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## ICANN Transcription

### GNSO Temp Spec gTLD RD EPDP - Phase 2

**Thursday, 25 March 2020 at 14:00 UTC**

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TERRI AGNEW: Good morning, good afternoon, and good evening. Welcome to the EPDP P2A team call, taking place on the 25<sup>th</sup> of March, 2021.

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

Hearing no one, we have listed apologies from James Bladel, from the RrSG, and they have formally assigned Owen Smigelski for the alternate for this call and any remaining days of absence.

All members and alternates will be promoted to panelists for today's call. Members and alternates replacing members, when using chat, please select All Panelists and Attendees in order for

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everyone to see your chat. Attendees will not have chat access—only a view to the chat. Alternates not replacing a member are required to rename their lines by adding three Z's at the beginning of your name, and, at the end in parentheses, your affiliation-dash-alternate, which means you are automatically pushed to the end of the queue. To remain 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 Doc. The doc is available in all meeting invites towards the bottom.

Statements of interest must be kept up to date. If anybody has updates to share, please raise your hand or speak up now.

Not seeing or hearing anyone, 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 multi-stakeholder 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.

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KEITH DRAZEK:

Thank you very much, Terri. Good morning, good afternoon, and good evening, everybody. Welcome to our EPDP Phase 2A call, Meeting #12, on the 25<sup>th</sup> of March.

I'm going to give a quick update, a status update, on the conversation we had with the GNSO Council yesterday in terms of our update as required by our charter, and then we'll get into a discussion of legal versus natural and specifically around guidance development. You'll see on the agenda in front of you that there are some questions posed as far as initial reaction from the EPDP team. If you could please review those and make sure, as we get to the substantive discussion today, we're prepared to focus on those, specifically the draft write-up that was forwarded to the list by me and helped developed by staff and leadership. So if we can make sure that everybody is prepared to engage on that one when we get to it, I would appreciate it.

So just a real quick update. Consistent with the note that I sent to this last, along with the slide deck that we used to present to the council yesterday, essentially, we gave an update that indicated that the EPDP team, while we had gotten off to a bit of a slow start around the holiday season, we were able to pick up our work. The Legal Committee concluded its work as far as developing the questions to be submitted to Bird & Bird. We as the plenary repurposed a couple of our calls to allow the Legal Committee to do its work. Essentially, we are awaiting feedback from Bird & Bird on the questions that had been submitted.

The message, again, that I gave to council was that I think that there's a hope and an opportunity and a path to consensus on developing guidance for registrars who choose to differentiate on

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the legal and natural question and that it's premature, pending the receipt of feedback and advice from Bird & Bird and the consideration of that advice of that group, whether there is a possibility or a likelihood of consensus on developing consensus policy but that we as a team are committed to engaging and contributing to the process to explore that further and that, essentially, by the end of May or the middle of May, as we're developing an initial report and we conduct some preliminary consensus assessment, we'll have a pretty good sense as to where the group is and what the path forward might be.

So I think we had some good dialogue with some of the councilors who asked some questions, asked some clarifying questions, and poked a little bit at the timeline. I think there may have been some assumption or expectation among the GNSO councilors that the end of March would have been the go/no-go in terms of making a decision one way or the other as to whether to allow the group to continue its work. But we were able to point to the project plan that had been previously submitted to the council that essentially had us publishing an initial report at the end of May with a target of a final report in August, if all goes well.

So I think that's essentially the update. So we have a timeline and a path ahead towards developing an initial report by the end of May. There, I think, is now an expectation that, I, working with Philippe, as our council liaison, will give an update to the council at its April meeting—a mid-stream update to the council. I expect that Philippe will handle that, and we'll certainly coordinate. And there's an expectation that, when we are developing the initial report, by the middle of May, we'll have a sense as to whether

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consensus is likely on either guidance or any consensus policy recommendations.

So that's my update. I think we have the path ahead. We now have a couple of months to get our work done as far as the initial report. I just can't stress enough how important it is for us to buckle down and focus and really make sure we do the homework and make sure that we're making this a priority among all of the other things and the competing things that we've all got going on and our respective lives and business and work obligations. But this really does need to be a priority for all of us over the next two months.

With that, let me stop and see if anybody has any questions, any feedback. Staff, if you'd like to jump in with anything else, you're more welcome to at this point. But I see a hand from Alan. Alan, go right ahead.

ALAN GREENBERG:

Thank you very much. As you were giving this presentation, I started looking at calendars and looking at how much time. We have eight meetings left until the middle of May. Clearly, we have to start drafting a report before the middle of May if we're going to submit it at the end of May.

So we don't have an awful lot of time left, and I'm really concerned that A) if we spend too much time looking at non-consensus—just recommendations—that we simply won't have enough meeting time left to get to the point where we're looking at consensus.

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Clearly, the receipt of the Bird & Bird information is critical. Do we have any estimate of when we're going to start getting results from them? Because, again, with six to eight weeks before the middle of May [inaudible] to the middle of May, we don't have a lot of slack here in which to start putting together real proposals. I'm really worried that the timeline we've set for ourselves guarantees that we cannot come to consensus on any consensus policy, on any real directional policy, and that's rather unfortunate. Thank you.

KEITH DRAZEK:

Thanks very much, Alan. I appreciate you flagging that in terms of the number of meetings. That crystalizes the reality that we have limited time and limited opportunity to engage. Again, I think this really underscores the importance of doing work between the plenary sessions/interessionally—whatever you want to call it—doing the homework and being prepared. Frankly, as I've called for—I think on multiple occasions—if it takes having conversations and dialogue amongst team members in between sessions, then that may be the most effective and efficient way of moving things forward. I noted that there was some, I think, good and constructive discussion on the list just today. We should be seeing more of that, frankly.

So, Alan, I take your point. I agree that, at some point relatively soon, we need to be able to move from this question of recommendations around guidance and best practices and voluntary things and get to the question of, is there an opportunity for consensus around consensus policy recommendations/changes to amendments to previous consensus

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policies developed during Phase 1 and Phase 2? So I completely agree, and it's really a call to action to make sure that we are able to make that transition. And I think the staff paper—or I should say leadership and staff paper, but clearly developed in substance by staff—that is at the link under 3A in our agenda today ... I hope folks have looked at it because this is the opportunity for us to move things forward, I think.

So let me stop there. Becky, I saw you put your hand up in relation to the Bird & Bird memo or guidance. And the Milton. So Becky?

BECKY BURR: Our understanding is that we should get this advice from Bird & Bird next week.

KEITH DRAZEK: Excellent. Thank you, Becky. I appreciate that. I knew it was sometime in the next couple of weeks, and that's excellent. So if there's any update to that for the group, that would be really helpful.

Milton, go right ahead. Thank you.

MILTON MUELLER: Good morning, everybody. It's good to know that we'll get the Bird & Bird next week. However, my observation here is that I have never seen the legal advice solve any of the problems or lead to greater consensus. I think people just try to spin it in various ways. By the same token, I do see progress working on the guidance. If

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we can continue working on the guidance and get that in shape, maybe the Bird & Bird advice will make that easier. Maybe it will make it harder. We don't know, but I wouldn't place any bets on the Bird & Bird advice, frankly.

KEITH DRAZEK:

Thanks very much, Milton. And I agree that advice or input to the group from Bird & Bird is just that: it's input. Certainly, any responses to legal inquiries will inform the discussions of the plenary. But I think your point is a good one: we shouldn't necessarily be expecting feedback from Bird & Bird to be a determining factor in its own right as we consider our policy discussions. But certainly it's an important input.

And thank you, Milton, for acknowledging that you do see some movement forward or some positive developments around the development of guidance. I do as well, and I hope we can continue to move that forward.

But, Alan, I do take your point and I know that there was some support for your comment in chat as well—that we do have to, in fairly short order, pivot from the question of guidance to the question of whether adjustments or new consensus policy recommendations are likely or not. That is something that we have to keep in mind.

Okay. Any other questions, comments, thoughts, or feedback based on the update to council, our workplan, and timing moving ahead? I don't know if staff would like to weigh in with anything at this point. Berry or Caitlin? If not, no worries; we can move on.



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Berry says, “All good. Okay.

All right. So let’s move then to the substance of our meeting today, which is under Section 3: Legal and natural guidance development A) Development of the guidance proposals. This is the write-up that staff developed with leadership.

Alan, your mic is open. If you could go on mute. Thank you.

If we could just focus on this ... I’m just going to open the floor here for a moment to see if anybody has any initial feedback, but, Berry and Caitlin, if maybe I could turn to you to just give a very, very brief intro—not to run through the whole document but just to give a brief intro—on what we’re looking at here and what people ought to be focusing on as we begin the conversation.

CAITLIN TUBERGEN: Hi, Keith. I can speak to that. Apologies. I had to go to a quiet place.

KEITH DRAZEK: Thank you, Caitlin.

CAITLIN TUBERGEN: So thank you to everyone who has already reviewed this document. As you can see on the right-hand panel, there’s been several comments.

But just to give a quick overview, what staff tried to do here is to provide an overview of what questions, again, that the council has

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asked this group to address and what documentation the group reviewed in preparing this guidance. So, of course, we have the study from ICANN org, which has linked the previous legal guidance. We'll obviously append this when new legal guidance comes in, as well as the input that was provided in relation to this topic in the Phase 2 addendum.

Under the proposed guidance, we included some points that we noticed that the group had been discussing, namely some of the concerns that were expressed. We have concerns from contracted parties that it's not just the distinction of legal versus natural that's important for the discussion but rather the distinction between personal and non-personal data.

We also included some of the points that were provided in the early document that we distributed to the team about the relevant recommendations from Phase 1. So we have Recommendation 6—that, as soon as commercially reasonable, registrars must provide the opportunity for a registered name holder to provide its consent to publish redacted contact information, as well as the e-mail address.

We also obviously included Recommendation 17, which permits registrars to differentiate and registries to differentiate but does not require. Again, we noted that the distinction between legal and natural data alone is not sufficient, since legal person data might include personal data. So it was important to make the distinction and make clear to anyone identifying as a legal person that they're not including personal data in that information so that it's not inadvertently published.

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We also noted that, in response to Laureen’s proposal, registrars have provided some feedback that, for example, with new registrations asking for that differentiation or verification at the point of registration[, that] might be problematic to some business models, such as wholesale registrars that don’t interact with their customer at the time of registration.

If we can scroll down. We also took note of a recommendation from Phase 2 which was provided in a footnote. But Recommendation 9, as most folks will remember, deals with the requirements for automated requests. And there is a note that, if data has been flagged from a previous disclosure request as having no personal data, then that should be automatically disclosed going forward.

So, in light of all of those points that the team has already discussed at length, we put some guidance about some different scenarios where registrars could allow registrants to differentiate or to allow other information to be published at the time of registration perhaps later in the process—for example, when a WHOIS data reminder policy notice that gets sent out or at the time of renewal.

We also, further to the conversation last week, noted that, in some situations, registrars may be able to determine or devise, based on the information that they have that the customer has provided, that this is a legal person.

So we put these down. As you can see, there were several comments on that. The guidance here—of course, folks are welcome to edit and provide additional information—is really a

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combination of both the registrar proposal and the [leans] proposal. So we were trying to put that into a cogent format and then open it up for discussion.

So I think it will pass it back over to you, Keith. Hopefully, that was helpful.

KEITH DRAZEK:

Thank you, Caitlin. Very much very helpful. I appreciate it. I think it's important just for everybody to remember, including those team members who were not involved directly or intensely in Phase 1 and Phase 2, that we're not operating in a vacuum here and that there has been work done on these questions previously. There are recommendations from Phase 1 and Phase 2 that are implicated or have some relation to what we're talking about here as we work towards either guidance or possible consensus policy recommendations [so] that we keep in mind that there are other existing components to this discussion.

I have a hand from Hadia. Go right ahead. Thank you.

HADIA ELMINIAWI:

Thank you, Keith. I was going to start commenting on the document, so could I go ahead?

KEITH DRAZEK:

You certainly can. I welcome that very much. If anybody else would like to get in queue, please do.

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HADIA ELMINIAWI:

Okay. Thank you. So, first, I would like to thank staff for putting this together. This is really helpful.

Then I would like to start by reminding us all of Recital 14 of the GDPR. The recital says this regulation is not cover the processing of personal data, which concerns legal persons in particular [and] undertakings established as legal persons, including the name and the form of the legal person and the contact details of the legal person. So, of course, that does not mean that we can publish at any point any kind of personal information, whether this concerns natural persons or legal entities.

However, what this article actually makes clear is that the first step required for differentiation is actually determining the registrant type—so whether the registrant is a legal person, or natural person, or, maybe, we don't know.

What confuses me is that we are trying to go to Step 2 before Step 1. We are always looking at whether the data included personal information or not before actually looking at if this data concerns a legal person or a natural person.

The only logical way forward, to me, would be, obviously, that first we need to differentiate the registrants. Then, after this differentiation, this differentiation does not mean we are going to publish the data because obviously we cannot publish this data unless it has no personal information. So Step 1 would be the differentiation. Step 2 would be actually looking at the data and looking at whether it contains or includes personal information or not.

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This is actually my remark in relation to this document. So this document looks at Step #2, which is, “Do we have personal information or not?” and skips Step #1, which is, what is the type of the registrant? I would say here that I agree with what the document has, but I would [inaudible] ... I agree also with what Milton said in relation to one of the scenarios put in here. But I would start with Step #1, which is actually having a flag to differentiate between the registrants—a registrant type flag. That does not mean that we are going to publish. And then Step #2 would be a data flag—a registration data flag—which says if this data includes personal information or not. Thank you.

KEITH DRAZEK:

Thank you, Hadia. I will turn to Marc next in queue. But I think your approach, from my assessment and from what I’ve heard, is very logical. But I should note that we’ve previously that there’s a difference and a distinction between registrations moving forward and the existing registration base in terms of feasibility and the ability to make that distinction. I think that this is something that we as a group, as the EPDP team, have talked about. It’s been talked about in the Legal Committee. Just to note that I think, from a logic perspective and if we were simply starting from scratch and building something from the beginning, what you’ve described makes a lot of sense. But there are some serious challenges in terms of being able to retrofit that approach to the existing registration base. I just wanted to flag that because it’s something that we as a group have mentioned on a couple of occasions.

But let me turn to Marc and then Alan and anybody else that would like to get in queue.

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

KEITH DRAZEK: Yeah. Sure can, Marc.

MARC ANDERSON: Great. So, first let me thank staff for taking a first stab at drafting this. Sometimes one of the hardest steps is putting pen to paper and getting things started. So thank you for that and getting the ball rolling.

I would like to start off with some sort of high-level comments about the document, maybe less so on substance and more just on how it's teed up. The first thing is, when the document gets to the proposed guidance, it doesn't actually give proposed guidance next. It gives what it calls the reminders to council and the broader community. So I think this is confusing. It was confusing to me when I read the document. So I would suggest maybe just a formatting change to clear that up. Maybe call that reminders or background or something like that. The guidance itself doesn't actually start until following Points A through, I guess, now, G there. So I guess I would ask for that sort of formatting or editing change.

We have the two points of guidance, and then we get to what staff has identified as three different high-level scenarios. I think it's useful to have these scenarios. They're scenarios we've talked about. So it's useful to have them here in the document, but the

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scenarios themselves seem to be just scenarios. They don't actually seem to be providing any guidance at all. So maybe I'm missing something or not understanding what's in there, but they seem to just be describing scenarios of how differentiation could be performed by registrars but are not actually giving guidance on that. So maybe that could also be moved to another section—maybe just a section describing different scenarios. But I don't think those are actually guidance, at least not as they're written in this document.

But I'll stop there. Thank you.

KEITH DRAZEK:

Thanks, Marc. Just to note that Berry has noted in some stuff in the chat, including the source of the scenarios. But I think this is obviously a first cut. It's a working document. It may be the first step or the next step on the way to developing concrete guidance proposals. So let's all take it upon ourselves to take what's here and to work it and move it forward in terms of what the actual guidance might look like.

Alan, you're next.

ALAN WOODS:

Thank you very much. Alan Woods for the record, and I probably should say Winter Woods for the record, too, because my dog is snoring very loudly beside me. So apologies.

I just wanted to go back to what Hadia was saying there. I appreciate where Hadia is coming from. I love when we can



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reference the GDPR and especially that recital, but I must remind everybody that we accept 100% that data protection law does not apply to legal person data. I think that's a truism at this particular point in time. Again, looking at Recital 14, the aim of Recital 14 is to say the protection afforded applies to natural persons. And that's really what we're trying to be engaged in here: how do we ensure we're applying the protections to natural persons, not how are we ensuring we're not overly applying them to legal persons.

So I get the point and I appreciate the reminder on that, but we're trying to say here ... Again, I probably would bring up the registrars' input on this. It is absolutely so vitally important because we're talking about the difficulties in ensuring that we apply those protections to natural persons and not the other way around.

So, again, let's move forward, but let's focus on the fact that we're trying to protect natural persons, not necessarily exclude the legal person in this. It's a subtle difference, but it definitely will affect how we move forward.

KEITH DRAZEK:

Thank very much, Alan. Melina, you're next. Go ahead.

MELINA STROUNGI:

Thank you, and hi, everyone. Thanks so much for this last comment because indeed this is the [essence] of data protection laws and of GDPR. These laws are there to protect natural persons and not legal persons. There is a reason why the GDPR makes this distinction between natural and legal persons. It does

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not make a distinction between personal and non-personal data. Therefore, Step 1 is a really important step. It cannot be omitted if we want to [come up with] a solution that is compliant with the GDPR.

Now, the contracted parties expressed this concern that sometimes data of legal entities may contain personal data. So, indeed, this is a valid point. And no one supports here in this group that we want published personal data.

So this is why exactly we proposed this two-step approach where, as a necessary first step, you have a distinction between natural and legal and then, as a second step, you further distinguish between data of legal entities that are personal and not personal.

Again, this solution is, of course, for the new registrations—to clarify that—but, indeed, we respect this distinction that the group made. But there's a difference between existing registrations and new registrations. So we're now looking and focusing, I think, on the new registrations.

But, anyway, I saw that Volker and Sarah proposed to skip completely the first step and only start by distinguishing between personal and non-personal data. So my question that I already submitted in writing but that I would also like to take the benefit of this occasion to address to either Sarah or Volker is, how would you plan to do such a distinction, where you would only distinguish between personal and non-personal data? Would you ask the registrant to specify which is information is what? Would you check manual data and you would distinguish yourself? How are you planning to implement it? And, if you choose this solution,

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would you make it a requirement or it'd be voluntary? So, first of all, I would like some clarification for that. I believe that everyone will agree that time is of the essence, so we got to be very specific in what we're discussing here. Thank you.

KEITH DRAZEK:

Thank you very much, Melina, and thanks for being explicit in the questions that you've proposed. And thank you also for acknowledging that, as we develop these recommendations or guidance, the current focus is on new registrations. I think that's a helpful distinction.

Milton and then Sarah. Thank you.

MILTON MUELLER:

Yes, indeed, I do think that there's more potential for agreement here than is immediately evident. So I think that the issue that we're getting stuck on here is legal versus natural versus legal person registrations that contain personal data. I think Volker has proposed to basically collapse the whole differentiation into detecting whether personal data is present or not and does not want to have a status differentiation between legal and natural persons.

I am actually okay with having a status differentiation between legal and natural persons, as long as it's followed up with a process to detect whether personal data is relevant [and] it is existing. Also, I'm okay with ... Well, we want to make sure that the registrant is in control of that determination and not having it made for them.

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I don't understand ... We've had some discussions outside of this working group about why Volker wants to do that. I think, to be blunt about it, people are afraid that, if we do introduce the legal/natural distinction and somebody checks the flag, then that will open the door to further measures that will make them lose control of the publication of their data.

So the people who want to have this distinction made need to accept and make assurances that they're going to accept that and stop there and not try to push the door open further in ways that would make registrant advocates nervous or make registrars feel like they are letting the camel's nose under the tent.

So I think, if we can go forward in that direction and provide those assurances, we can actually arrive at a solution here.

One other comment. I was a little bit surprised to hear Marc say that he didn't think we have provided any guidance in this document. I think one of the things that made me feel a little more confident was that it did seem to be providing fairly good guidance. Of course, you all know that I don't like that third high-level scenario. I hope that we can get rid of it. But the first one says you indicate legal or natural person and then you verify whether there's personal data and then you determine whether it's automatically disclosed or not. That seems to me to be adequate guidance. I don't understand what's missing there, unless you're talking about very detailed operational thing, which, of course, would be an implementation issue.

So I think the guidance is there in a principled form, and I don't think it's bad if we get rid of the third one. Okay, that's all from me.

KEITH DRAZEK: Thank you very much, Milton. All very constructive input and feedback. I'll note that Brian King has put a note into chat in response to your intervention that I think all is very constructive. So, Milton, thanks very much.

Sarah, over to you next.

SARAH WYLD: Thanks. So, just going back to those couple of questions, I really have to say I feel like these are not quite new topics, but I'm definitely happy to discuss them.

So, in terms of the person type, I would certainly not attempt to infer that myself as a registrar. I would always have the data subject or domain owner indicate what type of person they are just like how they would indicate that their data is accurate because they know best.

In terms of required or voluntary, I am committed to working through this process and I'm open to understanding what the possibilities are, which of course would allow for us to proceed in a data-protection-compliant manner. But we do already have a recommendation on this topic, and I haven't yet seen anything really compelling to suggest that we need to make this distinction mandatory.

So it could just be that I'm tired from lots of ICANN meetings this week, but it really feels like, when we provide input, it's not addressed. So, for example, we discussed last week why flags are

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difficult to implement to such an extent that they're generally not workable as a mandatory solution, but now I see that the proposal has changed. It has two flags instead of one.

So, at this point, I just have to hope that, when we get the legal advice from Bird & Bird, it is really onboarded and we take it into account fully. Thank you.

KEITH DRAZEK: Thank you very much, Sarah. Brian, I see your hand. Go ahead.

BRIAN KING: Thanks, Keith. In case it helps Sarah feel better—I understand, I think, [her] concerns—we have quite a long list or what I think is a very compelling and persuasive list of reasons why we should be doing this. We're not talking about that yet, so if we can hang tight and work through this part—I understand we're going to be focused on that shortly—I think we have some good compelling reasons why this should be done and must. But we'll get there. Thanks.

KEITH DRAZEK: Thank you, Brian. All right. I don't have anybody else in queue at this point. Would anybody else like to jump in? I think it would be helpful if we really get into the substance of what we're looking at here in this document.

I think next steps, as you consider your next interventions, is ... There's been good input here. I think there's ongoing

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conversation. Thank you to everybody who did provide input into the document—comments and/or suggested redlines. I think the next step will be for staff to take our discussion today and this document and produce another iteration for the group’s review and consideration heading into next week. But, again, I really do encourage folks to take the conversation to the list if that would be helpful, if it helps to flag any questions or concerns. Let’s keep this conversation going between the plenaries.

Marc, I see your hand.

MARC ANDERSON:

Thanks, Keith. I think Berry is driving. If you could scroll down to the last paragraph, please. On the last paragraph, registries have concerns with the way this written. The last sentence: “However, following the guidance above and clearly documenting the process and all data processing steps should help minimize risk to a minimum.” We have concern that this reads like its providing legal advice to contracted parties, in which it’s saying, if you do all of the above, then your legal risk is minimum. One, I don’t think it’s appropriate for us to, as a working group, be providing legal advice. I think we need to be careful about how we’re phrasing, how we’re writing, the recommendations. Ultimately, that’s up to each individual entity to determine what their legal risk is and make their own determination there. So I think that this is potentially a problematic sentence as its written now.

But I also want to just caution us in general that these recommendations should not be written or drafted in a way that

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they sound like legal advice or guidance. We're not at all qualified to provide that as part of this working group effort.

KEITH DRAZEK:

Thanks very much, Marc. I think that's a good point. If we're going to be including language along these lines, it would probably be better to make it clear that it's the goal or the intent of the working group to provide the—I don't know—mitigation or the opportunity to reduce, but it shouldn't be determinative in terms of saying that it should or would. It's really more a question of that that's the intent rather than the outcome. So, Marc, thank you for that. And there's some additional support and, I think, engagement in the chat here on this one.

Again, for those who are contributing in chat, please feel free to put your hand up. This is our opportunity once a week before we move to two meetings a week if we need to. I'm just throwing that out there as a warning. Now is your opportunity to have this conversation, so please put your hand up and contribute verbally if you can.

All right. Sarah, thank you.

SARAH WYLD:

Hi, Keith. I will speak to the point that I put in chat because I do think it is an important one. Thank you for inviting that. I forget to say in response to Melina that we must not require human review of sign-ups at the time of registration. When you have a business that processes thousands of registrations per day or even hundreds of even tens, actually, it's just not workable. It's not



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scalable. Certainly, it could be an option but not mandatory. Thank you.

KEITH DRAZEK: Thanks very much, Sarah. Yeah, very important implementation consideration.

All right. Anybody else like to get in queue?

Melina, thank you.

MELINA STROUGI: Thank you. I was about to reply in the chat, [inaudible] opportunity to reply orally. And many thanks for the reply. So I understand—this was also my initial assumption—that then, in your proposal, it would be up to the registrant to indicate which of the data that they provide is personal and which are not personal. As you understand—yeah, it's understood correctly—though, this has a very huge risk that, if the registrant is a natural entity, you cannot pose this question because, automatically, if the registrant is a natural person, you should assume that all their data are personal and therefore you should not publish any of the data.

So the question is, if you don't distinguish and you don't give them the opportunity to say that they are natural, what do you do? You leave it up to them to decide? In case it's natural, it's automatic. You shouldn't publish anything. So there you really risk not being compliant with the GDPR and you really have compliance risk. Really, if you keep what you say—this distinction—but add before

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that the step of distinguishing between legal and natural, then automatically you are on the safe side and you're fully compliant.

So perhaps it would be worth considering this type of approach because, in essence, this second step we're proposing is exactly what you say. We just add the distinction between legal and natural to make sure we fully protect registrants who are natural persons. Thanks.

KEITH DRAZEK: Thank you very much, Melina. Sarah, you're next, and then Volker. Thank you.

SARAH WYLD: Thank you. I appreciate the concerns for the risks that we are addressing here. That is definitely something I think about a lot. I will remind everyone that, of course, the domain owner can choose to publish their data, regardless of person type, but the way I say it, with the advice I've had from legal people, my team, and my data protection officer, the risk of publishing personal data without a lawful basis is a greater risk to me than the risk of not publishing a legal person's data. That legal person can choose to publish their data at any time. So they have the option, but I need to always remember my privacy-by-default requirements. So that's why I see the risk differently than you do, I think. Thank you.

KEITH DRAZEK: Thank you, sir. Volker and then Melina.

VOLKER GRIEMANN: Thank you. I agree with what Sarah just said. Ultimately, if I redact everything, then I'm as protected as I can be under GDPR because I'm not under any danger of disclosing information that could be personal information. So some may call in over-blocking. I call it sufficient protection against legal claims and failures to comply with GDPR.

When faced with a situation of safety versus benefits, then probably, unless the benefit is extremely enormous, the decision would come down on safety—legal safety, that is.

So I do not see the point that this distinction helps us in any way. If we are to do redacted data, then ... I don't follow the argument.

KEITH DRAZEK: Thank you, Volker. Melina, you're next.

MELINA STROUNGI: Thank you. Because Volker introduces something new now, I don't want to lose the coherence of the discussion that we're having with Sarah because choosing not to differentiate at all is something different than the proposal initially made by Volker, which was distinguish between personal and non-personal data. Since we are discussing now about this proposal, I prefer to go through [inaudible] discussion.

So, Sarah, I completely understand this point you mentioned about the greater risk of publishing personal data vis-à-vis

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publishing/not publishing the data of legal persons. But have you discussed with your DPO? Or any data protection authority would tell you that, if you compare the two approaches—if you compare having a two-step approach where, at the first level, you distinguish between natural and legal entities, and at the second level you distinguish between personal and non-personal data of legal persons—it would be much, much safer as compared to what you propose now—to skip completely the legal/natural distinction and go directly to the distinction between personal and non-personal data—because, in case you get a natural registrant, if you haven't distinguished, you risk that this registrant doesn't really comprehend what you're asking him to do. Maybe he attempts to make a distinction, but all the data of this natural registrant should not be published.

So, in that scenario, where you maintain only the second step, you're running the risk that you just described. So I would encourage you to discuss with your DPO and seek further data protection advice on this and compare the two options from a data privacy perspective. Compare the two-step approach with the only-one-step approach. Hopefully, you will see my point. Thank you.

KEITH DRAZEK:

Thank you, Melina. Would anybody like to get in queue?

I think we're starting to get to the point where we're focusing on voluntary processing, no mandatory requirements, at this point. But I acknowledge that, at some point, we will have to transition to

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that second question. But I just want to see if anybody else has any further discussion or further feedback on this particular point.

Okay. Volker, thank you.

**VOLKER GREIMANN:** First of all, I appreciate that you're thinking about our legal risk. That is a welcome change for a change. But part of the proposal is also that this is still not mandatory. This is a recommendation that can be implemented but does not have to be implemented. Once we get to the point of looking at whether to implement it and how to implement this in our system, then we will reach out to our DPA and ask them what the best way to implement that is. If we feel that there's additional steps that would give us benefit, then we do that. But if we are right in our assumption that, if we are just clear enough in our information to our data subject and the way that we present the consequences of their choice and the consequences of their self-identification ... then that is our risk to take. And if we feel that can't do addition steps, then we will do that. But, ultimately, the easier it is to implement and the easier it is to execute while still in full compliance will the GDPR, I think we are well-capable of managing those risks. Thank you.

**KEITH DRAZEK:** Thank you, Volker. Melina, was that a new hand or an old hand?

**MELINA STROUNGI:** Sorry, it was an old hand.

KEITH DRAZEK:                   Okay. No problem. Sorry, I just wanted to make sure I didn't miss you. Okay, thank you, Volker.

Milton, go right ahead. Thanks.

MILTON MUELLER:               This distinction ... Again, we're talking about guidance here, so I assume that the question of whether there will be a shift from guidance to requirement is, as you say, a separate one. So I would think that, if it is just guidance ... And I think that the distinction between legal and natural as being a first step in a two-step process, I'm having trouble understanding what the resistance to that would be on the part of the registrars if it is just guidance.

Again, getting back to the uncomfortable topic, are you afraid that, if we agree on it as guidance now, then there will be a strong push to make it mandatory? If so, tell us why that's going to be a problem and how it hurts registrants.

I think we've heard some discussion about the language: would it be confusing to registrants? I think it actually could be clarifying. So first you ask them, "Are you a company or are you an incorporated entity?" Then you make it clear then: "If you check yes to this, then your rights to data protection are going to be less strong," or, "Your data could be published." Then you ask them, "Since your data will be published, is there any personal data in it? For example, are you a home office or are you using your home phone number for your domain name registration?" So then they

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would be in a position to say, “Yes, there is personal data, and we don’t want it published.”

So I don’t know. I just see that as not being a terrible imposition and could be in some ways clarifying. Again, as long as the registrant is in control of those decisions, I think it’s okay. So let’s see what happens.

KEITH DRAZEK:

Thank you, Milton. Some good questions there. I think, if registrars want to either take some time and come back with responses or if you’ve some initial feedback now ... But I think those are good clarifying questions.

Margie, you’re next.

MARGIE MILAM:

Sure. Hi, everyone. I’ve been thinking about the conversation about flags and whether to include them in the guidance. I do see the value of it because, in the future, if there is a requirement—we obviously know that there are discussions of requirements [inaudible]—it would be much easier to implement if registrars are [starting] to think about how to create a flag. I don’t see why having it in the guidance would pose any problem to the contracted parties since, at this point, it would be optional.

KEITH DRAZEK:

Thank you, Margie. Brian, you’re next.

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BRIAN KING:

Thanks, Keith. I would like to encourage folks to help in this document. I got started, I think—well, I know—after some other folks contributed some helpful comments. While we're thinking about guidance, what I added was probably another flavor of how registrars could treat the concept of self-identification. There might be more flavors. There might be more colors on this spectrum between Numbers 3 and 6 there.

So if I could ask EPDP colleagues—I'll contain it to just these two—to just thinking about, while we're giving guidance to registrars, the different approaches that they could take and what those things might mean, I think this would be really helpful and would include some of the things that were in the GAC proposal and in Sarah's document as well. Thanks.

KEITH DRAZEK:

Thanks very much, Brian. Good suggestions. Again, as I noted, I think staff is prepared to take what's here and incorporate and circulate another version. But we probably want to make sure that everybody has had a chance to provide at least preliminary input following today's conversation before we do that. So I guess it's a timing question. But why don't we give a deadline—by the end of the week—for folks to provide any initial feedback or further input into this document. Then we'll draw a line under it so staff can work early next week to provide an update to the group based on the redlines that have been proposed.

Caitlin or Berry, if you have any thoughts on that, feel free to jump in. But that's my thinking at this point. It's to give the group to the



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end of the way, end of day tomorrow, to provide any additional input and then take it offline for a bit to produce a Version 2.

I don't see any other hands in queue at this point, so perhaps we can go back to the agenda. So, again, there's some of the questions here and initial reactions from the EPDP team. We've got three questions. Does this accurately capture agreed aspects from the different proposals? Is it sufficiently high-level to allow for flexibility based on business models? And what incentives, if any, could be considered to promote any guidance agreed to by the EPDP team?

I want to just take a moment to focus on this third bullet point. I think we started the discussion on Bullets 1 and 2 here. Of course, we keep coming back to questions of voluntary guidance or mandatory requirements, and we will continue to have that discussion, I'm sure. But let's just shift for a minute and talk about incentives, if any, and whether that's something that is worth the EPDP team spending time on, if there are any initial thoughts, any thinking out loud, or brainstorming around incentives. If we are to produce guidance—essentially voluntary guidance or recommendations—for registrars to choose to differentiate, are there any incentives that could be offered or provided? What would they look like? How would they need to be structured? Is there any value or benefit to further discussing this or considering this? Again, I'll certainly welcome our staff colleagues to jump in on any of this at any time. You are always welcome to intervene or interject.

Hadia, thank you. Go ahead.

HADIA ELMINIAWI: Thank you, Keith. I would just like to quickly comment on your phrase: “Are we talking about mandatory requirements or voluntary requirements?” I think it could be a mix of both. If we decide, for example, to have this flag that decides the registrant’s type, whether legal, natural, or undetermined, that could be mandatory. Then, if we are talking about the disclosure of the data, depending on the type of the registrant, that could be, for example, voluntarily.

So we can have more than one thought about that. So that’s what I want to say. Thank you.

KEITH DRAZEK: Thank you, Hadia. Mark Sv, you’re next. And I see there’s some further discussion in chat as well, including a question from Volker. So, Mark Sv, go ahead.

MARK SVANCAREK: Thanks. I was responding to Sarah’s question in the chat. So, Sarah, here’s what I’m thinking. In Phase 1, we said the registrant could check a box and then you will publish their data. I assume that that publication is automated. That is to say, a human is not involved subsequently when there’s a request for that data. If somebody requests the data for that name, the unredacted record will be returned in response to that query.

How do you know that you should return that data? I mean, a box was checked somewhere, but that’s not universal. That’s in

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relationship to either that registrant or that domain name. That's a flag. You can call it a flag or a bit or a mask or whatever you want to call it, but there's some flagging that has occurred so that your publication automation will know what to return in response to the query.

So that's where my confusion comes from. I believe that you are already agreed to do some flagging or masking or attaching of a bit. That's why I think that adding additional flags or masks is not, in and of itself, a problem for you, if you're going to comply to the Phase 1 recommendations, which you are.

So that's my clarification. I'm sorry if I was unclear. I hope that helps. Thank you.

KEITH DRAZEK:

Thanks very much, Mark. Sarah, if you'd like to get in queue, you're more than welcome to do so.

Margie, you're next.

MARGIE MILAM:

Hi, everyone. I just wanted to elaborate on the flag concept. At least as I understand the flag concept, it would be an additional data field in the WHOIS record. So, for every contact in the WHOIS record, you'd have a designation of, if the question is, "Is it a natural person?", a yes or a no. So it'd be very simple to add additional fields to the WHOIS output.

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Then the reason that would be useful is that, as others in the decision-making process—for example, a thick registry—might want to know that when they’re making a determination on whether or not the balancing test applies and whether they should disclose the information ... So it would create some sort of consistency if we were to make a recommendation that there be additional WHOIS output fields for each contact field as to whether or not it includes an actual persona data or not.

KEITH DRAZEK: Thanks, Margie. Alan, you’re next.

ALAN GREENBERG: Thank you very much. Margie said part of what I wanted to say. As Marc said, there is already a flag. Phase 1 says you must keep a record of whether the registration data can be released or not or, in fact, can be in the public WHOIS or not. So there is a flag. The benefit of defining it as a field within the RDS data set is that it’s then passed on to the registry, as Margie pointed out. It also can be put into escrow if that’s deemed to be appropriate. It can be transferred when a domain is transferred to another registrar. It formalizes that process.

So it’s not a matter of whether we create a flag or not. There is, certainly for the display. And we’re suggesting that there also be one for legal/natural. But it becomes part of the formal record, which is then subject to the protections that we have in a variety of ways for registrants. So there’s benefit in formally defining it. Thank you.

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KEITH DRAZEK: Thank you, Alan. And thanks, everybody, for the ongoing good conversation.

I want to go back to a question that Volker posed in chat real quick, and then I'll get to Sarah and Alan. Volker asked a question, I think, paraphrasing why is it important ... Actually, let me just scroll up here. "Can someone explain why there's a perceived need to disclose published data of legal entities in the first place?" I know that we've had the conversation here about, in the context of SSAD, that, if we are moving forward to a standardized system for access and disclosure, which of course has not yet been approved by the Board—but let's just take that assumption for a moment—automatically disclosing the data of legal persons—by default, if you will; I know that's not where we are right now—as I understand it, it would reduce the number of requests that would need to be submitted for disclosure of data and having to go through the more manual process of review by the registrar as to whether to grant that access through the SSAD.

So I'm thinking of it in terms of, what are we trying to do, what are we trying to achieve, and recognizing that we're talking about here could become a factor in the discussions around SSAD and the implementation of SSAD. So I just wanted to throw that out there at least a consideration.

Sarah, you're next, and then Alan.

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SARAH WYLD: Thanks. Hi. I think I'm unmuted now. Yeah, Mar[k] your clarification as to what you were asking was helpful. Thank you. When we discussed flags last week, I don't think that I said—or if I did, I intend to say it—that the problem is that we don't know how to do flags or that we've never done that. So, yes, I do believe that the consent status is probably a flag on the domain contact person [set]. So my concerns here, as explained, are around the data subject's experience, adding complexity and requests for action to no perceivable benefit for them, since they can already publish their data.

And I was surprised. Maybe I misunderstand Alan Greenberg. I don't think we have an expectation that this flag would carry to another provider when the domain is transferred. The contact data itself is reentered when the transfer is requested.

So, as I said last time, we end up with an unhappy customer base who has to take action for no benefit that they can see. The registration data is still frequently redacted or protected with a privacy-proxy service. And the small group of registrants who would indicate that they're a legal person and thus do publish their data could already achieve that same thing. Thank you.

KEITH DRAZEK: Thank you, Sarah. Alan, you're next, then Milton.

ALAN WOODS: Thank you so much. I just wanted to go back to Margie's comments. I suppose my first reaction to her stating that it might be [helpful] [inaudible] to be able to look at that flag [inaudible] of

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course the flag is in place, and it is considered to be legally [inaudible] person data as well. I don't understand why disclosure requests would go to the thick registry in the first place because it would already but published at the registrar.

But, that aside, I do want to flag one other thing, now that the registries have been involved. This document of course does not talk about the complexities of transferring anything to do with this process to that of a registry. It does not equal that consent received by the third party, which is that a registrar will transfer necessarily or quite easily to a registry.

So with that in mind, the registries have been talking about this and we are very aware of the fact that we don't want to come back a situation that I believe I heard at the end of Phase 1, where it's like, "Well, of course this applies to registries, too," which is not necessarily correct. So we're going to put together a document based on the same, I suppose, format, [inaudible] to be able to provide that additional detail to help the conversation along because it is not a like-for-like and it is not a simple translation, unfortunately. So we will take that on and we know that we must do that for [inaudible].

KEITH DRAZEK:

Thanks very much, Alan. Milton, you're next.

MILTON MUELLER:

I wanted to bring up the question of the SSAD. There was something in this guidance that said, instead of the data being published, it would be flagged for automatic disclosure via the

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SSAD. That's an approach I think is good because it minimized the risk again of inadvertent disclosure of things that shouldn't be disclosed. So, if the disclosure doesn't take place until somebody wants it and needs it for some purpose, then it's good to limit it to that.

So, for example, it also ... I think we have to assume that we're going to get an SSAD, and I think that the economic concerns that have been raised by that are actually not very valid. But that's a whole different question. But let's assume that you have and SSAD and you have this nicely automated centralized request system so that, if you're concerned about a particular registrant, you can automatically and quickly get any concealed data through this process, and the registrar, [inaudible] automated, won't be burdened very much. So I think that's a very good solution.

KEITH DRAZEK:

Thank you, Milton. Let me just note, again, since I reintroduced the consideration of the SSAD here, that I think it's important to recognize that, as we as an EPDP Phase 2A team conclude our work over the next couple of months, it's highly likely that the ICANN Board, after it conducts the ODP and goes through its consideration, we won't have a final decision on SSAD, and we certainly have any decisions on implementation details around SSAD. So it's probably worth us as a group understanding and recognizing the distinction between publication and the production of data via an SSAD in any recommendation or guidance that we might provide. There's an important distinction there, and it probably makes sense for us to consider both paths.



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I take Milton's point that, I think, some elements of an SSAD is probably likely, and we should be, I think, expecting that. But it's for from determined/decided at this point.

So, as a group, I think we need to understand that we could be providing guidance or recommendations in a couple of different aspects, unless we can come to an agreement that we should be making a recommendation, assuming the SSAD moves forward. But I think we're not quite there yet.

All right. Brian, you're next. Go ahead. The queue is almost empty—it is empty—after Brian, and we have just over 15 minutes left of the call today. Thanks.

BRIAN KING:

Thanks, Keith. Two points on the SSAD point that you just made. One is that I added the SSAD recommendation from the Phase 2 final report up top somewhere, someplace. I put it in there just because it talks about that it requires disclosure of domains where there's no personal data in the WHOIS record.

Then, in #5, I think the point there ... I don't remember which one it was, but I think, again, when we think about these flavors of processes that registrars can take, while we're talking about guidance, certainly a thing that registrars could do would be to have the registrant self-identify at the time of registration and then set a flag—sorry, Sarah—or somehow designate that data as pertaining to a legal entity and then configure their systems to automatically disclose the data if they received an SSAD request or if they received any RDAP or Port 43 query.

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So that's a recommendation that, I think ... Were we making recommendations here? Suggestions? That's a thing that registrars could do. So I just wanted to note that. Maybe that requires its own breakout here so we get lots of colors on the spectrum. But I just wanted to flag that. Thanks.

KEITH DRAZEK:

Thanks very much, Brian. I see also that Alan Woods has provided some input into the chat on that topic. If anybody else would like to get into queue, you are more than welcome to at this point. But I think, just to summarize Alan's point, there is some additional safeguards when we're talking about providing access to data through an SSAD where there's some level of understanding of who the requester is, etc., rather than simple, open publication for the entire world to see. So I think it really is an important discussion, I think, as we move forward here.

All right. I don't see any other hands. Any other discussion on this document? Again, I'll just recap. Everybody, we have until the end of the day tomorrow (Friday) to provide input to this document, any additional commentary.

To note Caitlin's comment in chat above, please provide comments rather than overwriting redline. Especially as we get into multiple overwrites, it becomes very, very difficult—or more much more challenging, I should say—to make sure we've got the concepts and that we've got everybody's input accurately and we're not disregarding anybody by accident. So let's make sure that, if you provide comments, provide comments. You can

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suggest actual language but try not to overwrite others' input at this point.

So, again, we have until the end of the day tomorrow to provide input. Staff will then take the document and, over the weekend, likely, or earlier week will work to provide a second version of this for our review, incorporating some of the input that we've received about formatting and headings and making sure that the document flows a little bit better. But I really do appreciate everybody's input on this, both in the document and in the conversation today.

Brian, your hand. Go ahead.

BRIAN KING:

Thanks, Keith. Sorry, I'll be brief and, I think, non-controversial. Just a comment for folks as we go through the Google Doc. I think we should avoid the word "published." It's not quite accurate. The data is not printed out and left on a sheet of paper. I think what we mean when we say "published" is "provided in response to an RDS query." That's a lot more words, I realize, but it is more accurate. So, if we can take care to not use the word "publish" to mean something that is not quite right. It might sound like splitting hairs, but I do think that level of nuance helps us really say what we mean here. Thanks.

KEITH DRAZEK:

Thanks, Brian. Good point. Alan and then Volker.

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ALAN GREENBERG: Thank you. My understanding was that we were using the term “disclose” if it’s provided in response to an SSAD request, and “publish” means it’s in the public WHOIS. So maybe I’m wrong, but I thought that was how we were using the terms in Phase 1 and Phase 2.

KEITH DRAZEK: Thanks, Alan. I think that’s very logical and consistent with my understanding as well. To me, “published” means it’s publicly available, and a disclosure would be in response to a request submitted via the SSAD or however a request is submitted.

ALAN GREENBERG: It’s clear[.] We may want to clarify that “publish” does not mean “put in your local newspaper,” but my understanding I that we have been using “publish” as the public WHOIS as opposed to “disclosure.” Thank you.

KEITH DRAZEK: Thanks, Alan. Again, it’s good for us to have this conversation so we are all on the same page when it comes to definitions. And Brian just noted that he made the point now because, in some cases, we may be using those terms incorrectly or not accurately.

Volker, you’re next. Go ahead.

VOLKER GREIMANN: Thank you, Keith. Today is an interesting day because I find myself agreeing with both Brian and Alan at the same time. I

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made the proposal to change “publish” to “disclose” because I share the view of Alan that “publish” would be in the public WHOIS, and “disclose” would be some form of automation in the SSAD. I believe that the effects of the differentiation should essentially still be within the SSAD, where the requester would have much faster access—automated access, even—to data that has been flagged and confirmed to be non-personal data. I have absolutely no issue with that, and I think that will even benefit the SSAD as a whole—to have that information in there as opposed to public WHOIS.

And I think it also meets the requirement laid down in the proposed NIS2 directive, where interested parties are supposed to have quick and fast access to such data, which I think SSAD is exactly built as a model to do.

So, yes, it should be “disclosure” and not “publication,” and it should be in SSAD. Thank you.

KEITH DRAZEK:

Great. Thanks, Volker. And thanks for the clarification. I am tempted, with just about ten minutes left, hearing such violent agreement, to draw this meeting to a close early, but I think we have a few other things to talk about. So thank you very much, and apologies if even my intervention earlier contributed to some of the confusion. But I feel like, after this exchange over the last five minutes, we’re all in a better place and better understanding about what exactly what we’re talking about when it comes to these definitions and the expectations and what that means for any recommendations that we might develop.

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Also, good engagement in chat.

Any final comments or discussion points on the work so far today on the staff paper, on legal and natural, before we move on?

All right. Thanks, everybody, very much for that.

Let's the move briefly to a quick update on the feasibility of unique contacts. As I recall, we have a question submitted to Bird & Bird on the topic. I don't believe there's anything new or any new issues to focus on here as we wait for that, but I'll turn to Becky and see if she's got anything she'd like to add. But my expectation is that this is really just a touchpoint to say we still have this issue to deal with and more work to be done over the coming weeks. Becky, is there anything you'd like to add at this point?

We may have lost Becky, actually. I'm guessing she had a conflict. So I will retract that request.

Any other comments? Anybody else would like to weigh on the topic of feasibility of unique contacts?

Okay. Hearing and seeing none.

Then I think I will move us to 5 on our agenda, which is to wrap up the meeting and to confirm next steps. Our next full meeting is next Thursday, the 1<sup>st</sup> of April. If and when we receive feedback from Bird & Bird, we will immediately schedule a meeting of the Legal Committee to make sure that it has the opportunity to do an initial assessment of the response and then to ensure that the plenary is updated as quickly as possible based on that feedback. So we'll look forward to that as well. We will confirm action items

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on the list. I don't think there are any outstanding questions for ICANN Org at this point. If there are, please flag them. Bring them to the list.

I think we're all up to speed and on the same page. So, unless there are any other questions or comments at this point, I will pause here for any last input, and then we'll wrap up the meeting. Any other business?

Seeing none. Thank you all very much. I hope everybody—oh, Volker. Thank you. Go ahead.

**VOLKER GREIMANN:** Just one final point that just popped into my head. I'm sorry to keep you all waiting for your margaritas and beers, but I was thinking that maybe we can also have a differentiation between "mandatory" and "voluntary" when we look at SSAD and public WHOIS. We could, for example, say that a certain disclosure in SSAD could be made mandatory after certain safeguards have been implemented, but WHOIS disclosure of publication would still be voluntary. So maybe that's just something to noodle on until the next meeting. That's it.

**KEITH DRAZEK:** Thank you very much, Volker. I think that's actually a very positive and constructive suggestion for consideration moving forward as we wrap up the call today. So thank you very much for that.

So, with that, everybody, thanks. I hope everybody is having a good ICANN70 week. Thank you all very much for the ongoing

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input. Again, last call. Please, please, please provide your input. Let's take conversations to the list if we think that would be helpful. We really need to buckle down over the next six weeks as we head into publication of an initial report at the end of May.

Thanks, all. Have a good day.

**[END OF TRANSCRIPT]**