
ICANN Transcription

GNSO Temp Spec gTLD RD EPDP – Phase 2A

Thursday, 14 January 2021 at 14:00 UTC

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TERRI AGNEW: Good morning, good afternoon, and good evening. Welcome to the EPDP Phase 2A Team call, taking place on the 14th of January, 2021 at 14:00 UTC.

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 no listed apologies. All members and alternates will be promoted to panelists for today's meeting.

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

Members and alternates replacing members, when using chat, please select All Panelists and Attendees in order for everyone to see your chat. Attendees will not have chat access, only view to the chat access. Alternates not replacing a member are required to rename their line by adding three Z's at the beginning of their name, and in parentheses at the end, your affiliation-dash-alternate, which means you're 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 functionality, such as raising hands, agreeing, or disagreeing. Please note, in order to locate the raised hand option, it is now located on your bottom toolbar. As a reminder, the alternate assignment form must be formalized by the way of the Google assignment form. The link is available in all meeting invites.

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

Seeing or hearing no one, 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.

Thank you, and with this, I will turn it over to our Chair, Keith Drazek. Please begin.

KEITH DRAZEK:

Thank you very much, Terri. Good morning, good afternoon, good evening, everyone. This is Keith Drazek, Chair of the EPDP Phase 2A Working Group.

I have some sad news to share this morning, so if you'll give me just a moment. I was contacted earlier yesterday by Tara Whalen and Rod Rasmussen to advise that we have lost a colleague in Ben Butler. Our colleague and friend, Ben Butler, passed away earlier this week. So, in my role as Chair, Tara and Rod had both reached out to me to advise that the SSAC team representatives obviously are going to need to change and that there's going to be a bit of a delay in getting to that. But, most importantly, I wanted just to take an opportunity to advise you all as team members and colleagues and a group that has worked closely with Ben now for many years that he has passed away. Personally, Ben was among our best in the ICANN community, and he's going to be sincerely missed. And I think that we all share that view.

So, with that, James reached out to me as well with a request to make a couple of comments. So, James, I'll hand it over to you now, but I think, after you make a few statements or whatever you'd like to say, we should have a moment of silence for Ben and Ben's memory. So, James, over to you.

JAMES GALVIN:

Thank you, Keith. Those are very kind words, and thanks for relaying the sentiments from SSAC. Look, folks, we are all, at GoDaddy, trying to come to terms with this. As you might imagine, it was very sudden and very shocking. Ben was one of the first employees at GoDaddy, working almost 20 years in this space.

I've been lucky enough to work with him for a big chunk of that time. It's not an exaggeration to say that Ben's work has put bad guys behind bars and rescued at-risk kids. That's not an exaggeration. We had that acknowledgement from law enforcement. His work has made a difference and he's going to leave a huge hole in our company and in our industry. I think it's something that we're all wrestling with right now.

So I thank everyone for everything that they said, both to me and to the family and to all of Ben's friends and colleagues at GoDaddy and around the industry and on social media and all the different direct messages. I just wanted to say thank you. We're going to get through this, but not anytime soon. So thank you. Thanks, Keith.

KEITH DRAZEK:

Thanks, James. I just want to add that the word that I got from Rod is that the family has asked for some privacy and for the news not to be publicized or spread on social media or large public mailing lists and all of that. So if we could just all please respect the family's wishes there in terms of the privacy. I think that's completely understandable.

So, with that, let's just take a moment of silence hear and think about Ben and remember Ben and all the good that he did. Thank you.

All right. Thanks, everybody.

So, with that, let's move into the business at hand today. I would like to first thank everybody who contributed to the homework

assignments in terms of contributing into the tracking documents on the two issues of legal versus natural and the feasibility of unique contacts. We'll get to that in a minute.

But, as far as the chair update, I want to give an update on the topic of the selection of the vice chair and council liaisons. We still do not have a council liaison appointed by the GNSO Council. The next GNSO Council meeting is taking place on the 23rd of this month. So I hope and expect that we'll have some news as it relates to the GNSO Council liaison role coming out of the January 23 GNSO Council meeting.

On the topic of vice chair, from the EPDP team itself, we've had no volunteers for the vice chair position. But I did receive an inquiry from Brian Beckham, who is with WIPO and who was one of the co-chairs of the RPM PDP Working Group, expressing an interest. He was curious about time commitment and expectations for the role and all that, and I responded. So we do have a volunteer from outside of the EPDP team in Brian Beckham to perform vice chair duties for this working group for Phase 2A.

In reading the charter and in talking with staff, one interpretation is that, once the EPDP 2 team is formed, then a vice chair would be selected. One interpretation is that the vice chair should come from within the group, and I guess it's possible that we could, with no other volunteers, look outside the group. But there might need to be some validation or some confirmation by the GNSO Council if that's the route that we decide to go.

Anyway, I just wanted to share that with you. Personally, in my role as Chair, I think Brian would be a good candidate and would

do a fine job, but, ultimately, it's up to the EPDP team to concur, to agree, or, if there are other candidates who are interested, to put up your hand.

So I'd like to just pause there and open the floor for anybody who would like to comment or speak to the topic of the EPDP 2 Working Group vice chair.

I see there's some feedback in chat. Brian King says that he thinks Brian would be great. If anybody else would like to speak to the issue, please do. In particular, if anybody has any concerns about having external from the team becoming the vice chair, we need to know that now. Now is the time to flag your concerns about that because, if that's the route we need to go, we probably need to run it up the flagpole with the council.

All right. I'm seeing some support generally in chat. Milton says that he would like to see it run up the flagpole with the council. Yeah, I think that's certainly what we would need to do. I see others are supporting. Would anybody like to speak to the issue?

All right. I'm not seeing any opposition. So let's keep this open until the end of the call today. If anybody would like to weigh in at the very end, we'll circle back to this topic. If we don't hear any opposition, then we'll at least consult the council about next steps.

I see Sarah said, "I'd like to hear from Brian about his experience and expectations of remaining neutral." So, yeah, I'm sure that we could coordinate something along those lines.

Okay. Very good. Marika, I see that you're contributing as well in chat. Would you like to speak to this at all, and particularly as it relates to the charter?

MARIKA KONINGS:

Sure, Keith. Thanks. Just to note because, as Keith mentioned, staff had a closer look at the charter. From the language in there, one could indeed make maybe two interpretations to the reference of being. "Once the EPDP team has formed, a vice chair is selected," could mean, indeed, that it's selected from the EPDP team, which is, to a certain degree, supported by the table that's in the charter that specifically lists the count of members and roles, as you can see. There is a specific count for a chair of the EPDP team, but there is no separate count for a vice chair position, which could be interpreted as meaning that a vice chair is expected to come from the EPDP team membership. But, as Keith noted, if no one is stepping forward from the team and there is a volunteer externally available, this could be something to check with the council to see if there's any concern or whether the council would support, in principle, making that interpretation or change to the charter to allow for an external member to take up that role.

KEITH DRAZEK:

Great. Thanks very much, Marika. Brian, I see your hand. Go ahead.

BRIAN KING:

Thanks, Keith. I was wondering if the ... Well, without prejudicing the fact that I would support Brian Beckham, I think he'd do a great job and be a good, neutral vice chair. If the vice chair had to come from within the ranks of the EPDP team, would that person be able to take a position that was consistent with their constituency or stakeholder group while not vice-chairing? I guess that's the question. Could that person—I love my hats—where a different hat depending on which role they were playing? Is that the expectation or not, I guess? Thanks.

KEITH DRAZEK:

Thanks, Brian. It's a good question, and I recall that that was teed up also during the first discussion that we had during our first call. So, look, I think there's probably differing views on this, but generally speaking, the vice chair, as part of the leadership team, would need to ideally remain neutral. I think the vice chair is going to be participate in leadership team calls with the staff and coordination to make sure that they're up to speed on all of the ongoing topics and all of the ongoing discussions to make sure that they're ready to step in if needed. So, generally speaking, I think it would be better and probably easier for the vice chair not to be advocating because then, as soon as they're in the chair role temporarily, it could raise conflict or concern or challenges.

So I think, generally speaking, the vice chair should probably be a neutral party throughout, and that's one of the reasons I think it might make sense in this particular case to consider somebody like Brian or someone from outside the team if the GNSO Council supports that. That was the sense that I took away from the conversation we had on our last call.

If anybody wants to weigh in on that now, please do.

I'm not seeing any further conversation. Marika has put in some charter language as it relates to the hat scenario.

All right. Let's put a marker under this one for right now, and then we'll circle back to it at the end of the call. If anybody has further thoughts, bring them forward at that point.

But, right now, let's move to the substantive work of review of our homework assignments. We'll start with the feasibility of unique contacts. I think we have the compilation document that was attached and some additional information here to the right. So what I'll do is, at this point, I'm going to hand it over to staff to help us walk through some of this and then turn to the individuals or groups who submitted information on these to actually weigh in and explain the contributions that they've made. So, Marika or Berry or Caitlin, if I could hand it over to you at this point to walk us through where we are. Marika, go ahead.

MARIKA KONINGS:

Thanks, Keith. So, indeed, we shared this document together with the agenda, in which we've tried to organize the input that we received from all of you on the Google Doc, specifically focusing, on the one hand, on clarifying questions in response to legal memos received in the case of legal/natural as well and the ICANN Org study, and then, on the other hand, also looking at specific proposals that the group could consider in relation to the questions that it is tasked to address.

So the objective of the conversation is, today, because we understand that there has been relatively short time, of course, between these questions having become available and your consideration of those, to run through them at a fairly high level, allow for those that who have put forward the proposed questions or proposal to provide any kind of context, and then maybe focus on the question on, “Where should this question or proposal get addressed?” In relation to the clarifying questions, there may be some questions that the group as a whole may need to debate or consider. Maybe there’s some that staff could further explore. There may be others that maybe need to go to the Legal Committee to assess whether the Legal Committee itself could maybe address the question by reviewing in closer detail the legal opinions that have been provided or whether these are questions that would need to be sent to legal counsel following the process and procedures that applied in the previous use of the Legal Committee as well and, of course, really focusing on which questions are really new and are expected to bring new information to the table that will help the group answer the questions.

So that’s basically what we’ve tried to do in these documents. So, again, the idea is just to run through them, allow for those that have provided the questions or proposals to provide any kind of supporting information or for group members to ask any kind of clarifying questions. I don’t think we want to hear yet debate on what potential responses are but really focus on a triage on where we should put these questions for a next iteration and consideration to help move forward the process.

So I hope that's a helpful clarification. Maybe, Keith, I'll hand it back to you to do the run-through. Or if you want staff to do so, we can do that as well.

KEITH DRAZEK: Thanks, Marika. Yeah, if you wouldn't mind, please go right ahead in terms of the run-through, and then we'll ask the contributors to weigh in with their input. Thank you.

MARIKA KONINGS: Okay, great. So we're starting off with feasibility of unique contacts. Here at the top of the document you see some definitions that staff derived from the Legal Committee questions. I think there were some questions on the first call around, do we actually have any definitions that are used? Actually, in the legal memo, there were some that were defined by the Legal Committee in their questions that were sent to Bird & Bird.

But, if we dive right into some of the clarifying questions that were put forward, there are actually two that related to the question of definition and understanding. So the first one was put forward by ALAC by Alan and Hadia, and we have a second one that's also related to that from Melina from the GAC.

So I don't know if there's any context that either of those want to provide or any input on where these questions should be answered. Who should be responsible for agreeing on these definitions? Is that a collective role of the EPDP? Is it something that the Legal Committee could assist with? Is it something where staff could try and see if any of the documents that have been

used so far provide any clarification? So, with that, I think I'll turn it back to the group.

KEITH DRAZEK: Thanks, Marika. Would anybody like to weigh in at this point? Certainly, for those who contributed, if there's anything additional that you'd like to provide in terms of context, or if anybody has questions about what's been put forward here, please raise your hand.

MELINA STROUNGI: Sorry to jump in. I just couldn't find the raise- -hand function.

KEITH DRAZEK: No problem. Go right ahead.

MELINA STROUNGI: I'm not sure where it is. It would be useful to know, in any case, for the rest of the meeting. This is Melina. I [inserted] this question. It's a question that could ideally be answered both by Bird & Bird, who wrote this memo and I was wondering also if, within the group, we have experts with IT backgrounds who could really help us explore the technical side of it. Myself being a privacy lawyer as background, I can definitely give my opinion on privacy and legal-related issues, but I think we're missing some technical understand on how this unique string would work.

This is really important because, if we come to an understanding where we can use anonymized e-mail addresses that remain

anonymous vis-à-vis third parties, and this unique string is only, let's say, maintained by registries and registrars, and we understand how this works, we could come up with a solution with almost no risk for contracted parties, which would be privacy-proof and optimal.

So it would be useful to really understand what each word means and how this functions, in particular taking into account that the pseudonymization definition under the GDPR relates to information that can be combined to trace back to the individual. So we also need to understand how this unique string used for multiple registration fits within this definition.

KEITH DRAZEK:

Thank you very much, Melina. Both excellent questions. I've got a queue building, but I think that question of operational interoperability or technical interoperability and the impact on what you just described is a good question.

So let's go to Hadia, Milton, and then Sarah. Thank you.

HADIA ELMINIAWI:

Thank you, Keith. In relation to your first question—who decides whether pseudonymization would be over all registrations or within a registrar—I think this is a decision the group needs to agree on.

Then, in relation to the terms “anonymization” and “pseudonymization,” I think what we need to do is in relation to the use of those two terms is use them as they are meant or intended to be used in GDPR. So, pseudonymization as defined is personal

data that can no longer be attributed to a specific data subject without the use of additional information. But with the use of some additional information, the data subject could be identified. However, anonymization is different because you cannot actually, with the use of some other parts of data, attribute to or identify the data subject. I think this is how we need to differentiate and use those terms.

Then you may argue that then anonymization is not possible in relation to our work. However, I think it is because it could be anonymous in relation to SSAD users. That's totally possible. Technically, it's totally possible.

So that would be my idea about the use of terms. We stick to how they are used and referred to by definition. Thank you.

KEITH DRAZEK:

Thank you, Hadia. Okay, we'll go to Milton next, and then Sarah, and then James.

MILTON MUELLER:

Good morning, everybody. I thought that the point of this clarifying question was that certain people thought they did not understand the definitions. I think the distinction between pseudonymization and anonymization is quite clear, and nothing I've heard makes me think otherwise. Again, the same unique string is used for multiple registrations. That means that you have an identifier of the registrant. And anonymization means that it's unique for each registration, so it's generated for each registration in a randomized way. You really know nothing about how is behind that e-mail,

although it does give you a chance to contact them. I don't understand what is unclear about that.

Alan and Hadia, in their comments, raised a potentially interesting point about whether this works across registrars, but I think coordinating a unique identifier is something that ICANN knows how to do. If they want to have a unique identifier that works across registrars, that would be more technically demanding, but there's not a lot of mystery about how that would be done. And I also don't think there's a lot of mystery about its illegality regarding the GDPR. If you indeed have the same identifier across multiple registrars, across multiple registrations, then you have, in effect, created a personal identifier for that data subject. So I think that's off the table, pretty clearly.

So I guess my main point is I just think we do have a clear definition of those two concepts, and we're basically deciding which is allowable for us to do, if either. Thank you.

KEITH DRAZEK:

Thank you very much, Milton. Sarah, you're next.

SARAH WYLD:

Hi. Thanks. I think we need to take a step back even before we can really discuss these definitions. What are we trying to use this e-mail address to do? Right? Whether it's anonymized or pseudonymized and whether that's within one registrar or across all registrars, those have a lot of implications, and we cannot decide what would be appropriate until we know what problem we're solving.

Melina—I think it was—when she was speaking at the beginning of this topic, referred to finding a solution, but a solution to what? That is not clear, and I think we need to determine that up front. Thank you.

KEITH DRAZEK: Thank you very much, Sarah. I've got James and then Mark Sv next. James?

JAMES GALVIN: Hi. Thanks. I agree with Sarah that our approach to a solution would be better if we could articulate the problem.

I also wanted to raise some of the points that Milton needed. I don't know that this is a definitional problem or discussion. Registrars can, I think, very ... I don't want to say "easily" because the operational folks cringe when I do that, but it is not a huge effort for registrars to create a pseudonymized identifier for their customers. In fact, we do so for a number of other products and purposes now. I think where it gets tricky is sharing that with other registries, for example—multiple registries—transmitting that, getting the registry to coordinate that if that same customer, for example, were to go to another registrar—it's not unusual for folks to have multiple accounts—and then to track that over time so that, if someone registers a domain name today and then, five years from now, are using the same pseudonymized identifier, all that starts to look less and less like an anonymous or even a pseudonymous bit of data and starts to look closer to, say, for example, a tracking cookie.

So I think we need to just understand, where do we want to draw the line? And we draw the line where it has the most utility but still exists and is able to exist under the law. For that, I think I would land right back where Sarah left us, which is we need to know what we're trying to solve for first so that we can understand where our boundaries are so we can understand where to place that cutoff time over TLD and over multiple registrars.

So it's a much bigger problem, I think, than definition. I'm sorry to say that it's not a matter of just parsing words here. These are material discussions. Thanks.

KEITH DRAZEK: Thanks, James. Mark, you're next.

MARK SVANCAREK: Thanks. I was going to say that I didn't think the definition was up in the air anymore, actually, until James' intervention.

So I guess I have two points. One is to counter Milton. Processing personal data is not illegal. It's certainly not inherently illegal. It really comes down to who's doing it and what they're using it for, which is Sarah's case. So, in each individual use case, you would determine what protections are required and whether we think those are lawful or not. The use of pseudonymized or anonymized data for a statistical analysis, for instance, is different than if you ultimately intend to contact somebody. This is a point that was made in the memo.

To James' point, the memo is pretty clear that the contracted party ... It's personal data in their hands. So, if you're exchanging this personal data with another contracted party, it remains personal data in their hands. The question is, what happens when that pseudonym is shared outside of the contracted party [with] some sort of a third person? Again, it's not inherently unlawful.

I hope that that clears up some of the definitional issues regarding pseudonymization. So, if you share that cookie between GoDaddy and Verisign, because it's personal data in both of their hands, either of them can share the pseudonym later, and it's a pseudonym to anyone who isn't able to reconstruct the various pieces. Thanks.

KEITH DRAZEK:

Thanks, Mark. And there's been some additional contributions in chat as well.

Look, I think one of the takeaways I'm hearing or seeing here is that it will be very helpful for the work of this group to come an agreed-to understanding of the purpose or the intent of anonymized or pseudonymized e-mails or contacts. So I think what we need to do is to have some additional homework assigned for our next meeting to basically come back with proposed language around the purpose or intent or, as Sarah said, what we're trying to solve for. So I think I'm just going to put a marker there. We can keep talking, but I just want to make sure that we're keeping track of some action items here as we go along.

Brian, I see your hand. Go right ahead.

BRIAN KING:

Thanks, Keith. I almost called you Janis there. So I can help with that. The first thing, I think, is a starting point that we need to report and grapple with here. I think Milton put in the chat that he thought what we're trying to work toward here is contactability, and that is definitely part of it. There's more, I think, that can be done, and there's probably more than we can achieve here.

But I'd say the ability to send an e-mail to a registrant is needed and is not happening today in a way that's reliable or workable. The web forms are frankly a bit of ridiculous that some of the contracted parties have put up. Many have character limits of, like, 100 characters. I don't know of any lawyer that can make a claim of infringement or a real reach-out with limiting a message to 100 characters. Some contracted parties don't allow you write anything yourself. They just allow you to pick from a small handful of purposes for why you're contacting the registrant.

So it's really, frankly, an unacceptable of affairs now with the way that the web forms are working, so we need at least some anonymized/pseudonymized—however we want to call it—way to contract registrants. So that's probably, as a starting point, one thing that we need to accomplish. Then I think we can get more done. But that's going to be the bare minimum, I think. Thanks.

KEITH DRAZEK:

Thanks, Brian. I understand that contactability is certainly one aspect of the goal here. I'm just curious if there are other aspects

or other things that we're trying to solve for. We don't have to get into that substance or that detail today, but I think it is something that would be helpful for us to, again, try to come to a common understanding to understand exactly what we're trying to solve for. If it's one thing or three things, to have that on paper and to make sure that we are able to talk that through.

Margie, I see your hand. Go ahead.

MARGIE MILAM:

Hi, everyone. I wanted to give another use case beyond contactability, and there is correlation. So the use case comes up when you're trying to identify additional domain names associated with a particular contact, and that might come up in a cybersecurity investigation, where you're trying to identify other domain names that a phisher has registered so that you can prevent a future attack to protect users from not falling prey to a phishing attack. So that's the other area that we find this particular type of approach being useful and something we want to talk about in this group.

KEITH DRAZEK:

Thank you, Margie. I see Chris has his hand up. Go right ahead.

CHRIS LEWIS-EVANS:

Thanks, Keith. Hi, everyone. Just to add to Margie's point there on correlation, I think we mentioned—I think it was Benedict in Phase 1 around some of these research functions as well, and I hit on that on my addition to this document a bit further down ... I think

there is a number of statistical reasons why you might want to run domain correlation and bits and pieces. So I think it's certainly a user case we need to have a look at for this. The Bird & Bird memo really concentrated on the effect to the data subject of that sort of contactability, and there's where their main focus. It wasn't really on some of the other purposes we might want to do some of this pseudonymization of e-mails.

KEITH DRAZEK:

Thank you, Chris. I see that there's some additional activity going on in the chat, so if folks want to review that as well.

Look, I think one of the goals here today was to identify, among these issues, what is it that the EPDP team can tackle, what is it that might need to be referred to the Legal Committee, and planning for next steps on the topic. So maybe one of the next steps here would be to have staff take a look at the documents and GDPR and identify what the EPDP team might need to decide on where the Legal Committee might need to weigh in and come back to the group with a recommendation in terms of process, in terms of next steps, to make sure that we're laying out the workplan for the group effectively so we have something to track against.

But I'll stop there. I see Milton has his hand up. Milton, go ahead.

MILTON MUELLER:

I don't like what you just said because we've already done that. We have a legal memo. The legal memo actually says both anonymized and pseudonymized are, in fact, personal

information. I might be willing to accept anonymized e-mail addresses regardless of that because I don't think that really does allow to identify the registrant. But we know what the legalities are. The idea that we're going to cycle back because some people don't want to accept that is something we should not be doing as part of this working group.

I'd also like to point out that, when Chris talks about the need for correlation or other kinds of uses of this identifier, again, we seem to be overlooking the fact that we've spent a lot of time creating an SSAD which will give them the real identifying information. We have tried to accommodate claims for cybersecurity researchers that would allow them to make large numbers of requests. We're debating right now what is published, not what information can be obtained. So I think the legalities of whether a unique identifier for every domain name registrant can be published as part of the open WHOIS is settled. We know we can't do that. We don't need to go back to committees or refer it back to the legal team.

Again, when we're debating this issue about what needs to be unredacted and published, let's not forget that there is information that can be redacted and then obtained by legitimate users. That's all. Thanks.

KEITH DRAZEK:

Thanks, Milton. Your point is taken. But I think what we're really trying to do here is to make sure that everybody is clear on the terminology and understanding the purpose for why we're talking about this. So, if I wasn't clear on that, I apologize. But, again, at least for this meeting, we're really supposed to be focusing on

making sure that we have a common understanding about the terminology and the purposes of what we're trying to achieve. But we'll debate all of that, I'm sure, in subsequent meetings.

Mark, you're next, and then Laureen.

MARK SVANCAREK: Thanks. Part of this exercise is that we actually don't seem to agree on what the memo said. Here's what I think the memo said. The memo said, in the hands of a contracted party, the pseudonym is personal data. In the hands of a third party, it could be personal data. Then they referenced the Breyer case, which actually gives some examples of when it is and when it isn't personal data. So, since we don't have that fundamental agreement on what the memo even says, I think we need to keep talking about it. But saying that it's just automatically illegal or that we have a memo and we all agree on it doesn't seem to be true. Thanks.

KEITH DRAZEK: Thank you, Mark. Laureen, you're next, and then I'm going to refer back to Sarah's comment in the chat and try to, again, focus us on what we're trying to solve for. Laureen?

LAUREEN KAPIN: Just building on what Mark has commented on, first of all, focusing on your question about definitions, I think that there is a real distinction between what is anonymous for the purpose of the contracted parties, and it might be that something that is

pseudonymous for the purpose of the contracted parties, if published, could actually be anonymous as to the public at large because they would lack the means to actually connect the e-mail identifier to a natural person. So I think that's an important point to keep in mind.

Then, also, with regard to the Bird & Bird memo, I do agree with Mark that the memo is not crystal-clear in certain aspects. In fact, at the very end of the memo, Bird & Bird touches on the need for a data protection impact assessment. A nod to Stephanie here. I know this is an issue that's near and dear to her heart. But it basically says that there needs to be an assessment of whatever technique is used to see whether it's acceptable to make that means of contact publicly available within the RDS. That's in Paragraph 9, Subsection C.

So I did want to highlight those two points.

KEITH DRAZEK:

Thanks you, Laureen. I see Melina has her hand up, so, Melina, you're next. Then I do want to circle back to Sarah's comment in the chat about what we're solving for. Sarah, I may turn to you to speak to that, if you don't mind. So, Melina, you're next.

MELINA STROUNGI:

Thank you. I briefly wanted to comment on certain things that were said. The distinction between anonymized and pseudonymized, according to the GDPR, is crystal-clear to everyone, I think. What is not really clear are the definitions used in the memo. For instance, indeed, the memo argues that either

we have anonymized or pseudonymized. This is only versus third parties. But in the hands of the contracted parties—the registries and registrars—it still remains personal information, and no one disagrees with this. This is clear, right? It's information that these parties would have in any case in their databases.

What is not really explained is ... For instance, if we take the case of pseudonymized—the unique string used for multiple registrations—if we accept this definition and if you have this correlation strings within contracted parties, third parties somehow combine this information or have access to the strings and uncover and trace back to the individual? So, really, in practical terms, like with concrete examples, we'd need to understand how this would work because, if this combination of information leading back to the individual can only happen for contracted parties and not for externals, this is a very different case. We just need to understand all the different scenarios before we take a decision.

And, of course, the number-one exercise is to define the purpose. What do we want to achieve? Do we want just to contact the registrant directly? Do we want a correlation? But we also need to understand these technical aspects to see what's possible. Thank you.

KEITH DRAZEK:

Thank you very much, Milena. Sarah, can I turn back to you for bringing us back to the question of what we're trying to solve for?

SARAH WYLD:

Yes. Thank you. Happy to. I'm really glad to hear this agreement from Melina and in the chat that we need to understand the purpose. Of course, as I'm sure we all know, that's a GDPR requirement. Before we process data, we must understand, document, and probably disclose the purpose for processing that data.

So we have a requirement from Phase 1 of the EPDP—a recommendation, rather—#13: that the registrar must provide an e-mail address or web form to facilitate communication with the relevant contact. That seems to be working fine. For the domains on my registrar's platform, we have that web form. That web form works great. People use it every day. I'm not clear on what the goal here is what else we're trying to ... And I know we've talked about correlation. I feel like correlation itself has a lot of ramifications that we need to think about. Correlation is a type of profiling, especially if that information is public. That can be very problematic. The data subject might need to be aware of their right to object to that. I understand not everybody thinks the web forms are fine, but I think they're fine. Yeah, that's where I got with it. Thank you. Hope that helps.

KEITH DRAZEK:

Yeah. Thanks, Sarah, Look, everybody, thanks for all of the input. Obviously, we've started getting into some of the substantive discussions that we will need to tackle. But, again, for the purposes of this meeting and this conversation, our hope is that we can actually come up with an agreed-to set of definitions and purposes that we're trying to solve for.

So I think perhaps what the next step to be is for staff to create a Google Doc that we include the different terms and the questions and the definitions derived from GDPR and the legal memo on and have a section that focuses on the problem statement, including any suggestions that have been put forward before here during the call and then ask for you all, the EPDP team, to add to it to identify further questions or definitions. That will set us up, I think, for further discussion on this topic. I'm drawing a line under this one because, in the interest of time, we need to move on for our next section on legal and natural.

Does anybody have any feedback on that? Any thoughts? Any reaction?

Okay. I don't see any immediate reaction to that. So that's what we'll do. We'll have a Google Doc created that folks can contribute to, react to, and provide further input on, leading into the next call. So thanks for the excellent discussion on the topic of anonymized/pseudonymized e-mails. Let's move on to the next topic.

I see Thomas has said, "We really need to ask ourselves whether we can achieve the purpose without pseudonymization. If that's the case, we need to go for anonymization." So let's draw a line under this one and move on. Thank you.

Marika, if I could hand it back to you to tee up the next discussion on legal and natural.

MARIKA KONINGS: Thanks, Keith, but we're still on feasibility of unique contacts.

KEITH DRAZEK: Sorry.

MARIKA KONINGS: Not yet at the next topic.

KEITH DRAZEK: Sorry. I lost track of the agenda here.

MARIKA KONINGS: So the next question was flagged by Laureen, and it seems to be a clarifying question in relation to a comment that's made in the legal memo in relation to contracted parties retaining personal data. Laureen is asking why that's relevant in that specific section. As it relates specifically to the legal memo, this may be one for the Legal Committee to review. I don't want to jump to any conclusions here, but we're trying to win some time, and the Legal Committee can maybe see if it can provide an answer to that question or whether this is one that would need to go to Bird & Bird for clarification.

KEITH DRAZEK: Okay. Thanks, Marika. Would anybody like to react to that?

Okay. Hadia, go right ahead. Thank you.

HADIA ELMINIAWI: Thank you. I would just like to quickly also note that the amendment refers to Article 29 of 2014. Article 26 of the GDPR clearly states that the principles of data protection should therefore not apply to anonymous information—namely information which does not relate to an identified or identifiable natural person or to personal data rendered anonymous in such a manner that the data subject is not or no longer identifiable.

It also says this regulation does not therefore concern processing of such anonymous information, including statistical or research purposes. Also, there are lots of use cases included in the ICO anonymization code of practice.

So, again, I'm not sure why they only refer to Article 29 and they do not refer to other legal parts from the GDPR and from code of practices published. Thanks.

KEITH DRAZEK: Thank you, Hadia. Would anybody like to get in queue or shall we move on?

Okay. Melina, go ahead. Thank you.

MELINA STROUNGI: Thank you. Sorry for taking, too often, the floor. I just wanted to comment on something that was in the chat. Just to say that both anonymization and pseudonymization are not illegal, of course. They are privacy-enhancing techniques. What we just want to make sure of is that contracted parties will not publish any personal data. If third parties could potentially trace back to the

individual via the publication of pseudonymized data, then they might face some risks, which we want, of course, to avoid. This is why we're trying to find ways of not letting this happen, making sure that they don't publish any personal data. Just this brief comment. Thank you.

KEITH DRAZEK: Okay. Thank you, Milena. Would anybody like to get in queue on this one?

All right. Let's move on. Marika, back to you.

MARIKA KONINGS: Thanks, Keith. So the next question relates to masking. In one part of the legal memo, there's a reference to masking, which basically is from a quote from the Article 29 2004 Working Party opinion. Alan and Hadia asked a question: what the relevance is of introducing this concept when that concept was never suggested in respect to e-mail addresses.

KEITH DRAZEK: Okay. Thanks, Marika. Alan or Hadia, would you like to further engage on this one in terms of an introduction? Or would anybody else like to react?

Okay. Stephanie, go ahead.

Stephanie, you might be muted.

Stephanie, I saw you come off mute and then go back on mute.

STEPHANIE PERRIN: Okay. I think I automatically got muted again. Can you hear me now?

KEITH DRAZEK: Yes, we can. Go right ahead, Stephanie. Thanks.

STEPHANIE PERRIN: Wonderful. Sorry to jump in here with hobnail boots, but this whole issue of pseudonymization versus anonymization, I think, needs clarification. It's becoming quite a bone of contention with the varying opinions going on. And as we all know, it's a major issue in artificial intelligence, which is a focus of debate in privacy circles these days.

So I think maybe it would do us good to produce a short side paper on this. I think we stumbled our way through it with old concepts when we were doing the work in the original EPDP, but we really need to be clear. The various authorities have come out and said, unfortunately, the laws have been ambiguous in some cases. It certainly will be in Canada if the new draft goes through. I would offer that the California law is a bit vague, too.

If it's personal data and you can never link it again—an almost near-impossibility—then it's not personal data anymore. But if you have the linkages, as the Article 29 Opinion 2014 states, then it's still personal data. You have merely pseudonymized it or masked it. Now, that's a pretty easy concept for anybody working with masked data, but I'm not sure that we've made it clear. And this

question proves that point. Obviously, if we put data out in a registry that is masked, and the registrars can immediately identify it, then it's still personal data. It's merely masked personal data. That's the simplest way of stating the mess we're in in terms of reidentifying data.

The problem now—there are cases that no doubt will be litigated shortly—is that folks are monetizing data that has been anonymized and then, of course, the purchaser immediately goes and buys another dataset and reidentifies it. Once that's clear, then we'll get a little less nonsense in the policy and legislation, and we'll be able to get to recognizing that personal data will remain personal data forever. It's only just a question of how well it's masked. Thank you.

KEITH DRAZEK: Thank you, Stephanie. Mark, go ahead.

MARK SVANCAREK: Thanks. I do agree with Stephanie that we should really write a paper because we've now gotten to the point where we're talking past each other. Everybody is trying really hard, but until it's all written down, I don't think we're going to make any progress on this. For instance, I found a few nits in my agreement with what Stephanie said regarding pseudonymization.

So I think it would benefit us to write all this down. We could start on the list. That's probably the only we can really move forward on this. So we would have to write down what are the use cases, how

would you in implement things, etc., and then it will become more clear. Thank you.

KEITH DRAZEK:

Thank you very much, Mark, for the constructive suggestion. I agree, and, again, what we're trying to achieve here is a common understanding of what we're trying to accomplish. As you and Stephanie just described, there's a lot of detail and a lot of nuance here that needs to be captured in writing so we can react to it rather than talking past one another. So I agree with that. So let's take an action to start working on that documentation.

Okay. Then, just circling back to the question of masking, I guess the question back to Alan and Hadia is, who do you think should address the question that you've asked? Is that something for the team? Is that something to be asked elsewhere? If you have any further advice for us or thoughts on this, please feel free to share now and then we'll move on. Hadia?

HADIA ELMINIAWI:

Okay. So, first, this question is to us. Why did we include the concept of masking, or do we want to have it in there? Then, if this actually isn't coming from us, then the question is to Bird & Bird. Why did they include this in? Thank you.

KEITH DRAZEK:

I see. Okay. Thanks, Hadia. Okay, let's move on then. Next item is #5: pseudonymization. Marika?

MARIKA KONINGS: Thanks, Keith. I think this goes to the conversation we just had because it's asking for specific examples on how pseudonymization would work in practice. I think that's what people were suggesting—that maybe a writeup of how this works and practice would be helpful to at least have a better understanding and see as well if there are indeed variations or different scenarios.

I think probably a question would be, maybe especially to contracted parties, whether any of those are applying these techniques and would indeed be willing to contribute to that writeup. I think, from the staff side, we could also try to do a bit of research to see if we find any further information online about this and maybe use that as a starting point that then the group can, of course, work further on.

KEITH DRAZEK: Great. Thanks, Marika. I see Milton and then Alan. Milton?

MILTON MUELLER: Again, I would caution us against spending, or rather wasting, time with detailed explorations of how pseudonymization would work in practice because I think it is very clear from the law and from the legal memo that pseudonymization would be a form of personal identification. If it were the same unique string used for multiple registrations across multiple registrars, it is really no different than publishing an e-mail address, and that is not going to be legal.

So why are we even considering that as an option at this point? I am just amazed at the capability of this group to divert itself, going down rabbit holes that clearly are not going to lead anywhere.

KEITH DRAZEK: Okay. Thank you, Milton. Alan ,you're next, and then Volker.

ALAN WOODS: Thank you very much. Can you hear me?

KEITH DRAZEK: Yes, we can. Thanks.

ALAN WOODS: Okay. Thank you. Sorry. I couldn't see my thing going [up and down]. Perfect. I just have just a reminder to us, and it just occurred to me reading #5 again here. When we create a new pseudonymized e-mail, you must remember that is a new data element that we are asking the contracted parties not only to create but also to process. We need to figure out where that fits into the minimum dataset that we've always agreed to because it is not already in that minimum dataset.

So that's just something that occurred to me, and I think it's well worth mentioning and noting at this point when we're talking about pseudonymized data. We can't think of this of as just being something that refers to something else. It is something new, and we must take into account the additional impacts of that

pseudonymized data, which is directly identifiable by that contracted party to the process as a whole.

KEITH DRAZEK: Okay. Thank you, Alan. Volker?

VOLKER GREIMANN: I think this a Tier 2 question, basically. The hows and practice implications are very much something that we should not consider until we decide upon reasons for pseudonymization being even a valid concern. I mean, you wouldn't design the railings if you never decide to build the bridge in the first place, and this is very much window-dressing for how we would implement something and not if we should implement it in the first place.

So this discussion can be had once we decide that pseudonymization is something we want to pursue, but before that, this is a waste of time. Thank you.

KEITH DRAZEK: Thank you, Volker. Mark Sv, you're next, and then we'll draw a line under this one.

MARK SVANCAREK: Thanks. I disagree with Volker because ... And I think this is a mistake that we've made earlier in the EPDP—trying to think about policy separate from implementation. I mean, sometimes certainly you can think about policy without implementation. You can't create a DPIA unless you understand your implementation,

however. So, when we're moving from discussions about policy to discussions about lawfulness, you really do need to understand what the implementation would be at least at some sort of a high level. So this is why we always run ourselves into these corners—we're trying to talk about one thing without talking about the other thing. It's really not practical at all.

So that would be my opinion—at some level, you have to talk about implementation. Otherwise, it's just not going to be a productive discussion because I don't think it's window-dressing or anything like that. I think it's required. Thanks.

KEITH DRAZEK:

Okay, thanks, everybody, for the input and for the contributions. Marika, let's move on to the general and conclusions section.

MARIKA KONINGS:

Thanks, Keith. So this is a section where there were a number of questions or comments that seem to be more of a general nature or focused on conclusions of the memo. I don't know if you want to go through these one by one, or maybe we can ask if those want to provide some further input on those to state. So as we're probably not going to get through all of these on the call, in combination with the other document, we can maybe ask people as well to weigh on who should be addressing some of these questions. As said, some of them here are also more comments that may not need further consideration but are input. But, again, I would like to invite those that see their names on the list here to indicate if there's something more to be said here or if you have

specific suggestions for whom should be considering the question further to indicate that.

KEITH DRAZEK:

Okay. Thanks, Marika. Yeah, I think, in the interest of time, we probably don't need to go through these individually at this point, but if there's anything that folks would like to flag or to raise, feel free to do so.

I think what we need to do here is to get some of these into a Google Doc that folks can work on and have further contributions intersessionally, basically when we're not in the face-to-face meeting. Again, what we're trying to figure out is definitions—come to a common understanding on definitions—and then to clearly identify who should be answering these questions, whether it's the EPDP team to be working on, whether it's something to be referred to the Legal Committee, or something else.

So, would anybody like to speak to any of the specific questions under the general questions here?

All right. I'm not seeing any reaction, any hands. So, Marika, why don't we take this opportunity to move on to the next item. So I'm going to hand it back to you.

MARIKA KONINGS:

Thanks, Keith. I just want to flag that there was one more question here under 11 that seems to be directed at registrars, asking them for their experience on changing anonymized addresses over

time. So I think that's one that we probably can easily assign and hopefully get some input from registrars on.

And just to note that the last one was a general statement and didn't seem to ask any question. So I'm not sure if that one needs to be assigned to anyone. But as you noted, we'll put this up as a Google Doc, so, of course, people can weigh in if they feel differently.

I think, with that, we can go to legal versus natural.

KEITH DRAZEK:

Great. Thanks, Marika. Let's go ahead and do that.

MARIKA KONINGS:

So, similarly to how it was done for the other memo, we tried to group together/organize the questions in a way to make it easier to discuss or decide how these could or should be handled. As you know, in this category, there's also the ICANN Org study that hopefully all of you have referred and where we indicated that clarifying questions would be welcome. So there's a chunk of those. I don't know if we need to go through these, but it's probably for our Org colleagues to take and note and maybe for the group to weigh in on how you would prefer to get responses.

I don't want to speak for my colleagues, but I'm assuming that they're flexible in the way the group would like input on those, whether it's in written form or whether it'd be helpful on one of the future calls that they talk to these questions or whether it would even be helpful to have a standalone webinar-type format where

the can go over some of the highlights of the study and then also include responses to the questions. So I'll let you maybe think about that. Of course, if you have input on that, feel free to raise that.

So here the first section is a number of general comments and statements. The first one is from Hadia and Laureen, asking about, given that a registrant is already offered the option to provide consent to publication, that wouldn't a self-designation as an organization result in substantially the same issue/risk for contracted parties? So, again, the question, I think, is here, who's best suited to answer this question? Is that something that needs to go to the Legal Committee? Is it actually something that this group is expected to deliberate on? Or is it other? I don't know if Hadia or Laureen have a specific opinion on that or if others want to speak to it.

KEITH DRAZEK:

Thanks, Marika. Laureen, go right ahead. Thank you.

LAUREEN KAPIN:

To me, this is a legal question. So the ask was, do you have questions about the legal memo? This is my question. I don't see the point of us debating this. I'm actually very interested in the privacy lawyers' assessment on it.

KEITH DRAZEK: Thanks very much, Laureen. I note also your comment in the chat about agreeing with Marika that a standalone session on the study would be helpful. So thanks for that input or feedback.

Hadia, go ahead.

HADIA ELMINIAWI: I would also definitely agree with Laureen that this is a legal question. However, I would be also interested in actually hearing from the contracted parties, since they are the ones who will be implementing those policies. I don't know if they are already putting forward the consensus possibility to their registrants or not yet, but if they are, it is also good to hear their experience in doing that. Thank you.

KEITH DRAZEK: Okay. Thank you, Hadia. Any further discussion on this one before we move on? I think the takeaway there is that this is a question for the lawyers.

Let's go on to #2.

MARIKA KONINGS: Thanks, Keith. Next question is from the SSAC team that's asking, how's the EPDP going to create advice consistent with the E.U's forthcoming directive on security of network and information systems? For example, the directive may make it mandatory or registries and registrars to differentiate between natural and legal persons and to perform additional steps to maintain the accuracy

of contact data. So, again, the question is, here, to whom should this question be directed, or is this more a general note of warning to the EPDP team to make sure it takes into account legislative developments that are taking place in parallel.

KEITH DRAZEK: Thank you, Marika. Hadia, is that a new hand or an old hand?

Old hand. All right, thank you. Volker, go ahead.

VOLKER GREIMANN: Sorry. I think we already have a process for taking into account new developments, which is the review process that we've established as part of the SSAD. So I'm not sure if there is anything need further than that. I mean, we can discuss it, but we already have a process for that that we probably should rely on.

KEITH DRAZEK: Okay. Thank you, Volker. Milton?

MILTON MUELLER: Volker is right about that. We do have a process. The other point is that there is no passed NIS2 directive yet. It's a proposal. I've read it. I don't see any language in there that would make it mandatory for registries and registrars to differentiate between natural and legal persons. Maybe I'll go back and look at it.

But, at any rate, if that happens, if it passes, which could be two or three years down the road, hopefully we'll be done. I'm beginning

to doubt that after what we've been going through today, but hopefully we will be able to adjust these requirements as legal requirements change around the world.

KEITH DRAZEK:

Thanks very much, Milton. I'll note that Tara from SSAC has put in chat that this was primarily a bringing-to-your-attention that there's a proposal under development. So thank you, Tara, for that clarification and further input.

Melina, I'll hand it to you and then we'll move on.

MELINA STROUNGI:

Thank you. Just a very short comment on that, on the NIS. It's still a proposal, and the link is on the website that you have also provided. So, if you go to Article 23, you will see that there is an obligation for registries and registrars to publish data that are not personal data. Of course, it's still a proposal, as you all mentioned, but just to mention that there is indeed this obligation. Thank you.

KEITH DRAZEK:

Thank you very much, Melina. And Laureen has entered into the chat the relevant language from the proposed legislation. So thank you, Laureen.

Okay, let's move on. Marika, back to you.

MARIKA KONINGS: Sorry. Just unmuting myself again. As just noted, this is a section that's focused on questions to ICANN Org. I don't know if anyone wants to provide any kind of further context to these or, if my ICANN Org colleagues have any clarifying questions about the clarifying questions, they should, of course, feel free to ask those as well. But as said, these will be taken into account.

Keith, as you noted, there was some support on a self-standing session on the study that would then also focus on the questions. If there's no support or no opposition to that, we can of course go ahead and try to schedule that as soon as possible.

KEITH DRAZEK: Yeah. Thanks very much, Marika. I think that would be helpful.

MARIKA KONINGS: So then the next section's questions specifically are focused on the legal memos. The first few are focused on issues that are flagged in the legal memos and are more of a clarifying nature. There's also a section that are new questions that the group wants to, or someone to put forward. So we can run through these here. As I said, we will put this up as a Google Doc as well, but these may all fall in the Legal Committee category, as they're very specific to language used in the memos and proposed legal questions. So either the Legal Committee might be able to answer some of these based on its understanding and, of course, having worked on drafting the questions and reviewing the memo after that and of course taking the same approach for the new questions as they've done in the previous routes.

So, Keith, I don't want if you want to go through these one by one or ask anyone to speak to these if they want to provide further context or, for now, we assume that these go to the Legal Committee.

KEITH DRAZEK:

Thanks very much, Marika. I think we should assume that these will go to the Legal Committee, but I will open the floor to see if anybody would like to speak to these topics rather than going through them one by one at this point. If anybody would like to provide some additional context, any thoughts, or further input at this point, please go ahead and raise your hand.

Okay. I'm not seeing any hands, so let's move on.

MARIKA KONINGS:

So I think it's it for the questions. I'm actually just realizing that we also jumped ahead on the other memo for the actual proposals. We're already running towards the end of our call. Both on the feasibility of unique contacts as well as legal/natural, there were a number of proposals put forward for the group to further review. In the case of legal/natural, those specifically focused on safeguards that could be considered as potential guidance to contracted parties that, at this stage, would decide to distinguish and then, of course, could consider whether any of those would need to be requirements. Similarly, on the feasibility of unique contacts, there were also a couple of proposals for items that could be further explored by the group.

So, Keith, we have, like, ten minutes left. I don't know if you want those who have put forward proposals to provide a little bit more detail on what they have in mind so that they can think about how to best consider that or if it's something we maybe save for the next call and, again, maybe put these as well up in a Google Doc so members of the team can already react to these and indicate if they think it would be helpful for the team to further consider those and as well [if they] will be needed to further consider these proposals.

KEITH DRAZEK:

Thanks, Marika. In the interest of time, we don't have time today to go through each one of these individually, but I do want to again provide the opportunity for folks to provide additional context if they'd like to explain anything a bit further that they've suggested. Again, what we're trying to do here is to set ourselves up for success in terms of being able to come to the—you've heard me say it multiple times now—common understanding of what we're trying to achieve. But I think it's an opportunity here for folks to provide some additional input or context on their proposals so we can think about it, consider it, and then take it to a Google Doc for offline work or intercessional work.

So I'll open the floor. Would anybody like to speak to any of these specific proposals?

Okay. I'm not seeing any hands at this point. I see Stephanie has typed something into chat. Okay. There's quite a bit here, folks, and I know that we're quickly running out of time. Again, just

another call for any further guidance, further input, further context for the proposals that have been put forward.

Okay. Brian, go ahead.

BRIAN KING:

Thanks, Keith. So one that I think we determined today that maybe didn't make it into the homework is the concept of disclosure of a pseudonymized or anonymized e-mail address. I think we're not doing ourselves any favors if we limit this conversation to publication. So, if that isn't a clear, distinct proposal, perhaps let's add that to the list so we can discuss that, too. Thanks.

KEITH DRAZEK:

Okay. Thank you, Brian. Okay, anybody else who'd like to get in the queue?

All right. I'm not seeing or hearing anything. Marika, is there anything further in the document that we need to review?

MARIKA KONINGS:

Thanks, Keith. As noted, we'll put this up as a Google Doc. That will allow people as well to think a little bit more about it. I think, for the specific proposals, we'll create some kind of table as well so people can weigh on good idea/bad idea and what information is needed to further consider the idea, because, again, there might also be some legal considerations in those. So, again, it's to help try and move the conversation forward in between calls that really

hopefully will help us have a focused discussion when we have the calls.

KEITH DRAZEK:

Very good. Thank you, Marika. Okay. So, look, everybody, I think we can go ahead and start to wrap things up. I've got a few administrative items to touch on and, also, I'll circle back to the discussion of the vice chair. I mentioned that, at the end of the call, we'll circle back to that. So let's tackle that one right now. I think the plan that I have coming out of this discussion today is that we will, in parallel tracks, ask Brian Beckham for either some time or something in writing to basically give basically his expression of interest to the full group so you can have that to review and consider and, at the same time, run it up the flagpole, as we discussed earlier, with the GNSO Council to ensure that the council would be comfortable with us appointing a vice chair from outside the EPDP team.

So let me stop there and see if anybody else would like to react or if anybody had any further thoughts on the topic.

Okay. Brian, go ahead.

BRIAN BECKHAM:

Hey, Keith. Just for perspective, I think Rafik was the Chair from outside the EPDP team. So I think we've always had one from outside the EPDP team. I guess it's distinguishable in that he was the council liaison. But, if that helps frame the thinking or frame the question to council, I just wanted to share that perspective. Thanks.

KEITH DRAZEK:

Thanks, Brian. That was a unique situation in of itself, where Rafik was the council liaison. Actually, in the original charter, it was explicit that the council liaison should not be the vice chair, but because nobody wanted to volunteer from within the group, Rafik ended up taking over the role and wore two hats during that whole timeframe. So it is a bit of a challenge. But he was not one of the appointees from the various SOs, ACs, and SGs. But I still think that this is an opportunity for us to go to council and to say, “Look, we have a volunteer who is qualified, and there’s an opportunity for us to get the blessing of the council there if the team agrees.” But really the key here is to make sure that we and you as the EPDP team are comfortable with that before we move forward and make any final decisions. But, Brian, thank you very much for the input.

Okay. Thank you, everybody for that. So we’re going to confirm ... The next item on our agenda here is to note that each group has the opportunity to either appoint or reappoint a member to the Legal Committee. Staff will circulate a note to the full team on this, but I just wanted to flag that we will continue with the construct of the Legal Committee as the EPDP team did in Phase 2 and basically have an opportunity to make sure to confirm, reappoint, or appoint a member to the Legal Committee. So please take that as an action item for your teams.

Our next meeting—Meeting #3—will be Thursday, the 21st of January, at 14:00 UTC—the same time.

Then I guess next is confirming any action items. I might turn back to staff to see if we have a summary that we could run through real quick here, or we'll circulate something to the list. Either way is fine. So, Caitlin, Berry, Marika, is there anything that you'd like to summarize here, or should we just take that to the list?

Let's take it to the list. Coming out the call today, we'll circulate some written action items so everybody understands what we've taken from here.

Then I guess the following questions ... "Confirm questions for ICANN Org, if any." I don't think we have any identified at this point.

So let me just pause here and see if there's AOB (Any Other Business) in our last three minutes.

Okay. I don't think I see any hands. Okay. Well, Marika, Berry, Caitlin, back to you with any final thoughts from staff. If not, we will go ahead and wrap up a couple of minutes early.

All right. I don't see any. So I also should just note that Becky Burr has agreed to continue on in terms of the Board liaison role and also engaging with the Legal Committee. So thanks to Becky for her continued engagement in this regard on this team and certainly with the Legal Committee.

Okay, everybody. Thanks very much for your contributions today. I appreciate your engagement. We will go ahead and close the call. Thank you.

[END OF TRANSCRIPTION]