
ICANN Transcription
GNSO Temp Spec gTLD RD EPDP – Phase 2A
Tuesday, 27 April 2021 at 14:00 UTC

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TERRI AGNEW: Good morning, good afternoon, and good evening. And welcome to the EPDP P2A Team Call taking place on the 27nd of April 2021 at 14:00 UTC.

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

Hearing no one, we do have listed apologies from James Bladel of the RrSG, and Brian Beckham, our co-chair. They have formally assigned Owen Smigelski as their alternate for this call and any remaining days of absence.

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

Alternates not replacing a member are required to rename their line by adding three Z's to the beginning of your name, and at the

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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.

As a reminder, the Alternate Assignment Form must be formalized by the way of the Google link. The link is available in all meeting invites towards the bottom.

Statements of Interest must be kept up to date. If anyone has any updates to share, please speak up now or raise your hand. 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. Good morning, good afternoon, good evening, everyone. Welcome to the EPDP phase 2A meeting #17 on the 27th of April. This is our first Tuesday plenary session as

we've moved from once weekly meetings to twice weekly meetings in order to work towards developing an initial report by the end of May. So, thank you very much for adding an extra time slot and an extra commitment to your agendas.

With that, I'm going to just do a quick review of the agenda for us and then we're going to get right into the substantive work today. On Friday, we sent out an e-mail outlining the next steps, and that e-mail is on the screen here that you can see. Not going to go through it in excruciating detail now, but I did want to flag it for everybody to make sure folks have had a chance to review that. If you need to skim it now, please take the opportunity to do so. But this e-mail and guidance from the leadership team and staff is really intended to help focus our work to make sure that we're developing text and language to include in the initial report. And it's really important that we all focus on this text, and that's essentially the purpose of the meeting today, is to get into the latest version of the write-up.

Under our agenda, 3A focuses on guidance development, and we're going to, as I said, focus on the write-up. And there are six specific questions that we are going to be trying to focus on today. We may not get through all of it. I would like to think that we can get through much of it. But this is the focus of our meeting today, primarily guidance development under 3A, new issues flagged in the latest version of the write-up, and those six questions underneath that header.

So please take a moment to review that, make sure we're prepared. And I'm going to ask everybody today to try to resist the urge or inclination to make higher-level positioning statements, to

restate things that we've talked about before. I really want to try to help us focus on these questions and the write-up document. And then we'll focus later on the remainder of the homework assignment and then look ahead to our Thursday plenary.

So with that, let me pause and see if anybody has any questions, any comments before we move on. And before we actually get into the substance, I'll see if Becky has any updates from the legal committee. I think there none, but I did want to give her the opportunity to weigh in if there's anything new to share. Becky, do you have anything for the group today?

BECKY BARR: Nothing new, Keith.

KEITH DRAZEK: Okay. Thank you very much. I appreciate that. Okay, and as we get into the review of the writeup, we will turn also to Marika, Caitlin and Berry for their assistance and engagement in helping us move forward. So just a warning there to our staff colleagues, we'll be turning to them to help get through the actual writeup and to review the language that's been input.

So let us then move to the writeup document and the six questions. I'm going to read them here briefly and then we'll kick things off. First, is there any concern about moving "Distinguishing between legal and natural person data alone may not be dispositive, as the data provided by legal persons may include personal data that is protected under data protection law, such as GDPR" to the guidance section?

Number two, see 1d – what approach should be taken when a Registrant makes substantive changes to registration data?

Number three, consider whether it would be helpful to add a timeline to scenario 2.

Number four, consider whether scenario 3 should remain.

Number five, Definition of “publish” (note, the write up currently includes the following definition from “EPDP-p1-IRT: “Publication”, “Publish”, and “Published” means to provide Registration Data in the publicly accessible Registration Data Directory Services.”)

And then six, any other issues flagged by deadline of Monday 26 April at 18.00 UTC.

We've noted that there were some additional work and input to the write-up document since the deadline, and we haven't been able to fully incorporate that late breaking input into the consolidation, at least not as far as I'm aware. So there may be some additional stuff that we need to consider. But this is the key focus for the write-up today.

So we've also noted that in the input that's provided, there's been some sort of, I guess, either reintroduction or an introduction, a table from the Registrar Stakeholder Group and also a reintroduction of the original proposal 1 from the GAC. And I just wanted to first, I think, as we kick things off here, just ask the registrars and the GAC reps for any context or thinking about the rationale for the reintroduction and inclusion of the table that had been previously submitted, I believe by Sarah on behalf of the

registrars and then also Laureen reintroducing or putting in the original language of the first proposal that we considered.

I think the writeup actually captures largely—and previously captured largely—the intent, the language in both of those, and it was an attempt to try to bring those together to bridge the gap to find a path that was acknowledging both the registrars’ table as well as the proposal 1 from the GAC. So if there's any further context from Sarah and Laureen—and I see their hands going up, thank you so much—I think that would be helpful context to frame our discussion today, and then I think we need to jump into the actual substantive review on the table on the writeup. So, sorry for being a bit longwinded there. Sarah, to you first, and then to Laureen. Thank you.

SARAH WYLD:

Thank you. Hi. The registrar group did not find that all of our proposed guidance was fully incorporated into the writeup, and Berry helpfully provided some information about that by e-mail last week and upon review, we felt that the most appropriate way to have our guidance included would be to suggest the chart be included in the writeup. So we've just copied it in here. Brian King had helpfully provided some references to the various RAA sections so we included that as well. But it's substantively the same as what the team reviewed together back in March in the separate document version. I hope that helps. Thank you.

KEITH DRAZEK:

Thanks very much, Sarah. Appreciate that. Laureen, you're next.

LAUREEN KAPIN:

Thanks, and I think our position is very similar to Sarah's. we didn't find the write-up in its structure and sequence actually incorporated all of the guidance, and candidly, I'm finding this current write-up a little hard to follow, especially because it sort of divides itself into some general statements that don't give, at least in my view, sufficient information about sequence and branches that occur depending upon what the answers to certain questions are. And then we have these scenarios which some have proposed should not even be part of the guidance. So I'm just finding it structurally, in its present form, a bit hard to follow, which is why I put the GAC proposal—which in fact I have updated and revised to incorporate the helpful input provided by Milton and our registrar colleauges, so it's a little bit different. It's not a lot different, but it does have some updates. So I hope that gives a little more context for my thinking.

KEITH DRAZEK:

Thanks very much, Laureen. Sarah, I see your hand next, but let me just respond. I think the key here will be for us to go through the actual language in the write-up in a focused and detailed way so that Laureen, as you've noted, and Sarah, to the extent you've noted and anybody else has questions or confusion or a lack of—if it's not flowing properly or doesn't seem to be capturing everything, that we can go through that in a more structured way.

I guess the question is, from the various proposals that have been submitted, if folks can be explicit and specific about the concerns or where something is either missing or not captured

appropriately, that would be really helpful as we try to tighten this thing up. And essentially, the write up document here is intended to be our consolidation document, trying to bring the various proposals and discussions into a bit of focus. And naturally, we're not going to get this thing right on the first go, so it's an iterative process and this thing will evolve, but I think we do need to start focusing in, being explicit in terms of the questions, concerns or if anybody sees something that's glaringly missing, this is our opportunity to flag it.

Sarah, I'll turn to you, and then we'll get into the actual document itself and I'll turn to Marika, Caitlin and Berry for help in getting through that. Sarah.

SARAH WYLD:

Thank you. I missed something when I was explaining why we put the chart back in the document, so I wanted to add to that information. I think there might have been a perception that the example scenarios were the guidance that we the registrar group were proposing, and that was not the case. Although those example scenarios were included in our proposed guidance document, they were consolidated from team discussions and were not the substance of the guidance that we had intended to propose. The substantive guidance is the chart itself. Thank you.

KEITH DRAZEK:

Okay. Thanks, Sarah. Much appreciated. Let me just pause and see if there are any other comments, questions before we move into the substantive review. Okay. Thank you. And let us then

move to the writeup document. Marika, I'm going to hand it over to you and to the team to help us walk through this in a structured way. Thank you.

MARIKA KONINGS:

Thanks very much, Keith. What you see on the screen now is a document that staff sent out yesterday in which we try to facilitate the review of the comments and inputs that were received until that point in time and allow the group to focus on what's the current language in the writeup and what are some of the comments or suggestions that have been made so that the group can provide some guidance to the staff team on how to make further updates and changes.

As Keith noted, there were some additional changes that were made after we produced that document, one of which is the GAC proposal that was inserted that's not currently reflected here. And as Keith suggested, it may be worth focusing first on the language as it currently stands, which would allow then as well based on any updates made, maybe a close look at seeing what is really missing or not reflected. As Keith noted, the group had extensive discussions on the GAC proposal early on, that was a starting point as well as the registrar proposal. And the writeup that followed really tried to combine those two proposals into one document, trying to recognize some of the comments that were made [inaudible] recall some of the concern, I think, about the GAC proposal was that it might be too prescriptive for what contracted parties were expected to do. I think some concerns on the registrar proposal maybe that there was too [little] specificity on how that could be translated. And as said, the writeup was

really an effort to bring those two sides together, but still reflect the essence of some of the aspects of those two proposals that were brought up, kind of the two-step approach which I think you see reflected in the write-up and the need for informing registrants about the consequences of the choices they make. And again, it may not be a literal copy and paste, but if you take a close look, you should see those aspects reflected.

And again, the hope is that by maybe going through and having a more time stable version of this document, the two groups that made the original proposals that started it can have a closer look again and see what is not reflected here, recognizing that we did of course start with those two proposals and at that point, those were not deemed as agreeable for inclusion in the initial report in that state. But of course, if minds have changed, everything can of course change again.

So again, having said that, I would propose that we just use a table for now and going through it, I think some of you have already noted that you may have gone in and made changes after we produced this document, so do feel free to speak up if you have input on the issues that have been raised that is not reflected here.

So if we can scroll down—where you don't see anything in the right-hand side, there was no input received or no comments, so we are working under the assumption that at least the language that is put forward there is acceptable and there are no concerns about it at this point in time.

The first issues raised or proposed rewording is actually on the specific piece of language that more describes the approach that the group has taken, and I think there are two suggestions here for potential rewording of this language to better reflect the approach that the group has taken. And before maybe asking people to comment on that, I do want to note that this may not be the only place in the report where we try to reflect how the group went about its deliberations and some of the challenges or different positions that the group faced. So again, there may be other places in the report where we want to reflect this.

There are two suggestions here, I think, from the staff side. We're happy to try to combine these and give an accurate assessment of how the group got to this writeup and some of the different views on how to approach it. But again, this is more of a descriptor, this is not part of the actual guidance. So of course, any input is welcome, but at the same time, we may not need to spend too much time on this now until we have a kind of draft initial report where this also may be reflected in other places. So I'll stop there.

KEITH DRAZEK:

Thanks very much, Marika. If anybody would like to get in queue, please do. Otherwise, I think we should get right into the language. Let me just pause and see if anybody has any clarifying questions, anything anybody confused, we need to explain further what we're trying to attempt here. Sarah, go ahead.

SARAH WYLD: Thank you. I do really appreciate the chart. I think it's useful. I will note though that there was further conversation on this point in the document since the chart was put together. So, are we going to refer to that conversation also, or how should we proceed specifically if we're looking at this particular issue? Thank you.

KEITH DRAZEK: Thanks, Sarah. And as we noted, the chart was put together, I think, following the original deadline and then there was some additional contributions and engagement after that. So by all means, feel free to bring in the most recent conversation and discussion today, but I should acknowledge for everybody that the table is not reflective of every conversation that took place either in the document or on the list. But it's pretty close. Marika, go ahead.

MARIKA KONINGS: Thanks, Keith. And yeah, we will of course—if there's—I think on this specific point for example, if there's general agreement, indeed this write-up should better reflect the way the group got there, and of course, we'll take note as well and any subsequent suggestions that were made. and I see, I think, Sarah provided an additional suggestion for how to reword this. We'll of course look at that. but as said, if indeed anything is not reflected here that the group should be aware of or should react to, please do call that out. But of course, in the next iteration of this document, we can point to where the language came from, what changes we made, and people then still have an opportunity to say, "That's not

actually what we had in mind” or “We have some concerns about that.”

KEITH DRAZEK: Thanks, Marika. Thanks, Sarah, for the question. So Marika, would you like to walk us through the document, you and Caitlin and Berry, just in terms of being orderly?

MARIKA KONINGS: Yes, sure. So if we can scroll further down, you see here there's also some sections where there was actually no specific concerns or suggestions. The first one where we have some comments or edits is in relation to—this item B is basically a restating of observations or applicable legislation or previous recommendations that may be relevant for the readers to keep in mind as they look at the recommended guidance.

There were some specific suggestions here on replacing in the first sentence data with registrants or registration data, basically distinction between legal and natural person data. I don't know if these any strong view, maybe registration data seems to align with what we've used in other context. And of course, if that then applies, if that comes up in other context, we may want to kind of repeat that and use the same terminology.

There's also a suggestion here from the Registrar Stakeholder Group to actually move this specific section to the guidance section as it's their view that it could be very useful for contracted parties to have that guidance, and then there was also a question—it refers to dispositive of what it actually means. I think

Sarah observed here that she thinks that it's meant to mean as to whether the data can be published or not and notes that that might be phrasing that came from the GAC. So again, the question, I think, is there further clarity that is needed or that can be added to make clear what's intended?

KEITH DRAZEK: Thank you, Marika. Thanks very much for that. I have a queue building. We've got Hadia, then Melina, then Stephanie. Hadia.

HADIA ELMINIAWI: Thank you, Keith. To address item B and answer your question about any concerns about moving distinguishing between legal and natural persons' data alone may not be dispositive to the guidance, as a concept, no, there's no concern. However, it needs to be modified in order to exactly state what it means. So distinguishing between legal and natural person's data alone is not dispositive, so I would remove "may." But we need also to add, is not decisive in relation to what? So distinguishing between legal and natural persons data alone is not decisive in relation to the publication of the data. And we need to add that part. We need to be clear about where this distinction is not, alone, enough for a decision. Decision for what? Decision for publication.

This is because the distinction in itself without the publication of the data does have its own benefits. And that's why—so my suggestion here is to actually say "is not," not "may," but to be clear about it's not alone enough in deciding what? In deciding the publication of the data. Thank you.

KEITH DRAZEK: Thank you, Hadia. And I do have a queue building. I have a thought about this one but I'm going to hold my thought until we get through the queue. Melina, and then Stephanie.

MELINA STROUNGI: Thank you, Keith. I'm not entirely sure if—I don't know, I'm not really sure if “is” instead of “may” plays a big role. There may be cases where the mere distinction between legal and natural person can be enough. In cases where for example the personal data of legal persons are not always protected. So in some cases, even that first-level distinction would be enough to make the decision for publication, but indeed, we have said that this is a gray area, so sometimes, indeed personal data of legal persons can trace back to an individual. In this case, it would be indeed good to have the second step.

To me, the second step aims mostly at also protecting the registrant's privacy, basically, so it's not per se the decisive factor alone for publication. But anyway, I raised my hand just to agree with Brian's comment that indeed, we could rephrase legal and natural person type and data, basically, we could clarify this, and I agree also with Sarah's comment that it would be useful to include this in the guidance. Thanks.

KEITH DRAZEK: Thank you, Melina. Stephanie, you're next, and then I've typed into chat the thought that I had that may or may not hold any water. So feel free to consider that. But Stephanie, over to you.

STEPHANIE PERRIN: Thank you. I raised my hand actually to inquire as to what we meant by guidance, because there's guidance that the contracted parties provide to their stakeholders through their own websites, and then there is guidance that is attached to the policy, and I wanted to clarify that. But I feel compelled to say that I think part of the reason that the previous two speakers were addressing this confusion and lack of the matter being dispositive is that we are focused on the wrong issue. Legal person isn't a term that is used in every jurisdiction. Organization is more easily recognizable as a generic term to describe an entity that is not an individual, and that might be more useful. And then we could give guidance on how someone could determine whether they were releasing personal information or not, because what is dispositive in terms of the contracted parties managing their risks and the individuals who are entitled to the protection of personal data having their risks managed for them by the contracted parties—AKA data controllers—is whether the registrant is able to confirm that they're an individual and that they consent, if they are ticking that box to consent to disclosure of some of that data, or if they actually can reliably and authoritatively attest to the fact that the registration data does not contain personal data.

That gets to the heart of the matter. And I respectfully submit that all of this discussion about legal person just gets us down into a giant—I'm trying to find an alternative term here—a giant underground maze. Thank you.

KEITH DRAZEK: Thanks, Stephanie. And I have some additional folks in queue, and there's actually been some feedback to my question that may show that I'm on the wrong track, but happy to have that conversation. Brian, and then Marc.

BRIAN KING: Thanks, Keith. I think you're on the right track and I appreciate the chair's intervention there to help us find where that middle ground or that solution is. Thank you for that. I think what we're looking for here is distinguishing between the registrant, a legal entity or a natural person. Registrant alone is the entity that owns the domain name. The point we're trying to make is that alone may not be enough because the data could still include personal data even if the registrant itself is a legal entity. So I think using that term registrant would be helpful there. Thanks.

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

MARC ANDERSON: Thanks, Keith. I want to remind us of what the existing recommendation 17 says, which is the EPDP team recommends that registrars and registry operators are permitted to differentiate between registrations of legal and natural persons, but are not obligated to do so.

So that's our baseline, not legal or natural persons' data or registrations or any of this other wordsmithing that's going on. That's what our starting point is and that's what our instructions

from Council for the phase 2A, was to consider if guidance on that is necessary.

If we think it needs to be changed, then we should say so, but this is a point about what the current language says, and I think the point—and something that I think everybody has agreed upon—is that distinguishing between legal and natural persons alone is not dispositive and then I think going on what Hadia and others have said, we should be clear on what it's not dispositive for. And so the comments in this document, I think Sarah said I think we understand it to mean whether the data can be published or not.

So I think trying to change it to natural persons' data or registration-data or any of those other terms are actually confusing and distracting us from what the actual task is and what the language in Rec 7 that we're starting from is. So I think we should just stick with that.

KEITH DRAZEK:

Thank you very much, Marc. Thanks for bringing us back to the preexisting text. And there's been some additional exchanges in the chat as well. Does anybody have a suggested path forward on this one? I think to Marc's point, distinguishing between registrations of legal and natural persons perhaps is the proper text. But going to open the queue, see if anybody has any concrete suggestions for moving forward.

Okay, Brian, go ahead.

BRIAN KING: Thanks, Keith. And thanks to Marc for grounding us in the actual language that we have already. The language doesn't sound particularly natural to my native English speaker ear, registrations of legal or natural persons, but I guess it seems to do the trick. I'd like to maybe see it on the screen, but it sounds like it could work. Thanks.

KEITH DRAZEK: Okay. Thanks, Brian. Anybody else like to get in queue? Steve, go ahead. Thank you.

STEVE CROCKER: Thank you. So I'm tracking this as closely as I can, and I'm getting a little bit confused. So let me see if—a couple of things are conflated. When we're talking about a registration, you're talking about a registrant for sure, and you may be talking about some other roles that are filled in or not. Admin, tech, so forth.

If we're only talking about the registrant, then I don't see the subtlety that is attempted here between whether you're talking about the data for the registrant or for the registration, since there's just one person involved or one entity involved.

So, are we trying to encompass the idea that the registrant might be a legal person but there may be data about individuals in other roles that are included, or is there some other set of choices here that aren't completely evident to me?

KEITH DRAZEK: Thanks, Steve. My understanding is that registrant data, even if it's for a legal person registration or registration submitted by a legal person, could include natural person data. I think that's the crux of the issue here. And if I have that wrong, anybody, feel free to jump in. But essentially, we're talking about distinguishing between registrations—between legal and natural and with acknowledgement or recognition that even a legal person registration, the registrant fields could have natural person data.

STEVE CROCKER: Apologies for pursuing this. I'm not trying to be difficult. But I really want to get a clear example. So, are we talking about something to say John Jones Esq. as a legal entity—pun intended—at 123 Main Street which turns out to be his home address, but even though he's registering his law practice, it's clear that that is the same as personal information about him? Is that the kind of conflation and confusion that we're talking about, where simply knowing that it's a legal person doesn't distinguish between legal versus natural data?

KEITH DRAZEK: Thanks, Steve. I think that's correct. And if anybody would like to jump in, help us out here. But I think that's right, you have the possibility of an individual with a business, an LLC, whatever the appropriate terminology is in the various jurisdictions where they are registering their business and it is a legal person under that context, but that they may be including their personal data, phone number, address, etc. in the data fields because that's who they

are. And those are the fields or the data that they use. So I think that is one of the challenges.

We've got a queue going. Let me see if I can bring some other folks in. And if anybody has a specific response or clarification on Steve's question, please bring it. Otherwise, let's get back to it. Steve, thanks. And if we need to circle back and clarify further, just let me know. And there is some activity in chat. Feel free to jump in, folks. Melina, then Stephanie, then Lauren.

MELINA STROUNGI:

Thank you, Keith, and thank you, also, Steve. Basically, a lot of points I wanted to make, Steve made them, [inaudible]. I'm open to using this language of registration, but I think we should be careful to make things as simple and clear as possible, because indeed, if we use the word "registration," then we have to define what is meant by registration, and the way I understand it and the way I think we all understand it is that it has two parts. It has the [registrant type,] so basically whether the registrant is a legal or a natural entity, and then it also has the dataset provided by that registrant.

So I think it would be in our interest to make it really clear and simple and refer to this as two separate steps, let's say, in a more distinct way rather than grouping them together under the word "registration" which might create confusion. So I would support a language which would say distinguishing between legal and natural types for registrants, and then of course, you have the assessment of the dataset provided by the legal person in essence, because from the moment that the registrant self-

identifies as a natural entity, then there is no need to go into their dataset. You protect, of course, their data.

So it is really a discussion of looking into the dataset of the legal person. Thanks.

KEITH DRAZEK: Thanks, Melina. Thanks for suggesting some concrete approach and concrete possible text revisions. Stephanie, I think you had a point that you wanted to make from the previous conversation, so the floor is yours, and then we'll turn to Laureen. And I'm noting that there's also some ongoing activity in chat. Feel free to jump in the queue, folks. Thanks. Stephanie, then Laureen.

STEPHANIE PERRIN: Thanks. I would just encourage Steve take a look at the comments that the European Data Protection Supervisor has put out—and you can just find it by going to the EDPS—Yeah. I always get those mixed up. It comes from us calling this the EPDP. Anyway, the EDPS has put on his website its response to the draft NIS directive he has a number of specific recommendations about the so-called WHOIS data section, and he also has case references where some of these distinctions in the data of legal persons have been worked out in court. I think it's a very useful comment that people should read. Thanks.

KEITH DRAZEK: Thanks, Stephanie. Laureen, you're next.

LAUREEN KAPIN:

Thanks. I just want to make sure that we're still keeping the language of the Recital 14 from the GDPR in mind. And I know some folks already responded in the chat. But that talks specifically about the GDPR not covering the processing of personal data which concerns legal persons, and in particular, undertakings established as legal persons, including the name and form of the legal person and contact details of the legal person.

So this is rather nuanced, because it distinguishes between the registrant, should they identify as a legal person, and—it doesn't distinguish, but what it talks about specifically is the contact details of the registrant if they designate themselves as a legal person.

It doesn't answer the question which others have raised and which is perfectly legitimate and valid, about what you do with parts of the dataset that don't concern the registrant but perhaps concern others. So I just want to make sure that we're going to be consistent with the GDPR itself.

I'm also noting in the chat the references to the fact—of small businesses and perhaps home-based businesses. That in and of itself doesn't appear, to me, to mean that they would not fall into the legal entity category. Indeed, they may choose not to fall into that category. And if they don't identify as a legal entity, then there's no further process, so to speak. But I do want to caution against the assumption that just because you're a small business or a home-based business, that you're not necessarily a legal entity. That's not necessarily the case at all.

KEITH DRAZEK: Thanks, Laureen. And if anybody else would like to weigh in or provide their thoughts on Recital 17 and what Laureen has said, feel free to get in queue. Stephanie, I think that's an old hand. And Hadia, you're next. Go ahead.

HADIA ELMINIAWI: Thank you, Keith. I think also what needs to be added to A and B is the fact that GDPR does not cover the processing of personal data. And I would suggest putting this as a bullet. So A, you mentioned—I would say that A needs to be GDPR, because that's the starting point. GDPR does not cover the processing of personal data which concerns legal persons. And in particular, undertakings established as a legal person.

And then B would be more clarification to A and saying that GDPR and other data protection legislations set out requirements for protecting personal data, not nonpersonal data. But I think we need to start with the fact that GDPR does not cover the processing of personal data which concerns legal persons. That's one bullet. And then the second bullet clarifies the first bullet saying that it protects nonpersonal data of legal persons. And then we would have C, which is distinguishing between legal and natural person data alone may not be decisive as it relates to the publication of the data, or we can use—or Melina I think made a very good suggestion as well. so I think A, B and C together would actually capture what's meant by the regulation. Thank you.

KEITH DRAZEK: Thank you, Hadia. I do have a queue going, but I'm going to ask everybody to please focus on the text before us and make concrete recommendations as to how the text can, should, might be updated to reflect what we're talking about. Brian, Sarah, then Melina. Brian.

BRIAN KING: Thanks, Keith. My constructive suggestion is that in clarifying what we mean here, that we do include the text that was in the chat about Recital 14 to the GDPR as kind of a contextual helper of what we mean here and the distinction. Thanks.

KEITH DRAZEK: Thank you, Brian. And I'll ask if anybody has any concerns with that, any pushback there as we try to move forward to a consolidated write-up, which will be essentially the background and the formation of language of the initial report.

Sarah, then Melina.

SARAH WYLD: Thank you. I'm concerned about the suggestions to emphasize what is not covered by the GDPR. I'm not saying that that's factually incorrect, but as I mentioned in a comment in the document, I think it can be very confusing to leaders who are less familiar with the intricacies of the GDPR in relation to legal person data.

If it's taken this group this much time to get this far in the process, I think we have to be very careful what we're suggesting to people who haven't lived with these concepts for as long as we have. I think it could lead to people mistakenly thinking that the data of a natural person, when used in relation to the legal person, would not be covered, when actually, it is. So I want to refer to the letter from the European Data Protection Board that I linked in the chat, because I do think that that is still relevant, and it reminds us that personal data identifying individual employees acting on behalf of the registrant should not be made publicly available. Thank you very much.

KEITH DRAZEK:

Thanks, Sarah. So Melina, I'll come to you next, but I just wanted to note that it appears what we have is Recital 14 which says one thing, and the letter from the data protection Board that Sarah just referenced saying something quite different, in my interpretation or my understanding, and that we in our language need to find a way to find the path between or respecting both. I'm happy to take any further thoughts on that one if anybody would like to weigh in with some concrete suggestions about how we deal with that potential conflict, then by all means. Melina, you're next, then Laureen.

MELINA STROUNGI:

Thank you. I have to say that these are fair points, and I agree with what Sarah says, and I really believe that making it very clear and as also Hadia suggested, splitting this into bullet points so that we avoid any confusion would be useful.

Which brings me also to the conversation in the chat, and I really notice point A which I overlooked, and indeed, as it currently reads is not very much in line with the actual GDPR language. So basically, it would be that GDPR sets out requirements for protecting personal data of natural persons. It does not cover [inaudible] actual text of the law, but then indeed, as a second point, there are instances where datasets provided by legal persons may include personal information, etc. So this is the point I wanted to make, because we should clarify point A because it's not really accurately [drafted.]

KEITH DRAZEK:

Thank you, Melina. Your line was breaking up there a little bit, but I think we got the gist, and focusing on section A, if you or anyone would like to propose clarifying language and text, I think that's probably the most important next step. There's some additional conversation going on in chat. Sarah has noted there were no conversations on point A in the shared document. If now it's being flagged as an issue, then we need to see some proposed text. I think we're at the stage right now in the work of this group that it's really important for folks to be proposing text. It doesn't have to be necessarily a redline insertion into the document, it can be in a comment, but we need concrete text recommendations that others can respond to if folks are seeing issues or challenges.

So let me see here. Go ahead, Laureen.

LAUREEN KAPIN: I wanted to respond to the point raised by Sarah and the question you had asked, Keith, about whether the recital 14 of the GDPR and the letter from the European Data Protection Board were inconsistent. And in reading them, I don't think they're inconsistent. I think the letter that Sarah rightly points to is very precise in the data that it's concerned about. And this is data provided by a registrant that doesn't relate to itself, the registrant, but relates to other folks and providing their personal data. In that case, attention must be paid—as [Willie Lawman] would have said, you have to figure out how to protect that data and make sure that that is not being published in the absence of any consent by those third parties. And I think that's a useful concept.

The Article 14 is distinguishing between the data of the registrant itself as a legal entity, which is not necessarily protected, and the potential risk of the registrant providing person data of other entities which would need to be subject to further safeguards. So I don't think it's inconsistent, but it's very important to be precise here.

KEITH DRAZEK: Thanks, Lauren. Very helpful. And to be clear, I was the one that suggested that perhaps there was some conflict between Recital 14 and the section of the letter that Sarah referenced.

LAUREEN KAPIN: Sorry, Sarah.

KEITH DRAZEK:

So I am glad to hear that I was mistaken. If they are not inconsistent, then I think that presents us an opportunity to work with both of those references and to try to find the appropriate language or text in our initial report that reflects that and reflects what we're trying to achieve. So I'm wondering on this one—and Sarah, I'll come to you next but I don't want to short circuit this conversation, but I'm wondering if this section is now sort of ready or ripe for a small group or a breakout group to focus on coming together on some suggested text, taking the comments here. And again, the staff and leadership team have tried to consolidate as much as we could, but at some point, it's going to, I think, need the attention of members of the group to work together, perhaps offline to work towards some consolidated or consensus language.

So I'll come back to that in a moment, but Sarah, you're next. Thank you.

SARAH WYLD:

Thank you. I'm just confused, or perhaps I misunderstood what Laureen said, and I'm not sure if I should ask now because I do think we've been on this topic for a long time and should move on. But I thought Laureen said that the letter is about when the person provides somebody else's data as registration data, and that's not at all how I read it. It talks about what the registrant provides or data identifying individual employees or third parties, but employees acting on behalf of the registrant. If the registrant is a legal person, then yeah, I guess I'm either not understanding or disagreeing with Laureen's understanding of the letter. Thank you very much.

KEITH DRAZEK:

Thanks, Sarah. On this one, I think it probably makes sense to break this one out. It needs some more attention. Clearly, there is perhaps some differences of understanding or perspective on some of the relevant references. So I'm wondering if I could ask for some volunteers to take this one offline and to work it together. I think Laureen and Sarah—Melina, I don't know if the three of you would be able to take the lead on working on this. And if anybody else wants to contribute, by all means. But I'm just hoping to break this out so we can make some progress without bogging down in the plenary. So, thanks very much, and thanks, Hadia, I see you as well. So we'll take an action item to break this one out and we'll look forward to reconvening on it at a future meeting coming up.

I see Thomas. Go ahead.

THOMAS RICKERT:

Just very briefly, since we have been discussing the Recital 14 thing so much back and forth, my understanding is that Recital 14 clarifies that the legal entity does not enjoy any protection. But if there's a name of a natural person in the name of the legal person, then the natural person is protected.

So my law firm is—we had examples of law firms earlier, but it's Rickert Rechtsanwalts-gesellschaft, so my firm would not be protected because legal entities are not protected, but I would enjoy that protection because my name is in the company name. And therefore, I think if we put it in that context, I think it's easier to describe.

I remained silent so far because I don't have appropriate language at my fingertips to appraise what we have on the screen at the moment, but maybe this helps the small team as an inspiration to take this further. Thanks for your patience.

KEITH DRAZEK:

Thanks, Thomas. Very helpful. And if you'd like to participate with the folks on this little drafting team, that would be great. But that's great context.

Okay, I think in the interest of time, let's move on to the next section. Marika, I'm not sure if you're available online, if you could sort of tee us up here.

MARIKA KONINGS:

Yes, I'm here. Thanks. So this relates to a specific reference to the EPDP phase two recommendation, which is quoted here. As you may see in the last sentence of this section, there's kind of an attempt to explain what this means. And if I recall well, I think there was a question or comment from the GAC that the recommendation on itself might not be clear enough for the reader to understand what that would mean in practice. And there's a comment here from Sarah, or suggestion, that maybe the sentence should be removed as of course it's not clear at this stage how the implementation may exactly look.

I think we did add a footnote to this language [earlier on] that kind of states the final implementation will need to be reviewed once that process has completed. And as said, this sentence was purely introduced in response to other comments that the

recommendation itself might not be sufficiently clear for those reading it.

So again, the suggestion here is to remove that last sentence from the section, and I think that the question is basically, are there any concerns about removing it or is there another way to address the concern that's raised by the registrar team?

KEITH DRAZEK:

Thanks very much, Marika. Steve, over to you.

STEVE CROCKER:

Thank you. I'm glad the suggestion is to move that language out. And I would have to defer to Sarah, mostly because she's part of the actual frontline of dealing with this. But to my eye, anything that requires manual disclosure and manual review at the time of request is the least favorable position to be in. If there's going to be a distinction between making a distinction or determination of legal versus natural, do it at the time of registration, mark the data or segregate the data or something so that you know what you've got. At the time of the request is not the time that you want to be making that. Further, the leverage or the ability to make that determination is only on the basis of what's in front of you at the time you're looking at it. You don't have the registrant interacting with you anymore.

So I think it's just fundamentally an unworkable kind of design to have the determination made at the time of the request. It's got to be made at the time of registration.

KEITH DRAZEK: Thanks very much, Steve. We have an open queue at this point. Sarah has suggested an edit here, and I guess the question is—and I think supported by Steve—is there any objection at this point, any concern among the members of the team about this proposal? Laureen, go ahead.

LAUREEN KAPIN: My only concern—and I went back to the original recommendation language—is that the recommendation itself, I have to say, is incomprehensible. And that’s why there was this “in other words” language added, because no one could understand what that means. I can’t understand it and I was involved in the process.

So I would be concerned with excluding an explanation of sorts, because on its own, it is very challenging.

KEITH DRAZEK: Thanks, Laureen. I see Sarah has put into chat that she doesn’t disagree that the recommendation’s difficult, but it’s not for us to address here. I guess that’s a scoping question. Volker, you’re next, and then Sarah, if you’d like to get in queue, please do.

VOLKER GREIMANN: Yes. Just to provide a counterpoint to what Steve just said, the problem with making a determination whether to disclose or not at the time of registration or sometimes shortly thereafter, not at the time of disclosure, is that you do not have all the facts for that

disclosure request present at that time. You don't know who the requestor is, you [do not know] what he claims to be his legal purpose, you do not know whether he actually claim a legal purpose, you do not know how the balancing test would work. There's all kinds of factors that are important to the disclosure request that are not known.

So the actual question is not when, but rather, the question that has to be asked at the time of the request, cannot be done differently.

KEITH DRAZEK:

Thanks, Volker. I think Sarah has just noted that you covered the points she would have. And also, Marika has noted in chat that there is a footnote that provides some additional context and clarity, I think. But Sarah's recommendation here is still a better solution to remove the sentence entirely. So I heard Laureen say that the entire set of language is challenging or confusing and that we need to think through what's removed while we make sure that it's clear, and Marika is noting that we could also upgrade the footnote to the section as actual text if that would help. But again, I think the key here is, Laureen, if there are specific questions or concerns that you have about the language not being clear, if you could flag specifically what you're referring to, I'm not going to put you on the spot at this moment, but it is something that would be helpful so we can clarify as needed, and if incorporating the footnote would be helpful in the text, does that help clarify or address some of the concerns that you raised? Laureen, go ahead.

LAUREEN KAPIN: Yeah, you can put me on the spot because I actually was thinking about this. This is flagged as a relevant phase two recommendation which essentially is saying that certain types of disclosure requests should be subject to full automation, and then it's quoting exactly from the recommendation no personal data on registration record that has been previously disclosed by the contracted party. That is specifically what I'm talking about. That phrase—and it occurs in a list, which of course helps give it a little more context, but that phrase is just hard to understand, and that's what I'm talking about. And I understand Sarah's point, which is true, it's not our responsibility to clarify the prior recommendations, but I'm just saying it's not helpful here because it's very difficult to figure out what that means.

The footnote doesn't help because all the footnote says is it's up to the implementation folks to decide the nitty gritty of that. That also doesn't explain what it means. So I am certainly open to figuring out the best way to provide some useful context for this, but I think we need to do something. Left on its own, it is a cypher.

KEITH DRAZEK: Thank you very much, Laureen. Helpful explanation. I appreciate that. Hadia, you're next, and then we'll circle back to, I think, next steps on this one.

HADIA ELMINIAWI: Thank you, Keith. So without getting into the details of the recommendation, I actually have a hard time trying to figure out

how does this recommendation relate to what we are doing right now. So, how does it add to anything we're doing now or how does it take from anything we're doing now?

So I have a problem in understanding the relevance of this recommendation to what we are working on right now. Thank you.

KEITH DRAZEK:

Thanks, Hadia. I see there are some additional exchanges going on. So I'm wondering if there's a way to address Sarah's recommendation, which is specific to the removal of the relevant sentence, and Laureen's question or concern, I think, that this is not clear, that we need to sort of recalibrate or clarify the language in a better way. I don't know if anybody has any suggested next steps on this one, but it seems like this language needs a little bit of work still. Marika, feel free to jump in if you've got anything that you'd like to add at this point, but Hadia has got a concrete recommendation here about point E. Milton, I see your hand. So Milton, and then Marika, if you'd like to jump in, by all means, do.

MILTON MUELLER:

This many to be a constructive question at this point, but when we talk about reviewing personal data, are we operating under the assumption that there is a clear and unambiguous definition of what is and what is not personal data? [inaudible] we were assuming that that is a clear thing to determine, and in my opinion—well, let me just put it this way. I looked at the WHOIS record of Internet Governance Project last night, and we are classified as an individual and everything is redacted, except

that's kind of wrong. Let's say that one of my colleagues' or employees' name is listed as a contact on there, is that personal data or is that legal data? It's not obvious to me.

My point is that if we decide it's personal data and we don't want it in there, we should be able to do that. But if we decide that it's not, then that's okay to publish it. So when you say you're going to look at a record and decide whether something is personal data or not, how do you know what is personal data and what isn't?

KEITH DRAZEK:

Thank you, Milton. I will admit I do not have an informed response to your question. I think it's a good question. I see Stephanie's hand has gone up. But I think there's the perspective or position of the data subject. There's also obligations on the data controller, as I understand it. Let me turn to Stephanie. I don't know, Stephanie, if you want to respond to Milton or if you have another point, but the queue is otherwise open, so feel free to jump in.

STEPHANIE PERRIN:

Yes. I think Milton has put his finger on the heart of this confusion that I continue to complain about. There is no such definition in data protection law as legal data, as he said. So we can decide to call an entity that is registering a domain either a person—an individual—or a legal person. But that doesn't help you with the data. As Volker has been saying—and many others—you still have to decide whether that legal person that is registering a domain is releasing personal data. And that's the hard, laborious part.

And I would also point out that we're talking about the original registration. Registrations can change over time, and suddenly, there could be personal data in the original registration that is now protected by, for instance, a change in the data protection law in a jurisdiction that protects employees. Where it was sort of cavalierly sort of disclosed in the past and not considered to be personal data, it now is personal data and you have to take it out or get consent. That's the distinction that is operative here if we're talking about compliance with law. So these terms are not helpful. I know they're in the scope, they got into the scope at a time when people didn't understand data protection law, and we struggled and struggled to get people to maybe do some training, but now we're stuck with language that isn't helpful. Thank you.

KEITH DRAZEK:

Thanks, Stephanie. And I think, again, I want to bring everybody back to the text. If we have any suggestions in terms of text, replacement text, updated text, please make concrete suggestions here. Marika, go ahead.

MARIKA KONINGS:

Yeah, thanks, Keith. Maybe first to [Hadia's] point, this section captured a number of recommendations that, for context, allow for either obtaining consent to publish the information, or automated disclosure of personal information. We don't have further recommendations apart from the one of phase one that talks about legal and natural. Of course, if people think all that is not relevant, we can take that out, but we thought it was helpful to provide kind of that context of the broader suite of

recommendations that the group has put forward that work towards the ability for those that either want to have their information published to do so or for information that's not protected to be able to publish.

So having said that, on why these different recommendations are there, I don't know if it's worth here—on the one hand, I think Laureen and some others are arguing that it is helpful to have some kind of clarification of what this means or is intended to do once implemented. On the other hand, I understand as well there's concern that we don't want to presuppose what this may look like once it is implemented, assuming these recommendations get adopted. So I don't know if it's worth for maybe Laureen and Sarah to kind of try to collaborate on potential language that could be inserted here that finds the balance between the two, making sure that a reader understands what this might do going forward without presupposing that outcome. That's a suggestion we would like to make.

KEITH DRAZEK:

Thank you, Marika. Would anybody like to get in queue at this point? I think, again, this is another example where some offline work needs to take place to try to bring this language into a clearer form. Milton, go ahead.

MILTON MUELLER:

We're being told that the content of personal data is well defined in the law, and then the example given is an IP address, which—does everybody not understand how crazy that is? Because an IP

address is published through regional Internet registry databases. And an IP address can change. You can borrow one for two hours and then give it up. And what matters is the association of an IP address with your personal identity such as your name or home, not so much the IP address itself. So again, I'm just confused—and I'm sorry if this is not advancing the text, but I don't know how to handle the text unless we understand what we're talking about in our concept.

So when you say you have to remove personal data from a record, do you have a clear enough definition of what is personal data, under what circumstances? It just seems to me that that question is not answered.

KEITH DRAZEK:

Thanks, Milton. Volker, you're next, and I see there's been some other activity in queue. Sarah's point about not understanding why we're discussing this right now. I think we are getting a bit astray from the text. But Volker, you're next. Go ahead.

VOLKER GREIMANN:

Yes. Not to lead us further astray, but just for clarification because I think it's helpful. It's not the fact that IP addresses are personal identifiable information, but they can be. For example, if I operate a web server and get the IP addresses of the people that visit me, then at a certain point, this can become personally identifiable information if I use that information, for example, to ask the host or provider to identify who is behind that IP address because they broke my server, or if I do something, I investigate IP claims,

downloads of torrents or whatever and I have the IP addresses of everyone who was on that torrent and I can ask the access provider for a list of who was that IP address, then suddenly, that IP address can become personal identifiable information.

But other IP addresses are not, because they cannot lead to the actual person. So there is a differentiation there.

KEITH DRAZEK:

Thanks, Volker. Alan, you're next, and then we're going to move on to the next item. We only have now less than 15 minutes on the call today. Alan.

ALAN GREENBERG:

Thank you. My understanding was both IP addresses and domain names for that matter can be personal information. But the balance test says that there are sufficient reason to disclose them and publicize them because they don't have any use unless we do that. So remember, it's not whether it's personal data or not, it's also a balance test associated with whether it can be used, whether it can be disclosed. So I think that whole thing is just a red herring.

In terms of whether we can publish personal data, as I think Milton has been saying a number of times, if a legal entity says this data can be published and certifies that all appropriate permissions have been received, then we can publish it. And it's their responsibility, not the registrars' responsibility, to ensure that.

I thought that's the information we got in our legal advice, which we seem to not be talking about at all at this point. Thank you.

KEITH DRAZEK:

Thanks, Alan, and thanks for flagging the legal advice. I noted that you had made that comment earlier in chat, and I'm sorry for not flagging it to the group. But to the extent that we have legal advice that provides us guidance on any of these questions, it is important for us to harken back to that. So with that, would anybody else like to get in queue on this one? I think my takeaway from this question or text is that it needs to be clarified. There are suggestions to remove certain sentences but concerns about the lack of clarity or specificity in the language generally. So I think we need to take this one offline and have some further team member work on this one so we can come back to the plenary with some suggested text that bridges the gap or helps to clarify what we've got here.

So let's move on to the next one. In light of time, Marika, I will hand it back to you again. Thank you very much, and folks, feel free to get in queue here. We're going to try to get through this one and then we'll probably need to look to wrap up.

MARIKA KONINGS:

Thanks, Keith. This is another one where it's kind of the background and relevant observations that the group provides and this is a point relating to registrar business models. Sarah has made here a couple of suggestions for language changes, and Brian as well. At least from a staff perspective, 7 and 8 seem to be

more precise in the language, and may be acceptable to the group. On 9—and I believe that Brian may have left the call. Sarah has suggested language, and Brian made a comment to that, but it's not exactly clear to us whether he's objecting to the proposed change or whether he has any specific suggestions. I don't know if others know, but otherwise it's maybe something we can follow up with Brian, or if others have concerns about, of course, any of these changes, please speak up.

KEITH DRAZEK:

Thanks, Marika. Anybody like to get in queue on this one? There's some discussion in chat going on on the last point. Any other comments or questions on this one? Okay, seeing none, Marika, let's move to the next one.

MARIKA KONINGS:

Thanks. And we'll check in with Brian to see if his comment was—because I think Sarah also notes it's not clear if he's objecting or not. So we'll just follow up with him to get clarity on that.

The next one is actually not about that specific—the language that you see on the left, but there's a suggestion here again from the IPC to add a relevant portion of legal advice which you can see here on the right-hand side. So I think the question is, is there concern about adding that part? And I believe it comes from the Bird & Bird memo. So I think the question is, is there any concern about adding that?

KEITH DRAZEK: Thanks, Marika. Sarah, go ahead.

SARAH WYLD: Thank you very much. I do have a concern about adding that excerpt from the memo, because those legal memos were very complex and the entire paper sort of draws upon itself and refers to itself in such a way that I don't think it is helpful to include only a piece of it. I think that we should refer to the entire text and a reader can either read it or not. But I think it's dangerous to pick and choose pieces out of it because we will lose the context and we might misinterpret the guidance. Thank you.

KEITH DRAZEK: Thank you very much, Sarah. Would anybody like to get in queue and speak to this point? Sarah's comment on number 10. Laureen, thank you.

LAUREEN KAPIN: What I would suggest, because Sarah raises a fair point about needing full context, is that because the guidance we've received was so very specific, I would suggest that it be appended in whole to whatever preliminary recommendations are put out for public comment. And that way, I think if we can agree on pertinent references that perhaps relate to specific points, then there is not only a specific reference but the entire paper for readers to consult as a whole. That would be my suggestion.

KEITH DRAZEK: Thank you very much, Laureen. And Sarah has typed into chat that she also would support appending the full legal memo, and so that sounds like we have some consensus there. Unless anybody would like to speak up otherwise, but I don't anticipate that. So I think we've made some progress on that one. Anybody else have any comments? Jump in. Otherwise, let's move on. I think we can get through one more here, and then let's move to wrap up and look ahead to Thursday. Marika.

MARIKA KONINGS: Thanks, Keith. So now we're in the guidance section, the first one here, and we have some specific suggestions for updates and changes, the first one from Sarah who's suggesting that this should move to the business model section which is not part of the guidance but is part of kind of the background framing section. There's a suggestion from the IPC, from Brian to make a change that Sarah has indicated the registrar team does not agree with.

Then we also have a specific edition from Milton that was proposed to be added to the first section, and a question, I think, from Milton in relation to the second sentence and also an observation that this second sentence may actually not belong there and is better placed somewhere else.

KEITH DRAZEK: Okay. Thanks, Marika. Would anybody like to get in queue on this one? I see Sarah has her hand up to speak to number 13 when it's time. Sarah, go ahead. Thank you.

SARAH WYLD: Thank you. I don't think that 13 is factually incorrect necessarily, but I don't think it belongs in this section. It speaks to the how of it rather than what is being done. And I think for the context of this point, we should just focus on differentiation. I think we should not include that. Thank you.

KEITH DRAZEK: Thanks, Sarah. Milton, I see your hand.

MILTON MUELLER: Right. And again, this is a very fundamental point to me, is that I don't think we should be talking about differentiation as a process in which we are categorizing people as either legal or natural person registrants. I think we should simply be saying that we are allowing registrants to identify themselves as legal. And I think that's important because again, it speaks to the problem of all of those gray area registrants who may in some formal or nominal sense be legal persons, but understand that if they declare themselves as such, their data will be published and they don't want it published.

So from me—and then again also, it's relevant to contracted parties, because if you say I am differentiating between legal and natural person registrants, then you are in some sense responsible for doing that accurately and correctly, whereas if you're saying this is a process by which we allow our customers to tell us that they're a legal person and we will treat them differently on that basis, I think that's a much safer thing for the contracted parties.

So I'm not sure what it means to push that into the business model part. I think that is kind of undermining its importance in my opinion.

KEITH DRAZEK: Okay. Thanks, Milton. Volker, you're next.

VOLKER GREIMANN: Yeah. I stated this before and I apologize for not making that comment in the homework. I overlooked this one. I think if we name at the time of registration as one possibility where this differentiation could occur, if you choose as a registrar or registry to do that, then we should also name others. So for example, or any other time a contracted party interacts directly with a registrant, which could be the WDPR request, the verification e-mails that are being sent out, or a renewal request, renewal reminders, all kinds of points where the registrar reaches out directly to the registrant and where this could typically could occur. So by nailing it down to the time of registration, I think we're limiting the ability of the contracted parties to voluntarily implement this, because if they see we have to do this at registration, this doesn't really work with me, then I'd rather not do that. Then we end up with a situation where most registrars might not do that. But if we give them options here, then we have the ability to multiply the registrars that actually implement this, because they now feel that they have a process where this might fit in for them.

KEITH DRAZEK: Thanks, Volker. And I see that Sarah has typed additional input in the chat, and Laureen, your hand—Laureen, you have the last word on this point before we move to wrap up the session for today. Thank you.

LAUREEN KAPIN: Actually, I may have a question for Volker which would give him the position which we all love to have, which is the last word. In terms of flexibility, which I'm in favor of, I think we need to be mindful of the registrars' different business models, does this flexibility include anything other than the 13-day window where registrars are already obligated to do some verification and accuracy checks? Because if that's the window we're talking about, registration, at the time of registration or with this verification period, my sense is that we have agreement on that, that that is not something that's actually being disputed. If there's some other scenario that I'm missing in business models which would require a lengthier window, then it would be helpful to learn more about it.

KEITH DRAZEK: Thanks, Laureen. Volker, over to you, and then we'll come back to Marika to wrap things up. Thank you.

VOLKER GREIMANN: I wasn't necessarily limiting it to that 15-day window. We are looking at providing guidance, providing options here where if they want to do it, where they could do it at all. And in some registrars, like reseller registrars, we do not control the registration path. So

putting it in there would require to push it through all the resellers, make sure that they have it in there. It would be a mess if we want to have a unified system there.

But if we, for example, control the WDRP mails or other e-mails that have to be sent to the registrant, which may fall outside the 15-day windows or the verification e-mails which may fall into that, if we have messaging that we control or where we control part of the messaging, then where it could be slotted in, then we have the ability to put this there. And this may fall outside the 15-day window, but obviously, the sooner it happens, the better.

LAUREEN KAPIN:

Right, and that's why I think that we are perhaps in more agreement than you see in the chat, because there's likely some sort of window falling within the "sooner the better" concept that we could agree on. I look to our registrar colleagues to inform us on what's reasonable based on your business practices, because you're the experts on that. But it does seem to me to fall into the sooner rather than later is better and that sooner is going to be falling within the 15-day or shortly thereafter time period. So I think there is a lot of common ground here.

KEITH DRAZEK:

Thanks very much, Laureen and Volker. That's very helpful and constructive. And so I do want to note that there's some additional input into chat, including a suggestion from Melina about some language, make sure we don't lose that. It'll be captured. So with

that, Marika, I'm going to hand it over to you. Let's go ahead and move on next steps, and then we'll wrap things up.

MARIKA KONINGS:

Thanks, Keith. And maybe briefly wrapping up on this specific item, what we can maybe do is on that first sentence, kind of add language in line with what Volker said and also seems to align with what Laureen was saying if I got that right, either at the time of registration or the soonest that direct contact with the registrant is made, or something like that that kind of reflects. It may not be at the moment of registration, but kind of the first opportunity that occurs that outreach takes place that may find a balance between the two and maybe move that last sentence to the business model section as kind of an illustration for what aspects may not be a kind of one-size-fits-all. So again, just a suggestion and something we can maybe put in the next iteration so people can have a look at.

Having said that, there's still a number of questions or comments and suggestions in the document that have not been considered or addressed, so what we'd like to propose to do is to post this table as a Google doc so that the group can go in, and by the end of this week, you provide your feedback on the suggestions that have been made, either indicating whether you support what is being suggested, if you have concerns about it, but please focus on if you cannot support what's being suggested, maybe alternative suggestions that do address the concern that's been flagged by whoever is making the proposal for changes.

What we'll do as well, we'll move the registrar table to the end of that table as well as the updated GAC proposal to the end of it, and that will also then allow you for an opportunity as well as the groups that have put forward that proposal to look again and really maybe highlight which aspects of those proposals are not already addressed in the write-up, rather, it's not in a copy-paste form but kind of the underlying concept of what's being conveyed is there or not, because of course, at some point, the group will need to consider if or how to integrate those proposals to the version of the write-up that we currently have.

So that's what we would like to suggest as a kind of path forward. Of course, there is other homework that's still outstanding as well. I think you're all aware that we're moving closer to the publication deadline. So it is really key that we all start focusing on what you want to see in the initial report and indeed, what is agreeable to all to put in there and put out for public comments for the community to review. So that would be my suggestion.

KEITH DRAZEK:

Thanks, Marika. Laureen, if you have a quick response to Marika, go ahead.

LAUREEN KAPIN:

It's very quick. I just wanted to note that on the prior homework item that you were going to assign me and a small group, I actually have put in a proposal for the recommendation that I think is hard to understand, to replace that second sentence. So that's something that people can take a quick look at.

KEITH DRAZEK:

Thanks, Laureen. Much appreciated. So, okay, everybody, we're five minutes over so we're going to wrap things up. Looking ahead to our Thursday plenary, we are going to focus on the question of voluntary recommendations versus new consensus policy recommendations, so the distinction between voluntary and required. There's a table that's been filled out I think by everybody, or all the various groups. If you haven't done it or if you've got any further thoughts, make sure you pay attention to that as we approach Thursday. And then as Marika said, by the end of the week, let's make sure that we have consolidated input on this table and the updated table that staff will circulate shortly.

So with that, let me pause and ask if there's Any Other Business, any other questions or concerns. But I appreciate everybody's focus and input today. I know this is extra work as we go into twice weekly meetings, but I think it's critical at this stage. And today's discussion is an example of how important it is for everybody to do the homework, to provide concrete input and recommendations to the language or the text, flagging any specific concerns so we can be as efficient as possible once we get to the plenaries.

And with that, we can go and close. Thanks, everybody, for staying the extra few minutes, and we'll go ahead and conclude the call. Thanks all.

TERRI AGNEW: Thank you, everyone. Once again, the meeting has been adjourned. I'll end the recording and disconnect all remaining lines. Stay well.

[END OF TRANSCRIPT]