EN

ICANN Transcription
Registration Data Accuracy Scoping Team
Thursday, 13 January 2022 at 14:00 UTC

Note: Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting but should not be treated as an authoritative record.
Attendance and recordings of the call are posted on agenda wiki page:
https://community.icann.org/x/8ID3Cg
The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page
https://gnso.icann.org/en/group-activities/calendar

TERRI AGNEW: Good morning, good afternoon, good evening. Welcome to the Registration Data Accuracy Scoping Team taking place on Thursday, 13th of January 2022 at 14:00 UTC. In the interest of time, there will be no roll call. Attendance will be taken by the Zoom Room. If you're only on the audio, could you please identify yourselves now? Hearing no one, we have one listed apology for today's meeting and it's from Steve Crocker.

Statements of interest must be kept up to date. If anyone has any updates to share, please raise your hand or speak up now. Seeing or hearing no one, if you do need assistance, please e-mail the GNSO Secretariat. All members will be promoted to panelist for todays' call. Members, when using chat, please select "everyone" in order for all to see the chat. Observers will have view only to the chat access.

All documentation and information can be found on the wiki space. Recordings will be posted on the public wiki space shortly after the end of the call. As a reminder, those who take part in ICANN multistakeholder process are to comply with the Expected

MICHAEL PALAGE: Thank you, Terri. Good morning, good afternoon, good evening, everyone. As usual, I'd like to start off with a quick administrative update. This week, it's rather simple. With regard to the vice-chair nominations. I believe this is something that has been an open item for some period of time. What we would like to do is for anyone in the group that is interested in serving in that capacity, if you could please express your interest no later than Wednesday, January 19th. That is the opening and closing, unless there is anyone that has a question about the vice-chair.

Seeing none, we will move into, if you will, the substance of today's meeting, which is some of our ICANN Org colleagues who will be providing a response. I believe we're joined not only by Brian but, I believe, some other ICANN Org colleagues from Compliance. With that, what I would like to do here, I will hand this over now to Brian, if you would like to drive for this portion.

BRIAN GUTTERMAN: Sorry, Michael. Good morning, good afternoon, and good evening, everybody. I will do my best to drive. Yes, I have invited a colleague from our Compliance Team to join, Amanda Rose, who really drove putting together the answers to these questions from the Compliance Team. But I don't see her yet on the Zoom, which is okay. I will go ahead and get into this. Please feel free to ask

questions as I go. I hope Marika, and Barry, and the team can maybe put the answers up on the screen as I go here.

But I know everybody's only had less than 24 hours to digest the answers since they came through on the e-mail list. So that's totally fine. We expect everybody to take more time, take it back to their constituencies, and come back with questions.

I think instead of going through the 25 questions and having a back-and-forth, I think the idea was I can give some highlights, go through, give everybody a chance, maybe, to note down some questions. We can take a few questions now but I can also take advantage of the transcript, and the notes of the meeting, and the recording, if a lot of things come up today. Then next week, of course, and then the following weeks, we'll be always available to field more questions that you guys have and take follow-ups. I hope that sounds okay to everybody.

So on to the brief overview, unless, Michael, you have another suggestion as to how to go about this and use our time in the best way.

MICHAEL PALAGE: I think what you said sounds incredibly efficient, and I see no hands, and I'm actively looking for hands, which I sometimes miss. So seeing none, I think it would be best for you to proceed as you had stated.

BRIAN GUTTERMAN: Yeah. And if I miss hands … Again, I don't see Amanda yet, which is fine. If she jumps into the room, I will introduce her and we will say hi to her. We'll also ask, maybe, some more colleagues to be on the call next week. Again, I wrote in an e-mail yesterday reminding the group here, to level set, that the GDPR has, indeed, limited access to the registration data for all parties, including ICANN and the Compliance Team. We're all in this together, so to speak. This obviously limits the ability for ICANN Org to check the accuracy of that data in the way it used to, prior to GDPR.

We also remind you that we are in communications with relevant authorities in Europe with regards to the NIS2 legislation proposed right now about GDPR itself. We're actively working on that front, on the engagement front, to try and talk to them and put forward our case, that we do have a legitimate interest in having access to the non-public gTLD data for the purpose of checking accuracy, as we understand how important it is.

At the top, do we have the answers there? Yes. Thank you. Just at the top … And again, Amanda is not here to go through this but that's totally fine. Start with Compliance, staff training. I know I've worked with many of these people in Compliance—these colleagues of mine. They do have a robust training program that the group has asked about to ensure that all team members that are responsible for processing these complaints related to accuracy are familiar—I don't know about familiar but experts on the contractual obligations, and the RAA, and the WHOIS Accuracy Program spec in particular.

They use a hands-on approach and they have a regular, intermittent quality assurance review of cases. Stephanie, thank

you. I'm seeing your question in the chat. I think for questions like these, I want to note them down here. I don't want to be the one, since I'm not part of the Compliance team, to exchange with you on that, too. Great follow-up question. How are they trained on GDPR specifically? Let me, again, take this back to Compliance since we have the record of the chat. We'll note it down here. But thanks for putting that forward. I'll continue on through. Thank you, Stephanie.

Some other highlights as we go through here. You'll recall that the questions were divided into categories. Accuracy complaints … Again, I think throughout the responses, what we tried to do is provide tangible answers where we can. We pointed back to the parts of the contracts that are followed, whether it was the WHOIS Accuracy Specification or other things. I think what they did a good job of, also, is trying to include some tangible examples that the group can perhaps use when thinking through these things.

One such example of use of examples for question four, "To what extent will ICANN Compliance respond to complaints that a registrant is using contact information that does not belong to them?" A classic example that was put forward by the group was Facebook. And answer is that Compliance enforces requirements on the Contracted Parties, not registrants, as registrants do not have agreements with ICANN—again, something good to remember there.

A couple of examples that were put forward, I'll just read these out. Examples of some of these types of complaints are a complaint from a privacy/proxy service provider that alleges that registration data is not registered using its service but the

information in the Registration Data Directory Service display's the provider's contact information without authorization. So sometimes the privacy/proxy providers will submit complaints. Complaints also come from, it could be a representative of a legal person that alleges the registration is using the entity's contact information without authorization. So we hope that's helpful but just wanted to point out some of the examples that were used here.

Moving along, there were some metrics that were provided. Again, the Compliance Team got these answers—not the answers, the questions—when they were sent over in mid-December. What they did is assign many of the questions to different SMEs within the team who are specialists—so the colleague that deals with putting together data and metrics, on behalf of the Compliance Team. I would plug here, again. They have a robust dashboard of data about the types of complaints that come in. I think it's updated monthly.

So please go there. There's a link to it in the answers, in the chat, but it's pretty easy to find. Maybe somebody can throw it in the chat. But there's really good data that's put up if some of you all want to do more of a deep dive. In this case, the example that we put forward in response to question five was from last year, December 2020, through November 2021—complaints related to registration data inaccuracy. They talk about the reporter type and it's pretty detailed here. So take a look at that. Take a look at the dashboard for more information that might be useful to all of you.

Moving along. Yeah. I note that the monthly dashboard was available. We have it under question seven. For example, you can look at the number of complaints closed as suspended versus

updated as published on the monthly dashboard. This was in response to the longer question with the quote from the WHOIS Accuracy Program specification. "In receiving an inaccuracy complaint, does ICANN Compliance track the actual days it takes for the registrant to become compliant? Is this reported by the registrar? How many domain names are terminated versus suspended?"

I think I'll pause here. Does anybody have any reactions off the top or anything you wanted to convey to me? I see a hand. Where is the hand, though? The hand is Melina. Melina, you have the floor.

MELINA STROUNGI: Yes. Hi, everyone. Happy new year to all those we didn't have yet the chance to speak. Many thanks, Brian. This is super useful, also for me personally, to understand how it works. If I understand well, ICANN Compliance, it has been mostly complaint-based. So on the basis of complaints received, ICANN would check these complaints. Did I understand this well?

BRIAN GUTTERMAN: Yes. That's what they base the work off of. Yes. That's a correct understanding.

MELINA STROUNGI: Okay. Then, so I would be interested to know—because you know that one issue is accessing the data and the other issue is confirming the accuracy of the data. Before the GDPR, how did

EN

ICANN do these checks? Would you know? What was the pre-GDPR process as opposed to what it happening now?

BRIAN GUTTERMAN: Thanks, Melina. To avoid stepping over my shoes—I don't know what the right metaphor is—I think that's a good question to take back to the Compliance Team for when they join. I could have given it a shot but I think that's a good question to note down, and take back, and have colleagues from the team themselves answer that for you. I think there's a bit of information about that in some of the background documentation. But as it relates to these answers, vis-à-vis what maybe our answers would have been three or four years ago.

That's a good question. I'll take that back, if that's okay, and have colleagues come on to answer it more directly and perhaps even provide some tangible examples.

MELINA STROUNGI: Many thanks. Yes. That would be great. I will note down the question, certainly. Maybe something last … It was mentioned in one of the previous meetings that perhaps there is, on the making or on the negotiations currently, a data processing agreement between ICANN and the Contracted Parties. Would you know, perhaps, what's going on there? It was not very clear, for many of us, what the state is there.

BRIAN GUTTERMAN: Another good question. I understand that's ongoing. I'm not a part of that. But that's something maybe for the legal team to give an update on. I can ask them about that and see what they're comfortable with sharing. And of course, the other side of those. There's some in the group that are part of those negotiations as well. But thank you for that question also, Melina. I will take that back as another tangible follow-up to this.

MELINA STROUNGI: Okay. Many thanks.

BRIAN GUTTERMAN: Sorry. I'm not dodging. I want to make sure the right people—

MELINA STROUNGI: No. I will shut up, giving the opportunity to other colleagues to ask you questions. Thank you, Brian.

BRIAN GUTTERMAN: Yeah. I want to make sure the right people are answering and that we are as complete and thorough as possible in answering the questions.

MELINA STROUNGI: Thanks.

BRIAN GUTTERMAN: Are there any other questions in this first trunch?

MICHAEL PALAGE: If I could ask one. Going back to the very first one, where you talk about the training and the documents, is the ability for ICANN to share any of those training materials possible? The reason that I raise this question, Brian, is you have seen some of the difficulties we, as a group—well, not difficulties—some of the endeavors in defining or even coming up with certain wordsmithing.

So if ICANN Compliance and ICANN Legal have come up with documents that provide clarity on some of the things that we have struggled with, being able to share that training documentation with the group, I think would be incredibly helpful. That would be my first ask.

The second ask that I had—and I think this goes to question three. Question three talks about what is out-of-scope. Under the out-of-scope, it says, "Complaints about registrant data of a privacy or proxy service provider," i.e. reporter believes that the registrar must display the privacy/proxy service's own customer data.

Is it ever possible …? I guess this is my question. Whether this is in-scope or out-of-scope, how would a third-party complainant ever file a complaint regarding the accuracy of registrant data behind a privacy/proxy service. What would be the scenario where a complaint would be in-scope and where would a complaint be out-of-scope. Does that make sense? I was just concerned when I read that, whether ICANN may be missing some data here or whether I just read the question wrong.

BRIAN GUTTERMAN: Thank you, Michael. Again, I don't want to dodge questions here on the spot. I think what we'll do is get that in writing, together with my policy colleagues here, and take those back as specific follow-ups, if the answer here is at all unclear, which might be the case, that we provided, or maybe we misinterpreted some of these questions. We'll, again, try and come back. You're asking for examples there. In scope, out of scope, I think we can dive into that, especially if it will be helpful, again, with the deliberations that we're having and the discussion. Good question and thank you for that question.

MICHAEL PALAGE: Just to be clear, Stephanie, we will be asking for no PII to be disclosed. So don't worry, Stephanie, because obviously that's clearly important. If we could, you have the floor. Please continue on. Thank you.

BRIAN GUTTERMAN: Sure. Thanks, Stephanie, for the comments and questions in the chat. We'll take note of these. Yep. And Caitlin, awesome. Thank you for taking notes. We'll try and capture these questions. We will capture the questions, best we can.

Moving along, I wanted to highlight some of the other work that compliance is doing here. For example, I noted two answers. Question eight, "When a registrar provides further information concerning their findings, does ICANN Compliance track this information and look for trends of abuse?" The response there

says, "Compliance does not track individual details of registrar responses to each complaint."

But I think what the Compliance Team is unique and really good at is doing outreach and being proactive. Later on in some of the answers to the questions, we talk about a lot of the proactive engagement and outreach that we do. We have trainings, for example, at ICANN Meetings and at other relevant fora where Contracted Parties are gathering, whether it's been online in the last couple of years and previously in-person, trying to train and be proactive about talking about the contractual requirements that are in place and how registrars and registries can follow these requirements.

So it's not just a reactive team. It's proactive in doing engagement and outreach. They try and work closely with the Contracted Parties to avoid problems. So I hope that makes sense. That's something I wanted to note. It was connected to a few of the answers that we have here.

Moving along, one issue that we discussed at length, questions 11 and 12 on validation. The question about, "What criteria does Compliance use to evaluate compliance with validation requirements?" The examples provided, I thought, were good from the team, noting examples such as RFC 5322 being a method of standard for formatting registration information. And the ITUT notation is there as well. So a couple of tangible examples for the group about validation requirements.

I think the answer to 12, which I think Steve brought up initially but that we discussed about v0, v1, v2, v3, I think we answered that

question pretty thoroughly. I hope that will be useful for the group. But I just wanted to point that out. It's questions 11 and 12.

Moving along, more references to the WHOIS Accuracy Program specification. And the answer to question 15, which it's obvious, again. But it's a recurring theme here in the answers that this is followed to the T by the group and is really a foundational piece of how accuracy is checked. This is referenced, again, in the answer to question 17, as you'll see there, on verification.

Again, I encourage everyone to go through these one-by-one but then also holistically and then think about specific questions you might have or what information you need more on with this in addition to the background information that has already been provided.

Some more examples laid out about the privacy/proxy question in question 20. The answer is there. I think we did a good job laying out some examples.

Next, I wanted to get to the interpretation of existing accuracy requirements. This is something that, again, I think will be helpful to have maybe my Compliance colleague come on and have a dialog with you all about this. But they did review the working definition that the registrars have put forward to this group. Again, the question stated, rightly so, that this is … The Registrars are not suggesting this is the definition of accuracy—what the definition should be—but rather capturing what it currently is to inform the Scoping Team.

The Compliance response, I think, makes sense to me. Compliance doesn't employ its own definition of accuracy, but of course, relies on requirements within the RAA, which is also the point that the Registrars have put forward. I hope that helps. Then they add some examples later on there.

So I hope this exchange about the working definition—what Compliance is using currently. Melina says, "Helpful reply." So I hope that's helpful. Take a look there at the response to that one. And finally, I noted in question … "My hand is raised." Yep, Sarah. Thank you. Sorry. I'm not really seeing the hands fully. Go ahead.

SARAH WYLD: Thank you. Good morning. Do you hear me okay?

BRIAN GUTTERMAN: Good morning. I can. Thank you.

SARAH WYLD: Excellent. Thank you so much. Again, thank you, Brian, to you and your team and to Amanda for providing all of this information. I think it will really help level-set our scoping team. Sorry. I haven't yet spoken today. I have a comment and then I have a question.

My comment is just I do not disagree with the second and third paragraphs of this response from the ICANN team but I do think that I'm not sure it belongs in a definition. So just for us to think about as we move towards … If we decide to formalize a definition here, I don't think that the operational activities taken to make

something accurate is part of the definition of what is accurate. So when it talks about additional verification procedures that would need to happen, or termination or suspension that would happen if it's not verified, those things are all well and good but they're not really a part of how accuracy should be defined, I think. That's one thing.

Then my second thought, or actually question—so hopefully this can be taken away and we can discuss it later—is on that second-to-last line here. It refers to "patently inaccurate registration data." I would like to understand how it is determined that that data is inaccurate. Indeed, when I look at it, I think it looks a bit weird. It's probably something that would bear further investigation. But I know a person called Mickey. That's a name that exists. And I have seen registration data from real customers that looks fishy but it is, indeed, correct. So I would like to understand how ICANN would make a determination that such data is patently inaccurate. Thank you very much.

BRIAN GUTTERMAN: Thank you, Sarah. Makes sense. And I'll make a bad joke. Someone who's been to Disneyland recently, to Main Street, he is living there still. Okay. That was bad. But thanks for the specific question and fair. This is something maybe we can have a dialog on. Thanks, Michael. I live in LA. So thanks, Sarah. Good question and fair comment. I think good input to our ongoing discussions— your comment about the definition. So again, maybe we can keep engaging in terms of our thoughts about any working definitions, definitions put forth by the group, by the Registrars, by others as that exercise continues.

And yeah. I think we're getting towards the end here. I want to know. The question on ARS, the Accuracy Reporting System, we have provided an answer there but there's actually something that I will tease up. We're working on a more comprehensive memo on the status of ARS. These questions about ARS have come up since the beginning of our deliberations, obviously. There is information about when it was suspended and why in the background documentation. We have some here in the answer.

But with regards to thinking about future studies and such, which is part of our mission and mandate of the group here. We are just about finished with the pretty comprehensive memo from our policy research team led by Karen Lentz, who many of you might know. We hope to get that to you in the next few weeks, in a timely manner that it will be supplemental information to the answer we provided here. So we hope that's going to be useful. Again, these answers were compiled by a number of colleagues across the Org, different SMEs.

I will stop there and let everybody read through these answers completely, come up with questions that you might have not come up with already this morning or today. And we will move forth. I will get as many answers to the specific questions that I've already noted down so far. And we'll go from there and we'll move forward. Thank you.

MICHAEL PALAGE: Thank you, Brian I really appreciate this work and the work for your ICANN Org colleagues, particularly in the Compliance Department, in putting this together. I think, as we noted, this is

going to be a little bit of an iterative process. I think some people still need to read through this in a little more detail. We've come up with preliminary questions.

So I am sure we'll have another exchange and perhaps just lock down the participation of someone from Compliance. If we have to, perhaps, switch times or something like that, let us know because I do think it would be helpful to get their insight, particularly from someone who's day job 24/7 is to look at these issues. So greatly appreciate it, Brian.

BRIAN GUTTERMAN: Yeah. We'll do that. That might have been my oversight on sending an invitation or something like that. The idea was to give a high-level overview. Next week, maybe more of an exchange. But thank you.

MICHAEL PALAGE: As I said, I found it extremely helpful. Is there any comments or questions from anyone in the group? Otherwise, we are going to get back to our gap analysis. And we're only five minutes behind. I love it when we're on time. I see a hand raised. Whose hand is that? That is Marc Anderson. Marc Anderson, you have the floor.

MARC ANDERSON: Thanks, Michael. I guess just a procedural question. For any follow-up questions after this call, is there a preferred format or method you would like us submitting them—e-mail, put it in a document, anything like that?

BRIAN GUTTERMAN: Good point. I know we've been trying to take notes but please do try and formulate questions in writing. I'll let Marika and Caitlin, maybe, field that formally. I don't know if we could put together a separate document. We'll work out shepherding this. But yes. Please do put questions in writing. That really helps our team, Marc, in terms of the logistics of that. We'll sort something out before the end of the call or we'll communicate that via e-mail if that sounds okay.

MICHAEL PALAGE: Marc, what I'd like to recommend is if there are any individuals that have individual questions or stakeholder questions, if they could submit them in writing to the mailing list and then perhaps Marika or Caitlin could then, if you will, extract that, throw that into a follow-up Google Doc. Marika, does that sound like a plan or would you believe there's a more efficient way of us going about documenting these follow-up questions.

MARIKA KONINGS: Thanks, Michael. No. I think that's fine on the mailing list. That gives everyone, as well, an opportunity to see the follow-up questions that are being asked. That may take away the need of some that have, maybe the same thought or may inspire further questions. Then we can take those and maybe add them to the existing Google Doc we have. Or we've now actually moved it to the wiki page, where we have the questions, and the answer. So

any of your follow-up responses and questions can get added there as well so everyone will have everything in one place.

MICHAEL PALAGE: I would agree, Marc. It sounds like we have a game plan and we will execute on that gameplan. So again, Brian, thank you for the work you've done and the presentation today.

We now need to switch over to our gap analysis. I think we are getting close. There we go. Welcome back, Melina. I think believe there were some questions to the GAC there were proposed prior to, I believe, Christmas. It was, I believe, our last call. Or maybe it was New Years. I apologize right now. Have you had a chance to, either yourself …? What is it? I see Kenneth. I don't know if Ryan's on. Have you or your GAC colleagues been able to go through and review those questions that were raised during the call?

MELINA STROUNGI: Hi, Michael. Yes, we did. We discussed both with Kenneth and Ryan. But it would help. I don't know how you want to do this. Have you gathered them in one place—something to share on the screen? Or how should we go about it?

MICHAEL PALAGE: That is a good question. I'm going to lean on Marika. Marika, I believe we were documenting some of those follow-up questions, I believe. Is that correct?

MARIKA KONINGS: They were captured in the notes and the transcript. I think we asked, on the last call, for the GAC colleagues to take that back. So we haven't documented them separately but the notes and the transcript cover the conversation and the questions that were asked.

MICHAEL PALAGE: Okay. So what I'm going to do here, in the interest of time, is I believe we have two remaining gap analyses, the ISP and the BC. Is that correct? My question is—I did not check the document— have they submitted their gap analysis?

MARIKA KONINGS: We already received the ISPCP one prior to the last meeting but Thomas had a conflict and couldn't participate. For the BC, I haven't seen any entry yet.

MICHAEL PALAGE: Susan, I think the last time you said it was out for comment. Has the BC wrapped up that comment yet and do you have an ETA on when that document will be able to be uploaded?

SUSAN KAWAGUCHI: Yes. It's still out for comment. We have a BC meeting this morning at 8:00 AM Pacific time so I'm hoping to wrap it up then and submit it.

MICHAEL PALAGE: All right. So with that, Thomas, welcome. You have the floor if you would like to walk through the ISP gap analysis.

THOMAS RICKERT: Sure, Mike. Hi, everybody. Let me take you through the answers very quickly. Question number one, "What is, from your perspective, the current goal that the existing accuracy requirements and enforcement are trying to meet?" And we responded, "The goal of the accuracy requirements should be in line with the purposes as defined by the EPDP." Let me pause here to see whether there are any questions from the group.

Seeing none, let's move to the next question. "How and by whom is it or can it be measured whether these goals are met?" "The measures are and should be specified in the RAA." So we think that's the place where they should take place.

Third question, "Are there any goals that have been overlooked? If yes, please explain what additional goals should be considered in the context of accuracy requirements and why. What problems/needs are these goals expected to address?" "There do not seem to be any additional goals with respect to accuracy. Also, it is problematic to define additional goals beyond—" sorry for the typo— "the processing purposes defined by the EPDP. However, additional work would be required to properly implement the EPDP recommendations, such as international data transfers."

So that's something which is only indirectly linked to accuracy. But when it comes to the EPDP overall concept, we've so far not really

addressed the issue of international transfers and the lack of the two-decision and new standard contractual clauses, including data transfer and tech assessments, for example.

"Operationally, the most important aspect is that the data, as provided by the registrant or account holder, is accurately processed by the Contracted Parties and not altered by technical flaws, human errors, or external actors, e.g. in the context of cybersecurity threats."

That's, I guess, an aspect that so far, at least for my liking, is not highlighted enough. We always assume that data is inaccurate because registrants intentionally provide inaccurate data and that this needs to be identified, and rectified, and sanctioned, if need be.

But for technical operators, the accuracy aspect—and that's, in my view, the more important role that accuracy plays in the context of the GDPR—is that those who are receiving data from data subjects or third parties, as may be the case when account holders do provide third-party data—is that this data is accurately processed by the Contracted Parties.

If something needs to be audited and potentially sanctioned, it's that if Contracted Parties, and primarily registrars, who are the window to the outside world, make mistakes in accepting the data and further processing it or transferring it to the registry. If errors occur there, that actually endangers the most important mission that Contracted Parties have. That is accurately linking registration data to domain names.

So that's something that I think we should focus on. I think we've neglected that aspect. Actually, it's great that ICANN and the Contracted Parties are set up in a way that this is totally—it's actually super secure. I think that's something that we should probably focus on more.

Last question, "How and by whom have these problems/needs been documented? And how and by whom should it be documented?" We think that, "The GNSO Council should work on upcoming issues and potentially launch additional policy work to the extent the problems arise in the context of the RAA, that would likely be contractual issues that might need to be covered by ICANN Compliance."

So I think this is shorthand for identifying three areas where this needs to be handled. One is actually policy work by the GNSO Council. Then we have the contractual part. In that context, we have to honor the picket fence. So part of that is certainly left to the negotiations between ICANN and the Contracted Parties. But then, when it comes to not fulfilling the requirements as specified in the RAA, then ICANN Compliance needs to step in.

That's it from me. Michael, over to you.

MICHAEL PALAGE: Thank you, Thomas. That was helpful. If I could, I think Sarah raised a point. I think the excellent point she raised was about the operational aspect of the data and preventing any technical flaws or human errors. I was wondering, if you could, as a European attorney. I've been doing some work, and research, and studies in

connection with the PSD2 requirements and the strong customer authentication in credit card payments.

Is there anything you think, in your experience, that EU laws or regulations could help provide insight into what we're doing here because it seems like, with the strong customer authentication, at least from my perspective, there seems to be some potential overlap.

THOMAS RICKERT: Yeah. I think that when it comes to authentication, I think we have to make a distinction between authentication and accuracy of data and the security of the data processing. To be quite honest—but that's just my personal opinion and that's not the opinion of the ISPCP, at least not a tested one, I think that being able to register a domain name and allowing for individuals or startups to use their own digital real estate as quickly as possible and with lowest possible barriers is important.

Therefore, I think that we should necessarily conflate this with the authentication debate. We certainly do have rules in the financial sector on determining that the contractor that a company is dealing with is actually the person that they claim to be. But my point here is that we need to make sure that the data processing is as secure as possible.

As we know, data breaches can occur by internal and external threats. It doesn't always have to be the intruder that mangles up data. But it can be bad coding. It can be human errors. It can be, in that context, the issue of too many people getting access to

systems that allow them to change data because even modification or the deletion of data is processing that needs to have a legal basis. If that goes wrong, you have an incident that might need to be reported to the authorities or where data subjects need to be informed.

So I guess that part is maybe something that we should spend some time on. And to the extent that it doesn't already exist, maybe that should be something that needs to focused on more so that, actually, the technical systems and the policies used by the registrars are supporting the goal of ensuring that data is not modified, deleted, transferred outside what's actually been specified by the EPDP.

And if there's policy work supporting that accuracy should include an aspect of authentication, then that would be an additional layer. But that was not what I was referring to in this comment. But since you asked, what's coming close to that is actually the accuracy requirements that are currently being discussed in the context of NIS.

Let me be very clear. I'm very concerned with the proposal for this directive because, number one, [I can't reveal] the goals that we've been working on in the context of the SSAD. So we're asking the registries and registrars to check an verify data. It's unclear whether it should be registrars only or registries on top of that. We don't know what happens if the data is not immediately verified. We don't know what happens if, let's say, a company is doing an address change. Will they lose their domain name immediately? Will that need to be suspended?

On top of that, the NIS2 directive is a directive. So it needs to be translated into national laws. It may well be that a national legislature comes up with the idea of pre-validating data instead of post-validating, as we know from the gTLD world. So this might be contravening what we're doing here at ICANN in our attempts to come up with globally-applicable standards that allow for global use and accessibility of domain names.

I know that this has been a long intervention. Thanks for bearing with me and back over to you, Michael.

MICHAEL PALAGE: Thank you. That was actually very informative. I think one of the other things to tee up to the rest of our colleagues, particularly on your point of, if you will, compromised or security threats, I know the Registries Stakeholder Group put forward as one of the plenary topics, looking at whether domain names involved in abuse were either maliciously registered or whether they were compromised. So I think that also could be an interesting session that sheds some light on the topics. If that is finalized and approved into the agenda, I would encourage my colleagues and members of this group to participate in that session.

THOMAS RICKERT: If I may add one little thought. If I were a criminal, I would be used perfectly okay-looking, and potentially, perfectly okay registration data. We see quite sophisticated perpetrators doing exactly that with identity theft and all that.

So I think that probably, or discussion focuses too much on bad actors just using bad data, because if they're bad data, that makes it easier for compliance at the registrar level, for the abuse test, to shut down domain names if they can't get a hold of the registrant. Typically, when abuse is identified, boom. You suspend the domain and off it goes. So we might actually be coming up with responses to questions or to issues that can otherwise be addressed more easily and more expeditiously.

MICHAEL PALAGE: If I could just say one thing that popped into my head with that last comment. I believe Keith Drazek wrote an article on CircleID about some of the work that eco is doing in topDNS. Do you have any idea on when that would be able to be shared? I know your work with eco. Is that something you could say or not say? If you can't say anything, when might you be able to say anything? Because I think that work also could contribute another data point to the work we're doing here in this group.

THOMAS RICKERT: Sure. I'm more than happy to say a few words about that. The website for this new initiative is going to be launched in the next couple of days so it's relatively new. And it's been initiated based on demand by eco members who thought that eco should be doing something in order to make good corporate citizens shine or let them talk about the good things that they are doing already in order to fight DNS abuse. But also to maybe help those who are willing but don't have the capabilities or the knowledge to fight

DNS abuse to respond to it sufficiently—to get them up-to-speed, to be more efficient in what they could be doing.

I'm not going to dwell on this for too long but we're having two action lines. One is to educate about what is already there. We're closely working with and looking at what the Registrars, Registries, Internet and Jurisdiction, and the DNS Abuse Institute is doing to talk about the respective roles and responsibilities of different types of intermediaries. What we're seeing is a trend recently, that we're moving further and further away from the actual perpetrator and we're moving closer and closer to the root.

Certainly, it's much easier and maybe more convenient to ask for the suspension of a domain name. But a hosting company, for example, might be better equipped to take more nuanced action against abuse. That's something that we want to talk about.

Also, as some of you will know, eco is an organization which is based on Germany. But we have more than 1,100 members from more than 60 countries. So that's quite international. And also, we don't only have registries and registrars but different types of intermediaries. So we have abuse working groups working with hosting companies. We want to take the interdisciplinary approach, where different types of intermediaries talk to each other, and make friends, and actually help respond to the issues that we're seeing out there.

So that's important that we work on best practice beyond pure domain or DNS companies to make sure that those who are willing are doing what they can in the most efficient way. So I

MICHAEL PALAGE: Thank you, Thomas. That was helpful. Again, I think one of the things I always try to remind the group as a whole, we're a scoping team. One of the things I think we need to do as a scoping team is try to get as many datapoints out there as possible so that when there is a future ODP … That's jumping ahead. But if, in fact, there is future work in this area, we have done a lot of the groundwork.

Stephanie, do you want to take the floor and ask your question to Thomas? I see that in the chat. But I just want to provide you the ability to take floor if you like.

STEPHANIE PERRIN: Thanks. If Thomas can just read it in the chat. Is it not clear, the question?

MICHAEL PALAGE: Sometimes people don't read it. So I'll read it for you, although you have a better voice than myself. But I can read it.

STEPHANIE PERRIN: I'm happy to read it. "Can Thomas please elaborate on the additional policy work that he has mentioned in the fourth—" I think it's the fourth answer. Hang on. Let me check. Yes, fourth answer— "and what he would see as the documentation that

would be required to trigger it? I can foresee things coming up in the contractual negotiations that would not be on the offside of the picket fence—" in other words, would be in-scope for the GNSO Council— "in other words, policy issues that the Contracted Parties do not and should not own."

THOMAS RICKERT: Thanks very much Stephanie. Actually, I should have proactively gotten back to your question in the chat. If you look at the way the question is framed, it asks who should be working on issues. Therefore, I've spoken to the places where this could be discussed. One of the places where it could be discussed and where work could be done is the GNSO Council as the steward of gTLD policy. To be quite honest, at the moment, I don't see any need for additional policy work given what we have already. So I don't really have an answer in terms of what documentation or the content thereof should be to trigger a policy development effort.

STEPHANIE PERRIN: Great. Thank you.

MICHAEL PALAGE: Thank you, Thomas. And as Lori noted, sometimes for people that are dialed in through the phone, they may not see the questions raised in the chat. I myself could attest I was actually listening to a recording yesterday while doing other work. I had to remind myself to go back and look at the chat because sometimes you miss some valuable contributions. So again, Stephanie, I wasn't picking

on you. I thought it was a valuable intervention and I wanted to actually get that spoken on the record instead of just the chat.

With that, I think we have now concluded the ISP gap analysis. If we could go back to … I just want to do a time check in the agenda. We have, I believe, done the things. I believe now we are going to go towards the measurements, the goals. And I believe, Marika, this is something that you had begun to walk us through last week. Do you want to continue this for the benefit of those that may have missed last week's call and what we have done here today?

MARIKA KONINGS: Sure. Let me just move over or back to the document that we were just on. We spoke a bit about that last week. Now that we've nearly completed the gap analysis, I think we're only waiting for the BC input and I think the GAC responses to some of the questions that were raised.

Now it seems time to move to the second part of our conversation here, which is focusing on … All of you have identified what you believe the objectives are of the existing accuracy requirements. How can we now measure whether or not those objectives are being met? That is related to the question, too, that was asked, where everyone, as well, provided a response in the Google Doc, on how and by whom can such data be gathered?

What we did in the document … It's basically the same document where the GAC analysis is. We created a new table which starts … I think it's page 25, if I'm not mistaken—24, where it starts. We

basically copied and pasted each of your responses to question two in this table. We basically added another column here. We're hoping that everyone can basically start providing some more specifics about what is needed and by whom to actually get that information.

Making picking, here, on the Registrars, whose first entry is here. They basically indicate that the registrar can measure that accuracy and should be able to have that information. So how can the group get access to that information? Is it already available? Is it something that needs to be requested? If so, how would that work? How can the group do that?

So in the same way, I think the different groups have made different suggestions for how data can be obtained. I think on the last call, we also discussed a bit ARS and if/ how that could potentially be relaunched or revamped. I think Brian already mentioned that some additional information is forthcoming on that topic that may help also inform that conversation.

We did ask groups to already start thinking about this but we actually didn't see any input yet. So I don't know if groups need a bit more time or whether they've already had a chance to think about this and want to maybe share some initial thoughts today on the call or whether this is something we can assign as homework so that everyone can look at this and provide their specific thoughts out of the next week's call. So I think that's all I can add at this stage.

MICHAEL PALAGE:	Thank you. Okay. I'm just trying to read the chat as well. Are there any particular questions or comments on what Marika just went through right there and what she has proposed? I see none. "[Deck] has not considered this question." Okay. So with that, I think we may conclude our meeting early today unless there are any proposals for us to take up any additional topics. As far as our next meeting, we really need to …
	Again, I would just ask Susan, if you could, if you do finalize the comments later today with the BC, if you could get that information inputted into the Google Doc ASAP, that would be greatly appreciated. And Melina, I think in the chat, I believe our ICANN Org colleagues provided a link to the document notes from the meeting before the last call, I believe, before Christmas where it documented those questions. Were you able to see that? And would you be able to prepare to respond to those questions for next week's call?
MELINA STROUNGI:	Hi, Michael. Actually, we're happy, also, to already reply to the questions, also during this meeting.
MICHAEL PALAGE:	Sold.
MELINA STROUNGI:	I don't know if I was clear enough. We internally had discussed about that's interesting. I just didn't know, for convenience of the group, if you planned to share a screen or if, for example, I can

refer to my own notes and to GAC's notes that we took to reply to the questions. If we forget something, of course anyone is welcome to remind of a question. But if you prefer to do so in the next meeting, that's also fine.

MICHAEL PALAGE: No. We have 30 minutes. We're already behind schedule so we're going to use the remainder of the balance. So if you could, Marika … If you could, I believe, pull up the notes where some of those questions were raised from the meeting and then we could allow Melina to walk through those questions and comments. Then Melina, after we get through those notes, if there are any gaps or if there are anything that your colleagues discuss, that you thought were missing or needed to be clarified, I think that would probably be the best way of doing it. Then that is one more work item ticked off.

So can you scroll that? I'll enlarge it a little bigger for the visually challenged. Thank you much. So, Melina, you have the floor.

MELINA STROUNGI: Before I start, I see Alan's hand raised up. I don't know if he—

ALAN GREENBERG: No. My hand is there on a different issue so I'm happy to wait.

MELINA STROUNGI: Okay. I will just start by having my—

MICHAEL PALAGE: You can refer to your notes. That's fine.

MELINA STROUNGI: - the questions that I have noted. And I can go slowly. If I forget something or if I haven't spotted a question, then please go ahead. Ryan had to run to another meeting but Kenneth is here. So, Kenneth, please also jump in at any moment to correct or add anything.

In relation to question one, "What is, from your perspective, the current goal that the existing accuracy requirements and enforcement are trying to meet?" We wrote that we're not fully convinced that the current state, as described, as defined currently, captures accurately the existing accuracy requirements and enforcement.

There, we received a comment, I think from Marc, that this requires further work and we cannot proceed the scoping work without a common understanding of the current state, and that we need to follow up and be sure that we are on the same page.

So completely agree, of course. It's important to be on the same page. So yes. Basically, we believe that as the current state of play was defined, it was too strictly defined. This was also confirmed today by the short introduction that we had from Brian from the ICANN Compliance part, that the current state of play is not strictly limited to operational and syntactical accuracy. And there are broader things and a broader picture to take into

perspective. We give some examples in our reply. So this is our position there.

Then another comment that we received was that, regarding ICANN's identification of the various purposes for which domain name registration data are used, the Registry group noted that it is not the same as the EPDP Phase 1 Working Group's list and that the GAC list seems to focus on how registration data is used rather than how it is collected.

We are not very clear what the comment here is. So what we wanted to say is that basically, we were instructed by the Council to take into account the EPDP identified purposes, which in our view, of course, encompass purposes identified in Phase 1 and in Phase 2. And of course, not only limited to that but purposes in the whole area of the documentation that we have available.

And it's not clear, this comment, because for us, when we are talking about data processing, this, of course, concerns … Processing can be the collection, the use, accessing data. All of this qualifies as processing. So basically, you have the purpose for which data is collected and used, of course. And you have to evaluate accuracy in relation to these purposes. So this was not clear to us what is meant here. And I'm happy to pause if someone wants to ask something specific or explain what the question was here.

MICHAEL PALAGE: Marc Anderson, I see your hand raised. You have the floor.

MARC ANDERSON: Thanks, Michael. Is there a possibility …? Do we have the original document that Melina is talking about right now? Could we get that on the screen? Melina was talking about … Yeah. This list here. I don't remember if this question came from me or not. But I do remember talking about it on the call. I was a little surprised to see this list referenced here and the way it was listed as, "ICANN's identification of the various purposes for which domain name registration are used."

Melina, as you pointed out, this list is not the same as the EPDP identified purposes. It was the EPDP identified purposes that we were instructed to take into account. So I think I have some concerns about adding this list in. I think, on the call where this came up, we talked about when that list of purposed was developed. I think it's an old list and certainly predates GDPR and the work of the EPDP.

So again, I'm sorry. I don't remember the exact context of the question or the discussion. But I think it did come up that there was some concern about the origins of this list and using it as opposed to the EPDP identified list of purposes. Hopefully that's helpful.

MICHAEL PALAGE: Okay. Sarah, you have the floor.

SARAH WYLD: Thank you. Hi. I just want to support what Marc was saying. My understanding of the work that was done in the EPDP was that it was for … It created an overarching set of purposes that are the

entire set of purposes to be understood or used moving forward. So I don't think that this blog post or whatever this webpage is … It's very interesting. It's perhaps a historical view of how this data might have been used. But I don't think that it should be what we base our work on, moving forward. I think we really should stick to what was exhaustively considered and debated within the EPDP. Thank you.

MICHAEL PALAGE: Sarah, did we lose you or did you just go to mute?

SARAH WYLD: I was done speaking so I muted myself. But I might have hit the button before I said thank you. So thanks.

MICHAEL PALAGE: You're always very courteous so thank you, Sarah. I think as far as this … And I believe I discussed this. If you look at our remit, I believe the points that Sarah and Marc are trying to raise about keeping this, if you will, focus on what was discussed in EPDP Phase 1. But as I noted, there is language about if there is gaps, that I believe we're supposed to note them. I could pull that up. I don't want to waste time. I want to give back the remainder of the time to Melina to allow her to continue to go through her document.

So I think we need to walk a fine line. Obviously, I want to spend most of our time on what the Council has directed is within scope while also acknowledging that there is the ability to identify things

that potentially could be brought into scope in future work. So that's, I think … This is how I'm approaching the GAC intervention on allowing it to be put into the record. I think everything we've done as a group has tried to be as inclusive as possible. So hopefully that makes sense and explains my thinking in how I am trying to, if you will, facilitate the discussions of the group.

Melina … Brian, I see you have your hand raised.

BRIAN GUTTERMAN: Sorry. I want to let Melina go. I just want to jump in quickly about this whois.icann.org, what registration data is used for the page. I think I'm going to take it as an action item, again, to check with the team that owns that page. I think Sarah's understanding of it, it's more of a historical documentation. I think the page originated from a few years back. I think it's still relevant but I don't know if it's necessarily what this group should use as the authoritative record that we should build off.

But again, I'm going to make sure it's still—if it needs some updating or something. I'm going to talk to the owners of that page internally and see what they think. I'll get back to the group, hopefully next week, on that or on the list or something. So just wanted to clear that up.

MICHAEL PALAGE: All right. Thank you, Melina, if you would like.

ALAN GREENBERG: Mike, that's a new hand in relation to this question.

MICHAEL PALAGE: Okay. Sorry. Alan, you have the floor.

ALAN GREENBERG: Okay. Thank you. I'd be really interested in hearing from Sarah on any others. What of these purposes do they believe are not appropriate anymore? In Phase 1 of the EPDP, we agonized over the wording of those purposes. I don't want to relitigate the discussions on whether we're allowed to look at third-party purposes. But in many cases, the wording that was used does cover these things, even if it sounds like they are different.

I'm really interested in knowing which of these they believe are no longer appropriate because of the purposes that we wrote. We used code language in many of those purposes, I believe, that map to some of these, even though it may not be obviously apparent. So I'd really like to understand which of these are not appropriate. Some of them may not be appropriate. I'm not saying everything in the world hasn't changed. But I'd really like to understand which ones they believe are not purposes for the data that we have today. Thank you.

MICHAEL PALAGE: Marc Anderson, you have the floor.

MARC ANDERSON: Thanks, Michael. I want to fire right back at Alan. As somebody who agonized over those purposes in the EPDP with you, I want to fire right back at you and say why would you not advocate for us focusing on and using those EPDP identified purposes that we, as you put it, agonized over? We spent a lot of time and effort on those. That's what we should be using and that's what we should be telling other people to use as well.

ALAN GREENBERG: If you want an answer, Mike, my answer is I want to understand if there are differences. If it's just semantics, that they're wording it in a different way, then there's no purpose in going back to them. If there's belief that some of these that I would consider still valid, other people feel they are not valid, I think that's something we need to get on the table.

MICHAEL PALAGE: What I've done, I've posted this in the chat. This is the instructions. Again, the instructions from the Council to us says, "Carrying out its work, is expected to take into account the policy recommendations of the EPDP on gTLD registration data, including the EPDP identified purposes and related data processing activities." And then, "However, the scoping team is not tasked to review these purposes or suggest changes. If the scoping team finds that further review of these purposes in necessary, especially in the context of implementation and enforcement of existing requirements, it will identify this as an area of further work."

So again, Marc, I want to be respectful of staying in-scope with what was painfully discussed in Phase 1. But to the point that Melina and Alan are, I think, trying to raise is, is the ability for us to document that additional work or a revisit of that is possible? And my reading of the instructions from Council is I don't have to swing the door wide open but I need to provide members to perhaps raise this as an area of future work. That is my best effort of interpreting the instructions from Council to this group. Volker, you have the floor.

VOLKER GREIMANN: A lot of them match what we have, although they are worded differently. But some of them are simply out-of-scope for our work here or irrelevant for our work.

For example, if we just look at the first one, to determine whether or not a domain name is available, I think it's a fringe purpose because it doesn't really require any personal information of the registrant. It's just the part of the registration data that's basically the base data that has no information about the registrant. And yes, you can say that that is part of the registration data. But that's the registration data about whose accuracy we're talking about here. So I think the relevancy of these is, in some point, in question.

I think the value for us, with regards to the accuracy question, is the data that pertains to the registrant. For that data, we have discussed and agonized, as Alan put it so succinctly, in the EPDP. Therefore, any previous work has been superseded by that work, I think, because of the time that we spent on that. Thank you.

MICHAEL PALAGE: Alan, is that an old hand or a new hand?

ALAN GREENBERG: It's a new hand.

MICHAEL PALAGE: You have the floor.

ALAN GREENBERG: Very simply put, as much as we agonized, and worked, and did things in good faith, there is no rule or law saying we didn't make a mistake. If, indeed, we find that there is a gap in those purposes, I don't know how we go back and fix it. But, indeed, there has to be an opportunity to make sure that we did the work properly. Even a group as diligent as the EPDP Phase 1 was not infallible.

So if looking at this list raises a problem where some of us believe—I'm not saying it is—where there may be a possibility that the Phase 1 work omitted something, then let's be honest enough to identify it and identify it for future policy work. If there is no gap, then we don't have a problem and we can go on. I don't see the fear of looking at this list to make sure that we are on the right track that seems to be being expressed by people.

MICHAEL PALAGE: Marc Anderson, you have the floor.

MARC ANDERSON: Thanks, Michael. If I could respond to that, based on what Alan just said, I fear we're talking past each other a little bit. I think Michael put it very clearly. And I agree with Michael that if the scoping team identifies problems with the list of purposes, we've been clearly instructed to identify them as an area of further work. I think Michael already clearly said that.

On the other hand, for the purposes of our work on accuracy scoping, we should be using the EPDP identified purposes, not this list off of the ICANN website. That was the point I was trying to make. Alan, you seem to be concerned that there may be issues with the EPDP identified list of purposes. If there are, great. We should flag them. But also, as Michael said, that's a secondary task. In the meantime, let's use the EPDP identified list of purposes. As has been pointed out a number of times, we've spent a lot of time on that. That was hashed out in a lot of detail.

Volker used the example of the first bullet point. This is actually a conversation we talked about very specifically—and I remember it—to determine whether or not a given domain is available. We discussed that one specifically and that that is how WHOIS may be used but that is not a purpose. So we identified or spoke specifically on that point—that there's a difference between use and purpose.

So I think we need to respect the work of the EPDP Team, use the identified purposes per our instructions. But I'm not at all or in any way trying to suggest that if there are gaps or we identify issues with the EPDP purposes, that we shouldn't identify them and flag

MICHAEL PALAGE: Melina, you have the floor.

MELINA STROUNGI: Thank you, Michael. Thank you also, Marc, for clarifying your question. Just to briefly have the opportunity to replay back, because I understand that we will not have time to go through the rest of the questions today at least, it was not in any case our intention to disrespect EPDP purposes or suggest that these purposes will replace, in any way, EPDP purposes.

The way I personally understand the Council instructions is that we are tasked to take into account the EPDP identified purposes. It doesn't say that we have to take into account only the EPDP identified purposes. It says that we have to take into account the EPDP identified purposes and not amend them or review them unless we identify a gap.

So our approach is to take a holistic approach, just because precisely, we believe that the accuracy scoping exercise is a fact-finding exercise. Basically, we want to just capture what everything is out there, including purposes identified in ICANN Bylaws, in ICANN's mission, these purposes that we have listed here, so that we really have the full picture of what is currently out there. I think this is one of what we're here to do in this fact-finding thing. And as many of you correctly pointed out, I don't see the harm of just having gathered what is out there, and use this also

when we move to our assignments three and four, and see precisely whether there is a gap.

So all this information can be used both ways. On the one hand, we can use it to correctly identify what is the current state of play and capture everything that is out there. And on the other hand, we can also use it to compare if there is something missing, if there's something that doesn't come across right.

So basically, we just gave this as an example and not as a way to circumvent the EPDP identified purposes in any case. I hope this is clear. Maybe I will stop here because I think the time is running out. I want to give you, Michael the opportunity to say your last words. Thank you.

MICHAEL PALAGE: Thank you, Melina. First, I owe a debt of thanks to you because I was about to give back 30 minutes of time which we actually really needed. So thank you for raising these issues, getting through as much of the questions that you did. Obviously, we will use the remainder of next week's meeting to hopefully follow up with our ICANN Org colleagues and then to finish the GAC gap analysis, or the follow-up gap analysis questions, and then to walk through the BC, to hopefully get us back on time.

I do want to say this is a meeting I'm going to have to go back and re-listen to. If stakeholder groups are talking past one another, I will do everything I can as chair to perhaps get us all pointed and rowing in the same direction. So yes. I'm going to have to listen,

read the chat, and do my own debrief to make sure that we are pointed in the right direction.

So with that, unless there are any additional comments or questions, I will be bringing this meeting to a close. We will be meeting next week, same time. So unless I see and hands, questions, or comments, Terri and Marika, you can stop the recording.

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

[END OF TRANSCRIPTION]