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## ICANN Transcription

### Registration Data Accuracy Scoping Team

Thursday, 21 April 2022 at 14:00 UTC

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TERRI AGNEW:

Good morning, good afternoon, good evening. And welcome to the Registration Data Accuracy Scoping Team taking place on Thursday, the 21st of April, 2022 at 15:00 UTC. In the interest of time, there will be no roll call. Attendance will be taken by the Zoom room. We do have listed apologies from Olga Cavalli and Becky Burr.

All members will be promoted to panelists for today's call. When using chat, please select everyone in order for all to see your chat. Alternates not replacing a member are required to rename their lines, adding three Zs to the beginning of your name and then in parentheses at the end, the word alternate, which means you are automatically pushed to the end of the queue. All documentation can be found on the wiki space \_\_\_. Recordings will be posted on the public wiki space shortly after this call.

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Please remember to state your name before speaking. As a reminder, those to take part in ICANN multi-stakeholder process or to comply with the expected standards of behavior. With this, will turn it back over to our chair. Michael Palage. Please begin.

MICHAEL PALAGE: Thank you, Terri. I think our agenda is rather simple. We're just going to pick up with last week's review of the documentation, although I will ask if there are any, what is it, updates or other things that people would like to add. If not, Marika, I think we should just pull open the document and continue where we were.

MARIKA KONINGS: Thanks, Michael. I just wanted to mention that we did share earlier this week a first draft with the write-up of assignments one and two. So I just want to make sure that everyone has seen that e-mail. There's a link to a Google doc. And you're all encouraged to add any comments or suggestions you may have in the form of comments. And as I noted in the email, as well, there are obviously still a couple of placeholders in the document as we're still working on the number of items. But at least this will hopefully already give you a good idea of what currently is there that basically tries to represent what the group has discussed to date.

MICHAEL PALAGE: If you could, Marika, what would you say would be an aspirational deadline for wrapping that up? And I'll ask you because if I give a date, Berry will just I'm going to miss it. So I'll let you take the aspirational dart out and put it on the dart board. Where do you

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think we would want to aspirationally have assignments one and two wrapped up by?

MARIKA KONING:

I think that's a very good question. I think to a certain degree, of course, it's up to the group. How much time do you need to review the documents? It should be pretty straightforward. And so we've tried to do our best to represent what has been discussed to date. And, obviously, aren't any recommendations as yet, as the group is still deliberating. I think a question that the group may need to discuss—not, I think, today, as we don't have the full contingent, but maybe during next week's meeting—is what the impact is of the outreach that ICANN Org is planning to do the EPB as that is expected to provide some insights into how to deal with access to personal information to obtain further data on the status of accuracy because, of course, we have a number of proposals that are contingent on that.

I think one of the questions is can be meaningfully discuss those while we await that response, or is there a need to pause for a bit until that input is received? And, again, I don't know what the current timeline is. But, of course, it's not completely dependent on Org either because once those scenarios are sent over, I don't know if there's a fixed deadline by which a response is expected to be received or whether that's just wait and see.

And so I think that is something probably for the group to discuss. And I am hopeful that, at least on the proposals that do not require a personal data, that we're able to hopefully complete the work on those today. I think, based on that, we can then try to kind of

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transform those into a write-up for inclusion. And the write-ups are basically documenting in further detail what each of these proposals would entail.

And I don't know if the group already feels in a position that they would be willing or able to recommend proceeding with any of those to the Council. So that is something the group could also consider. Are there certain proposals that could already proceed while further information is being gathered on those other proposals? And, again, I don't know if then it's an interim assignment one and two report that's shared with the Council, noting that there's a placeholder for that part while we're awaiting external input or whether the group prefers to wait for that and have the full picture of what is and what isn't possible before submitting the report for assignments one and two to the Council. That, at least, is my perspective.

MICHAEL PALAGE:

Just one other quick question from an administrative point. Have we got confirmation yet from ICANN Org that we will have a meeting allocation time for The Hague? Have we gotten that confirmed yet?

MARIKA KONINGS:

And as far as I'm aware, we are on the draft schedule. I think everything is still draft until published. We definitely have a slot on the GNSO schedule for a meeting at this point.

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MICHAEL PALAGE: So that's encouraging and perhaps I am going to ask a question of the small team and I'll put it to the larger group next week. How would the group like to use our time together? Would we like to use it as nothing more than an extension of what we've been doing allowing for remote participation, or would we like to get back to what I would call ICANN old school where we literally use the time together to actually try to move forward, or does the hybrid meeting require us to involve remote participations? I don't know the answer to that but what would the group expect that in person our first in-person session ever to involve? Are there any thoughts on that? Any hands?

No hands. Marika, what do you think would be—obviously, ICANN is touting this as a hybrid meeting. So I think we definitely need to make sure that remote participation is included, or do we perhaps even say maybe this is off list. Is every session appearing is going to be hybrid, or is it possible us to maybe get a small meeting room? I'm just saying what are the options for us as a working group to meet and work together? Do we have to meet in person and as a part of a hybrid event, or do we have the ability to perhaps meet in a room and get work done? What are our options?

MARIA KONINGS: I think just to note, and Sarah already put that in the chat, and I think we have a couple of other folks who responded to the poll we put out to sort of assess from the group who is planning to attend in person and who already knows that they won't be attending in person. I think we do have a couple of folks that already indicated that they will not be there in person but they

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would be participating remotely. So I think that is the approach for the hybrid meeting that we assume that some people may be able to be there on the ground but others will be participating remotely and we're trying to do our best to make that an equal participation experience.

So I think we would definitely need—because there may be sign-up rooms. I think that's still a question mark. But obviously, for sign-up rooms, there are no services available. So it would be difficult, or if not impossible, to have those not on the location able to participate. So it would definitely need a part of the schedule. And I think it's definitely a good discussion for this group to have, how to make sure that there is equal participation with those that are there in person and those that cannot be there in person.

I think, from an ICANN Org perspective, there are also probably going to be a number of measures in place. I'm assuming that there is no kind of in-room queuing for our mic. It's probably all going to be done through Zoom. So, again, everyone has an equal opportunity to do that, whether you're in the room or not. And, again, I think it's up to the group to kind of decide what is the best use of the time.

Of course, to a certain degree, it will depend on where things stand. And if the group is already in a place where it has a number of proposals that it wants to put forward to the Council, maybe that is a conversation you may want to have with Council or assess with the community whether they are of the view that those proposals make sense and have a chance to obtain further data. Maybe there's some other proposals that are going to be suggested. It may also be an opportunity to just kind of provide an

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overview of where things stand, and for specific questions you wanted to discuss with other groups or those in attendance, that's another opportunity. But it's really, I think, in the group's hands to decide how to make best use of that time together.

MICHAEL PALAGE:

Well, I think, just based on what Sarah and Beth are saying in the chat, I think we're going to require all participants physical or remote to use the Zoom. We will operate a queue using the Zoom room so there'll be no preference to those contributors. And I think that's how we do it. And again, as far as observers sitting in, if you could remind me Marika, when we've allowed observers in the past, they're able to chat or how will we operate that? I guess they'll be able to participate in the chat. Do we want them to speak or not?

Anyway, let's skip that. We have more important stuff but this was helpful. I think we have a clear direction. We're going to use Zoom. We're going to be hybrid. We're going to facilitate for remote participation. It will be a normal meeting. How we facilitate third-party involvement, that's another bridge we could cross in the future. But I think we have a good enough roadmap now for what we need to do. So I will turn it back over to you to let us continue going through the document.

MARIKA KONINGS:

Yes, thanks and Michael. And just a note as well, yes. On all those topics, I think as we get closer to the meeting, we'll probably get more information as well about what is and what isn't possible,

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as well as what the group would like to do and how to make sure everyone is able to participate in the conversation. So I'm sure we can continue that conversation. So anyway, back to the proposals. For those of you that joined last week's meeting, we made quite a bit of progress on proposal A, to a large degree thanks to Sarah, who provided a very good starting point to a number of the questions that we had posed for that proposal.

And I think we can probably go back to that after we first cover this proposal just to see if there's anything missing. We did make a number of updates based on last week's conversations. And I think there are still some outstanding questions and things. The group may want to see if that's something you think you can resolve as your small team here or whether that's something that needs to go back to the plenary to resolve.

So the proposal we're now looking at is a review of accuracy complaints. It was suggested that reviewing the complaints received, taking that into the context of total number of registered domain names, would give a better understanding of issues that there might be and what the complaints are about, as well how complaints are resolved, and a review of the WHOIS quality review outcomes, through which the compliance team looks at previously-suspended domains to determine if they remain suspended to give a clearer picture of the types of outcomes occurring in these cases.

So what we had identified here as some items that would need to be discussed to kind of further detail this proposal, as well as to decide how to proceed on this, would be, first of all, what information is the group expected to learn from the review of these

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complaints and how would that help inform the deliberations of the group? And then, secondly, kind of a practical way forward already is to kind of look at the actual information that is already available. I think, as you know, compliance has already shared quite a bit of information about the number of complaints they receive and how those are dealt with, the kind of categories they used.

So the group may want to have another look at that to then determine is there anything further that is needed or expected from compliance in order to combat that analysis if, of course, the group agrees that that's a worthwhile exercise and will result in data that will help inform the group's discussions. So here, again, a very helpful first starting point by Sarah. So Sarah, I don't know if you want to speak to the input that you provided and hopefully that will inspire others to contribute as well.

SARAH WYLD:

Thanks, Marika. So a couple of things. One, I said it in the chat that this was not just me. I didn't make this stuff up. This was the CPH team, and I just happen to really like filling in forms. So I'm the one who copied and pasted. So I don't have anything really to add to what you said about what's already on the screen. Just one other thing that might be really useful would be to contextualize the tickets relating to registration data accuracy in a sort of broader context of all the tickets that are sent to the compliance team.

And I might be mixing up my working groups, but I feel like we might have looked at the whole picture of what tickets are

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submitted to ICANN and how many of those are relating to data accuracy. But as we're doing this and gathering this information about complaints received by ICANN Org, I do think it would be useful to try to include sort of the bigger picture. Out of the total requests, how many are we actually looking at here? Thank you.

MARIKA KONINGS: Thanks, Sarah, and I think you're right or at least I remember from conversations on transfer. There was always a kind of, "This is the percentage or number that's received to that kind of category." And I think compliance does post that on their website, as well. And you're right, I think Owen also did some kind of analysis. Owen is on the call he can maybe tell us because I think he did share that. I'm not sure if that went to the group or whether that went just to a couple of folks. And he's alt-ing, I know, but I think we're hearing this small team setup. So I think we can hopefully have a bit more flexibility if Michael agrees with that and maybe have Owen speak to that. Michael, is that okay with you?

MICHAEL PALAGE: There we go. I've never restricted anybody from speaking. And Harald, if you want to drop the triple Z since Becky's not on, you could move up to a non-alternate if you'd like. So the more than better as far as information goes.

HARALD ALVSTRAND: I'm quite happy just being quiet in the background.

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OWEN SMIGELSKI: Thanks everyone. This was probably six months ago or so. I did go back and I looked at all of the complaints—the data that compliance had published online going back to—I think it was about 2013, maybe a little bit earlier, about the total number of WHOIS inaccuracy complaints, as well as the various subtypes. Because I was at compliance at the time, I know that the nature of the cases change over time. And one of the things I did note was that the WHOIS QR, there was like a big spike, maybe 20, 30 cases overall for a year versus at the time where they were getting tens of thousands of WHOIS inaccuracy complaints as they were called at the time.

I think I shared it informally, but I did not actually share it I don't think with the full team. I can go back and find that chart that I made. I think I did a Google sheet. So if people are interested, I could share to kind of get more context about what types of WHOIS inaccuracy complaints there were and what type over time, thanks.

MARIKA KONINGS: Thanks, Owen.

MICHAEL PALAGE: If I can, Marika. Yes, I recall that, Owen. If you can perhaps circulate that backup on the mailing list to move that to the front of everybody's queue, that would be helpful. The only thing I would note, and I think ICANN can confirmed this as well, is one of the problems with how they report WHOIS inaccuracy complaints is if the domain name has been removed from the zone, they

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automatically close out the ticket without completing their investigation.

And, as I noted at the time. I was involved in working with a third party to take down a domain name involved with malware. They were working at both the registry and the registrar level to get this resolved, including trying to find out who is behind that domain name. Because the registry took down the domain name under their DNS abuse, if in fact the complaint had been submitted, under the compliance guidelines, that ticket would have been closed out. So I think it's important that we just note that that just because a ticket is closed out does not mean that ICANN has actually completed a full review of the underlying WHOIS inaccuracy complaint. So I think that's just important to get that to make sure that's reflected in any final report. So back to the—

MARIKA KONINGS:

Yeah. So Owen, if you can share that and I think we'll also have a look at it, and we can check as well, and maybe Brian can help us as well to check with our compliance colleagues if there's anything further beyond what they've already shared in response to the questions when it comes to information about complaints that is already publicly available that the group may look at. So I think that the question is, indeed, is there anything else that needs to be documented here as what review of those complaints are expected to tell the group?

As noted, and Sarah already listed here, or the Contacted Party House already listed here, a number of items on which further information would be obtained. And I think then the second

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question is, and I think we've already started touching upon that as well, what other information and might be necessary? I think in the context of what Owen is able to share and maybe what we can dig up as well. And, of course, responses that ICANN Org has already provided to the team and in response to the clarifying questions there is already quite some information available.

I think, then, the real question for the group is because, of course, this will require some review and analysis is that something you think the team as a whole should be doing? Again, this is not a work item where external help seems to be necessary. So, is it something that the team could already undertake? Is it something that the full group or would be expected to do? Is that a number of volunteers would look at the information available and basically come back to the group with an assessment of that analysis and any conclusions that they would like to suggest drawing from that review? Are there any ideas or suggestions about that? No one?

MICHAEL PALAGE: Maybe when we take this back to the larger team, maybe we'll get some inspiration from the larger group as opposed to the smaller team.

MARIKA KONINGS: Yeah, I'll identify that as a specific question because, again, I think, as we move towards the write-up, I think we need to identify, as well, which parts need to go back to the Council for either a decision to move forward with certain items, and especially those that require involvement of third parties or where additional

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resources or costs are involved, we obviously need a decision or a green light from Council. This might be one where the group could itself undertake some of that work and share its findings as part of its report. But, as I said, it's something for the group to decide as well if that's something you think you're willing and able to take on and also, of course, if that is expected to deliver an outcome that will help conversations move forward.

MICHAEL PALAGE:

So real quick Marika, if I could. So I think before one of the things we were discussing was how to perhaps involve the registrar constituency in perhaps gathering some of this information, to facilitate it voluntarily, without necessarily interjecting ICANN Org or a third party. So I guess the question to Sarah, Roger, and Volker, has there been any further discussion about the potential interaction of the registrars in facilitating is, as you have been discussing this, within the registrar within the broader contracting parties, the level of interaction or involvement that they may want to participate in what is being proposed right now, or is that to be determined still?

MARIKA KONINGS:

Sarah, please go ahead.

SARAH WYLD:

Thank you. I'm sure my CPH coworkers can correct me if I've missed something, but I don't believe that we have yet discussed the idea of that survey with the registrar group more broadly than

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outside of this team. And I see Roger has his hand up. So I'm going to defer to Roger.

ROGER CARNEY:

Thanks, Sarah. I would say, it would be, yes. I think, Sarah was down the right path. We haven't talked in-depth with this. We had a registrar meeting I think it was Monday. Maybe Sarah correct me. It was a long week. But I think we had one Monday and we brought up the fact that we're discussing in this group a registrar survey. We didn't get into any details of what that is or anything. We just recognized for that group that we're talking about it in this small group here. So I think that's the update for us. Thanks.

MICHAEL PALAGE:

Thank you, Roger. And the reason that I asked that question is when we report back to Council if we can report back saying, "Hey, this has been preliminarily vetted. There seems to be some broad interest in registrars voluntarily contributing," that will probably go a long way toward saying, "Okay, this does not necessarily need to be as expensive." Voluntary participation, hopefully, could minimize the cost, as well as maximizing participation. So I think that's important from a data point that any report back to the Council should include that information. Back to you, Marika, and the table.

MARIKA KONINGS:

Thanks, Michael. We still have Alan as well with his hand up. So Alan, please go ahead.

ALAN GREENBERG: Yeah. Thank you. I started off this process participating because Michael said he'd like someone from ALAC here. The meeting last week gave me a feeling that there is in fact some useful information we could garner out of a voluntary survey. But I think what I would expect from the registrar constituency or stakeholder group is active support saying they are advocating that all registrars answer it and some level of encouragement. I think it would be unreasonable to expect them to do all the legwork of actually putting the survey together and trying to get the answers.

So this sounds like something we don't need to hire an outside company for. Once we've come up with the questions, it really is a matter of distributing them to the registrars and ICANN. That sounds like something ICANN do internally with staff. So I don't see this as a very high-cost item. And if we use Google docs or something like that or whatever survey, that collates the information and makes it available relatively easily. So I support the survey. I would expect the registrar constituency to make a strong statement suggesting that they participate in it. But I wouldn't expect them to actually do the legwork. I think that would be unreasonable. Thank you.

MARIKA KONINGS: Thanks, Alan. And just to confirm, we also have a survey tool called Clicktools that we've also used in other groups for a similar type of outreach. And I think, as we discussed last week as well, I think it's definitely, at least from our side, we'd be happy to work on. I think it was more a question as well for the group what the

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expectations are with regards to who would be receiving and be able to review that information. Would there be a need for a third party to be involved to ensure confidentiality?

And, as I said, some of those questions. I think we spoke through during the last meeting. And there's still some open questions there and with regards to, of course, when it's published and what is shared. But I think if everyone is comfortable with ICANN Org assisting with that, at least from my side, I wouldn't see any issues there.

And so, then going back to I think it's proposal D next, this one concerns a possible ICANN Org registrar audit that would focus on adherence to WHOIS accuracy requirements. And, as you may recall, we asked Brian to check back with our colleagues to kind of see how that would potentially work, as well as the timeframe that it would take to undertake such a survey. And he shared that response with the group earlier this week. Brian, if you want to speak to it and maybe give a brief overview of that feedback and then maybe discuss how you would like to proceed on this specific proposal.

**BRIAN GUTTERMAN:** Thanks, Merika. I don't have a ton more to add aside from what's there. I guess what I mentioned in my e-mail is that compliance colleagues offered to provide follow up and to clarify any questions the group might have about the comments we put in there and the initial thoughts on this proposal, proposal D. So I guess I would encourage everybody to have a look. And if there's questions, you can get back to me, to the group in writing. And if

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we'd like somebody from compliance to come on and discuss in real time and live on a call, I think we could do that as well.

MARKIA KONINGS:

Thanks, Brian. So I think the question for the group is based on the feedback provided, is this an avenue that the group should pursue? Is there any further questions you have for ICANN Org with regards to how the audit would take place, or what it would look like, or what kind of information is expected to be obtained? I think your question might be, as well, does the group expect overlap with the registrar survey because I guess you may want to avoid, as well, having two parallel efforts that ask exactly the same kind of information. Although, of course, I think in an audit, there is a requirement to participate. I don't think it's an optional thing like the survey would be.

So any reactions, responses? Is it something that the group should pursue or put forward as a potential approach that you would like ICANN Org to pursue and conduct such an audit? Is there any further guidance the group, we want to provide in relation to such an audit? They've indicated that to initiate an audit typically takes two months. Obviously, in this case, they would first need to establish what the audit would look like, the selection criteria and the process.

And I don't know, but I think registrars may have a better idea. I don't know what the typical response time is to reply to such an audit, as well as how long, then it would take to kind of process that information and what kind of information would be shared with the community. And, again, that would be helpful for this group to

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inform the discussions or questions. So I'm hoping someone has some answers. Marc, please go ahead.

MARC ANDERSON:

Thanks, Marika. And thanks, Brian, for getting the response and teeing this up. So when I read this, I sort of took it—my interpretation of the response I guess is that some form of registrar-focused accuracy audit could be possible, but that ICANN Org feels like they need additional input, particularly from the European Data Protection authorities before delving into areas related to the processing of redacted registration data. So I take that to mean if we were suggesting an audit that involved the redacted personal registration data, that would be on a longer timeframe that perhaps isn't useful to us where we're looking for information quicker. Hopefully, my understanding is correct there, but if there's to be a more narrowly or specifically tailored, audit that might be possible.

What this this doesn't really answer for me, which I was hoping we would get sort of an initial readout, is would ICANN compliance be willing to work with us on an accuracy related audit? If compliance doesn't think that's appropriate or within scope or maybe they have an existing schedule or plan for audits already laid out and don't want to mess with that, I think that's all reasonable and understandable. I think what I was looking for is just an initial yes, no, maybe from compliance. Would they be willing to work with us in putting together an audit or not? I think we need to know before we spend a whole lot of time thinking about this? Is it even something that's on the table? I'm sorry. That was a little long-winded but hopefully that makes sense.

MARIKA KONINGS: It does. Thanks, Marc, and indeed from the response, it seems that it's a bit similar. I think where this group is currently at, we've separated out what the group might be able to work on that does not include personal information. And I think here there's a similar kind of differentiation between a part that might be done or could be done more easily that doesn't require access to personal information. But if it's the expectation that personal information is audited to a certain degree, than that may require indeed further guidance or clarification from the EPB. Volker, please go ahead.

VOLKER GREIMANN: Yes, thank you and I would like to dispel the impression that making this an audit would fix all the problems. As Marc said, first of all, the data protection implications must be covered and must be reviewed. And in previous audits, I know for a fact that many registrars based in Europe have sent redacted answers to ICANN that were less than useful in some instances. But they didn't feel comfortable to provide personal information of domain names to ICANN without having any data protection agreement or other security measure in place. So you would essentially end up with the same issue.

And the second point is that you cannot ask in an audit issues or topics or questions that do not directly flow from the agreement. So if a registrar is not obliged to collect certain data under the RA, then the audit cannot ask that. You cannot ask, for example, "Please provide statistics of all domain names that have this, this, and that," because we aren't required to collect that statistic. That

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would be something that would be out of bounds for the audit. You can ask for a specific domain name and ask what the accuracy processes were when this domain name was looked at, or something like that. But you cannot suddenly ask your registrar to develop statistics that they are not required to maintain under the RA. Thank you.

MARIKA KONINGS:

Thanks, Volker. I think both Marc and Volker, Is it worth for this group to think of it further about what types of questions you as a group think that ICANN Org should be able to ask as part of the audit? And again, separating out what can be asked without requiring personal information and then, what does? And taking into account what Volker said that, the only questions that can be asked in an audit, which I guess is a limitation compared to what we could ask them into the survey, since that is voluntary. It is really focused on what flows from the agreements.

And then, of course, as well think about how is that information useful for helping inform the group's conversation. Is that something that, as a next step, the group could or should work further on? And I don't know. Volker, is that a new hand, old hand?

VOLKER GREIMANN:

Old.

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MARIKA KONINGS: Good. Thanks. So does anyone have any ideas on that. Is this an avenue that the group would like to pursue further and dig a little bit deeper? And maybe we can ask our ICANN Org colleagues to join one of those conversations to share maybe a bit more about how they go about identifying questions for an audit and whether they would have any specific ideas on indeed how to approach it in this case where, on the one hand, you may be able to move forward with something that doesn't involve PII versus an audit where a person's information is involved, which may be more complicated and further guidance might be needed on that? You're all very quiet today. Marc, please go ahead.

MARC ANDERSON: Thanks. Should I put Brian on the spot a little bit? Brian, you've interacted with your ICANN colleagues on this. Based on your discussions with them, do you think it's worth our time exploring this or not? Yeah, I know. I just don't want to waste the working group or the accuracy team's time on this one if it's not going to go anywhere. So I'm just trying to get a sense if this is worth us exploring.

BRIAN GUTTERMAN: Yeah, yeah. No problem, Marc. I think it's worth a shot, I think, maybe to invite them to come on the call. If the group wants to maybe think about it, and come up with some specific questions, we can have another sort of back and forth via email. But maybe just having them come on a call and an answer in real time might be helpful. It could be an avenue. And I know they're willing to help this group out to move the work forward. So, again, I don't

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know how much that helps. But I'd say yes, it's worth a shot, based on my interaction so far. I know. I see Lori has her hand up.

LORI SCHULMAN:

Yes, thank you. I apologize for coming so late into the talk. But from what I'm hearing so far, I would follow up by saying yes, I think this would be a good idea to interact with compliance, particularly if there's particular staff expertise on how to design such a study or audit versus whether or not these studies and audits are contracted out, and ICANN normally relies on consultant expertise. So I guess my question would be in terms of particular staff members, if there was anyone identified that has this particular knowledge? Sorry I'm using the word particular so much. I just think if we could hone in on where the expertise lies in-house, then it could be very helpful.

MARIKA KONINGS:

Thanks, Lori and thanks, Brian, and as well as Marc. I think we have here, indeed, a suggestion to at least take this conversation further and see if we can get some of our compliance colleagues on a future call to kind of talk this further through. I think we need to check out their availability and I don't know Michael if it would make sense to maybe continue this kind of more informal setting of deep diving onto these proposals, maybe for next week's meeting if that would work for our colleagues.

And I think also make clear to them that this is really about exploring the options. It's not about putting them on the spot or having the expectations of what they can deliver but based on

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their experience with past audits and knowing as well that this group is working on, to see if they would be willing to kind of engage and have a conversation with this group on what might be possible.

So the group also then can discuss and consider what value would that give for your deliberations, as well as factor in the potential timeline that something like that could take. And, as I said before, it's probably also something that you may want to align with the survey and try to avoid any kind of overlap that might exist between questions that are being asked for the issue of duplication in efforts.

MICHAEL PALAGE:

So, Marika, I think inviting ICANN Org would be a great thing. I'm just mindful of trying to get back to the larger group. I think if we get most of this small team work done here today, I think, having ICANN Org present on that would be something that the entire group would probably want to hear directly, although they could theoretically listen to the recording, but I want to be mindful of getting back to the larger group. And so, how as far as that offer, Brian, would you be able to reach out to ICANN Org to see about their ability to join next week or would they need a longer lead time?

BRIAN GUTTERMAN:

No, I can check with them. It seems like it's a kind of a formal ask which I appreciate, and I can check with them today. There's a dedicated audit team and I think many of you know my

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compliance colleagues. And they consulted with one another about this answer that you're seeing here. And so I can reach out to them and try and figure out who the appropriate folks might be and get back to the group, so I can get back to ... I'll let you know, hopefully next week or if not the following week.

MICHAEL PALAGE: Thanks Brian, and real quick before ... I don't want to make that a formal ask. I want the group. So it is that something that the group wants to make a formal request? Marc, I think that's what you were asking, or what you were suggesting. So is this what the group wants us to do in asking Brian to go back? Is silence acceptance or is silence denial?

MARIKA KONINGS: I think so far, I've only heard support. So I'm hoping that largely, its acceptance and, as I think indicated, this is just a follow up conversation. It's not yet committing any anyone to do anything. It's hopefully allowing us to further detail what a proposal for an audit could look like so again the broader group can also look into that.

And I think once we've kind of gone through all the proposals, we'll basically clean up this document and make any updates necessary and, as well, reflect this kind of next step of further discussing it with ICANN Org and what this could look like in practice so that in preparation for the next meeting hopefully, everyone can have a look at this and indeed also put that in context of the conversation that we'll hopefully have either next

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week or the week after depending on that funding availability of our colleagues.

So I don't think there's anything further on this particular item. Of course, if further ideas occur or if are there specific questions that you would like to share with our ICANN Org colleagues in advance, it would be helpful to include them here. That, of course, helps us to prepare a bit better for that conversation as well. So feel free to add those to the documents as needed.

So I think I'm just going back to proposal A. I hope you all had a chance to kind of look at the few additions we made based on the confrontation, or just a couple of updates. I think some additional questions that were identified and I think, to a large degree, the group seemed supportive of what the Contracted Party House had put forward as kind of the response to these questions.

I don't know if there's anything further the group would like to discuss here about this particular one or whether this is one that we can now take back to the full group as a more detailed proposal of what the survey would look like, the questions it would ask. As I said, I think we do still have some open questions with regards to publication, what information would be shared. But again, I don't know if anyone has any specific particular views on that here already, or whether that's something for the whole group to think about.

And, and again, maybe it's also something that we could maybe ask the the registrar colleagues to maybe informally consult their colleagues about whether, for example, publishing the names of registrars—would that be an incentive or a disincentive? Or is

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there certain safeguards that could be built in that, for example, would trigger providing some kind of identification if a certain level of responses are received?

So I don't know if there's any anything further on this proposal. I'm not seeing any hands. And so I'll go ahead and accept these changes and make some updates to the other proposals. I think one other question then is, as I said, the proposals that we've focused on here ... And I think we've discarded basically this one, the third-party assessment to do the survey. I think the group seems to be supportive of, at least at this stage, having an ICANN Org carrying out that survey. So I think we will drop this one, for now.

The other proposals that are in the documents all require access to personal information. So I think the question to the group is, is there progress to be made on those proposals? And I'll just pull them out. I think we have one here—a third-party assessment that would involve personal information, data processing agreements, study or restart of ARS, third-party monitoring, an implementation of the RDS review team recommendations. Those are kind of the remaining items. Does the group think we can make meaningful progress on those, absent the guidance from the EBP? Are there some assumptions the group wants to make? For example, assuming that it's okay to access that information, do you want to kind of work out of a more detailed proposal of what it would look like and or is that premature? So Alan, I see your hand up. Please go ahead.

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ALAN GREENBERG: Thank you. As you recall, when we completed this section of the homework assignment some people put in things that we could do right now, such as the survey we've been talking about. And others, such as restarting ARS, are what we believe should be done with respect to the overall accuracy issue. But clearly, if that were to be done, it would likely be done as the result of a PDP, which was the result of our recommendation. So to what extent we should be fleshing that out I'm not sure. I don't think that's really our business.

One of the things that is not clear is, from a point of view of our methodology, are we going to pass things back to the GNSO Council only if they have what I would say is consensus out of us? Or are we passing things back that some people believe should be investigated in an issue report and proceed to a PDP?

Obviously, in the longer term, the outcome of that PDP will depend on the kind of advice we get, if any, from the Data Protection Board. So I don't think there's a lot of work we can do on these other than perhaps flesh them out slightly. But certainly, these were suggested as things that could be the result of a PDP on the longer term. I really don't know how, if we need to come to an absolute strong consensus that we need it, or that would be the outcome of the PDP itself. Certainly, some of us believe these things should be done.

MARIKA KONINGS: Right. And I appreciate that, although I'm not really sure how ARS would be the outcome of a PDP. It's currently not ... ARS was never a part of a PDP and it was still something that that was

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done. And again, to put it in context, basically, what we're looking at here, or what we asked the groups to do, is to identify how current requirements are being met and how that can be measured.

So the idea is based on that measurement. We would then kind of move into assignment three and four by looking at okay, so we have this data. What does it tell us? Does it demonstrate any kind of gaps that need to be further investigated, either through the PDP or other means? And those would then be recommendations that go back to the Council. Of course, I cannot judge at this stage if that would be based on consensus, or whether it would just be documented in the different perspectives of the group. But, again, I think that that depends on where things are at.

I do like your suggestion of maybe, indeed, some of these don't need to be completely worked out, as there is some dependency. But it could be something that the group can already identify in its report that these are items that most all feel important to be taken forward. But there is a recognition that this is dependent on guidance from the EBP that that work came continue in a similar way as it was done, or potentially with certain safeguards or changes made. Maybe that is sufficient for the Council to kind of consider and also then take that back, I guess, to the board, and ICANN Org, especially in those cases where resources and costs are involved, such as ARS or a third-party study that would be undertaken. Alan, please go ahead.

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ALAN GREENBERG: Thank you. The ARS itself may not be the result of a PDP but if, for instance, we determine that it is legitimate for ICANN to access the personal data to do those kind of studies to do an ARS, resume the ARS one way, then that would require a PDP—or obviously, negotiated contract changes—but typically a PDP to make sure that the registrars have as an absolute requirement the need to respond to ICANN Org and deliver the data.

As a result of the first phases of the EPDP, registrars believe that they are not obliged to provide data en mass so ICANN can do an ARS type study. At least that's my understanding. Otherwise, we wouldn't be having this discussion. So likely, there would be a component that requires a PDP. If we look at another world, the the GNSO also asked a number of groups, “Should there be a PDP and on what, with regard to data on DNS abuse?” And the answer, there was very similar that it's quite possible that the bulk of the work is not subject to a PDP but requiring participation might require a very targeted PDP. Thank you.

MARIKA KONINGS: Thanks, Alan. I appreciate that and I think it's something we already flagged in the write-up because I think you've noted this previously that, indeed, currently there is no requirement, not even focusing on ARS but just in general reporting. So I think we did find that as something and it's even identified, I think, as a question in the proposed survey that input would be requested on what type of reporting should be required so that there is indeed information available and whether that would include ARS. I think that's a probably a further conversation.

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I'm seeing the comments in the chat. I think that's also indeed a conversation. How could that be enacted? Do we need a PDP for you, being able—and I think we're just looking here at reporting and being able to make assessments about the status of accuracy? And so, as said, I think it's something that we've already flagged it in the report and the group may need to consider further how to exactly frame that, also in the context of some of the other items or the other proposals here.

I like the suggestion of, maybe, at least including it already in the writeup—kind of noting that there is a dependency here on seeing if it is possible to proceed on that path and what will be needed to pursue a path like that. Is that something that can be agreed between ICANN Org and Contracted Parties through a DPA? Do you require a PDP to compel participation? And as said, I don't know the answer to that but that might be a follow-up conversation to have.

At this stage, I don't know if anything further. I think we went through the proposals that were still open. As said, there are a couple of other items here, where we may want to think about what to do with them. And, Lori, if I can remind you that there's still a one question here as well, for the IPC to kind see whether proposal H, which comes from the IPC's original input, whether that is a standalone proposal or whether it's already captured by the other proposals. We can either remove it—

LORI SCHULMAN:

Right. Yeah. That's well noted, Marika. I will get to it. I apologize. I just wanted to ask, though. By asking that question, did you notice

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redundancy? Is there redundancy you saw or do I just need to really just—

MARIKA KONINGS: Yes.

LORI SCHULMAN: Oh, you did see a redundancy. Okay, so I will make a point to go through this in the next 48 hours. And if you don't mind, maybe I can just contact you offline to see where you noted the redundancies and I'll go back and check too. I'm asking for this help right now, simply because of where I am with some other projects. And I sorry. I know it's one little question but it's been rather fraught few weeks for me.

MARIKA KONINGS: Yeah, no worries at all. I think we just want to make sure. I think, at least from my read through, I think ... Because there are a couple of items that are called out, I think, in the IPC's input that I think are captured by the other proposals. But we don't want to remove it before you confirm that this is already captured by the other proposals or there is something that is different in here that the group needs to consider separately. So I think that's where we're basically at.

LORI SCHULMAN: Okay, I will private message you and we can follow up, if you don't mind. It would help me get this done more quickly.

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MARIKA KONINGS:            Yeah.

LORI SCHULMAN:            That would be great. Thank you.

MARIKA KONINGS:            Sure. No problem at all. So I don't have anything further and Michael and if there's anything you want to further discuss or anyone else has any other items. Otherwise I think we can wrap up.

MICHAEL PALAGE:            I'll give everybody 30 minutes back in their day and we will convene. So just to be clear we, as an entire group, will be reconvening next week to share the work of the small team with the entire group, correct?

MARIKA KONINGS:            Yes, correct.

MICHAEL PALAGE:            Perfect. All right. With that, Terri you can stop the recording. Have a great day, everyone.

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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]**