
ICANN Transcription
GNSO Temp Spec gTLD RD EPDP – Phase 2A
Thursday, 11 February 2021 at 14:00 UTC

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TERRI AGNEW:

Good morning, good afternoon, and good evening. And welcome to the EPDP Team 2A Team Call taking place on the 11th of February 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 yourself now? Hearing no one, we have listed apologies from Manju Chen (NCSG) and James Bladel of RrSG. And they gave formally assigned Bruna Santos and Owen Smigelski as their alternates for this call and any remaining days of absence.

All members and alternates will be promoted to panelists for today's meeting. Members and alternates replacing members, when using chat, please select "All Panelist and Attendees" in order for everyone to see your chat. Attendees will not have chat access, only view to the chat access.

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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 must be formalized by way of the Google link. The link is available in all meeting invites towards the bottom.

Statements of Interest must be kept up to date. If anyone has any updates to share, please raise your hand or speak up now. Seeing or hearing no one, if you do need assistance, 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 meeting. 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. Please begin.

KEITH DRAZEK:

Hi, Terri. Thank you very much. Good morning, good afternoon, good evening, everybody. I'm going to kick things off by a quick overview of our agenda for today. But I would like to note, for anybody that didn't see the note from staff, our meeting today is going to be abbreviated to 60 minutes to allow for folks who would like to join the ICANN webinar on the SSR2 Final Report. So, we've got 60 minutes today.

As far as the agenda review—if we could pull that up on the screen, thank you—we'll have a quick update on membership, a membership

update. And then we'll turn to Becky for a brief update from the legal committee on where things stand as it relates to questions being considered for external counsel. And then we'll move into a discussion on the feasibility of unique contacts. And, again an update from Becky and the legal committee on some of the definitions and terminology where the legal committee stands on the feasibility of unique contacts topics.

And after we hear from Becky, the introduction of proposals on feasibility of unique contacts, we've got a couple of proposals to discuss—one from Brian King, and the other from Melina Stroungi and Chris Lewis-Evans. And we'll then wrap up the discussion of feasibility of unique contacts and move to legal vs. natural.

I'd like to note that Laureen has provided an updated version based on feedback received of the proposal that we've previously discussed. So, I'll turn to Laureen for an introduction of that.

Then we're going to turn to staff to give us an introduction to a new tool, a new resource called Jamboard that we hope will provide, essentially, a tool for us to have a little bit of brainstorming opportunity and try to generate some conversation and some movement forward on some of the topics that we're discussing.

We will then wrap up the meeting and get to some administrative items. So, that's basically the agenda for today. In the interest of time, let's go ahead and get started.

So, membership update. I'd like to welcome Steve Crocker to our group, on behalf of SSAC, replacing Ben Butler. So, Steve, welcome. If you have any questions or comments along the way, feel free to ask. I know that staff as provided you the links and documents, and I know that you've been following along, as well, the work of the group. So, I'm confident you're well up to speed. Welcome to the group.

STEVE CROCKER: Thank you very much, Keith. And everybody should be aware of an unusual thing. I'm going to be quiet for a very short period of time, and then I will revert back to normal state.

KEITH DRAZEK: Thanks, Steve. Thank you very much. You're very welcome to the group.

Okay. And then I note that in chat, the appointment of Brian Beckham to be our vice-chair is on the agenda for the GNSO Council meeting taking place next week.

Okay, then. I'm going to turn next to Becky for an update on the legal committee's work to date. Becky, over to you.

BECKY BURR: Thank, Keith. Good morning, good afternoon, and good evening to everyone. The legal committee met on Tuesday, as we are doing every week. We have determined that we're going to need to change our protocol for work to get more work done in between meetings via e-mail. So, we are working on a mechanism for doing that.

We're continuing to work through the legal questions. We had some revised questions based on our discussion last week, and we're going to continue to plow through those. But as I said, we will be initiating a new method which is intended to get more work done in between because, limited to these one-hour meetings a week, we're not getting enough done.

KEITH DRAZEK: Okay. Thank you, Becky.

BECKY BARR: Okay. I was trying to be brief.

KEITH DRAZEK: Yeah, thanks. I appreciate it. That's a helpful update.

At some point, as far as this group is concerned and the plenary meetings, if we find that we're getting to a point where we're stuck and we're not able to make any progress in the plenaries because we're waiting for the legal committee to be able to conduct its work or even feedback from questions passed on to Bird & Bird, then we can always repurpose a plenary session to be dedicated to the legal committee.

I'd like us to keep working as a plenary, as a full group, and trying to work together and identify paths forward for compromise and to determine where there may be consensus around things. But if we find that we're getting stuck and that we really need the feedback from the legal committee and/or Bird & Bird, then we can always repurpose some of the time. So, let's keep in touch on that. And if it appears that would be helpful, that's an option we have before us.

Okay. And if anybody would like to get in queue, make any comments along the way, feel free to do so.

Alright. Let's move, then, to the discussion of feasibility of unique contacts. And, again, this is specific to the definitions and terminology that the legal committee has been discussing. So Becky, again, I'll hand it back over to you for an update on the feasibility of unique contacts work.

BECKY BURR:

Thank you very much. We had a good discussion on the definitions, and while I think a lot of the definition and terminology are not problematic, there was consensus that the use of the word “anonymous” is problematic in the sense that there is always somebody who will be able to identify that person. And actually, that’s, in some sense, some of the requirements for auditable trails.

And if you just look at the definition of “anonymization” in the legal terminology, it means something that cannot be reverse engineered such that even the data controller is unable to identify that person.

Both of the proposed mechanisms are really pseudonymous. The different is that one is a sort of one-time pseudonymous identifier, and the other is a persistent pseudonymous identifier. And, of course, the question of [whether] it’s persistent, the scope of persistence—whether it’s within a particular registrar or across registrars—is a policy question that we are not touching.

But we will shortly come back with some adjustments to those two words to capture what we think matches the data protection law concerns about the use of the term “anonymous.”

And I’m happy to answer any questions if anybody has questions about that.

KEITH DRAZEK:

Steve has his hand up. Steve, go right ahead.

STEVE CROCKER:

Thank you. Thank you, Becky. In SSAC, we’ve had some discussion about this stuff, and there’s a big divide between whether or not the unique name, whether it’s totally pseudonymous or totally anonymous or whatever, is provided on behalf of the registrant who wants to have the

same identifier across a bunch of registrations versus whether or not it's intended that, say, law enforcement or others who are looking into things can find all of the registrations associated with the same person.

And that leads to completely different behaviors on the part of the registrant who may not want to be identified by the same identifier. Where is that in the analysis and the thought process?

BECKY BURR:

So, that is a policy question. It's not a question that the legal committee will be tackling because, as you said, it does lead to very different behaviors and different consequences and changes. Perhaps the balancing test has a whole bunch of other implications, but our task is simply to make sure that we've got terms that describe what is happening.

So, when we come back with terms, the question of what it means to be persistent across registrars is all dependent on the policy. And I know that's a huge topic of interest.

STEVE CROCKER:

We may need very different mechanisms in those two different cases.

BECKY BURR:

I agree.

KEITH DRAZEK:

Yeah. Thanks, Becky. Thanks, Steve. Noted. And we've got a queue building. So, we have Chris, Milton, Melina, and then Stephanie. Chris?

CHRIS LEWIS-EVANS

Thanks, Keith. So, Becky, thanks for the update. I think it's very interesting about what you said around there's no such thing as an anonymous e-mail in this case. And I think it's probably related to something I think Melina said—who knows how long ago now—around, effectively, we have a data set, and obviously within that data set within the RDS, you have the domain name which you can't make that anonymous because of, obviously, the function that we're trying to carry out here within the Internet.

So, I just wonder if the legal team has looked at it from another viewpoint, so looked at it from the third party. So not from the data controller, but from someone that's looking at the published data. So, I can see a transformed string being anonymous in view of a third party. And, obviously, there is pseudonymous there as well. So, just wonder if that differentiation is being looked at. Thank you.

BECKY BURR:

So, that's a very interesting and difficult question under EU data protection law, and different countries have taken different positions. And the European Court of Justice has actually taken slightly different positions in certain cases. I think a technical reading would be that if the—and this is directly from the GDPR—if anybody can identify the individual, including the data controller, it is not anonymous. Which is not to say that privacy-enhancing technologies in the pseudonymization are not important contributors.

Nor is it to say that when you make it effectively a third party, a user can't reverse engineer it, that's a privacy enhancing technology that's powerful, but technically speaking, it's not anonymous under GDPR. There is a European Court of Justice case that does parse IP addresses in the way that you're suggesting, but I don't think it is the way most data protection authorities look at it.

So, I'm not disagreeing with you that something that cannot be reverse engineered by the user is a privacy-enhancing technology that is stronger than something that could be, for example.

KEITH DRAZEK:

Thanks, Becky. And thanks, Chris. We've got a pretty substantial queue building here. We're probably going to need to draw a line under it at some point. Just a warning.

Milton, you're next. Go right ahead.

MILTON MUELLER:

Right. So, this will be quick. Thank you, Becky, for making a distinction, and particularly for calling attention to the fact that it really is a policy decision we're faced with.

I don't know if anybody remembers, but when we first started debating this issue, which seems like ages ago, I warned that we did not want to get down in definitional discussions when the issue before us was really a policy issue.

So, the issue is, again, some people want to use this identifier to be able to search multiple registrations, and others of us don't want that to happen. Could we set aside now, based on this legal input that the word "anonymous" has implications and may not be correct?

Although, like Humpty Dumpty, we can use the word to mean whatever we want. Can we agree now that the issue is the persistence or—persistence is actually not a good word either—it's the applicability of the identifier to multiple registrations that we're debating and not the words, not the definitions but the actual utilization of this identifier?

KEITH DRAZEK: Thank you, Milton. And Becky, if you'd like to respond, please do. But I think, Milton, that's ...

BECKY BURR: I think that's a question for you, Keith.

KEITH DRAZEK: Yeah, thanks. Milton, I think that's the direction that we're going. That in order to understand the distinction between anonymization and pseudonymization is really driving us back to the question of intended use and usage that you've described. And I think that's the direction that we're going.

But I think it's important for the legal committee to finalize the definitions that are being used or the terms that are being used so we can all be on the same page and have a common understanding of exactly the policy question that you've described. I hope that's helpful, but I think what you've identified is the key question.

Okay. Melina, Stephanie, Hadia. And then we need to probably move on. Thanks.

MELINA STROUNGI: Thank you. Thank you, Keith. I will try to be brief. Basically, both Chris and Milton made some points that I also wanted to make. So, it's far beyond clear that within the GDPR definition of anonymization, we don't really have anonymized e-mail addresses since, you know, this information will be always held by the Contracted Parties. So, really, the key question is if it is anonymized or pseudonymized vis-à-vis third parties.

And there, as Chris pointed out, it would be also useful to know if, vis-à-vis these third parties, there are any best, let's say, privacy techniques to ensure that tracing the individual would not be possible from a third-party perspective again. Because from the perspective of the Contracted Parties, of course they already have this personal data.

So, for me, [I had] to also agree with Milton that all the rest is a policy discussion. So, I believe the best would be to really stick to the GDPR definitions of what is anonymized and what is pseudonymized, and kind of set aside definitions made by the Bird & Bird memo because the use of the string for multiple registrations—if it is within one registrar, if it is within multiple registries—this is a separate policy discussion, I think.

So, I would suggest really stick to the GDPR definitions. And only from a privacy piece of mind if, for this group, it would be feasible to see from a privacy perspective whether, towards third parties, it would make sense to have it, let's say, anonymized versus pseudonymized. Like, whether there are any key differences in practice vis-à-vis third parties to really ensure that if we ever published such a pseudonymized e-mail address, it could not in any case be traced back to individuals from a third-party perspective. Thank you.

BECKY BURR:

And I'll just add [that] those are both policy questions and technology questions. There is quite a body of work on pseudonymization/anonymization technologies, but that is not something that the legal committee is focusing on.

KEITH DRAZEK:

Yeah. Thanks very much, Becky. And thanks, Melina, for that. And also for flagging the question about if we're talking about pseudonymized

persistent e-mails within a single registrar or across multiple registrars. And that's an important distinction as well. Thank you.

Stephanie and then Hadia.

STEPHANIE PERRIN:

Thank you. I don't want to prolong this discussion of anonymization, but I think we should congratulate ourselves that the definition we have is the accurate one. We are a technical group. Anonymization is an extraordinarily high bar. It barely exists nowadays, as we know, because of the proliferation of databases all over. And no one can guarantee that something cannot be re-identified if they have even used the best anonymization techniques out there.

So, I was going to contribute to this discussion by offering the word "obfuscation." As Becky says, pseudonymization is really a privacy-enhancing technology. It is not reducing personal information to an anonymized state by any means, and people who know roll their eyes when people talk about anonymized data. Unfortunately, as Milton said, it's still being used like Humpty Dumpty said—anyway any legislature wants to use it, including in my own territory.

We should steer clear of that. We should be empirical about this from a technical sense. So, "obfuscation" is a great word, and it would help here partly because pseudonymization is being misused and conflated with anonymization all over the place.

Now, the next point I wanted to raise was, in terms of this balancing test, we always talk about a registrant not wanting to be identified as if they're up to something criminal. The whole behavior of criminals is a whole other topic. But there are plenty of very valid, legitimate reasons that would pass a balancing test, in my view, as to why I might want to

register names and not have them traced back to my company or organization.

And I'm thinking new developments. I have something. I've got a patent going on. I want to bag all the names that I'm going to market it under. And there's nothing illegitimate about that at all, and if I'm a small business I don't want to have to hire a lawyer to cover my tracks.

So, that is something we have to consider when we talk about this balancing test. It's not good guys/bad guys. I wish it were that simple. Thank you.

BECKY BURR:

And I will just note that the term "obfuscation" is noted, and I agree it may be helpful.

KEITH DRAZEK:

Great. Thank you, Stephanie. Thanks, Becky. Hadia, to you. And then we'll need to move on to the proposals.

HADIA ELMINIAWI:

Thank you, all. So, I totally agree with Melina to stick to the GDPR definitions.

And I was wondering, what is the merit actually of identifying the e-mail address that we want as anonymous or pseudonymous? Why don't we just accurately describe what we want this e-mail address to look like and do? And rather than tagging it as anonymous or pseudonymous or whatever, just describe what we want it to do, what it needs to look like. And then let the legal people decide whether it is anonymous, pseudonymous, or whatever in relation to third parties. Thank you.

BECKY BARR: Well, I think that makes a lot of sense, Hadia. We're just working on definitions to be used in developing the policy. But the important question is what the policy is.

KEITH DRAZEK: Great. Thanks, Hadia. And thanks, Becky. Becky, do you have any further updates on the definitions, or does that get us to the next stage?

BECKY BARR: I think that gets ... Well, we will be circulating proposed clarifications on the definitions internally, and hope to get those resolved via e-mail so that we can send them back to the plenary. But the distinction that I've talked about is really what's relevant in terms of our discussion.

KEITH DRAZEK: Great. Thank you very much, Becky. Much appreciated. Thanks for all your work on that, and thanks for the legal committee for the engagement.

Okay. let's move on then. So, we're going to discuss a couple of additional proposals or inputs that we've received—one from Brian King, the other from Melina and Chris.

So, Brian, if I could hand it over to you. Let's go ahead and keep plowing through this. Thanks.

BRIAN KING: Sure, Keith. Thanks. Mine is easy. We just need an e-mail address that works. We have the option now for an e-mail address or a web form, and the web forms aren't working. So, that's pretty short and sweet, I think.

I'm happy to take any questions or expand on that. I think folks don't want to talk much about the web forms, but that's frankly why we need an e-mail address that works.

KEITH DRAZEK: Right. Thanks, Brian. So, my understanding is that what you're saying is [that] it's about contactability. In other words, you need an e-mail to be able to contact the registrant.

Hadia, I think that's an old hand if I'm not mistaken. If it is a new hand, you're next. Okay.

All right. Thanks, Brian. Milton and then Sarah. Thank you.

MILTON MUELLER: I just wanted to express my disappointment. I was hoping that I would be able to present Brian's proposal here. Okay.

But, no, seriously. My question to Brian is a simple one. We keep hearing you say that the web forms are not a workable option, and I have no idea why. [I mean, I] deal with web forms daily for all kinds of functionalities. Is it just the text? Are they putting in 20 words or less or something? What exactly is not working about these web forms for you?

BRIAN KING: Keith, would you like me to respond?

KEITH DRAZEK: Please do. Thanks, Brian.

BRIAN KING:

Sure. So, the web forms at some registrars limit the textual input to a character limit that's really unworkable. One large registrar had a character limit of 100. You could only put 100 characters in, and that's hardly sufficiently to state a legal claim, assert your IP rights, and send some kind of cease-and-desist letter.

And other large registrars don't allow you to say anything at all. You have to pick from a dropdown of reasons that the registrar has come up with why you might be contacting the registrant, and then you don't get to say anything. You literally can't put anything into ... There's no field. There's no field to fill in, so that's not working.

We can talk about web forms and certain minimum character limits, but that seems really tedious and it's going to be arbitrary. Right? We just need ...

So, that's the reason why we need an e-mail address that works. It's frustrating because I wouldn't think that we would need to be so clear. The reason why we insisted on having some kind of web form is to enable IP owners to contact a registrant and to describe the issue. You simply can't do that in many cases today. Thanks.

KEITH DRAZEK:

Okay. Thanks, Brian. And thanks, Milton. So, just to follow up on the topic of web forms, and then we'll get back to the discussion of e-mails. My understanding is that the web form was something that came from the temp spec and also from EPDP Phase 1 which is currently under implementation.

I think I've mentioned this before, but I'm wondering if that's separate but related conversation that needs to happen within the IRT for Phase 1—is to make sure that the web forms are suitable, are workable, and are

providing the level of communication and access and contactability that they were intended to in the previous discussions.

So, I'm just going to throw that out there that we probably ought to bring that tup with the IRT and maybe see if we can get an update from them as to where they are and if there's an opportunity to make some improvements there.

But I have Sarah and then Volker in queue. Go right ahead, Sarah.

SARAH WYLD:

Good morning. Thank you. This does not seem to me to be proposal for how to make unique contact work in a way that complies with data protection law. So, it's not in scope for this phase. The web form was already determined as a requirement in a previous phase. The EPDP team at the time did not see fit to set detailed requirements for text entry or what fields are required. I don't think that's the correct use of this team's limited and valuable time.

I also disagree with the characterization of why we set that requirement for contactability at all. I would not say that it was to allow IP owners to contact domain owners. It was to allow any legitimate need to contact the registrant. I personally focus a bit more on law enforcement needs, but there you go. We definitely get more requests for IP.

Just regarding the comment in chat about attachments. There is a real significant security concern there, and we can't just go sending any attached content to all domain owners, so I just don't think that we should be getting into any of this. I think we need to be focusing on proposals to make that unique contact work.

KEITH DRAZEK:

Thank you, Sarah. Volker, you're next.

VOLKER GREIMANN: Yes. Sarah is right in many ways. The web forms have been decided as one workable solution, and if we now find that there are certain ways of gaming that or that registrars have thought of that is simply not working, then we should try to fix that instead of throwing the baby out with the bath water.

I think there has to be some reform or some thinking of how web form can be made to work, but they have been proven very effective in protecting our customers from spam and malware and other content that they do not wish to be exposed to and should have no reason to be exposed to.

Of course, that also limits the way of legitimate access and if that can be fixed, it should be fixed. But it does not mean that web forms are not part of the solution in the future. Thank you.

KEITH DRAZEK: Thank you, Volker. Brian, do you have anything that you'd like to wrap up with before we move on?

BRIAN KING: Yeah. Thanks, Keith. Just to clarify. Web forms today are not a requirement. Right? They're an option.

And what we're saying here, within the context of the uniform anonymized—so we don't get caught up in the lingo, but having an e-mail address workable, is that it's necessary for us—for IP owners, for law enforcement, for anyone who's trying to assist the registrant with a technical issue, frankly, on their domain name. In many cases, including at many large registrars covering most of the domain registrants in the gTLD DNS, that's not possible today.

The web forms aren't working for that. Right? WHOIS at a minimum needs to facilitate communication with the registrant. And that's simply not the case today. So, as part of the rationale for providing some kind of e-mail address to contact the registrants, that's just necessary. Right? This isn't a GDPR issue. This isn't a data protection issue.

WHOIS used to facilitate e-mail contact with the registrants. And, look. We acknowledge that comes with the potential for spam and that's really unfortunate, and there are other tools that can be put in place to help with that. But frankly, GDPR is no reason why there can't be some e-mail address that facilitates communication.

So, we're taking a step backwards here in ICANN's obligations and in the Contracted Party obligations to provide a means to contact registrants. And GDPR's no excuse for that. Right? There's no data protection reason why some e-mail address isn't possible.

So, that's where we stand. Thanks.

KEITH DRAZEK: All right. Thank you, Brian. All right. In the interest of time, let's move on. So, I'm going to hand it next to Melina and to Chris. Which one of you would like to take the lead here?

MELINA STROUNGI: Yes. Thank you, Keith. Maybe I can start and then Chris can come in.

KEITH DRAZEK: Thank you, Melina.

MELINA STROUNGI:

Yes, thank you. So, this proposal, I think is at the very core of the whole scope of the exercises that we are invited to do, basically whether it is feasible to use these obfuscated, pseudonymized e-mails, no matter how we call it, of registrants.

So really, I think I covered this point before, but we all agree that certain information such as personal information, the registrar will always have about the registrant. So, the real question is what happens from a third-party perspective if they publish this obfuscated, pseudonymized e-mail? Basically, if we really assess whether it is possible for third parties to trace back to the individual, then we will immediately have an answer on whether such a solution will be privacy friendly or not.

What I want to say. I mean, since registries and registrars will always have this personal information, if the only way for a third party to access this personal information would be, for example, by hacking the database, or if we have a leakage from the database, then of course if this is the only way, then just by publishing this obfuscated, pseudonymized e-mail address, there is no extra harm or extra risk because there's no other way for the third party to trace back to the individual.

So really, regardless of for what purpose we will be using this, because this is a policy discussion, regardless of whether this string would be shared—this is a policy discussion, again—before entering into any of these discussions, I think the first step is to really assess whether it is feasible because it is also the scope of this exercise—if it's technically feasible to have an e-mail address of a registrant which will not be able to trace back to an individual from a third-party perspective.

I think it is important to clarify that. And if we all agree that, yes, it's possible from a third-party perspective to not trace back to an individual, then we can continue a more detailed discussion on how and how to make it work and for what purpose, etc.

And then if Chris wants to comment as well.

CHRIS LEWIS-EVANS

Thanks, Melina. So Keith, I see a couple of hands on, and maybe we can answer those questions first and I can maybe respond. That might be a better way of doing this.

KEITH DRAZEK:

Sure think, Chris. Thank you. And thank you, Melina, for presenting. Volker, you're next. Then Alan. Thank you.

VOLKER GREIMANN:

Yes, thank you. One reason why we have the web form for some domain names in some TLDs and an e-mail address in others is simply because of how we are currently dealing with thick and thin registries. When we control the output of the WHOIS or the RDAP server, we have control of what the string is in every single request. So, we can generate, if we want to, single use or limited time use strings that we can show our customers that limits spam. And therefore, in many cases for .com domains we do that because it enables the direct communication.

When you have a thick WHOIS TLD and the query goes directly to the registry first, we cannot update all our domain names on a rotating basis all the time with those registries. The registries would complain about the load on the system, and we would also have quite significant loads on our system for an operation of simply updating the e-mail address.

So, it's much more workable to put a web form there or an auto-responder e-mail that tells the person to go to a web form because that's the way that we can prevent unwanted communication and spam to go to the registrant, and still allow communication with the registrant through that web form.

So, maybe this could also be taken as a question of whether thick or thin can be looked at again because thin TLDs allow a lot more process and a lot more ability to provide direct communication methods. Thank you.

KEITH DRAZEK: Thank you very much, Volker. Alan, you're next.

ALAN WOODS: Thank you. I suppose my quick question on this when I'm listening to it ... I worry that we're not thinking about what happens when somebody who has, yes, an anonymized e-mail address towards a third party. But that third party can also then go to the SSAD and make a request for that. So, as soon as an SSAD request is made and granted, it is no longer anonymized or pseudonymized towards a third party. It is now attributable by anybody who makes a request to the SSAD.

So, if we were to use this, it seems to me that we're defeating the SSAD. One destroys the other and vice versa. So, I think we just need to be careful at the broader implications of things like this.

KEITH DRAZEK: Thanks, Alan. Chris, go right ahead.

CHRIS LEWIS-EVANS Yeah, thank you. And thanks, Volker and Alan for those inputs.

My feeling of what Melina has outlined in our proposal here is that the publication of an anonymized/pseudonymized e-mail address is viable and is taken up by a number of registrars at the moment, as Volker described there.

So, looking at what we're tasked with doing, I think it is feasible for us to publish an anonymized e-mail. And then, I think, as Milton said in response to Brian's proposal, it's around what we do with that and how much ability we put behind the e-mail address. So, do we allow it to have contact? Do we allow it to have the same string across all registrations and the registrar, or all registrations and the registry?

So, I think as a group, we probably need to start at where we agree. And if we agree that we can publish an anonymized string per e-mail address, I think that's a good point to start at. And maybe we can build upon that and see what safeguards we can put into place to allow some of the features that the different groups require and see where we are able to make policy decisions on those. Thank you.

KEITH DRAZEK:

Thanks very much, Chris. And thanks, everybody, for the discussion. This is something we can circle back to. And I appreciate the introduction of the proposals here. It think, in the interest of time, we need to move on.

I should note, also, that Stephanie has typed something into chat as well on the topic of persistent identifiers and personal info that folks should take a look at.

Okay. Next item on the agenda is legal vs. natural. We only have, it appears to be 18 minutes left on the call. So, Lauren, I'm going to hand it over to you next as you've provided some new input or new, basically, updates to your proposal based on feedback that you received. So, if you'd like to tee that up, over to you. Thank you.

LAUREEN KAPIN:

Sure. Thank you. Can we possibly get the proposal up on the screen? Otherwise, I'll just have to turn to it in a separate document. But I'll start talking so that I'm efficient with the use of our time.

So, a lot of the feedback we heard from our colleagues really had to do with the fact that the analytical framework of legal vs. natural was not as helpful as focusing on the nature of the data, whether that was personal information which would be protected under the GDPR or not personal information—the information we tend to associate with legal entities when they are putting their information in a generic form like techcontact@acmecorp versus joesmith@acmecorp.

So, in this rewrite I was really trying to be mindful of making sure that distinction is built into the process. I do think that it needs to start with a question about whether you're a legal or natural entity, but I agree that, certainly, you can just stop there. And the legal advice is very consistent with that.

The other aspect of this proposal, in addition to it being more detailed and more of a step-by-step approach, is that this proposal, mindful of resource issues and trying to leverage existing mechanisms rather than creating a lot of new ones—although some new ones may be necessary—is that I have included a suggestion that the current process required under the registrar agreements to verify accuracy of information could be leveraged as part of the confirmation process. And you'll see that that's in the steps here.

I don't think it would necessarily be productive for me to read this whole thing because I'm sure that you'll be able to read it on your own. I know that it was submitted yesterday afternoon, so I'm assuming that not everyone has had a chance to do it. But basically, I really tried to sequence this out and provide some branches where, if they're identifying as a legal registrant, then you have to ask a whole lot of questions.

And it's a sort of "if then" structure; red light/green light. If they're providing personal information at any point in the process, that's a red light and things will not be published. If they say that they're not providing personal information after identifying as a legal registrant, then that's sort of a yellow light, a "proceed with caution."

And you'll see I've also noted that information should be quarantined until after all the steps have taken place, which includes letting folks know what the consequences are of identifying as a legal registrant and saying that you are not providing personal information [that] would be published.

And at the very end, there is a verification process. And that's step four if you can just scroll up for that. There are various options here to consider to verify that designation. And I'm certainly open to folks' wisdom on what other options might be workable.

And [there's] also a step to actually mark what data will be published, and publish all non-personal data. And then finally, an opportunity to correct.

So, I really tried to bake into this proposal some of the concerns that had been raised, both with respect to the legal risk regarding providing personal information, and with regard to resources and trying to leverage existing mechanisms.

So, that's it for now, and I'm happy to answer questions or hear your comments and concerns.

KEITH DRAZEK:

Laureen, thank you so much for your work on this, and for the constructive homework that you've done, frankly. And I just want to take a [note] to thank those who have been doing work intersessionally and providing input. And frankly, folks, it's the only way we're going to make

progress in this group. If we actually do work like this between our plenary sessions.

So, I want to thank Laureen with the engagement, the conversations that you've had with others, taking the feedback and input and trying to incorporate and update. I think it's very constructive and very helpful.

I'm going to hold discussion on this unless anybody has an immediately clarifying question for Laureen, I'm going to hold discussion on this until our next meeting because, as Laureen noted, it was sent out last night or yesterday afternoon and folks probably need some time to consider it and develop some constructive questions or feedback.

So, let's hold this until our next meeting and move back to the agenda. But, again, Laureen, thank you very much. And as I said, this is very welcome.

Okay, back to the agenda. We have just about 10 minutes left. I want to hand it over to Caitlin and Berry to talk about the Jamboard tool, to introduce that. And, again, we can follow up further on that during our next meeting as well. So, Caitlin and Berry.

CAITLIN TUBERGEN:

Thank you, Keith. As you'll note from the chat, Berry has included a link to the Jamboard. And as you can see from the Zoom room, it's a bit hard to read. So, we recommend everyone opening their own Jamboard link, and then you can enlarge the text as needed.

We wanted to quickly introduce this tool. It is a new tool that is available to ICANN Org. And for those of you who have used it before, it's really a whiteboarding tool where folks can collaborate and add little sticky notes—which you can see as Berry scrolls down, these colored sticky notes—which allows people to collaborate in real time.

As you can see, the fourth button on the left allows you to write a sticky note and paste it. The idea is to paste sticky notes into your group's row. So, the top one, ALAC.

But if I can just rewind for a second. We currently, I believe, have seven separate Jamboards, and each represent one of the proposals that we've discussed. So, the one that you see on the screen now represents Laureen's updated proposal which she just presented. Thank you, Laureen.

So, the goal would be for groups to get together—so, ALAC to get together; BC to get together—review the proposal provided by Laureen, as well as the other proposals, and, using sticky notes in your team's row, add concerns with the proposal and possible mitigation techniques that might help you be more comfortable with the proposal.

This is a new tool for us, but it kind of made the collaboration a little bit more easy perhaps than a Google Doc. That being said, this is just a new idea and if anyone has any questions, we can try to answer them. Though I will admit that we are also new to the tool. We just thought it might be something helpful to try out.

And we're willing to take any suggestions if there's a different, preferred way to collaborate intersessionally since, as Keith noted, it's really important that groups provide constructive proposals and suggestions online outside of meeting time so that we can move forward in our limited time.

I'll hand it back over to Keith. Thanks, Keith.

KEITH DRAZEK:

Great. Thanks very much, Caitlin. And thanks for the introduction. I know there are some questions in the chat about functionality, whether things will be archived. And I think there may be some technical support issues.

So, I think if anybody has questions or concerns, let's make sure we identify those. And staff will look into helping to ensure that everybody can find this usable.

I have a couple of hands. Sarah and then Lauren. Thank you.

SARAH WYLD:

Hi, thanks. Yeah, thank you. This is an interesting new way to try to collaborate, so I'm definitely open to it. I will say I only have comment access right now. It's probably set up such that everyone with the link can comment. The problem there is that we cannot create new sticky notes. So, if you want us to be able to create stickies, then I think we need to have edit rights. Thank you.

KEITH DRAZEK:

Thank you, Sarah. And I see questions about, "Does the color of the sticky mean anything?" So, I think we'll have a bunch of questions that can be collated and responded to by staff. Lauren, you're next.

LAUREEN KAPIN:

First of all, I appreciate the thinking that is going into helping us brainstorm in a freer manner. I think that I am going to have problems accessing this on my work computer which is where I do like to handle my work activities. And my employer likes it that way, too. I speculate that other folks from governments may have similar restrictions, so that's sort of a practical stumbling block. So, I'm raising that.

And I'm just wondering—and this is probably more my own challenges—but dealing with Google Docs and Word docs and e-mails and Wiki pages, I find it a little overwhelming from time to time. And adding yet another place and method to do this that's new and requires me to get

up to speed. I'm just raising that as sort of a, put it in anti-trust terms, a barrier to entry. So, that's for what it's worth.

But in terms of the concept of giving us a place to brainstorm freely, I'm all for that. I'm just not sure, practically, this is going to be able to work for me and some others.

KEITH DRAZEK:

Yeah. Thanks, Laureen. All very fair points. And I think, clearly, our goal here is not to use Jamboard ... Our goal is to make sure that we're collaborating and providing input and feedback and having our deliberations. And if the tool works, great. And if the tool doesn't work for everybody and it becomes an obstacle, then we can always revert back to other methodologies or other methods of work.

And I share your concern about having so many different multiple pieces of software to use or all of that. Sometimes I find it overwhelming as well, so your point is well taken. Let's give this trying a try. If we can work out ...

Staff will check on the settings and check on the levels of access and all of the things that have been accessed here. And if it doesn't work, so be it. If it's not going to enable support and facilitate our work, then clearly we're not going to go down that path. But I'd like at least give it a try, and maybe next week we can see what people think and reevaluate.

But the key here, and we're getting close to the end of the call and we're going to be jumping over to the SSR2 webinar shortly, is that we need folks to do their homework, to provide input, to provide feedback, and to basically do the work intersessionally between our plenary sessions.

I mentioned last week that perhaps we ought to start thinking about creating small teams to focus on different components of this. I'm open to suggestion, and I would really encourage folks to reach out to one

another. Try to find ways to engage with one another outside the plenary session to try to find a path forward and to discuss some of these topics and issues, and to work through things so we don't rely on just 90 minutes a week or an extra hour for the legal committee, to try to advance this work.

We really need folks to be engaging directly, separately, and then bringing proposals that have been worked through back to the plenary session for discussion. So, let me just pause there and see if anybody would like to contribute in the last three minutes that we've got.

Alan, over to you.

ALAN GREENBERG:

Thank you very much. Two quick comments. On your last point of collaboration, I know I and a bunch of others are spending more time on teleconferences outside of this weekly meeting on EPDP than we are in this actual meeting. So, that's going on already, at least within some groups, and then we'll probably have to increase.

Could we, next week, have a very brief 5 or 10-minute tutorial on how to use this? I only have comment access, but to be honest I can't figure out how to make a comment. I've tried all of my left clicks, right clicks, and everything else. Nothing is effective at doing anything. I consider myself moderately technically competent, but maybe a few minutes showing us how to use it would be useful. Thank you.

KEITH DRAZEK:

Yeah. Thanks, Alan. It's a good suggestion. I think that makes a lot of sense. So, maybe at the top of the meeting next week we'll carve out some time for a tutorial. And then we'll assess it, evaluate it, and determine whether it works for the group or not. So, thanks, Alan.

Anybody else like to get in queue? All right.

Thank you very much. We have just two minutes left, so I'll just wrap things up here. Our next meeting is next Thursday at the same time, 14:00 UTC. We will confirm action items to the list. And if anybody has other questions for ICANN Org, feel free to bring them to the list.

Any other business? And maybe I'll turn to Caitlin and Berry and see if you have any wrap up thoughts that you'd like to share with the team. And then we'll close.

CAITLIN TUBERGEN:

Keith, if I may. I just wanted to note that staff is going to prepare some detailed notes on Jamboard so that people can begin collaborating here if they would like to. Alternatively, you're welcome to work in the Google Docs. I don't want to confuse people. But we'll try to send those instructions via e-mail, and then we'll do a quick tutorial. But we hope that in the meantime, people will still be able to use the tool of their choice to start providing feedback so that we can move forward on some of these proposals.

KEITH DRAZEK:

Thanks very much, Caitlin. That would be great. And I note that Berry has put a link in the chat for a few open action items. We're going to run out of time here, so we're going to wrap things up. But just, again, please, everybody. Whether it's the Google Docs or starting to use this form, please do your homework. Please provide the feedback and the input into the spreadsheets that the staff has put together for us.

And with that, we will go ahead and close this. And we will see you all soon. Thank you very much, everybody.

[STEVE CROCKER]: Thanks, all.

TERRI AGNEW: Thanks, all. Once again, the meeting has been adjourned. Thank you for joining. I'll stop recordings and disconnect all remaining lines. Stay well.

[END OF TRANSCRIPTION]