deliberate this issue because of waiting on the legal guidance from our external counsel, noting that originally we were planning to try to talk both of these policy topics in parallel.

But I'm just downgrading this to a yellow condition just as a reminder that we're not as far along as we had originally planned with regards to this policy topic. No reason for alarms or anything like that now. Just an indicator that we're a little bit behind schedule with that regard.

And then finally, moving on down, there are some new statistics about our participation and activities within the groups. Just like every working group that we've done in the past, we track attendance. And in particular, we're in a represented type of model where we have primary members and alternates. We do take attendance on both types. The left-hand column is the plenary that we're in right now in addition to the legal committee.

There's also the leadership sub-team that meets at least once a week. It's not really worthy of posting and attendance rate there because we're practically always in attendance. But I do include the quantity of those calls in our overall calculations.

Here we just have some high-level activity of statistics, but ultimately this left-hand side talks about the number of e-mail traffics, the number of calls that we're having, the number of meeting hours per the calls, and then a total compilation of everybody that's in attendance for these calls.

And what I think is kind of interesting, since we started this towards the middle of December, just from a call time perspective—this excludes any activities outside of the plenary or the legal committee or the leadership team—but we're already close to 1,000 hours consumed for this particular topic.

And then this other chart here is just a quantification—that's not a word—a compilation of the amount of action items and milestones that we're hitting based on our work plan. This lower table is probably boring to you, but I'm hoping to evolve this aspect so that we get better metrics and a better understanding of the key tasks that we're working on. WBS means work breakdown structure.

But the hope down the road as this continues to evolve is that we can get a better idea of where we're spending the most time within the specific deliberations that we're having.

The Gantt chart project plan. My favorite quote from times gone past is, "It looks like a bitcoin chart." Given today's world, it doesn't because that keeps rising. But again, here the core is just to

understand what tasks we have that at a little bit higher level, but still detailed what we have, a plan duration, what are the dependencies to get us there, and assigning a percent complete.

That's kind of a combination of how much work we've actually done in combination with the timeframe which we set out to do it. And so, to translate, the yellow item for the topic of feasibility of unique contacts. I know you can't really see this very well, but work breakdown structure 1.2.6.3 about deliberating the policy issues. We allocated 60 business days to this, which is essentially mid-January to mid-April.

And we're really ... It's probably not even near 50% complete, but when you look at the actual Gantt chart bar over here, it shows that we are behind schedule. And that's what is basically indicated to me that we're starting to get a little bit in trouble about deliberating that topic fully.

Deliberations lead into initial report and final report. And then, finally, a slight change here. The last two pages are our Google Sheet work plan. And instead of providing the entire sheet for the package, what we're going to do now is just include those action items and work plan and milestone achievements for that period. So, the top part of it, you'll see the number that we've closed through—when they were signed, when they were due; as well as the open ones that remain open at the time of publication.

So, I hope you find value out of this. The last point I'll make is ... I'll send this to the list after the call, and we'll be delivering it over to the GNSO Council either by Friday or early next week. Thank you.

KEITH DRAZEK:

Thanks very much, Berry. So, thanks for all of your work in helping us track this on behalf of the EPDP Phase 2A, but also on behalf of the Council and the broader community. This level of detail and level of rigor will only help us, I think, as a community moving forward. And I feel like this team, this the EPDP Phase 2A work following on the work of Phase 1 and Phase 2 is a great test case for helping drill down on some of these details and understand, and to give us as a Community the ability to predict workload and timeframes moving forward more effectively and efficiently. So, thanks for all of this.

If anybody has any comments or questions, feel free to weigh in. Otherwise, we'll move on.

I'm going to turn to Becky just very briefly to see if she's got anything she'd like to add on the legal committee. But just confirming that we have not yet received the advice from Bird & Bird on the questions that were submitted. It is expected very soon, but not in hand at this point. So, Becky, is there anything you'd like to update at this point?

BECKY BURR:

No, that's correct. That is the status. We do have one outstanding question that we'll probably talk about from [Melina]. But otherwise, we're just waiting on the advice which we expect at any time.

KEITH DRAZEK:

That's great. Thanks very much, Becky. And just noting that there is a legal committee meeting scheduled for the 6th of April. I believe that's Tuesday, not Thursday. But that is scheduled for next week, and either ideally we'll have the feedback from Bird & Bird at that point or we can certainly focus on that one outstanding question.

All right. Any questions or comments for Becky or the legal committee? Very good. Okay. Let's jump right into the substance. Thanks, everybody, for your engagement and patience. Let's get to the business at hand.

Again, thanks to those who have contributed into the document over the course of the last week. Much appreciated, and I guess even more recently since it was circulated.

And I want to take one moment to talk about the question of definitions. We've noted that in the document and in the homework and the feedback, several folks have raised the question of the definitions that we're using, particularly around the topics of publication and/or disclosure. I know this was a subject that we discussed during our call last Thursday as well.

And I just want to encourage everybody to remember and understand that we have had previous work on this subject in EPDP Phase 1 and EPDP Phase 2. And that, rather than spending time and burning cycles on trying to develop definitions, that we should instead rely upon the actual language that we've used previously in the EPDP as it relates to publication and disclosure.

And we have on the screen here, I think, some of the language that we've used in the past, that the group has used in the past. And I would just encourage everybody to try to rely on the work that's been done previously as we get into this.

And so, with that I want to open it up for discussion. I'm going to get back to the ... Yeah, here we go. So, we've got the document in front of us. Thanks, again, to those who contributed already, and I'm sure others have reviewed and may have their own notes. But I want to open this up for discussion and just get right into it.

So, Steve, I see your hand. Thank you.

STEVE CROCKER:

Oh, boy. I get to go first. So, I apologize for being a bit behind, as I've been working to catch up with everything. I sent a couple of spreadsheets and notes about the stuff that we've been working on separately that I think applies here for how to specify, with some precision, the rules.

But I want to comment on the document, and I think I'm looking at the right version. Under the Proposed Guidance which has several different components, A through F. So, when I read through that, two things come to mind.

First of all, there is this enormous focus on legal vs. natural, but in addition, whether or not permission has been given to publish stuff even if it's personal information. And a question of how do you determine whether or not any personally identifying information is included even for a legal person.

So to me, that's a conflation of several different things. And if one steps back and says, "Well, what are we trying to accomplish here?" and the answer is—seems to me—very straightforward, is there a determination that it's okay to make that information available to public access? Or is it not as simple as that?

And then underneath that is a question of how do you make that determination. And there are a variety of things that come into play there, including the possibility of not being able to determine it. In which case, in addition to either knowing that it's personal or knowing that it's a legal person, you may not know. And so the question is, how do you want to treat that?

So, my preference would be to compress and condense that proposed guidance into a much simpler sort of thing that says you have to make a determination as to whether or not it is okay or not okay to make the data public. And the default is that if you can't get either permission from the registrant or an obvious and defensible determination based upon the data that's provided that it's a legal person with no personal information, then the default has to be that you treat it as not okay for publication. And that would seem to me to cover the necessary cases. Full stop.

One separate and additional point. Item B says, "As soon as commercially reasonable, registrar must provide the opportunity for registered name holder to provide its consent to publish redacted contact information."

So the question is, how do you interpret "as soon as commercially reasonable"? And my interpretation is the following. That today the rule is that there's no requirement to do that, but it is permitted for

a registrar to make that determination. I'm sorry. It's permitted for a registrar to provide that capability.

There will come a time—who knows when and who knows under what conditions—but there will come a time at which ICANN or this group or some embodiment of it says, “The time has now come to require that that be made available,” so that we really have two variations of the policy. One is the “now” policy that says, “It is permitted for a registrar to provide the capability of specifying that it's okay to make it public.” And later, a change to that policy that says, “It is required that a registrar make that available.” Those are my two points so.

KEITH DRAZEK: Thank you very much, Steve. And thanks for teeing this up. We've got some hands going up in the queue, so thank you for, again, sort of taking the lead and teeing this up. Rather than introduce any commentary of my own, I'll just turn to the queue. Marc and then Alan. Marc Anderson.

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

KEITH DRAZEK: Yep. Sure can.

MARC ANDERSON: Great, thanks. So, Steve, thanks for starting us off. I found a lot of what you said useful. I thought that it's a slightly different way of

looking at this than we have been previously, and I think that may be useful for us to take a step back and consider these questions in the way you framed it.

What I'd like to do is ask if you could put that into writing and submit it to the group. So, I think it would be useful if we were able to look at that in writing. And so, that's ... The first reason why I raised my hand is to thank you for that and ask you if you can put that into writing for the group.

STEVE CROCKER: I will great.

MARC ANDERSON: Great. Thank you. And the other one. You were talking about "As soon as commercially reasonable, registrars must provide the opportunity for registered name holder to provide consent." I just wanted to point out that that's a Phase 1 recommendation. That's from EPDP Phase 1 Rec 6.

So, that is a policy that's currently with an IRT. And part of their task is to answer the question: what does "commercially reasonable" mean? Right? So that's a Council/Board approved recommendation that's with an IRT to implement. So, that is something that registrars will be required to provide to registered name holders.

And I know from talking to my colleagues, many of them are already offering that capability today. So, I just wanted to add a little bit of context to your statement.

KEITH DRAZEK: Thanks very much, Marc. And Alan, your hand. And I think you were going to make a similar point, as you did in chat, about the Phase 1 Recommendation. So, Alan, go ahead.

ALAN GREENBERG: Yep. Thank you very much. Yes. I was going to make that point, but I'll also note, as Marc implied, the vagueness of "when commercial reasonable" may make that almost an unending task to know where it is.

But the other reason I raised my hand is that at the beginning of the Phase 2 work, I did ask for a report from registrars. Even though Phase 1 is not formally implemented yet, I did ask for how many have actually provided that capability at this point. And we never got an answer for that.

So, I believe we did make a request that we get some level of measure of to what extent that's implemented already, and I don't think we ever had an answer back. Thank you.

KEITH DRAZEK: Thanks very much, Alan. And we'll take a note of that. So, Alan, just to clarify for my own purposes. When was that request made? Was that requested within the IRT?

ALAN GREENBERG: No. That was requested within this group when it started ... Early on, one of the first meetings when it started.

KEITH DRAZEK: Okay. Thanks, Alan. Appreciate it.

ALAN GREENBERG: I think it was a request that might have gone to the IRT. I don't know. But it was [essentially] I guess lodged with the Registrar Stakeholder Group representatives in this group, if I remember correctly. I may not be remembering that correctly.

KEITH DRAZEK: Okay. Thanks, Alan. We'll take an action item to review that, and if there's any additional information that we could pull together, then we'll certainly take a look at that.

Okay. So, look. I don't have anybody else in queue at this point, but I know that several folks have provided input to the document. Volker, Hadia, Laureen, Brian King, Mark SV, Melina. And I'm sure others have other comments and thoughts, so I really just want to open this up for conversation and discussion about questions/comments/concerns, especially concerns if anybody has any initial or preliminary concerns to flag at this point.

Because, again, this document is becoming the foundation for the work towards our initial report. And so, this is an important opportunity for folks to flag perspectives.

Brian and then Milton. Thank you.

BRIAN KING: Thanks, Keith. I admit to being one of the squeaky wheels on the definition of "publish," and I will concede and accept that we seem

to have a definition there. I think it makes a lot of sense if we reference that—thanks, Berry—and perhaps include that in the document so we're all speaking the same language.

I cringe a bit at the word “publish” because it's not accurate if it's not defined this way, and I think it has the potential to mislead what's actually happening to folks' data. But if we define it this way, then that's okay for me. And it would be helpful if that was in that Google Doc, too, just for completeness, for the folks who will inevitably read it that aren't part of the EPDP Team.

We put a lot in the Google Doc. I'd like to hear if folks have any specific questions or thoughts on anything that we've included there, and I'd be happy to address any thoughts that we submitted and collaborate here today. Thanks.

KEITH DRAZEK:

Thanks, Brian. I'll turn back to the list, but I may come back to you to introduce or walk through, for the group on today's call, any of the points that you've made in particular if you think there's anything that really does warrant focus and feedback.

But Milton and then Marc. Thank you.

MILTON MUELLER:

Yes. Hello, everybody. Milton Mueller, NCSG. So, we had objected very strongly to this third option in which the registrar infers, without any participation of the registrant, what their status is. I see that we've added “Consent for publication has been provided by the data subject [where] a legitimate request is

made.” How is that different from number two or number one? I mean, you're adding a step in there in which the registrar takes initiative, which I don't quite understand why that is there when, ultimately, the registrant has to approve it.

I see that creating risks of misidentification or unauthorized disclosure without any real benefit. Why not do it ... Either you do it before collection or during collection or after. I still don't get step three.

KEITH DRAZEK:

Okay. Thanks, Milton. I'll just open it up to see if anybody would like to respond to that.

And then just to note. I've got Marc Anderson next in queue. Then Berry who put his hand up. Then Melina, then Volker. And Milton, again, it looks like. And then Hadia. So, we've got quite a queue building. So, if anybody would like to respond to the question that Milton has posed, let's put a marker there and come back to it.

Marc, you're next. Go ahead.

MARC ANDERSON:

Thanks, Keith. So, I have a comment, I guess. Berry, if you could scroll down on the document towards the bottom. Yeah. Right there. So, the paragraph there. Yes. That one you're highlighting. “In the above scenarios, clear communication and guidance should be provided ...”

So, that paragraph follows the different types of mechanisms that registrars could take or the different approaches that registrars could take. But as I was reading this, I thought this actually sounds like guidance. And I noticed Laureen had a comment along those lines as well.

So, I was wondering, maybe, what others thought moving this paragraph—I guess it's actually a sentence—up to the Proposed Guidance section. I think it actually sounds like guidance, and it makes sense that registrants should receive clear communication and guidance concerning possible consequences and so forth.

So, I think maybe this is guidance or getting at guidance. Or maybe we should consider turning this into the guidance. But I'm curious what others think of that. Thank you.

KEITH DRAZEK:

Thanks very much, Marc. So, I've got some agreement in the chat, I think. Brian King has noted, "That's already requirements in the RAA." I think he's referring to your point. There are a couple of different threads of conversation going on in the chat.

Berry has said, "No need for a hand" at this point. He has provided some input on the comment that Alan had raised earlier, including the Org update to the Phase 2A on Recommendation 6 from Phase 1.

So, anyway. Marc, thanks for that note. And I guess the suggestion is that this sentence be moved to the Guidance section. And with that, let me turn to ... I see Melina, Volker, Milton, Hadia, Stephanie. Okay.

So, Melina, you're next.

MELINA STROUNGI:

Yes. Thank you, Keith. Just a very brief, small comment. And if we can go back to the previous definition you showed us of publication. If you could share the screen. The definition you ...
Yes.

So, "Publication means to provide registration data in the publicly accessible Registration Data Directory Services." It's absolutely fine, but I just noticed that the registration data are currently defined to encompass also data of natural persons while when we want to refer to publication, we want to refer to non-personal data of legal persons.

I mean, this is very minor definitional issue. But a concern that I personally have is just to absolutely to make sure that we have two distinct things. On the one hand, we have the publication or making available publicly accessible registration data. And that was a concern, non-personal data.

And this is different from the disclosure via the SSAD where, for instance, you have access requests, and these requests may also refer to personal data. So, I just wanted to make sure that no matter what guidance is developed, there is this clear distinction between the two. Thank you.

KEITH DRAZEK:

Thanks, Melina. And I think that's essentially what the definitions here on the screen in front of us say. I think what you've identified

is those distinctions where “publication” or “to publish” means, in the context of this group, that it would be publicly available information through whatever the RDDS, the Registration Data Directory Service is.

It used to be called WHOIS. It’s now something else, and it will soon be fully supported through RDAP. But, essentially, this is the making available publicly the information, the registration data, as distinct from the disclosure—which would be either through SSAD or through direct requests to the registrar through whatever mechanism they have set up.

But acknowledging that we do have consensus policy recommendations related to the SSAD, and that the expectation is that, moving forward, that SSAD would become the framework for access and disclosure. Right? Two of the terms that are in the acronym SSAD.

And so, I think you're right. I think, then, there is the further complexity or distinctions of the existence of personal data in legal person registration data; and also the consent provided by registrants to publish their personal data whether they're a legal person or a natural person. So, there are further complexities.

But I think at the top tier, at the top level, what we're talking about is public publication and the processes by which access is provided from disclosure requests—I think is the way that I’m thinking about that, and I think is supported by the definitions in front of us. If anybody disagrees, feel free to jump in.

With that, I have Volker, Hadia, and Stephanie next in queue. Volker.

VOLKER GREIMANN: Yes. Thank you, Keith. First of all, yes, I agree with your definition there. I think that's what we're thinking as well.

Second, I wanted to congratulate the BC on their very apt April Fools' joke that I saw this morning. The letter to the Board was very well crafted. You really had me going there.

And finally, to Milton's comments with regards to the [inference] of the data content. That had me going very critical when I first read that as well, but I have since come to the realization that my thinking was too narrow on that point, initially, because of the various different business models that registrars may employ.

And, for example, for corporate registrars that manage domain names for companies and other corporate registration types. They actually have a very good basis for making that [inference], and therefore I would actually—seeing that it's only a guidance and a way that a registrar may take—actually support it being in there. Thank you.

KEITH DRAZEK: Thank you very much, Volker. Hadia, Stephanie, Marc Anderson, and Alan Greenberg in queue. Hadia.

HADIA ELMINIAWI:

Thank you, Keith. So, I would like to talk about the scenarios. And the basic difference between scenario number one and scenario number two is the timing at which the identification happens. So, in one, the registrant identifies himself as legal or natural and also defines the data type as including personal information or non-personal information at the registration time.

And my suggestion here would be to have two forms of one where the other form would be that the registrant identifies the registrant type at registration time, and the determination of whether the data includes personal information or not could actually happen at a later time. So, it's something like in between one and two.

And let me tell you why I am making this suggestion. Because if, at some point, we think that actually having the registrant determine the type as mandatory, then having this at registration time would be much easier. And, again, for the registrant just to identify the type as legal or natural, or maybe “don't know”, poses no risks for the contracted parties because, obviously, they cannot actually determine whether they're going to publish this data or not, or disclose this data or not, based on just the type of the registrant. Right?

So, that would be just a tag or a flag that would label the type of the registrant. But then, in order actually to go through the disclosure process, then you will need to know more about the data itself. So again, the suggestion here is to split this into two, so in case we think that having the registrant type as something must have been, definitely it's easier to having it at the registration time. Thank you.

KEITH DRAZEK: Thank you, Hadia. And if anybody would like to provide feedback on that, please get in queue. And I really do encourage folks to weigh in on the call here. This is our opportunity.

But right now I have Stephanie, then Alan, and then Brian King. Stephanie.

STEPHANIE PERRIN: Thanks, Keith. I realize I've said this before. And I'm sorry to be repetitive, but in the interest of NGOs and non-commercials and small commercials, I would just like to repeat that these are not easy determinations to make. They may vary across a portfolio of names. There may be different individuals involved living in different jurisdictions. And therefore, the determination as to whether they are legal persons or not is difficult.

I do this as part of my pro bono work for various NGOs. I've been at this a long time. I consult my expert buddies who have been privacy commissioners who are lawyers, etc. Trust me. It's not easy. It's easy if you're Facebook, or Procter and Gamble, or Chrysler, or ... I won't go on and on. It is not easy if you are a small, incorporated NGO figuring these things out under some kind of corporate entity with a diaspora of entities associated with you, putting up websites and acting. These are difficult choices.

So, number one, the idea of making advice binding—I don't like it. Number two, remember that if a mistake is made, the determination as to whether the contracted parties is given

adequate advice will be made by the data commissioners. And that means that the co-controllers are liable.

And I think that they should take a risk-averse approach to this and err on the side of protection if there's a valid reason. We're acting as if this was a life-or-death situation. It isn't. If it's not—in air quotes—“published” in SSAD as not requiring further effort ... If it isn't published, rather—I forgot whether I had my negative in there—then simply provide the reasons why you want it, and you'll get it upon further determination.

We're telling ourselves to try to replace the WHOIS. The WHOIS is dead. There's liability here, folks. And if it's complicated under the GDPR, wait until you start going to outside countries, countries outside the GDPR that provide different kinds of protection for legal entities.

Thank you. Sorry to be grumpy.

KEITH DRAZEK:

Thanks, Stephanie. So, just a couple of high-level takeaways there. Yes, obviously, there will be different laws and regulations that are not precisely consistent with—and in some cases may be incompatible with—GDPR. And I think, just a reminder to everybody, what we're focusing on here is guidance for registrars who choose to differentiate.

We are not yet at this point, or at this stage, focused on making [consent-binding] consensus policy recommendations. And I think the key here is that there is complexity, and we have to make sure that the guidance that we're providing is at a sufficiently high level

that it allows for the variability of the different perspectives, different jurisdictions, different points of complexity that Stephanie has raised.

But also concrete enough that it addresses and provides meaningful guidance to registrars, in this particular case, who choose to differentiate under this particular regulation. And so, there's a balance to be struck there, I guess, is what I'm noting. And let's try to all continue to work towards that balance. Thanks, Stephanie.

Old hand, Alan? Brian, than Volker.

BRIAN KING:

Thanks, Keith. I wanted to support Hadia's suggestion that we include another flavor of this here where the data subject—or let's call them the registrant—is, whether the registrar collects first, whether the owner of the domain name is a legal or natural entity first. And then as a next step, either manually or in some automated way, it gets into whether the data contains personal data as a subsequent step. So, I thought that was a good suggestion by Hadia. It's certainly a viable approach that the registrars can take. And we should document that as one of the options here. Thanks.

KEITH DRAZEK:

Thank you, Brian. Alan Greenberg, back to you.

ALAN GREENBERG: Thank you. I just wanted to respond to Berry. Berry, in the chat, said that Brian did answer my question. But his answer was, “We don't know. Ask the registrars.” So, I would like to keep that on the table.

I will note that a very significant part or percentage of all gTLD registrations are handled by people who are on this group. So, I'm not asking for a survey of all registrars. I'd just like to have some idea. Has this been implemented or not? Thank you.

KEITH DRAZEK: Okay. Thanks very much, Alan. A good follow up question and clarification. And, yeah, this is an action item for all of us and for the registrars and contracted parties to try to provide some feedback to Alan and his question on this one.

Volker, you're next. Then Melina.

VOLKER GREIMANN: Yes. Thank you, Keith. I actually took note of what you just said earlier with regards to the guidance, and I fully agree that this being guidance does not mean that it's the only way that contract for his can choose to differentiate and to go about making the decision of whether the data can be disclosed in SSAD or not in an automated way, for example.

These are just the examples that we came up with and these are the examples that I can recommend, but a registrar is still free to make their own determination.

And just because I'm following Alan, I cannot answer for registrars. I can answer for the registrars in the [Century Group]. We have not implemented this at all. We are still looking for some form of standards to immerge because there's no use in implementing something that has to be changed down the road if we ever decided to follow a standard that the industry adopts.

Also, there always have been, so far, enough other projects that kept the development teams busy, so it was not reasonable to do so. So, we are basically waiting for the end of the IRT [to] see if the standard emerges after that. And then we're looking at implementation. Thank you.

KEITH DRAZEK:

Thanks very much, Volker. And I have Melina next in queue, but I'd like to pose a question, particularly to those members of the EPDP Phase 2A who are also engaged in the IRT work—and I know there are several. If there's any update that that would help inform this discussion from the IRT's deliberations, I'm going to create an opportunity here for us to share that. So, if anybody from the IRT from Phase 1 has any updates or perspectives they'd like to provide, go ahead and get in queue.

Melina, you're next.

MELINA STROUNGI:

Yes. Thank you, Keith. I just wanted to reply to Stephanie's intervention and hopefully try to ease her concerns. First of all, I wanted to note that WHOIS ... It's very important to not let WHOIS die. I mean, the GDPR came in force. The GDPR is an instrument

which is not in place to prohibit the processing of data. It is only there to put in place certain safeguards with relation to the processing of personal data.

Imagine if the whole world would cease to publish non-personal data. We wouldn't be able to find anything online anymore. Nothing would be available. Addresses of companies, nothing would work. WHOIS absolutely cannot die. We receive various reports by various stakeholders where they have numerous problems with a lack of data currently. GDPR is not there to protect non-personal data.

Now, again, to remind ... I mean, for us it's clear that it should be a requirement, but nevertheless we are willing to help shape this guidance, even on a voluntary basis. But at least make sure that it's clear enough for the contracted parties who wish, on a voluntary basis, to do so.

We have been in touch bilaterally with other contracted parties who are not currently represented in the EPDP and who explained to us that their initial intention was to [naturally] distinguish. And what they miss is legal clarity. So, currently, there are actually contracted parties who want to make this distinction, but they don't have sufficient guidance.

To respond to the concerns of Stephanie that in distinguishing or publishing non-personal data, there would be risks. No, there wouldn't be any risks. The two-step approach that we are proposing is precisely there to make sure that there would not be any risks for the contracted parties.

And I want to reply to the e-mail that Becky just answered to my question for the Bird & Bird memo. According to Becky's e-mail, my proposal is absolutely legally clear and it makes sense. But apparently, from Stephanie's point, I understand that it doesn't make sense for everyone.

So, it's really important to submit this question to Bird & Bird so you also get the confirmation from the external legal counsel and know that certain solutions are completely safe for you. I think it would be very beneficial for all contracted parties to at least know their options because there are options which are safe. I hope this is clear. Thank you.

KEITH DRAZEK:

Thanks, Melina. Just a couple of comments. I'll put myself into queue here briefly. One, the e-mail that Melina just referred to from Becky is actually one that was just going back and forth on the legal committee list, so not everybody has had a chance to see that. But there's ongoing conversation about this within the legal committee. So, Melina, thank you for that. Becky, thanks for that continued engagement. And that will be discussed further on Tuesday during the legal committee meeting. And thanks, Becky, for that point in chat.

On the topic of WHOIS and the framing of it as [to] whether WHOIS is dead or not, I just want to clarify that WHOIS as a "so-called" protocol—and I use "so called" in air quotes—as a protocol or as an implementation has existed before ... It has pre-existed ICANN. It has been the topic of conversation for two decades and more. And essentially, what we knew as WHOIS is no longer

viable. Right? And it is being replaced by a new protocol and a new implementation supported by RDAP.

And so, I don't want us to go down the rabbit hole of discussing and debating what that means. But just a note that this publication and/or access to registration data, registrant data and registration data, has obviously been the subject of the EPDP now for several years.

I think the key here is that what we're focused on is ensuring that the evolution of what used to be WHOIS is done in compliance with and consistent with applicable regulation and law, but also in the context of making registration data and registrant data publicly available and/or accessible through requests within certain parameters.

And that's really what we're working on here today. So, sorry for taking a little bit of a sidetrack there, but I don't want to get us wrapped around the axle on that particular question.

Volker, you're next. Then Alan.

VOLKER GREIMANN: Yes. Thank you, Keith. You basically already said something that I was wanting to say. WHOIS certainly isn't dead, but it's lying in stasis and we're trying to revive it in some form. In a way, we are designing what WHOIS should have been from day one and looking at what the purpose for it is.

We're asking all the questions that have been ignored by ICANN over the last 20 years, and I think that's a good exercise for us to

have because the last month, years even, have shown that, actually, WHOIS is not really necessary for many of the purposes that people have claimed because they have found other ways to achieve those goals.

Those may be slower. Those may be a bit more difficult to follow. But essentially, there are other ways to achieve the same goals, and therefore we have started with the EPDP looking at everything that WHOIS was and designing something new, which is SSAD; and see how this can be defined, how the purposes for any disclosure can be defined. And basically do the job that ICANN should have done in the last 20 years.

And condensing that, all that time, into a couple of months. That is probably very difficult, as we've seen, because there are so many different interests. But I think we're doing a good job, and with the SSAD we have a good prototype for next generation WHOIS that probably will need some more work and refinement down the road, but it's currently, as they say on Babylon 5, "the last best hope for mankind"—or [WHOIS axis].

KEITH DRAZEK:

Okay. Thanks, Volker. Alan, you're next.

ALAN WOODS:

Thank you very much. So, I just wanted to go back to something that Melina was saying there, and specifically when she's referring to the other bilateral discussions that she's having with other registrars in that.

Well, first thing, obviously, I probably would [need] to say is that we've been more than happy to have those discussions as well, being represented on the EPDP with her. And also, we'd be happy to have those discussions with those registrars if they feel that they're not being represented. I think it's worth noting that on the record.

But what I would also like to point out is that she is saying that they would like this guidance. And, you know, I don't think that that is actually groundbreaking in any way, shape, or form because that's exactly what we would like, as well. It's just a question of what we, as an EPDP Team, can do when it comes to the provision of guidance. And I really needs to caution people that there has been a number of statements made by people which state very categorically that what they're saying is, indeed, not just guidance, but is legal fact that we must do this; there is no risk.

Of course there is risk. We are not the people who are going to decide that. The only people can decide that, as Stephanie said earlier, are the Data Protection Commission who is the data protection authorities in the courts. What we're doing here is we're trying to lay out guidelines, and those guidance, that guidance can or may be followed by those registries are registrars following their own risk.

So, I really, really need to push back on some of the very, very straightforward clear language that seems to be giving an impression that what we're saying on these calls can be taken as gospel. It cannot. All we can do here is state a case as best as possible, and we must decide based on that.

So, we need to be mindful of who's listening to these calls, who is going to be reading what is being said in this. And I don't think we should be misguided by statements that are not categorical. So, I just wanted to be clear in that. Thank you.

KEITH DRAZEK:

Thanks, Alan. And with that, I want to make sure that we maintain a focus on the document in front of us. This is all very important and helpful conversation, but let's make sure we stay focused on this particular document. So, if anybody else would like to get in queue to speak to any of the points in this document.

I've asked for initial reactions, any questions/concerns/clarifying statements, and especially concerns. But let's be specific with regard to the document because this is, again, as I said, becoming the foundation for what will ideally become our initial report.

Laureen, I see your hand. And then I'm asking others to get in queue, please. Laureen.

LAUREEN KAPIN:

Thank you. One thing I noticed—and I put this in my comments—and perhaps I'm misunderstanding, so I welcome guidance. But it struck me that these scenarios are all contemplating not the inclusion of this information in the publicly available domain name registration data set, but rather contemplating, at best, an automated response to a request for such information. Unless I'm misunderstanding it.

If I'm understanding it correctly, however, that would concern me because, of course, the view that several stakeholder groups have been pressing for is that the non-personal data of legal entities should be part of the publicly available information. Which is not to say that it wouldn't be a small step forward to have it available in an automated way upon request, but that is short of what we're asking for.

KEITH DRAZEK:

Thanks very much, Laureen. And thanks for the specific and focused question. And I see some hands going up. Volker, your hand was up before. I see Milton's hand going up, perhaps in response to Laureen. But Volker, let me turn to you.

VOLKER GREIMANN:

Thank you, Keith. One thing that that comes to mind is that the guidance document that we [also would] create should have a disclaimer that this is not legal advice and people rely on it on their own risk. However, it is still our, I think, best effort to provide some indication of what the legal risks might be.

I also agree with Laureen, what she said there. I think we should probably, in our guidance document, allow for both options. I mean, if a contracted party feels confident that based on the guidance that [inaudible] received, they are able to publish this data in public WHOIS and others don't, then why not allow those contracted parties that feel confident doing so—would be allowed to do so? And those that don't will rely on the SSAD as the disclosure mechanism.

I think both options are viable. If we are going down that road, however, we probably will need some further work on thick vs. thin WHOIS because, at a certain point, the party making the disclosure is not the only person to have legal risk there. Let's just consider that a registrar who feels that their risk is too high—their local jurisdiction of making disclosures in WHOIS—and therefore only discloses in SSAD. And he still requires to upload the data to registries, who suddenly change their protocol or decides that they are actually fine disclosing it in public WHOIS and leaving the registrar holding the bag because they provided that data to them.

So, this might also be a consideration going forward that we might want to move away from thick and start going back to thin on the whole database level simply because of the legal risk which is distributed amongst the contracted parties handling that data set for any given registration. And if we give freedom to decide, then that freedom would also have to look into this issue as well. Thank you.

KEITH DRAZEK:

Thank you, Volker. Milton, then Alan Greenberg, then Marc Anderson.

MILTON MUELLER:

Yeah. I just wanted to say something similar to what Volker just said. That is, indeed, one of the reasons to distinguish between legal and natural persons is that you do want to publish the data of corporations and entities that do not have personal data in their records. So, it would be okay with me to do that. The question of

whether that is voluntary for the registrar to decide or not, I'm okay with that.

I suspect that other stakeholders will not be, and we will need to work that out. We'll need to come to an agreement about that, but certainly we do have to be careful about making sure that individuals' records are not published. And that is, indeed, a risk. Well, this whole exercise is about protecting individual registrants against. But there are also good things about publishing the data of legal persons that are, indeed, just corporations offering services on the Internet.

One middle ground is that the disclosure through the SSAD would be automated. And I think what Volker proposes as an acceptable compromise is that it could be published or it could be automated, and SSAD would be maybe something that people could agree on, as opposed to arguing about it for the next three months. I'm done.

KEITH DRAZEK:

Yep. Thanks very much, Melton. I think that's all really helpful. And, again, I think what you've highlighted is that there's a distinction between automatic publication, publicly available publication of the legal person's registration data. But there's a need to protect against the inadvertent publication of personal data associated with those registrations.

And that the access to that data through SSAD is, I think, an additional protection or risk mitigation step because there are so

many domain records in existence today where that distinction or that determination is difficult, at best. So, there's obviously the ...

If we were starting from scratch and building a system from day one that made that distinction, that would be a much easier question to handle. But because there's an existing registration base that does not have that distinction and where it's unclear that we've got some additional complexity there to deal with as we make these guidelines. But thanks, Milton, for your input there.

I've got Alan Greenberg, then Marc Anderson.

ALAN GREENBERG:

Thank you very much. The reason that we're having all this discussion on definitions is because there were a lot of comments in the document because the document was not using the definitions that you displayed at the beginning of the meeting, Keith. And those definitions are fine if we actually use them. People have been using the term "publish" to mean disclose, and disclose through the SSAD.

And so I ask that, as staff revises this document, please make sure that we are using the terms consistently. And then we'll have a lot less discussion about this on this meeting.

I'll note that the two are far from equivalent because you can only use the SSAD if you're an accredited user. There's a huge difference between available through the SSAD and available publicly. So, let's make sure we keep that distinction and make sure the document does use the definitions that we have been talking about. Thank you.

KEITH DRAZEK: Thanks, Alan. I completely agree. So, part of the reason for us putting forward these and reminding folks of these definitions—

ALAN GREENBERG: Keith, I'll note that we don't seem to actually be talking about the comments in document which was the subject on the agenda today. So, I'm not quite sure how we resolve that. Maybe staff has to try to incorporate some of them and then we have another pass. Thank you.

KEITH DRAZEK: Yeah. Thanks, Alan. This is certainly an iterative process, and we do still have some time today. So, if there are specifics that people would like to discuss.

But next week, I expect we will go through this document in a more rigorous way in terms of line-by-line reviews and having people who have put comments into the document actually introduce them and that we go through them in a more structured way. I was hoping today to certainly get some initial questions/concerns/clarifying issues on the table, and specifically flagging any real concerns that folks have before we get too far down the road. But I agree completely. We need to get into the detailed substance here.

I have Marc Anderson, then Brian King. Thank you.

MARC ANDERSON: Thanks, Keith. Yeah, I raised my hand a couple comments [inaudible] ago, and so apologies if the thread's lost a little bit. But there was some discussion about adding language around here that would allow registrars to, based on this differentiation, publish data in the public RDDS. Hopefully, I'm using those definitions correctly. Apologies if I am not.

I just want to point out. I don't think that's necessary for this document because I'm flipping through the Phase 1 recommendations, and I think that's currently envisioned in the Phase 1 recommendations. I think that there's language that requires redaction where GDPR is applicable on personal data in the public RDDS. And it allows for but does not require redaction based on a geographic basis and the legal and natural distinction.

So, my point is that I think that there's already an option for registrars, and we don't need new policy or new guidance for that. And so I think, maybe echoing Alan's point, I think we should focus on the intent of this document which is, for registrars that are making a distinction between legal and natural persons, what guidance can we provide that would help them in making that distinction?

KEITH DRAZEK: Thanks very much, Marc. Brian King, you're next.

BRIAN KING: Thanks, Keith. Sorry for the delay. I think I tried to invite somebody instead of unmuting. And I am more tech savvy than that, for the record.

One thing that we could jump into here in the guidance that I flagged is the concept—I'm trying to pull it up on my screen because Berry's not on at the moment—1D, the concept that any substantive change to the data should reset the confirmation that data is redacted. I think that's not the guidance that I would give to a registrar.

The guidance, I think, would be that any substantive change to the registration data should be accompanied by a request for those two data points. Right? Again, is this new data connected to a legal entity owning the domain name? And then the other question, of course, is does the data contain personal data?

And that that should happen each time would be the right guidance, not to just redact again without asking those questions. But if you're going to ask the questions when the data is first collected, then any new data collection should also be accompanied by those questions.

So, I just wanted to note that slight disagreement with how this was positioned now. Again, that's not a data privacy by default type thing. It's treating the data how it's represented by default which, again, if represented as personal, would be redacted. So, I just wanted to make that substantive point so we have something substantive to talk about. Thanks.

KEITH DRAZEK:

Yeah. Thanks very much, Brian. And thanks for the substantive and detailed concrete point here, recommendation. And that's what I hope we can all turn to as we head into next week's

meeting—is to really dig into this and to make sure that we're focusing on the suggested language. And like I said, if we need to, we'll go through it line by line to make sure that we have a good conversation and that we're all in agreement that we're heading in the right direction or not, as the case may be.

So, any other comments or questions on this? I have an open queue at this point, and we have about 12 minutes left on our call. So, I just want to open the queue for anybody else to weigh in with questions/comments/feedback on what's been provided here. And I will pause.

Marc Anderson, go right ahead, Thank you.

MARC ANDERSON:

Thanks. Keith. Since we have time, I'll respond to what Brian said there. So, I'm curious. So, Brian, maybe we can dialogue a little bit here. I think I agree with part of what you said. Maybe you can clarify what I heard.

So, I think part of what you said is that if a registrant is changing the information that they've provided, then you should go through the process of re-confirming. Is that a change to legal or natural status? Is the new information personal information or not? Was it previously personal information and now it's not? Was it previously not personal information but now it is?

I think that's what you started to say, and I think that makes sense. But then as you kept talking, what I think I heard you say is that if it was personal information and somebody updates the information, then it should just default to assume it was personal,

still. Or if it was a legal person and they change it, then the default should be it's still legal.

And I think if that's what you're saying, I think on that I would disagree. So, maybe Keith would allow you to jump the queue and respond. I see you're saying in chat, but maybe I'll just stop talking and I'll leave it at that.

KEITH DRAZEK: Thanks, Marc. And Brian, yeah, feel free to go ahead and jump in. And then I'll come back to Volker.

BRIAN KING: Thanks, Keith. Yes. Just to confirm, Marc, the first interpretation is what I meant. That when the data is collected, that the status of that data is what is dispositive. Thanks.

KEITH DRAZEK: Great. Thanks, Brian. And thanks, Marc, for flagging that. Volker, you're next.

VOLKER GREIMANN: Thank you. Yeah. Just one point. The document always keeps ... I'll try again in a minute. Sorry.

KEITH DRAZEK: Okay. No problem, Volker. Thank you. All right. Anybody else like to get in queue at this point? We'll come back to Volker in a moment. All right. I'm not seeing any hands at this point.

VOLKER GREIMANN: Okay. So, basically what I was trying to get to was that the document keeps referring to contracted parties making a determination. However, falling back on what I said earlier, actually it's the registrars making that determination. The registries—we don't know what their role in this is at this point. Is it just publication of what the registrar sends them? Does the registrar then have to send redacted data for where they were unable to make the determination? Are they supposed to make their own determinations, basically doubling up the work and causing perhaps inconsistencies in the display?

I think the question of thick versus thin a question that should be addressed, maybe not by this group, but by a later group. And we should be cognizant of that in our advice that we give and the recommendations that we give to make sure that we have a consistent process and a basis to work off in one of the next PDPs that might come after us. Thank you.

KEITH DRAZEK: Thank you, Volker. Anybody else like to get in queue? All right.

I'm going to turn now to our staff colleagues, Caitlin and Berry. If there's anything that you'd like to flag or touch on or provide a little bit of context around, feel free to do that at this point. Not meaning to put you on the spot, but giving you an opportunity if you'd like it.

And while they're thinking, Caitlin says nothing from her. I know Berry gave his update earlier.

But I think what we're talking about here is obviously in the context of the previous work done on EPDP Phase 1 and PDP Phase 2. And I think we all need to just remind ourselves and recall that we're operating in that context of other consensus policy, either recommendations or approved policies that are now under implementation. And I think that we need just to keep that in mind, and that is also relevant to the definitions that we've discussed.

And I want to take on board the points that were made on this call. We all need to ensure that as we use these terms of “publish and/or disclose,” that we're doing so in the context of the work that's previously been done, and that we're all on the same page as we use that terminology. So, just a reminder to everybody.

Brian King, go ahead.

BRIAN KING:

Thanks, Keith. I'm going to make a constructive suggestion here, I'll say, as someone who maybe caused the problem about definitions and what were the words we're using on “published”.

If I could perhaps suggest that staff take a quick pass and make it clearer to distinguish between “publication” and “disclosure” in SSAD. Maybe those need to be two bullets or further separated as part of the sentence. I think it's going to make a lot of us rest easier if what we're seeing on the document is more clear guidance to make the data public in the RDDS or to publish according to that definition that Berry had on the screen.

Something like that, I think, is really going to go a long way to make the folks that think like we do feel better about this. Thanks.

KEITH DRAZEK:

Yeah. Thanks very much, Brian. It makes total sense.

And I think that ... My sense is that heading into next week, we've talked a little bit about this document in terms of the actual substance. I guess the question is whether we need to have a new version or whether we can just continue to build on and discuss this particular version. I'll turn to staff to see if they have thoughts on that based on the conversation today.

But I think what we're looking for here are any questions or comments that folks have identified. Please provide your input in the document as a comment, not as a redline because we don't want people redlining over others' redlines. It just gets much, much more complicated to digest. But to identify any questions.

And then I see Steve DelBianco has asked what will be our process for resolving the different comments on this document. And the answer, Steve, is that next week is discussion and dialogue and trying to figure out if there is compromise language or compromise perspectives that can be identified as the path forward.

And so, we're going to need to work on this and iterate this and, ideally, before next Thursday; but during next Thursday's call is our opportunity to try to come together on some agreed-to language moving forward.

Caitlin, I see your hand. Go right ahead.

CAITLIN TUBERGEN: Thank you, Keith. I believe that when we sent this updated version around, we gave the EPDP Team members until the end of this week to continue making comments. So, for those that haven't yet put in your comments, please continue making comments through tomorrow. And staff will circulate an updated version with the definitions added and with some of the more clear-cut changes incorporated.

If staff is able to suggest compromise language, we will endeavor to do so. If not, we'll just make sure that we retain the comments so that there could be further discussion at the next meeting. But we will endeavor to turn around the next version early next week, hopefully on Monday. Thank you.

KEITH DRAZEK: And thank you very much, Caitlin. Much appreciated. So again, a reminder, a call for action. If you haven't already and you want to provide input to this document, please do so by end of business tomorrow so that staff can make a turn on this heading into early next week. And thanks to staff, as always, for the hard work in the background that gets done to keep us moving forward.

Okay. Caitlin, is that a new hand? Old hand? Old hand, okay.

All right. We have essentially two minutes left on the call, so I'm going to ask if anybody has any other business to raise.

Just a flag that we have the legal committee meeting on Tuesday and the regular plenary session on Thursday next week. And this is this is action item #1—this document. And, obviously, if the Bird & Bird response gets received and the legal committee has a chance to review in time for next week's plenary, we'll provide an update at that point. But this really is our main area of focus right now—this particular document. So, please spend the time to focus on it.

All right. Any other business? Any other hands? Any questions? Comments? Going once.

Brian King, go ahead.

BRIAN KING:

Thanks, Keith. Sorry, for folks that thought they were going to be able to hang up. Real quick. What should we do if we have additional guidance or other suggestions? If we can't add to the Doc, should we just e-mail those to the staff group? Thanks.

KEITH DRAZEK:

Thanks, Brian. Good question. Perhaps an e-mail to the entire EPDP list rather than only to staff because I think it will be important for everybody's awareness and transparency. And maybe we accelerate the cycle rather than having people see it in the next publication of the document themselves to actually have it on the list. And maybe that will trigger some further discussion on the list to help us advanced things and move things forward. Thanks, Brian, for the question.

So, if anybody has any additions that they would like to submit for consideration, please do so on the EPDP Team list. Great question,

And with that, I think we can move to wrap the call. So, thank you all very much. And with that, we'll conclude the call today. And we'll talk again next week. Thanks, all.

TERRI AGNEW:

Thank you, everyone. Once again, the meeting has been adjourned. I will stop all recordings and disconnect all remaining lines. Stay well.

[END OF TRANSCRIPT]