

---

TERRI AGNEW: Good morning, good afternoon, and good evening. And welcome to the EPDP P2A Team Call taking place on Thursday the 17<sup>th</sup> of August 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 Melina Stroungi, James Bladel, Alan Woods, and Amy Bivins. They have formally assigned Owen Smigelski and Amr Elsadr as their alternates for this call and any remaining days of absence.

All members and alternates will be promoted to panelists for today's call meeting. Members and alternates replacing members, when using chat, please select Everyone or All Panelists and Attendees in order for everyone to see your 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 in parenthesis 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.

---

*Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.*

---

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.

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 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. Please begin.

KEITH DRAZEK:

Thank you very much, Terri. And good morning, good afternoon, and good evening, everybody. Welcome to the EPDP Phase 2A Meeting #36 of Tuesday the 17<sup>th</sup> of August.

So we are going to move directly into our substantive issues here. We have two primary topics to cover today. The first is to consider the benefits and operational challenges discussion. And there is a document on the screen in front of us; also a link in the agenda that is the table that everybody has been asked to fill out.

This effort came out of some of the facilitated conversations that we had with Melissa where there was some discussion about groups wanting to share some additional perspective as it relates to the benefits that they

---

have identified or had identified and where there was perhaps some maybe talking past one another or not fully understanding various positions in perspective.

So this effort was to try to help clarify any misunderstandings, to bring to the floor any new information that might be helpful for folks to understand what the potential benefits would be of having a standard or common data element—a flag, so to speak—and having the differentiation in that manner.

So we're going to focus on that first. We have 15 minutes allocated on our agenda to that topic, and then we will move on to the next item which is a review of Section 3 of the final report draft at this point in response to the Council questions and recommendations. So those are the two primary items for our agenda today.

If we don't complete and sort of close out the discussion on the first topic, which is the review of the benefits and operational challenges, I really would ask people to focus on any outstanding questions, any further information that might be needed. And then I think we probably need to try to close that out by our Thursday meeting.

So I just ask everybody to focus on this. Let's use the table and to make sure that we've identified any questions. We've got the questions on the agenda before us. Are there any clarifying questions that anybody has about the input that was provided by others? If the input has not helped create a better understanding of each other's position, what else can be done and what else should be considered; and if and how this input

---

should be captured in the final report? Or should groups be encouraged to highlight their views in the minority statement?

So those are sort of the three questions that we would have as the staff and leadership team for you, for the team, to consider. And then we'll try to figure out next steps. If we need to carry that one over we can, but I really want to try to close that out by Thursday at the latest. And then we'll move into review of Section 3.

So with that I am going to turn to Caitlin and Berry for their help. Oh, I see a hand from Steve. Steve, go right ahead. Thank you.

STEVE CROCKER:

Oh, I thought I'd start things off with a little bit of a nudge here. I'm going to say what I've said before, and I'll say it in slightly different and somewhat stronger language. This group and the whole GNSO process lives within a larger environment, which is the broader Internet and all of the other players in it.

In that sense, the idea of deciding whether or not there should or should not exist a data element that specifies natural vs. legal is really outside of the scope of this process. So I'll just transform it into a simple declarative statement. That data element exists. Whether or not it gets used in any of the GNSO-related processes is well within the GNSO scope; but outside of the scope, I assert, to decide whether or not that data element should or should not exist in the world.

And so I think it makes it easier, in fact, in what we're doing here to just get past that and focus only on whether or not that's a required data

---

element and how it gets, used and so forth. But the existential question of should exist is sort of .... Just assume it exists and move past that.

KEITH DRAZEK:

Steve, thanks for that. And I just want to follow up. When you say it already exists, are you referring to the “kind” data element that has been discussed previously in our conversations in RDAP? Or are we thinking or talking about something else in your in your view.

STEVE CROCKER:

Yes, I’m thinking about that. It doesn't have to exist in [inaudible] embodiment, RDAP or anything else. It's conceptually a concept of what we don't have and what we should have. And again, I would say, it’s something that we would benefit from, but it's not something that ought to be entirely within the GNSO control. It is an organized, visible, data dictionary, preferably maintained as part of the IANA registry system that applies across the entire Internet.

But absent that, there's been plenty of discussion. And irrespective of whether it gets used within GNSO are whether it gets used by ccTLDs or others, just assume that that data element exists. And thus the question is, to what extent do we want to take notice of it and use it for something or ignore it? Which is perfectly okay. But just pull back on the language of whether or not it's within the remit of the GNSO to say such things. It really is part of a much broader Internet-wide discussion, not limited to the ICANN contractual structure.

---

KEITH DRAZEK: Thank you very much, Steve. I see a hand from Alan Greenberg. Alan, go right ahead.

ALAN GREENBERG: Thank you very much. I have to disagree with Steve because ICANN Org has made it clear that if we want this element to be included, for instance in the various specifications in the contracts [of] listing elements that may be transferred for escrow and for other things, that we have to be really clear that it must exist. So conceptually, Steve is right. But if we want it to be potentially referenced so that registrars who choose perhaps to include it can submit it, then we have to make it clear what the name is and what the structure is within the RDAP/RDDS fields we're using. And that's not going to happen unless we specify it clearly.

STEVE CROCKER: Well, I take your point, Alan. Let me just [press] that if any TLD operator or address registry operator wants to make use of that data online, they can and they should. The way I'm going to parse what you said about the ICANN Org response is that they won't require that that data element be instantiated in the contract unless there is a requirement stated by this group, essentially, that it needs it.

But the broader context is that it doesn't really matter at the end of the day whether ICANN Org does or doesn't countenance it. It couldn't be used by others outside of the contractual process. This is really an IETF-level sort of thing not 100% under control of this group. It's a small and perhaps [solo] point, but I think it's important in terms of retaining

---

the perspective of what is appropriate in this setting and what is appropriate in the larger setting.

KEITH DRAZEK: Thanks, Steve. And thanks, Alan. Alan, I think that's an old hand. If it's not you're welcome to get back in queue.

ALAN GREENBERG: Keith, may I respond, please?

KEITH DRAZEK: Yeah, go right ahead. Thanks.

ALAN GREENBERG: I'll be very brief. Again, theoretically, that's true. But if we don't specify it in the various specifications, those who choose to use it may pick different names and it will have no meaning and won't be able to be effectively used.

STEVE CROCKER: [You're absolutely right].

ALAN GREENBERG: Okay. I'm going to back out at this point, but I just don't understand how we can ignore it and expect it to have any value to anyone. Thank you.

---

KEITH DRAZEK: Thanks, Alan. Margie, I see your hand went up. And then Steve, I'll turn back to you if you'd like to make a final comment. And then we should probably move on here. Margie.

MARGIE MILAM: Sure. My understanding is that that is exactly what the IETF did in the RDAP work that created the “kind” element. And obviously there are better experts on this that can talk to it, but that's my understanding as to how the “kind” element even became part of RDAP. It went through the IETF process, so I think we're already there.

And now the question is, can we come up with a policy that defines how those fields are to be used in the gTLD space? It's obvious that we won't affect anything outside of the gTLD space, but that's essentially what this PDP was created to do—to address issues related to gTLDs.

KEITH DRAZEK: Thanks, Margie. Hadia, I saw your hand go up briefly.

HADIA ELMINIAWI: Yes, thank you. So to Steve's point, what we are asking here is do we need to have a common data element or not. And we're not trying to figure out if it already exists or if IETF would need to come up with an alternative or how this element would exist. We simply need to say, “yes, we need to have a common data element” or “no, we don't want to have a common data element.”



---

And I think this is the question that we are asking here. So Steve is saying that, let's say we have a defined data element and move on. But the point here is that people do not agree that we actually have a common data element or even need to have a common data element. Thank you.

KEITH DRAZEK:

Thanks, Hadia. So, look, let me wrap up here on this point. I think Steve's point is that the discussions that we're having are taking place in a broader context, and that even if we were to recommend the establishment or creation of something new in the context of a new data element, that would have implications elsewhere and that it could require or trigger additional work in other parts of the broader "community," including at the IETF.

And I think what we need to be focusing on here is, is there a recommendation coming from us, this PDP Working Group, to the GNSO Council for consideration of new consensus policy and/or guidance in this particular case for registrars who choose to differentiate? And if so, how? So I think that is the key focus and the key question that we should probably try to get to.

Also, I note that in the chat there's been some activity. And, yes, there's some further discussion to be had around the use of the quote "kind" element that we'll get to momentarily.

Chris Lewis-Evans, go right ahead. And then we will move into the discussion of the benefits. Thanks.

CHRIS LEWIS-EVANS:

Thanks, Keith. I just really wanted to make a [comment] [inaudible]. I know there was a lot of discussion in the breakout session with the mediation around the benefits. And this really is focused on one aspect which is the benefit of the data or the flag being in there.

And the GAC comment on the initial report was that the lack of discussion of the overall benefit of differentiation. Full stop. Let alone how you do it. And I think we're probably in a situation where we're too late to discuss that properly. I just don't think there's enough time. And some of the discussions last week about if the text isn't there for a final alternative, then we haven't got time to consider it which is probably right with the [timescales] that we're at.

So I just highlight again that I don't think we've properly discussed some of the aspects here, and that will probably reflect worse later. Thank you.

KEITH DRAZEK:

Thank you, Chris. Okay, thanks everybody for the discussion. Let's get to the benefits. And we're going to kick it over to Caitlin for help working our way through this. Appreciate everybody's input into the document, and let's get to it.

So Caitlin, over to you.

---

CATLIN TUBERGEN:

Thank you , Keith. What I can quickly do is summarize some of the benefits that folks have provided, and also the counterpoint to the benefits. I obviously don't want to speak on behalf of groups, so if anything is mischaracterized or omitted, please feel free to jump in.

But just in case everyone hasn't had a chance to read through the updates of the document, I'll quickly touch on some of the benefits that were noted here. I think in terms of the first contribution from the ALAC, ALAC has noted that having a standardized data element would be beneficial for creating consistency across the industry. And it would also be beneficial in terms of automated responses to disclosure requests.

There are also benefits noted from GAC colleagues about gathering data on the percentages of registrants who are legal person versus natural persons. It would be helpful to create this data element, as it may be helpful for the changing legal landscape or changing privacy law landscape. And it may be helpful to have this in place for purposes of NIS 2, among other laws.

Additionally, GAC colleagues noted, similar to ALAC that it will be helpful in terms of automated responses. GAC colleagues noted specifically that this could be helpful for the SSAD.

BC colleagues noted that the data element would be particularly valuable for registry operators since they do not have a direct relationship with the registrant and therefore could be in a better position to know whether to disclose data or not. And then also that the differentiation could amount to saved money for contracted parties, as

---

it would indicate the likelihood of being able to disclose the data about legal person versus a natural person.

I think that sums up most of the benefits that folks populated in the document. And then moving on to contracted parties in terms of the operational challenges and costs.

Contracted parties noted that the standard shouldn't be whether there's no harm in including a new data element. That shouldn't be a standard for making new consensus policy recommendations. Additionally, contracted parties noted both legal and commercial risks.

And lastly, contracted parties noted that the “kind” element that has been referenced by several people would not be a good fit for an eventual data element, if any. And that's because the “kind” of element is a vCard. And apologies. I'll let the more technical folk speak to this.

But essentially, the argument is that that's kind of using a square peg to fit into a round hole and it probably wouldn't be the appropriate data element to use if the team ultimately decides to use a data element.

I hope that sums up some of the benefits and concerns that were noted, but if anyone wanted to speak up with anything that I may have missed, of course, please do so. But Berry, if we could pull up those questions on the agenda again. What we'd really like to discuss is if any of these contributions have clarified the group's positions coming out of those mediated discussions, if there are any outstanding questions and, ultimately if what has been populated into this document has changed anyone's perspective or resulted in a potential change to the draft policy recommendations.

---

I'll turn it back over to Keith in case anybody wants to add any other benefits or concerns that I did not note. Thank you, Keith.

KEITH DRAZEK:

Thank you, Caitlin. And thanks very much for summarizing that so concisely. And if anybody has any comments that they'd like to make at this point or clarifying questions, go ahead and get in queue. As I said, I'd like to spend a little bit of time on this today, but we should probably plan on circling back to close this out by Thursday.

And I would like to spend a little bit of time on the discussion of the "kind" element, as that's been discussed for several weeks now as a possible solution for the distinction between legal and natural. And it would probably be helpful to have a bit of a more detailed discussion on that to make sure that we're able to compare notes, share views, and understand whether that's a possible path forward in consideration.

So I have hands from Marc Anderson and then Brian King. And again, if anybody else would like to get in queue on either the benefits or the operational challenges, please do so.

Marc Anderson, go right ahead.

MARC ANDERSON:

Thanks, Keith. Do you hear me okay?

KEITH DRAZEK:

Yes.

---

MARC ANDERSON:

All right, great. First, thank you everybody for the homework and submitting benefits here. When I was reviewing the document, one thing I struggled with a little bit is that not all the responses in the benefit forum seem to be answering the same question. What I mean by that is when I read some of the benefits, some of the benefits seem to be defining benefits for why a differentiation should exist for all registrations.

And so some of that things that I read there seemed to be answering that question. And some of the responses seemed to be answering a question as to why there should be a standard data element for contracted parties that choose to differentiate. And some of the responses seemed to be geared towards having a standard data element in the public RDDS.

And so while maybe all of these things are relevant discussions, the fact that, as I read it, it wasn't always clear to me what the responses were referring to. And so I don't know how to ... I don't know what I'm suggesting, I guess. But I did note that the benefit responses don't all seem to be benefits for the same thing per se.

And I know this is something we've talked about before, that there are really different questions we're trying to answer here. And so I think we need to be clear what we're talking about when we're talking about benefits. Benefits to what? I don't want us to have a situation where we're talking past each other and not being clear on what the benefits are for.

---

So I just wanted to flag that as an observation I had when I was reviewing the benefits that other groups had submitted.

KEITH DRAZEK:

Thanks, Marc. I'll turn to Brian and to Mark SV next. But let me just respond directly. I think the benefits in this particular case, as you'll see in the header here, I think what we're talking about is the benefits of having a common data element that would be able to flag whether the registration is associated with a legal person or a natural person.

And at the stage of our discussions, it's a question as to whether that common data element should exist for registrars that choose to differentiate. And then there's obviously some further discussion about the question of if registrars choose to differentiate, either they would have the option or they would be required to use that particular common data element to do so. Right?

So the benefits that we should be discussing here today, I think, are focused around that question because, just in the interest of time and trying to bring the group to consensus around text for a final report, we need to keep our focus somewhat narrow rather than having sort of higher-level conceptual conversations about benefits of differentiating between legal and natural.

So that's my hope. That's my thinking. I'm happy to hear the views of others. Brian, you're next. And then Mark SV.

---

BRIAN KING:

Thanks, Keith. I wanted to suggest. There are a number of benefits listed here. Maybe we could start with the benefit of the public—or whoever's doing RDDS queries and needs this data—for the public or whoever needs the data to have a consistent indication of whether the data contains legal person or natural person data. And just to have that be available consistently.

Let's say if the contracted parties choose to make that available, that will be helpful for a number of reasons, including to know whether or how to submit a one-off request to a registry or registrar for the data, to know whether to go to an SSAD or some other common data access place for the data and to understand the likelihood that the data would be provided. So just to get a good sense of why this particular data might not be publicly available already.

So having that element publicly available would actually convey a great deal of helpful information. Or users of this data could know a lot more based on this attribute or data element if it was available and used consistently across contracted parties. So maybe we start with that one. That's one benefit that kind of has ripple effects of other benefits. And maybe we could start with the discussion there. Thanks.

KEITH DRAZEK:

Thank you, Brian. And I've got a queue. Marc SV and then Alan Greenberg. Go ahead.



---

MARK SVANCAREK:

Thanks. I'm concerned about what Marc Anderson had to say because all along we've been having this conversation about benefits, and many people have felt that they had put forward benefits—things that made sense to them—and repeatedly have been told, “No, that's dumb.”

And so we see that again in the comments here where the inputs from other teams are dismissed as anecdotal or “This is harmful because it doesn't address the necessity.” It's very dismissive, and I think that it's fair for people to list of all the benefits that they see. It's all on a gamut. It's all related to the existence of a field or the use of a field. And I just don't want to see this conversation once again devolved into, “Bring me a rock.” It's like, “Oh, that's not exactly the kind of benefit we want to talk about. Tell me another benefit.”

“Here's a benefit.”

“Oh, that's exactly not the kind of ...”

You know? It's not helpful if we're trying to find some sort of common ground. So I would be cautious of taking Marc ... I mean, I get what you're saying, Marc. But I don't think it has actually helped us in this particular case. So let's go down the path that Brian is suggesting, but let's be cautious about rejecting potential benefits simply because they don't fit into one exact category or another exact category of benefits. Thank you.

KEITH DRAZEK:

Thanks, Mark. Alan Greenberg, you're next. Then Marc Anderson.

---

ALAN GREENBERG:

Hi, thank you. I'd like to follow up on both of the previous two comments. I'll give a real example of what kind of thing Brian was talking about. If there is a field defined, as a consumer if I go and look for it and I see it is not filled in and it specifically does not say "this is a legal person with the information I want," then I can choose not to do business with them.

Now that doesn't compel anyone to use it, but it does govern my actions based on it. That has a huge use based on the unknown. I mean, if you're working with a supplier in Europe, they have a requirement to post information on websites. That doesn't exist most other places in the world. And therefore, the knowledge that someone has chosen not to fill in this field and not provide it, that conveys a huge amount of information that could be useful to consumers. And we happen to think consumers are an important part of this overall ecosystem.

The second part, I think, relates to what Mark SV was saying. We have talked a lot about, "Oh, this is just anecdotal evidence." But the reality is that the rationales on both parties' side are not supportable with hard evidence. We have asked multiple times, "Show me cases where the risks that contracted parties or talking about have been enabled"—or rather, really exist. Show me the fines because someone misjudged something. When our lawyers have said, "If you're if you give them education and you're willing to change it, there are essentially no risks."

So the risks associated with this, the costs of implementing it, all of this is effectively anecdotal. So let's not denigrate the other side's points because we don't have hard evidence. We don't have hard evidence on virtually any of this. Thank you.

---

KEITH DRAZEK:

Thanks, Alan. I'm going to jump in, and then I'll turn it to Marc. And then we probably need to draw a line under this one for today. Not saying that we're moving on from it forever, but I think we need to ...

Anyway, what I was going to say here is, look, I think the purpose of this exercise coming out of the facilitated discussions was to share additional information to try to help either illuminate or create a better understanding of why having a common data element would be beneficial that may not have been fully discussed before.

If we're not getting that out of this exercise, or if we're not seeing there's this, "Aha, there is something there that we hadn't considered," or maybe we need to spend a little more time talking about a particular topic as a clear benefit, then perhaps it is time to set this aside and move on. We do need to figure out how to capture what we've got here in terms of a final report, and text is going to be important as we consider that. Or perhaps it's easier just to leave the benefits discussion to the minority statements as we highlight it.

I'm in no way short circuiting this conversation. We can continue to have it, but I just want to remind folks of what we're trying to achieve here. And that's to try to identify if there's something new that would materially or meaningfully sort of changed the trajectory of the discussions that we've been having now over many months.

So with that, Marc Anderson. Alan, I think that's an old hand. Marc Anderson and then Margie, go ahead.

---

MARC ANDERSON:

Thanks, Keith. I raised my hand in response to previous commenters who were talking about sort of dismissing other people's statements of benefits. And since I was the person that spoke previously, I can't help but feel that was aimed at me, which I take a little bit of offense to.

And maybe I just wasn't clear or maybe it wasn't aimed at me, but my statement was not in any way dismissing or intending to dismiss any of the comments that people had submitted in this form. It was merely trying to point out that these seem to be benefits for different things.

For example, in Brian's previous intervention, I took what he was saying to be a benefit for why that data element should be in the public RDDS. I think that's what I took that to be. And in my statement, I was just asking for people, when they're talking about benefits, just to be clear what the benefits are for.

Mark, I see in chat you're that saying you didn't take my comments to be dismissive. "But the comments in the form today certainly seem dismissive." Okay. I guess I don't understand then why we're having that conversation. I think we should be talking about what the benefits are and not focused on other things. We seem to be getting off track here. I'll stop talking now.

KEITH DRAZEK:

Thanks, Marc. I have a queue. Margie, Amr, Mark SV again, and then I'm going to draw a line under this one for today. We can come back to it on Thursday after folks have had a chance to consider, especially the three

---

questions that were posed at the beginning for this exercise. And then we'll move on to Section 3.

Margie, Amr, Mark SV.

MARGIE MILAM:

Hi. Another benefit that I forgot to include in our comments is the fact that once a record is identified as not having natural person data, under our recommendations for Phase 2 for the SSAD, there is a notion that there can be automation associated with that. And so one of the benefits would be to help with the actual implementation of the SSAD recommendations from Phase 2. So I think that's something we should highlight.

KEITH DRAZEK:

Thanks, Margie. Amr and Mark SV.

AMR ELSADR:

Thanks, Keith. If you don't mind, I was actually going to go ahead and jump into the questions posed in the agenda, specifically regarding whether we have clarifying questions on the input provided. So I was looking at the ALAC questions, or the ALAC input, and I'm finding it a little difficult to understand some of it. Specifically, there are a couple of points they made on consistent labeling and display of registration data, specifically inputs #2 and #3, I believe.

So I'm just wondering, in the absence of a data element that is used as a flag to differentiate between the registrant type, how is the data still not

---

consistently labeled and displayed? We all know that this is an existing ICANN consensus policy, and come time for implementation of our recommendations, specifically Phase 2, I suppose consistent labeling and display is going to be a requirement, one way or another.

I'm not sure how this flag adds consistent labeling and display. If a flag does exist, then it would also need to comply with the Consistent Labeling and Display Policy, but it doesn't really facilitate that compliance. So that's one clarification I'd like to hear back from the ALAC on.

My second point was that I'm kind of encouraged to hear what Margie just said and what Brian said earlier regarding a flag that specifically addresses the absence of the personal information of a natural person's registration data. That might be something we could discuss with the caveat that it would be included in the guidance and would not be mandatory to comply with or to enforce on contracted parties who choose to differentiate.

But a flag of that nature, as opposed to a flag that differentiates between the registrant type, I believe would have far more utility, especially considering Recommendation 9.4.4 in Phase 2 concerning the automation of disclosure requests. So that's something I personally find to be encouraging. If we could clarify whether these benefits that we're looking at are addressing that or are addressing a flag that [differentiates from] the registrant type, I think that would be interesting to hear.

---

And also, I'm not sure I understand input #5 from the ALAC either. GDPR doesn't require differentiation between legal and natural persons, but that input kind of, to me, suggests that it does and that it would help contracted parties comply with data protection regulation. I'm not sure how that works, and if colleagues from ALAC could clarify that, I'd be grateful. Thank you.

KEITH DRAZEK: Thanks very much, Amr. And thanks for the concrete and substantive input and questions. We'll turn to Mark SV next, and then I saw Hadia put her hand up. So she may have a response.

Mark SV, go ahead.

MARK SVANCAREK: Thanks. I had a similar question about clarifying questions about what's in the form. I had some questions about the feedback on the "kind" element. Is this the time in place to—

KEITH DRAZEK: Sure.

MARK SVANCAREK: — make that substantive ... I mean, it's a little bit complicated. Should I just post my questions into the form? Would that be more practical? Or should we try to talk about it here?

---

KEITH DRAZEK: So, Mark, why don't you, if you'd like, go ahead and tee up the question. Just sort of intro it here, and then we probably should take the next step in this process—back to the form, have some homework over the next couple of days in prep for our Thursday call. But by all means, go right ahead. Thanks.

MARK SVANCAREK: Okay. It's just about the use of vCard and jCard, the multiple vCards and jCards that are being used in the RDAP. If it is going to be replaced, it seems like that's the opportunity to address these things, which is Steve's point; and then some concern about how we use the IETF in relation to policy development. But I wanted to just start with some technical questions first, so that's teeing it up to have a fulsome conversation about why the "kind" element is not a good place to start. Thanks.

KEITH DRAZEK: Thanks, Mark. And, yes, let's capture those questions and we'll circle back to that on Thursday if that's okay with everybody. And I'll note that Amr is put into the chat that there needs to be a change to a reference from the Phase 2 recs.

Hadia, you're next. And then I'm going to draw a line under this one and we'll move on to the review of Section 3. Thanks.

HADIA ELMINIAWI: Thank you so much. If we can scroll back to ALAC section. Thank you. To Amr's first question in relation to the flag, actually we're not talking here



---

about a flag. We are talking about a common data element. And you will need to also specify, for this data element, the values that this element that would take. So for example, this element could take and natural, legal, or unspecified; or only natural and legal; or natural/legal/unspecified. And, for example, something that says the registrant does not want to provide an answer.

So this is where, actually, the consistency in display comes. So if all registrars that actually do differentiate would use those values, then we all know that if this element is published or if this element is disclosed, it will have only one of four values—or three or two, whatever. But if not, then if you make a request you could get any value depending on what the contracted party actually chooses to put in there. So we're not talking simply about a flag. No, that's not it.

And in relation to the GDPR, here, we are talking about consistency with GDPR and not compliance with GDPR. So we are saying that this line of thought is consistent with those who actually thought of the regulation. [inaudible] needs to happen, and we all know also that there are future regulations and laws underway that would actually make this clear.

So we are only saying that this is consistent with what the people who the law actually intended to make. And this makes it a good thing to happen. And that's why we have actually, before, mentioned that it is good to encourage differentiation and not only to leave it as a contacted parties [inaudible], but are not obligated to. Thank you.

---

KEITH DRAZEK:

Thank you, Hadia. And I'll note that Amr has followed up in chat, just noting that there's still some question about the Consistent Labeling and Display Policy in terms of what's being proposed here. And I'll admit I don't have a fulsome enough understanding of that potential connection and overlap, but it's probably something that we should clarify. So, Amr, I just want to note that I've captured that as an action item and that we should probably draw a line under this one now and move on. But again, we'll come back to this on Thursday, this conversation.

But again, folks, please all, take a look at the three questions and identify if this conversation is helping us find a path forward as we work on the final report language. And again, just to reiterate, we need to be focusing on text and coming to alignment or agreement and consensus on text to be included in the final report. So to the extent that we're having ongoing conversations and deliberations, it would be very, very helpful and really necessary at this point for folks to be proposing text for the consideration of others. Thank you.

With that, Caitlin, I'm going to hand it back to you now if we could move on to the next section on our agenda which is the review of Section 3.

CAITLIN TUBERGEN:

Thank you, Keith. If we can move to Draft Recommendation 3. We did have some homework completed for that recommendation, so thank you to the folks who did their homework. So as a reminder, Preliminary Recommendation 3 dealt with the creation of a new data element, so that flows directly from our last conversation.

---

The Registries Stakeholder Group proposed new language which you can see in the table with that green text. I'll note that the Registrar Stakeholder Group also expressed support for this comment.

So the Registries Stakeholder Group notes "As part of the SSAD implementation, a standardized data element should be identified that would indicate the type of person it concerns (natural or legal) and if legal, also the type of data it concerns (personal or non-personal data). Such a data element could be used by registrars who choose to differentiate between legal and natural persons. Such flagging could facilitate review of disclosure requests via SSAD."

And then a couple of cells below, you see that IPC has provided an update to the Registries' proposed language, crossing off the first clause and then noting "A standardized data element **MUST** be identified that indicates the type of person it concerns (natural or legal) and if legal, also the type of data it concerns (personal or non-personal data). Such a data element could **MUST** be used by registrars who choose to differentiate between legal and natural persons. Such flagging could facilitate review of disclosure requests via SSAD. If provided by a registrar, registries **MUST** store the contents of this field and **MUST** provide it in response to RDDS requests."

So I think that there seem to be two issues here. One is whether this data element is a "should" or a "must," and also whether it should be included as part of the SSAD implementation or in response to SSAD requests. So we might want to take those two issues separately.

---

And then also, I wanted to note that neither one of these proposed recommendations makes clear who or how such a data element would be identified. So if we could discuss who is expected to do that and if other details are required that need to be worked out in the implementation phase, that's okay.

But I think further to ICANN Org liaisons' previous feedback, we just need to be a little bit more clear about who's expected to identify this data element. Thanks, Keith.

KEITH DRAZEK:

And thank you very much again, Caitlin. And I'll ask anybody that would like to speak to go ahead and get in queue. I agree that this is something we probably need to take a look at. There are two issues here, I think, that have been flagged. One is the relationship to SSAD of a standardized data element or a common data element. And then the other is the question of "should" or "must"—or whatever term you want to use—but the question of optionality versus a requirement for those contracted parties and registrars that choose to differentiate.

So I want to make sure that we keep those distinct in our conversation here so we're not confusing and conflating. But let's start with the first one.

Actually, I saw a hand from Alan. Alan, I'll turn to you. And then what I'd like to have folks do is focus on, I think, the first question as it relates to the SSAD. And then we can move to a discussion of the "must" propose text from IPC. So let's start with Alan, and then I'll turn it to Marc Anderson.

---

ALAN GREENBERG:

Thank you very much, and I will address that as my first point—the SSAD. We have been too old ad infinitum that the scope of this section of the EPDP, as delineated by the letter from the GNSO since we're not working under a new charter, it has been very, very specific. And we've been told all sorts of things that we are not allowed to discuss because they're out of scope.

Modification of the SSAD, and even the SSAD implementation, was not mentioned in that letter. So bringing the SSAD in right now is a red herring and it's out of scope. And I'm just outraged if we continue the discussion on SSAD implementation when it clearly was not identified within something that we're supposed to be discussing at this point.

We can talk about the implications to it, but to give guidance to the SSAD implementation, I think, is completely out of scope. And of course, it's something that hasn't even been approved by the Board, so we don't know if it will ever exist. So I think that phrase is just so out of scope for so many reasons that if we're spending time discussing it any further, it's an indication of not using our time productively.

And the second point I'll make, and I made it in the comments twice now, I really think it does not serve us well to discuss multiple aspects of this question simultaneously because we're never going to get agreement on all of this. If we can separate the question of should the element exist—then must it be used, can it be used, whatever—and change these to orthogonal questions that can be addressed separately in sequence, we may make some progress. If we merge them all

---

together into a single thing, we know we're not going to come to closure on this. Thank you.

KEITH DRAZEK: Thanks, Alan. Just a quick follow up. If you're objecting to the references to SSAD and SSAD implementation as part of this, then I guess the question is, where would or should the implementation take place? Is that something you think would be better served through the Phase 1 IRT or something else?

ALAN GREENBERG: Keith.

KEITH DRAZEK: Yeah, go ahead.

ALAN GREENBERG: Keith, we can't change what the Phase 1 IRT does. We can give them whatever instructions, but they're not going to do something that is not mentioned in the policy. The Implementation Teams are limited to doing things that are mentioned in the actual document that guides their implementation. I've said that before. Adding something to the Implementation Team from Phase 1 makes no sense. It's just saying, "Let's forget about it," but saying it in nicer words. And the same thing with the SSAD implementation. It's not within our scope to do.

---

So if it has to be implemented, then its implementation from Phase 2A. Period. We have to make a recommendation and then it gets implemented. That's how PDPs work, I thought. So I'm not sure why there's any confusion over it. I know there's a reluctance on some people to say we're going to come up with any recommendations that require ICANN Org or anyone to do anything, but recommendations out of PDPs are not limited to consensus policy. They can be recommendations of something ICANN should do and the Board can take action on it. Thank you.

KEITH DRAZEK:

Thank you, Alan. Marc Anderson, you're next.

MARC ANDERSON:

Thanks, Keith. I just wanted to take a moment to speak to the language the Registries proposed in this text. It shouldn't be a huge surprise to anybody what we're suggesting here. It's consistent with statements we've made previously. And also, the language used here is based on the language from rec four, number three. So this language used that as a starting point. So if you recognize some of the words, that's where it came from.

Registries have said previously that they're opposed to having a standard data element in the public RDDS but that they do see utility and usefulness in having that element be available, especially when it comes to SSAD integration. Provided the SSAD does, at some point, get implemented, Contracted Parties will have an obligation to integrate

---

with that SSAD system. And there we see utility and usefulness in having a standard data element there.

Keith, I think you mentioned this when you were teeing it up but the other thing that Registries have said consistently is that having natural or legal designation alone is not sufficient. That's also reflected in the language in the rec four guidance section. So you see there it actually says natural or legal, and if legal, also the type of data it concerns—personal or non-personal data. We think that that is important.

I will note that in discussing this proposal, some people felt that the designation of personal or non-personal data alone was sufficient, in that we don't need to have natural or legal. Rather, we should focus on whether there's personal or non-personal data. So I should note that that language was a little bit of a compromise there.

So I hope that background is useful. This tries to address the concerns that we and other people have raised previously but still represent a proposal for the development of a standardized data element that could be supported.

KEITH DRAZEK:

Okay. Thank you, Marc. Would anybody else like to get in queue? Chris Lewis-Evans, go right ahead.

CHRIS LEWIS-EVANS:

That's for Lauren because she's having trouble with her hand raising.



---

KEITH DRAZEK: Ah. Thank you, Chris. Laureen, go right ahead. Thank you.

LAUREEN KAPIN: Thanks. I'm wondering ... And this is in response to both Marc and Alan G.'s concern. I'm wondering if we took out the word "implementation" and just said "as part of the SSAD," if this would remain objectionable to you, Alan G., in terms of scope. I think I understood what you were saying. We can't turn back the clock and glom on new recommendations for Phase 1 to be implemented. But it does seem to me that we could make a recommendation for this standardized data element. An that's separate and apart of whether it's required or not and the outstanding differences we may have.

I would just observe that having a standardized data element that identifies the type of person and the type of data would be a useful infrastructure to have in place that, perhaps in future, could be built on. And in that regard, I do think it's a positive step.

KEITH DRAZEK: Okay. Thank you very much, Laureen. Alan, go right ahead.

ALAN GREENBERG: Yeah. I think flagging that it would be useful to the SSAD, should it ever exist, is fine. But mandating that it be done as part of the SSAD implementation is not fine. Therefore, that begs the question of when will it be implemented? When will it be defined as ICANN Org as one of

---

the specified fields? And if we don't specify that it's going to be done, it's not going to happen. So just mouthing it as a motherhood issue, saying it would be a good element to have, is fine. But that doesn't make it happen unless we make a recommendation to make it happen. And nothing that it would be useful for the SSAD is fine. I think we've already noted that. Certainly, the ALAC has. Thank you.

KEITH DRAZEK:

Okay. Thanks, Alan. If anybody else would like to get in queue, please do. Perhaps, the language could be ... As opposed to "as part of the SSAD implementation," perhaps it could be "in support of the SSAD" as an alternative text. But I'm just thinking out loud here. I'm happy to hear what others have to say. If anybody else would like to get in queue, it is open. And I see Alan saying "in support of SSAD" would be fine. I'm curious if others have views on that as a possible path forward. Margie, go right ahead.

MARGIE MILAM:

Hi. I just wanted to make clear that we support, on the BC, the IPC recommendations and think that having it be this conditional "must" is the right way to go.

KEITH DRAZEK:

Thank you, Margie. So we're, I think, moving from the Registry-proposed text to the IPC-proposed edits to that text, which essentially say that there should be a requirement for those that choose to differentiate, as I understand it. So let's open up the queue for that. My sense of the

---

conversations over the course of the last several months that there is not support for it being a must for those who choose to differentiate, or at least not likely to secure consensus. But let's hear from the groups to see if there's an opportunity here to move this forward. Marc Anderson, go ahead.

MARC ANDERSON:

Thanks, Keith. I think you're right. In conversations with members of my stakeholder group and some others, I think there would not be support for the "must." So I can't speak for everybody, obviously. But based on my conversations with people, I think that that would have a difficult time reaching consensus.

Also, I see the last sentence in the IPC proposal as a dealbreaker as well, for two reasons. I think the obligation that registries must store the contents of this field is problematic for my stakeholder group at the very least. And as I stated previously, we also don't support including that in the public RDDS response. So I think, for both of those reasons, the last sentence there in the IPC proposal is problematic for us.

MARC ANDERSON:

Okay. Thanks, Marc. Chris Lewis-Evans, go right ahead. And if that's for Laureen, Laureen, go ahead.

CHRIS LEWIS-EVANS:

No. It's for myself this time. Marc, we had a little bit of a discussion around the second part in the mediator's session. I think it would be

---

quite good to expand on that here. I think Amr also stated the Contracted Party House is quite happy with it being part of an SSAD.

However, where it goes to the public RDDS system, even with the checks and balances that are being proposed to be put in place—so this flag that says you’ve only got non-personal data of a legal person ... Just help me understand. Where does that risk push you over into not wanting it to be in the public RDDS? Because that’s one of the things I’m struggling to understand. If those points are all in there, why can’t it be in the public RDDS, if it’s data that isn’t covered under GDPR. Thank you.

KEITH DRAZEK:

Okay. Thanks, Chris. If anybody would like to get in-queue to respond to Chris ... Marc, go ahead.

MARC ANDERSON:

Thanks, Keith. I’ll respond a little bit on Chris’s question. I think having that data in a response to an SSAD request, where you know who the requestor is, is much more palpable and acceptable, from our perspective, than including that in a public response, which is accessible to anybody and can be used for any purpose. That’s always been a problem for us, from our risk and comfort level.

So where I think we can get on-board or comfortable with that via the SSAD, like I said, where you know who the requestor is and you have some assurances of how that data would be used. It just becomes a completely different exposure and equation when you’re considering

---

putting it in the public RDDS, where you have no checks and anybody can use that data, essentially, for any purpose.

KEITH DRAZEK:

Okay. Thanks, Marc. Chris, back to you.

CHRIS LEWIS-EVANS:

Yeah. Thanks. So maybe two points on that. One is, obviously, using that for any purpose would be permitted under GDPR because it is legal persons' data, which contains non-personal data, which is a bit of tongue twister. So maybe that's one aspect I'd be interested in hearing. Why are you concerned about data that isn't necessarily covered under that? I know there's an element of concern around mis-inputting of data but I think we've talked before that most of that risk is them with the person that inputs it.

But secondly, maybe not talking about a system where it's publicly-queried. But obviously, at the moment, most of the WHOIS requests are based off an e-mail system, whether that could be released automatically, if that helps with your knowing who the person is. Thank you.

KEITH DRAZEK:

Thanks, Chris. And Marc, I'll turn it back to you. Thanks to both of you for the input in chat for this dialog. I think this is just the kind of conversation that we should be having to make sure that we understand the various views and try to find that path forward. So, Marc, back to you. And if anybody else would like to get in queue, go ahead.

---

MARC ANDERSON: Thanks, Keith. And thanks, Chris, for the question. I'm not sure I quite followed the second part of that question. On the first part of that question, though, if I could, you asked about having the flag for legal—what our concern was about flagging that for legal persons. But we're not talking about having a flag just for legal persons. What we're talking about is flagging the data for all responses, really. So you're not asking us to include data just about legal persons. You're asking us to include additional data about all types of persons—legal, natural, and legal persons that may contain natural persons' data.

So from our perspective, we're not talking about just data of legal persons. It's additional information about the registration of all type of registrants. So I think for us, that's where we start to get uncomfortable. I hope that helps answer your question.

KEITH DRAZEK: Okay. Thanks, Marc. Alan Greenberg, go ahead.

ALAN GREENBERG: Yep. Thank you. I just want to remind Marc that we have always talked about this field being empty. So the fact that there's a field does not mean there is information about it. But the lack of information is information in its own right. It doesn't reveal anything about the applicant, other than the applicant has chosen not to provide information or chosen to use a registrar that doesn't provide information or doesn't allow the information. It does not convey

---

anything specifically about the registrant. So the existence of the field without information in it has value. Thank you. But it doesn't reveal anything about the registrant itself. Thank you.

KEITH DRAZEK: Thank you, Alan. Chris and then Steve Crocker.

CHRIS LEWIS-EVANS: So this might be showing an area where we might be talking past each other. And thanks, Marc, for that. My understanding is we wouldn't be releasing any more data about natural persons. We would only be releasing more data about legal persons, where that data is of a non-personal nature. So with that in mind, does that help at all or am I confusing where we're talking past each other? Thank you.

KEITH DRAZEK: Okay. Thanks, Chris. Marc, if you'd like to respond, go ahead. Otherwise, I'll turn to Steve and you could come back in.

MARC ANDERSON: Thanks, Keith. I would like to jump in. I'm not sure I follow, Chris. Are you suggesting that we ...? I guess I'm not sure what you're suggesting. It sounds like we would have a flag. You would say we would only have a flag for legal persons. So we would not have a flag for natural persons?

---

CHRIS LEWIS-EVANS:

No. Sorry. I thought you said that you were concerned around releasing more data about natural persons. And I said we wouldn't release more data about natural persons. We're only talking about legal persons and their non-personal data. So anyone that marks something up as a natural person, even if they marked their city, let's say, as nonpersonal data, we're not talking about releasing that. We're only talking about releasing data they've marked they're a legal person and it contains nonpersonal data.

KEITH DRAZEK:

Okay. Thanks, Chris. I have a queue, Steve and Volker. I just want to note. I think we are talking about a number of different things here. Obviously, there's the question of the existence of a common data element. I think Steve referred to that earlier. We're talking about the potential contents or the values of a potential field. We're talking about the use of the flag or the field, in terms of whether it should be designated or displayed through SSAD or displayed in the public RDDs. We are talking about a number of different things here. And I think we need to be as clear as we possibly can about what, specifically, we're referring to. So just an observation. Steve, Volker, then Chris again.

STEVE CROCKER:

Thank you. I want to speak to precisely the second of your list of [inaudible]—that it's a set of values—and just unpack a little bit of what Alan said about nonresponse and lack of data. I put the details in the chat. If you're going to do this, I think it's absolutely crucial to distinguish between not having asked the question versus an explicit answer from



---

the registrant saying, “I’m not going to answer this.” So you have to distinguish between unspecified, which is an affirmative response, saying, in a certain sense, “None of your business,” versus no data supplied at all, perhaps because the question was never asked.

Think of it like you’re filling out a multiple-choice test—a form. And there’s a distinction between filling in an answer that says, “I decline to declare whether I’m legal versus natural. I decline to declare whether this is personal or nonpersonal,” versus just leaving it blank. So those two things are not quite the same. And the inferences that one should draw from those would be different. It’s all doable. It’s just important to have those distinctions built in from the base.

KEITH DRAZEK:

Thanks, Steve. I think that makes a lot of sense. I think one of the questions or concerns, I think, that’s been flagged is that once ... Particularly if the flag or the indicator is publicly available—in this case, outside of the SSAD—what does that tell others about the nature of the registrant and/or registration. And I think Alan’s point was not having data in that flag or in that field could tell you something. And I guess the follow-up question I’d have for the Contracted Party reps is what is the concern specifically about having that type of indicator public. What additional information would that provide and how would that be used in a way that would create concerns?

STEVE CROCKER:

I’m going to direct your attention to what I scribbled in the chat. There are, I think, six distinct possibilities, three of which have various degrees

---

of unspecified, starting with “no answer given,” or “unspecified as to legal versus natural,” or unspecified, as to for a legal person, whether it has personal or does not have personal data. So these combinations start to proliferate. It’s not terrible but one has to be careful to include all of those things and make the distinction so that what Alan has just put into the chat, “Blank could mean not provided or not even asked.” I would distinguish between those two. I think those are quite different.

KEITH DRAZEK:

Thank you, Steve. All right. Volker and then, Alan, you’re next. Volker.

VOLKER GREIMANN:

Yes. Thank you, Keith. I wanted to touch upon something that Chris just mentioned because that at least sounded like something that was clear and close to what I’ve been arguing for a while. With regards to the content of the tag being more to the effect of containing person information and less to the effect of what entity type the registrant is, as a registrar, for us, it’s more important to know whether a contact field that a registrant has provided contains personal information than it is to know what kind of type the registrant is because we can actually do something with—confirm knowledge of personal information presence or not, whereas a legal person would always require that second step again.

And if we are talking about a flag that specified whether personal information or non-personal information is present in the data or unspecified, then that would be very interesting, at least to this registrar, because it is useful knowledge that can be used for implementation

---

purposes and decision-making processes with regard to disclosure and publication. Thank you.

KEITH DRAZEK:

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

ALAN GREENBERG:

Yeah. Thank you. I agree with Steve that, in an ideal world, the two meanings I proposed—that is “not provided” or “not even asked” have very different meanings. And in an ideal world, I would love to be able to differentiate. But at this point, I do not believe we are going to get agreement in this PDP that we have that level of clarity. And I would far prefer to have an element which has this fuzzy value, saying, “I’m not sure why it’s not filled in,” than not have the element at all.

So just for clarity, yes. I would prefer clarity and very great specificity because these are very different meanings. But I don't believe we're going to come to closure on getting that and I would prefer to have an element with fuzziness than not have the element. Thank you.

KEITH DRAZEK:

Thanks, Alan. And thanks, Steve, for that conversation. I see Chris has responded to Volker's point in chat. I'd like to give you guys an opportunity to carry on that conversation now, if you think that would be helpful. So I think that kind of dialog is really helpful and really what we need, at this point, to try to find that path forward. So let me turn to Hadia. And then, Chris and Volker if you'd like to carry on any further dialog there, feel free to come back to it.

---

HADIA ELMINIAWI:

Thank you. I would stick to the ALAC's comment that we should be considering now the existence of the element, separate from how it would be used, and separate also from the safeguards that would need to take place. So we need to remember the European Data Protection Board legislation, in which they indicated the need for safeguards in order to go ahead and publish this data because we all agree that legal persons' data might include personal information.

So after agreeing on the existence of such an element, there are other discussions that need to take place, like how is this element going to be implemented. And also, what kind of safeguards need to be taken into consideration in order to be able to publish this data element or even to have an automatic disclosure to this data element. So we might need—or we sure will need—some other kind of specifications, like whether the data includes personal information or not.

So I think dragging on into conversations like how and what safeguards are required is not really beneficial at this point because there might be many alternatives and different options. And to agree, right now, on all this, is almost impossible. Thank you.

KEITH DRAZEK:

Thanks, Hadia. I think it's a good point in terms of timing, in terms of where we are, that we need to be focusing on the high-level guidance and high-level policy-type questions rather than getting into the nuance of implementation.

---

But to the extent that there are implementation implications, we should be aware of those. And I think a good example of that is the discussion around the kind element and the whole vCard and jCard question, which I am certainly not fully up-to-speed on myself. So I think that there are potential implementation questions that we might need to address. But I agree that we shouldn't be focusing now, at this stage of our work, on trying to answer all of the implementation questions.

So with that, we have 10 minutes left on the call today. I want to circle back and give Chris and Volker and opportunity to carry on the conversation that we were just having, if that would be helpful. If not, at this point, we can table that and carry on later.

But I want to circle back to the proposed text that we have, that is on the screen before us. Alan Greenberg raised a concern earlier about the reference to the first part of that sentence, "as part of the SSAD implementation." I suggested an alternative that would be "in support of the SSAD." Alan said that that would be okay with him and I just want to test whether other groups have feelings one way or the other—in particular, IPC and BC, who struck that language, "as part of the SSAD implementation, from the proposed Registry text.

I'm just wanting to test whether, as we try to finalize the text for the final report, is this something that we can come together around? If there's no answer today, that's fine. But we will need to circle back to that. So sorry. My specific question is can we replace "as part of the SSAD implementation" with "In support of the SSAD" or something along those lines? Hadia, I see a hand. Go ahead.

---

HADIA ELMINIAMI: Thank you, I definitely agree with Alan, that we agree on having “in support of.” But I would also add that the last sentence also needs to say, “Such flagging could facilitate review of disclosure requests via SSAD or similar disclosure tools.” Thank you.

KEITH DRAZEK: Okay. Thank you, Hadia. So would anybody else like to get in queue. Hadia, that’s an old hand. So again, we’ll take this text to the document, to the table. So if folks have further input, further comments, you’re welcome to put them in there as well. I’m not putting anybody on the spot today to commit to anything here. But I do want us to focus on the text. And you’re going to hear me say that multiple times now, over the rest of the next couple of weeks, because that’s really where we need to be focused right now, to bring the final report to a point where we can get it done and make sure that we have the time for a consensus call on text that has been essentially negotiated over the next couple of weeks.

Okay. I’m not seeing any hands. All right. So I think we can table that one at this point. Caitlin, if I could hand it back to you at this point. We’ve only got about six minutes left on the call today. Is there anything else in the substance here that you’d like to point the group to?

CAITLIN TUBERGEN: Thanks, Keith. Berry, if you could just scroll up quickly to rec four. What I’ll do is quickly summarize the homework that we received and some of the questions that the support team had. And from there, if folks can go

---

over the questions and also the text suggested by other groups and provide their feedback, preferably by close of business today, support team will be meeting with leadership tomorrow to go over our plan for the next meeting. So if we get the feedback by close of business today, that would be very helpful.

In relation to recommendation four, this is about the new recommendation about the code of conduct. IPC noted they're supportive of the code of conduct concept but do not agree to limiting its development to ICANN and Contracted Parties.

Support staff's question is for those who are experts in GDPR, noting how much flexibility has been applied by the EPDP in the past to those have developed codes of conduct to date. Specifically, if there are controllers involved, is that sufficient? Or does it matter if others are part of that conversation as well?

Similarly, would Contracted Parties be open to this? Are there any other objections to the actual text of the recommendation? If so, please provide those edits into the table, or additional suggestions, or comments about Article 40 of the GDPR for the experts or anyone who would like to opine.

And then, moving onto recommendation five, we did have some language provided by the Registries Stakeholder Group. As a reminder, this is the recommendation about the registrant or registration-based e-mail contact. It looks like the Registries Stakeholder Group reps went through the legal guidance received to date and pulled out some relevant sections of that, noting that it would be more helpful to have

---

specific guidance pulled out instead of referring to a full legal memo. This guidance might be helpful to those who choose to use registrant or registration-based e-mail contacts.

I'll note that in the past, it seemed that there wasn't agreement about what text should be lifted from the legal memo. So what I would ask is for the non-Registry groups to review what the Registry reps have provided—thanks again, Registry reps, for providing this—and see if anything needs to be adjusted, added, edited, etc. And if so, if you believe that it does, please populate the table accordingly so that we can get to language the everyone can agree on.

As Keith noted earlier, it's very helpful, in terms of preparing the discussions and also getting to final report, to propose specific suggestions to either what another group has proposed or to propose something new, if no one has proposed it, or if you have objections to the text proposed by leadership.

So again, I think the assignment is back to the benefits table that we discussed earlier. I know there were some technical questions about the kind element and also some questions about benefits that others have provided or maybe left off. If you could please populate the table with those questions by close of business today.

And similarly, for recommendations three, four and five, if we could look at the language that Registry and IPC reps have provided, and then the adjustment that Keith had suggested, based on Alan Greenberg's comment and note any further changes, in the spirit of compromise, looking at those proposals and seeing where the group could agree.



---

Also looking at the IPC's comment about the code of conduct and seeing if the text needs to be adjusted accordingly and looking at the Registries' proposal for recommendation five and seeing if that needs to be adjusted. And Keith, if there's anything else you think the group should be focusing on today, please let me know if I missed anything. Thank you.

KEITH DRAZEK:

Yeah. Thank you very much, Caitlin. No. I think you covered it very well. Again, I just want to note we only have a couple minutes left here. Thank you all for the hard work that you've put into all of this and will continue to do over the next couple of weeks. I know this is a lot of work. I know we are in crunch time right now. And we all have other responsibilities in our jobs as well. So I want to note that.

But it is very, very important, over the next couple of weeks, that we do the homework and that we prepare for the plenary sessions so we can have meaningful and constructive conversations. And again, just to reiterate, please focus on suggesting text—either new text or changes, possible edits. Don't redline but please put it in a comment. Put it in the table. And that way, we'll be able to capture it better.

So I think Caitlin laid out the homework assignments. If folks could just spend the time to make sure that we get those done. And we'll have our next team call on Thursday at 14:00 UTC. So with that, I will ask if there's any other business, any questions before we wrap up. Otherwise, we will do so. Marc Anderson, go ahead.

---

MARC ANDERSON:

Thanks, Keith. Quick question on the benefits document. I do have some questions about some of these. What would be the best way for me to submit them? Would maybe another column table make sense or should I add them? I could add them as comments but I think that the comments would get kind of unwieldy, quickly. So I'm just wondering if maybe there's a preferred way that we should submit follow-up questions on the benefits table.

KEITH DRAZEK:

Yeah. Thanks, Marc. Caitlin, do you have a thought on that? I think we're getting a new column as we speak. So yeah. I think we've got a new column that will provide that capability. So good call.

Okay. Thanks, everybody. We are out of time. We will wrap up today's call. Thanks for your attention. Thanks for your continued work and we'll talk again on Thursday. Thanks very much.

TERRI AGNEW:

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

**[END OF TRANSCRIPT]**