
ICANN Transcription

Registration Data Accuracy Scoping Team

Thursday, 26 May 2022 at 14:00 UTC

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TERRI AGNEW:

Good morning, good afternoon, and good evening. Welcome to the Registration Data Accuracy Scoping Team taking place on Thursday the 26th of May 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 telephone, could you please identify yourselves now? Hearing no one, we do have apologies from Lori Schulman, Sarah Wyld, Sophie Hey, Brian Gutterman, Steve Crocker, [inaudible]. If you do need assistance, please email the GNSO secretariat. All members will be promoted to panelists for today's call. Please remember to change your chat to everyone.

Alternates not replacing [inaudible] three Zs at the beginning of your name and the end in parenthesis the word alternate, which means you are automatically pushed to the end of the queue.

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[inaudible] the Wiki space. Recordings will be posted to the Wiki space shortly after the end of the call. Please remember to state your name before speaking. As a reminder, those who take part in ICANN multi-stakeholder process are to comply with the expected standards of behavior. With this, I'll turn it back over to our chair, Michael Palage. Please begin.

MICHAEL PALAGE:

Thank you, Terri. Hello, everyone. Let me just give a quick update, and then we could jump into our material, although I do want to note we have very light attendance and a number of apologies. So that may have some impact on our work. Just as a quick update, registration has been open, but more importantly the ability to sign up for individual sessions is now available.

Too again, a friendly reminder not only do you need to register in advance of the ICANN74 meeting, you also have to sit there and register for individual sessions. There are a limited number of slots, in-person slots. So please, for those that will be attending, please make sure that you do that so you will have a seat at the table.

We will work with you to make sure that there are slots available, but, again, that's something a little different. And I just wanted to bring that to our attention as we get back to hybrid, in-person meetings, which is a good thing.

So what I want to do is I want to... Well, before I start with agenda item number two, is there any other proposed changes,

comments, questions, concerns from the team before we jump in? Seeing none, let's jump in.

So if we can pull up the document with regard to feedback from Amy regarding the outreach from the ICANN board to the commission and European Data Protection Board. Sorry, did not have coffee today. So my concern here is, if we scroll down to the bottom, Terri, or Barry, whoever's driving, it does not appear that...

If we got to the document, I do not believe there have been any additional comments added from last week, if we could go to that, if I'm correct. So what happened is we have Sarah, we have Alan, we have Becky, and then Volker. So I'm concerned, and I... Well, Stephanie also did provide some comments.

So there is still no feedback from the GAC, the IPC, the BC. Yes, and I'm concerned. And the reason that I'm concerned about this is in my opinion, this is probably one of the most important things that we as a group have been asked to consider during our deliberations. I think as Thomas had suggested last week, previous attempts by ICANN Org to reach out to either the Belgian DPA or the European Data Protection Board have not resulted in getting actionable guidance or getting an answer that actually help move forward policy deliberations within ICANN.

So to me, I don't want to say this is ICANN Org's last chance, but at a certain point in time, you really want to make these interventions count. So it is critically important that we do everything we can to position ICANN Org for success. And I feel that we have fallen a little short. So I will stop there. Alan, you have the floor.

ALAN GREENBERG: Yeah, thank you. Just to note that I haven't done it yet, but I will be going back into this document and fleshing out the scenarios that I put in, giving a little bit more detail and some of the other things that we talked about last week that are necessary if we are to expect to successful interaction with the Data Protection Board. So, hopefully, I'll do it in the next couple of days, but I haven't had a chance yet. Thank you.

MICHAEL PALAGE: Thank you, Alan. So that is helpful. So originally, and I want to be mindful, and Amy, thank you for joining today and for your outreach and engagement to date. So here is my question, if you will, a trial balloon to run it up the flagpole. Originally, the original date I think was the 23rd. We extended it to May 27th, which was tomorrow. Assuming, Alan, that you need a couple days, do we extend it another week?

But then, if we extend it another week, that's in the middle of ICANN prep. And then, there will be those that will be then preparing to travel to go to The Hague. So here is my suggestion or proposal. And let me run it up the flagpole. Right now, we will be meeting in person in The Hague.

I truly believe that this is of such importance that allowing ICANN Org to move forward without a full and proper vetting not only by this group but I think the larger ICANN community would be short-sighted. So what I would propose is do we dedicate the entire

Hague meeting to this proposed communication? And so that's what I'm proposing. And Alan, is that a new hand or an old hand?

ALAN GREENBERG: That's a new hand.

MICHAEL PALAGE: Okay. Alan.

ALAN GREENBERG: All right. I would not support what you're proposing, and I'll give you two reasons why. Number one, whatever we're going to talk about, as we discussed last week, this is not something the ICANN's going to fire off to the Data Protection Board in the next two weeks.

If they're going to get an answer, they're going to have to do a lot of homework, including impact analysis and/or controller agreements and things like that, which are just not, we're not there yet. So yes, we can frame out what kind of questions we want to ask, but we're not in a position to do that asking at this point. So I don't think the timing is all that critical on it. That's number one.

Number two, our charter has a bunch of questions in it, which we have...we're floundering back and forth, things related to what kind of accuracy are we really looking for in the future. We spent an inordinate amount of time debating what the RAA says now. But we've rarely had the kind of discussion that we need.

And a face-to-face meeting may be an opportunity to make a little bit of advancement on those things, despite the people who won't be there, and I'm one of them. But we may be able to advance somewhat in the first face-to-face meeting in over two years and certainly the first this group has had. So I think we should take a bite into some of the more difficult questions at this face-to-face meeting and not spend it on this particular item alone. Thank you.

MICHAEL PALAGE:

So do we note it... So let me ask Amy, as well as Becky, who is on the phone. What is the proposed timing? Last week, I think, Amy, you shared that ICANN would be preparing a data privacy impact assessment. Could either you or Becky provide any timing on when this communication or outreach was intended to be sent? Are we talking days, weeks, months? What is the proposed timeline or window that we're looking at?

BECKY BURR:

Hi, this is Becky. I don't actually know how to raise my hand on the telephone. But I can just repeat we had this conversation with the GAC earlier this week. And I can let you know what Göran said at that time. For a variety of reasons, the instructions are still that ICANN needs to work through the Belgian Data Protection Authority and the European Commission. And I think the plans were to start those conversations quite soon.

But that does not mean that there has to be a completed letter or DPIA or any of those things. So I think the timing is we want to get started on it soon, shortly, as soon as possible. But there is, as

Alan says, going to be some preparatory work that has to be done along the way. And Amy, correct me if I misquoted Göran on that.

MAY BIVINS:

Yeah, this is Amy. And Becky, I think that you're absolutely right on that. We do want to get this moving, but a few weeks more, if the team needs more time to provide input, of course, we want to wait and see what your team has to say about this process too. We are going to have to do a significant amount of work before we'll be able to engage in a substantive, deep discussion about these scenarios obviously. So it's not going to be in the next week or two. We have some time.

MICHAEL PALAGE:

So Alan, so that was a good exchange. Let me go back to your comment about making the most constructive use of some face-to-face time for the first time in two years. The one issue that I think we've struggled with is what does accuracy mean? Because if we in this group have not come up with an understanding of what accuracy is, perhaps that may be one of the most important things that we as a group could opine not only to ICANN but also to the European Data Protection Board.

And the reason I say this is I know... And I see Alan Woods here, so I know he could speak to this, I know in the EPDP there was a deep dive discussion on what accuracy means within the GDPR and who does that really inure to the benefit of. And I think the Bird & Bird memos really looked at it from the perspective of the registrant or the data subject in that scenario.

But here, we're talking about references in a bilateral contract. So I think that is something... I guess that's my question to you. Do you think trying to wrap our arms around that term would be something that would be useful not only within the context of our charter but also within this broader European Data Protection Board, European Commission outreach? Thoughts, comments on that, Alan?

ALAN GREENBERG: I am not quite sure I understand the answer. I'm sorry. Yeah, I've missed something there.

MICHAEL PALAGE: So let me start again. So the question I was asking was in your statement, you said, "Let's make use of our first face-to-face time to tackle some of the more difficult questions we've been trying to wrap our arms around." That was your question. And to me, one of those questions or one of those issues that we as a group have not reached consensus on is what does the term accuracy even mean? We took a poll, and it was basically 50/50.

So to me, an accuracy scoping group where the group itself does not even have consensus on what the term accuracy means is potentially problematic. And if we as a group can't understand what accuracy means, how can we sit there or how will the European Data Protection Board or ICANN be able to communicate that if we don't know what it means, we should help provide some insight on what we think it means.

ALAN GREENBERG: I don't think you're asking the right question.

MICHAEL PALAGE: Okay. Tell me what it is.

ALAN GREENBERG: I don't think we need to know what accuracy means. I think we need to know what levels of accuracy, and we have talked a lot about that, are necessary for the various elements within the RDDs.

MICHAEL PALAGE: Well, I would submit to you...

ALAN GREENBERG: That's a different question in my mind.

MICHAEL PALAGE: Okay. So I think in how you answered that question you've already given your answer to the definition. Because remember the definition of accuracy was it's... The two definitions that we had were accuracy is a binary. It's either accurate or inaccurate, or there is a degree of accuracy. So to your point there of what level of accuracy, suggest that... How you answered your question suggests that it is a degree, not a degree measured against a benchmark.

ALAN GREENBERG: And that is what I answered when that question was asked, and I thought the majority of people did also.

MICHAEL PALAGE: Okay. So Beth, you have your hand up.

BETH BACON: Well, a lot has happened since I put my hand up. So to answer or respond to the original I guess line of questioning that you opened this with, I don't think that we need to or should be dedicating a whole day to the discussion of the scenarios that we received from ICANN. I think that we were pretty clear on the last call.

We can certainly and should support ICANN in this work, but it is their work. And I think that we have compiled some comments and judgments saying that these scenarios seem to be more relevant to personal data. We support you pursuing those and fleshing those out.

I don't know that it is within the scope of this group to do that work, the fleshing it all out. I think that ICANN knows what it's doing. They have delightful, smart, wonderful humans like Amy working on this stuff.

And I think secondly, we haven't actually seen an DPIA or gotten that request. So there's nothing there for us to do yet. So I think we can certainly... I don't think anyone's traveling to The Hague by June 2nd, which I guess is next week. June, oh my God. So I think that if folks need more time, a few more days isn't going to hurt anybody to work on our pretty general comments of we support

your work. These are the ones that we think will garner helpful information to ICANN as well as the future work of this team.

I do want to comment also, now that there has been some more conversation, with regards to the definition. We already have a draft of our report. And there was some really... I thought the staff did a wonderful job capturing our discussions. There's a lovely capture of I think one of the few things that this group actually agreed upon, which is the language of the current description.

And we noted that there was no definition, but there is a description of the state of where we are. And what we need to do is then go and figure out how to find the data that we need to do our next steps. And that seems to be where we are with the group. But it sounds like, Michael, you want to go in a different direction and restart or redo this work that we've already agreed on.

And I think that perhaps that is, again, maybe steps three and four once we can have some data showing more of the landscape. Hence, our work on the proposals that we spent so much good time on and people have spent a lot of brain power on. And I think we need to kind of stick with what we have before we start redoing our work or starting other stuff. But I'll stop there and let someone else chat.

MICHAEL PALAGE:

So I'm not proposing to redo work but I... So let's pull up the definition. Could we make that a little bigger? And we don't have Steve or Melina and some of the others that have raised

concerns. So let's go into this. So when we talk about... So again, instead of... Let's read through this, the current description, right?

So when we talk about description, we're describing that in the context of what appears in the contract. Correct? Right? It refers to the current description of how existing requirements are understood and enforced. A working definition would create the impression that there is flexibility in relation to how existing accuracy requirements are understood and enforced and which may not be the case.

And then, let's see, the scoping team... So how do you...? So let me ask you this question, Beth. Did you answer the original, that survey? Did you answer that? Can we pull up...?

BETH BACON: I'm sorry. The survey that came out that we did previously that the registries...?

MICHAEL PALAGE: Correct.

BETH BACON: Yes, the registries responded.

MICHAEL PALAGE: And how did the...? What was...? Could you remind me?

BETH BACON: Actually, I do not remember because it was so long ago.

MICHAEL PALAGE: Okay. Good. So then I don't feel bad that I did not recall how you answered. So how do you define accuracy? Do you believe it is a binary, or do you believe it is a range?

BETH BACON: So, Michael, I think that you're putting me on a spot right now as a registry representative, and that's inappropriate. Second of all, I think that my comment previously was that it looks and from our capture of the conversation here in this document we decided that not only could we maybe not determine a definition, but we felt that this was a better starting point than a definition because what we're doing is trying to figure out what are the requirements now for accuracy, and is there a gap?

And so what we're trying to do is fine a baseline and then figure out if we can figure out if there is a gap. But this was the baseline we decided on. So I know that the scope and charter says the definition. But I do think that in this case, this is serving that purpose. And what we need to do is then move to solutions so that we can have that data and information we need for three and four.

So we can work on this again, and I can go back to my registry colleagues, but I'm not going to answer for the registry with regards to a definition right now. Thank you.

MICHAEL PALAGE: Well, I'm not putting you on the spot. We're trying to have a dialogue, right? We're trying to have a discussion here. Roger, you have the floor.

ROGER CARNEY: Thanks, Michael. I didn't know of Caitlin had anything. Her hand was up before mine.

MICHAEL PALAGE: Caitlin, would you like to go?

CAITLIN TUBERGEN: Thanks, Michael. I was just going to note that following on Beth's comments, it seems that the group, based on the comments to the right in the document that Barry's displaying, is almost there in terms of the current description of accuracy.

We have a couple of comments to go through to see if the group can reach agreement because there's a few disagreements here. And I'm happy to take the group through that, but I noticed there are some additional hands. So I will defer to others. But certainly, we can go through some of the comments and get a description shored up in the writeup.

MICHAEL PALAGE: So what we will do... Let's do that. So Roger, Alan, and then we will walk through seeing if we could resolve this, although part of my concern here is as I look through the screen right now,

Thomas Rickert not on the call. Sarah Wyld not on the call. Melina Stroungi not on the call. Marika not on.

So my concern here is, as I noted at the top, A, we are a little light in attendance today, which is understandable. Two, it's disappointing that no one took the time to add to this document. So given what we have, we'll walk through it, and we will try to see if we can make some progress. Roger, you have the floor.

ROGER CARNEY:

Thanks, Michael. Thanks, Caitlin. This is Roger. Again, I was probably going to go to the same spot Caitlin was and just remind people that Manju provided a definition quite a while ago that the registrars definitely supported. And I think the registries had support for it as well and not exact, whatever, but it had support in the direction Manju was going with that.

And, again, she added that to the document previous to this document and then added it to this document as well. And, again, you can see that Sarah commented in support of it. So I was just going to remind people of that suggestion and to take a look at it and see if we can coalesce around that. Thanks, Michael.

MICHAEL PALAGE:

Alan.

ALAN GREENBERG:

Thank you. These queues end up being long enough that by the time I get up what I was going to say is perhaps not the topic we're

talking about anymore. But I'll say what I was going to say anyway just to put it on the table. The concept of accuracy in my mind very much depends on what level of accuracy are we willing to require based on the reality of there are costs associated with this. There are difficulties. There are uncertainties.

Now, I'll give an example, and I'm not proposing it, and I don't want to have to have a debate on the merits. But as an example of a change that we might make in the future is instead of registrars having to verify one of two fields, they might be required to verify all of the fields that they have.

So, again, I don't want to debate the merits, and I'm not even advocating it. I'm just giving an example of a different level of accuracy than we currently have in the RAA, which we might decide is worthy of merit. That's why I put my hand up. Thank you. As I said, it's an example and I don't want to debate it.

MICHAEL PALAGE:

We don't have debates. We just have informed, constructive dialogue. And what we're going to do now is Caitlin, if you want to start walking through the comments. And again, we are missing a number of people, but let's try to have those discussions. Alan Woods before. Go ahead.

ALAN WOODS:

And thank you very much. Obviously, I'm the ultimate for the registry stakeholder group. So I try to defer to my colleagues more. But as an alternate, I didn't feel like... Maybe it's not a point in order but if people are not available to attend, that's why there

are alternates on this call. And I've seen the chat that Kenneth from the GAC has said that he's prepared to respond to the GAC as best as he can. Owen is saying that he's on behalf of another person who was not able to attend.

So I understand that you want to make sure that people who have made comments can give their comments. But there is a timeline here. And that is the whole reason for us having alternates here. So I would urge people to consider that the representation remains here. It might not be the same people, but the representation is here. And we're going to be willing to move this forward. So thank you.

MICHAEL PALAGE:

There we go. So yes, we will sit there and move forward. And Kenneth can speak to the GAC. I'm sure he, Melina, and Velimira have been in contact. So I have no problem with moving forward. Let's. Shall we? Caitlin, do you want to start walking through?

CAITLIN TUBERGEN:

Sure. Thank you, Michael. So on the right hand of the screen, you can see the comments where we stopped last week. From Manju's second comment, which starts with also providing the text we discussed, the accuracy scoping team confirmed that they understand accuracy to generally refer whether something is true, correct ... Underneath that, we have agreement on this proposal from Thomas and Sarah. Melina is not comfortable with this addition. And so, Kenneth, if you perhaps would like to speak to that or propose alternate text that could be acceptable to the GAC

or for that matter any others that have concerns with Manju's proposed text, please go ahead and speak that so we can resolve this portion. Thank you.

KENNETH MERRILL: Yeah. So I think I'm not going to provide alternate text at the moment, but I can do my best to explain certainly where the GAC stands here, which is that, unfortunately, we can't reach agreement on Manju's suggestion here.

And we think that it's probably best to keep this to describing the current contractual and enforcement requirements to create a solid baseline that provides a good foundation for the future assignments. And so, unfortunately, I just think that that's sort of the state of play within the GAC right now and yeah, I'm happy to continue to discuss it.

CAITLIN TUBERGEN: Thank you, Kenneth. It would be helpful if the GAC does have proposed text if they could provide that so that the group can react to it because it seems that there is some coalescing around the text that Manju provided. But I see Stephanie in the queue. Please go ahead, Stephanie.

STEPHANIE PERRIN: I think it's... Apologies for the construction noises in the background here. And, of course, now the dogs are going to help out. It never fails. I like Manju's text, obviously. But I do think that if we are not in agreement and this is the best we can do that we

owe it to further people reading this document later to lay out the discussion that we're having and the different opinions because this is not a foundation to build on by building in more accuracy.

As I think I've said many times, you have to keep in mind the purpose of the collection when you're defining accuracy in data protection terms. And we want to make sure that people understand that as per the contract, this is as accurate as the data needs to be for the purpose for which we, the controllers, and I'm speaking in the [inaudible] for the contracted parties, are using the data. Thanks.

MICHAEL PALAGE: Thanks, Stephanie. Kenneth, is there anything that we can perhaps provide, additional input, insight, that you think might be able to convince or just the concerns of the GAC on this wording, since there seems to be growing consensus within the group? Any way to bridge that gap do you think?

KENNETH MERRILL: Well, so I'm curious if Manju... I think you said Thomas is not on the call, and I know Sarah's not on the call. But it might be helpful just for me personally speaking for someone to sort of describe in plain terms what the gap is there and how we think it might be bridged.

MICHAEL PALAGE: So is Manju on today? I don't see him. Okay.

MANJU CHEN: Yeah, I'm here but I'm sorry, I didn't understand what I was asked to do. Can you please just repeat? Sorry.

MICHAEL PALAGE: Kenneth, can you perhaps...? Thank you.

KENNETH MERRILL: Yeah, I'm happy to. So yes, just if you could sort of walk me through what the proposal is here and what the gap is between your suggestion and the GAC's as written here, as you understand it. That would help me understand where there might be room for us to reach some consensus here. Did that help?

MANJU CHEN: Yeah. Yeah. So I'm going to try my best. So what I proposed I think you can read in the document. It's actually a slight modification of what Registries Stakeholder Group has suggested. And so we're basically suggesting that there is this kind of general concept of what accuracy is. And then, there is another concept of what accuracy of registration data is.

And I think that one Melina is not agreeing is actually the latter part, which is the accuracy of registration data. And she doesn't think that it should be defined as a degree of currentness. But according to the contract, according to the agreement, it's definitely, well, that's what we understand it because it has to be

measured against a specified standard. And that would be not the same as what we generally understand as accuracy.

And I think Thomas and Sarah, we agree that there needs to be a distinction between this kind of general understanding and what really accuracy of registration data is. But I guess that's... The latter one is what Melina is not agreeing with if that helps. Sorry.

MICHAEL PALAGE: Was that helpful, Kenneth?

KENNETH MERRILL: It was but I see Roger and Alan have their hands up. So I'll get it in the queue.

MICHAEL PALAGE: Okay. Hold on here. Let me get to the hand raises. Okay. Roger, you have the floor.

ROGER CARNEY: Thanks, Michael. I think it's interesting when we look at our assignment and what we've provided here. It seems like everybody agrees here what's written in the document, not the comments. I'm specifically talking about what's in the document. It seems like everybody kind of agreed that that's basically what's in our contracts and how it's enforced.

And when we look at our assignment, it was said is there a current definition? And I think everybody's agreeing that there is no such

thing as a current definition of registration data accuracy. I think maybe there's a thousand different definitions, but there's not a definition that the assignment asked us to look for.

And then, the next part of the assignment was if that, is there a working definition that could be used to continue the discussion? And I think that the thing is what we have in the document is all the requirements that should bubble up to support a definition, but there is no definition there.

So to Ken's point, I think the big gap here is that we have great requirements that they're followed. And again, maybe people don't know that that happens, but it does happen. All the registrars and registries follow the requirements here that are listed.

But I think it's the point of what is the issue is, and that definition is really truly the gap that exists is there's no gap that these requirements are feeding into that says, "Okay. All these requirements actually do achieve that definition," or, "They fall short of that definition. So we need to add other requirements or whatever it is." And to me, that big gap is that definition. And I think that [inaudible] provides a good working definition to continue this discussion on. Thanks.

MICHAEL PALAGE: Alan, you have the floor.

ALAN GREENBERG: Thank you very much. I hadn't commented on the definition, but I'll try to now. My problem with it is it starts off by using terms which,

in general use of the English language, are absolute terms, true, correct, free. If we say something is free from PCBs, we assume there are no PCBs in it. If something is true, it's not false. So those are rather absolute terms.

But then goes on to say correctness, which is one of the terms used, is subject to here on specific standard. So that says but there is flexibility, depending on what the standard is. So saying that it depends on the standard we're using, but we're not talking about the standard in this particular document, makes it easy to accept the definition.

In this case though, there seems to be a contradiction of first specifying absolutes and then saying but there is a variable standard associated with the correctness. And I'm not quite sure how I rationalize that. Thank you.

MICHAEL PALAGE:

So if I can before turning it back to you, Kenneth, let me try to perhaps thread the needle and tee this up as the chair as to the different competing views that I see before the group. So on a personal level, I myself find myself aligned with Manju's proposed definition.

It actually makes me feel good that that half-a-day I spent in the library going through multiple dictionaries looking at the term accuracy has helped move forward in this area. So here is the challenge, Kenneth, and it is, unfortunately, that we don't have either Velimira or Melina on the phone with us today. But I think it actually goes to the comments that Alan just made.

So in the lead up to the dialogue regarding Article 23 in NIS2, the wording, I believe, talked about complete and accurate. And then, there was a proposed markup to include the word verify. So to go to Alan's point, if something is complete and accurate, do you really need to verify? And it is that confusion as to I think what is going on here. And that is what, I think, we're struggling with.

The reason why I personally find no problem with the degree of accuracy and how I can reconcile the concerns that Alan has raised is I look to the identity space. So in the U.S., we have the NIST requirements. And under NIST, under the identity assurance levels, there's three different levels, IAL 1, 2, and 3. You have been identity proofed, but to what degree have you been identity proofed? That actually corresponds quite well, as well, to the European eIDAS where there's low, substantial and high.

So to me, I think complete and accurate or using the terms true, complete, and free of error, I think that scales and that is how I personally am able to reconcile that. And, again, if Melina or Velimira were here, I would be asking them the questions of, again, eIDAS has low, substantial, high, NIST IAL 1, 2, 3. So to me, those definitions kind of support a degree or range.

And this, again, goes back to the question that I think Alan raised. Does it mean one or two verifying other things? But I'll stop there. So does that help, Kenneth, you? Again, that's my perspective as chair trying to reconcile what I know, what I've heard, and how I'm trying to bring the group forward to consensus. Did that help? Do you think that will help if you were to take that back to the GAC to maybe address some of their concerns to bridge the gap?

KENNETH MERRILL: Yeah, yeah. I get it, and I am genuinely trying to sort of off the top of my head here think of some text that might thread the needle here. But I'm also trying to fairly represent the variety of sort of thinking on this within the GAC. And so I don't feel comfortable saying yey or nay to this right now.

I think maybe I'll defer to or I see some other people are getting in the queue. I am sort of working on some text right now here in front of me on my legal pad. And maybe others have sort of variations on this that might get us there. But I also, Michael, am not wanting to drag the group down today on this. But I do understand and will certainly take this back to the GAC because I think it's closer than it appears at least from my point of view.

MICHAEL PALAGE: I appreciate that, Kenneth. And again, I'm not here to put anyone on the spot. I'm just kind of here to foster a dialogue to move the group forward. So I appreciate that and understand that you will probably need to take your proposed text and share it with your colleagues before probably sharing it more broadly with the group. So I appreciate that. Susan, I see you have your hand up. You have the floor.

SUSAN KAWAGUCHI: Thanks, Michael. And I have been derelict in my duties and will put comments in soon on all the documents. I am close to agreeing to this, to Manju's definition, but to sort of one very

critical comment and then just sort of a question in definition needed I think is what is a specified standard?

If someone was trying to implement this where... And maybe this has been discussed and I missed it because I was on vacation and missed a couple meetings. But what is the specified standard? I think that would have to be fleshed out.

The most critical for the BC, and this definition would not serve well for what the BC is probably most concerned about with accuracy is that yeah, you can look at a registration and go, "Yep, this is an entity. I've seen this before. I can validate this entity over here, and I can validate their address over there. And the email address has been validated by the registrar, but only the email address is valid and accurate for that specific registrant."

So we're totally missing the scenario that the BC is extremely concerned about is basically identity theft. Using a third party's data, is this data accurate for that specific registrant is the question that BC would like to answer in making a decision if registrant data is accurate. And that's what I see the most.

Now, I see a small subset of all WHOIS registrations. But I see the enforcement targets for major brands, not just Facebook, but major brands across the internet. And it's routinely that the data entered in by the registrant most likely does not belong to that data, is not accurate for that registrant. So I will put a comment in to reflect the BC's stance on that. But I think unless we can include language that indicates that it is accurate for that registrant, then this is not a fully fleshed out accuracy description for me or a working definition even.

MICHAEL PALAGE: No, and I appreciate that, Susan. And to go back to that and how I would try to reconcile that is if you look at NIST, identity assurance level one that's basically, if you will, self-attestation. So if someone was to say, "Here's my email. Here's my phone number," and let's just suppose they were both operationally tested, under NIST, that would meet identity assurance level one.

So, again, that could be viewed as complete and accurate for purposes of IL one. That would not, however, rise to the level of IL two where you are actually binding that email and phone to the actual individual where there is some level of authentication. And again, this is one of the things that's unique about the eIDAS approach where they bind both identity assurance level and authorization together whereas NIST splits those two things together.

So I think that is where the BC may have a disagreement on what that identity assurance level is or what that authentication level is of the binding of the data to the registrant. And what I'm trying to do here is I can respect that the BC may disagree on that. But as far as trying to come up... Getting back to our charter with what we are tasked with, I think this definition will encompass your concerns. You may not like it, but the outcome of it or how that definition is applied, but that would be my feedback. Roger, I see you have your hand up.

ROGER CARNEY:

Thanks, Michael. I actually raised my hand to respond to a few things that Alan said. But I think Susan kind of tied some of that together. I think that her concern, and I think Alan had the same concern, about what the standard is in Manju's proposed definition, and I agree. I think that that's something that would need to be fleshed out some.

But one of the things Susan mentions, and I think, Michael, you kind of tagged along with that, I don't think that's for assignments one and two. I think that's for later assignments. I think that's what people want it to look like, not what it is. And I think that that's one of the important things.

And one of the other things Susan mentioned was something about validated, but the email is verified. The other data is validated, and just to be clear on the terminology. But two things on what Alan said. And I don't know if that's where Alan's struggling. But I had a problem when I read Manju's suggestion the first, I don't know, the first 20 times I read it, I wasn't separating the first part from the second part.

And I think Melina kind of grabbed onto the second part. But I think that that first, I think if you basically make two sentences out of it instead of one long sentence and just saying, "Accuracy is generally blah, blah, blah," but then in that idea and then move onto the idea of registration data accuracy is being defined. Separate the first part and second part of that suggestion there.

And I think it reads a lot easier and makes a little more sense in that really the first part of the sentence is just narrative where the second part is actually the working concept because this working

group or this scoping team is not charged with defining what accuracy is. It's defining what accuracy is according to [inaudible]. So general accuracy, we don't have to define that.

And Michael, you found numerous different ways to describe it. But this group is tasked with registration data accuracy. And to Alan's point, that the standard I think is... I like this wording but I think that, obviously, there's another step after this that gets to okay, what is the degree, and what is that standard? And I think that that's probably the harder part. And I think that's probably the bigger part that changes from today to what people are suggesting for it to look like tomorrow. The registration data, all these fields, even back when they were originally [inaudible], obviously, were created for contactability.

And I would argue that's probably the standard that we're looking at is the contactability is this information contactable? And I think Susan's mentioning is it actually the person? I don't think that that's what it means today. I think that's what people want it to be tomorrow and again, what assignments three and four are for.

Hopefully, that helps. And again, that was just kind of my thought process as I went through it. And maybe that doesn't help Alan because he understood it that way or not. But that's just my thought process. Thanks.

MICHAEL PALAGE:

Thanks, Roger. So I just looked in the chat. We have a number of people that are going to be dropping off at the top of the hour, which means we're probably going to be dipping to, if you will, an

unsustainable level of participation. But I do want to get through everyone in the queue.

And if I could, Susan, before you drop, would it be fair...? Perhaps if you could engage with the BC to see whether this definition provides both a current versus future state while addressing your concerns. So could you sit there and say, "This is something we can live with. But the BC notes that under the specified standard as applied today, we find unacceptable for these reasons?"

Because I think what I really like about this definition is this specified standard gives us the flexibility to apply it to today's contractual arrangement but has the flexibility to scale going forward. And specifically, what will be interesting is once the final text of NIST Article 23 is made available, then that needs to be transposed into individual member state law.

I think as that happens what that specified standard is will become clearer through best practices among other registration authorities in the community. And that will perhaps drive and inform the discussions. So instead of us trying to come up with something rigid, I'd like a definition that provides us the flexibility to grow and evolve over time. My personal comments on that. So again, I just want to go through the last here. Stephanie, you have the floor.

STEPHANIE PERRIN: Thanks very much. As I said, I think it's important in this report that we flesh out all the perspectives of the various players because they are, in some cases, diametrically opposed. I understand why the BC might want verified data. But forcing registrants to do more

than is necessary for the purposes of registration, in other words, you don't need verified data for the registration. You need verified contactability, which is not the same.

So it potentially violates the data protection law. And it also introduces an element of risk because a large collection of verified data is a much more attractive target. We would have to ensure that the security is good. And we have no metrics at all on the actual success of our access to information requests that are going to be made.

In other words, we do not know yet whether we will be in compliance with law or if some of the registrars will just throw up their hands and release data willy nilly to any requestor, which then puts us in the potential of having identity theft because they'll be getting verified data. So that's a perspective that I believe the NCSG supports. And we would like to write that up and include it. Thanks. Bye.

MICHAEL PALAGE: Thank you, Stephanie. I look forward to seeing that in the write-up. That would be helpful. Kenneth, you are next in the queue.

KENNETH MERRILL: Yeah. So I wanted to follow on Roger's comment that I do think it reads better to split the sentence up into two. I think it's clearer for the reader that it's reflective of sort of the totality of understandings here. And then, I guess I have a question, and I know we're reaching a point here which we might not have enough people to proceed.

But the second sentence there, is that reflecting what is in the registrar contracts or just... And apologies for my naivety on this. I'm fairly new to the group so still looking to wrap my head around everything. But it would just help me sort of understand what the providence of that...what is animating that second sentence, which I think is the point of friction for some members of the GAC. Thank you.

MICHAEL PALAGE:

I will let Manju speak that. But I believe that those were some of the definitions that I pulled from a number of dictionaries in trying to define the term accuracy. And the reason I did that, Kenneth, was I literally went to the California Statutes that talk about in a contract dispute, how one goes about interpreting the language, plain meaning. So I said, "Let's just go to the dictionary." So that is, I think, some of my... That was some of the research I did. I do not want to speak for Manju. So Manju, could you perhaps speak to the source of where you authored your text?

MANJU CHEN:

Like I said, it's actually from what Registries Stakeholder Group—they actually suggested this text in their write up of I don't remember what, like a working definition or something. So, actually, but then we had questions of—several, because they didn't have generally referred to or something. So we simply added generally referred to whether something is true, correct, and free.

And I believe this actually—and I'm not putting anyone on the spot. But this was actually added by Sophie. Is it Sophie from Registries Stakeholder Group? And I really just simply added a few words. So this is actually not my original idea. And I'm appreciating everybody saying it's fine. But it's actually from the Registries Stakeholder Group. So yeah. Thanks.

MICHAEL PALAGE: Okay. As we more through to wrap things up, Alan, would you like to speak?

ALAN GREENBERG: Yeah. Thank you. Yeah, breaking it up in two sentences would help a little bit. But I think the second sentence has to be clear that it is modifying the first sentence because the words used in the first sentence are, as I said, absolute terms whereas we're now saying but. Exactly how we interpret the words true, accurate, correct will be defined on the standard.

And, of course, the standard, it all will rest on the standard at that. And right now, our definition of accuracy is really a definition of a process to which we can then affix the label of accuracy, which is not quite the same as the data itself.

MICHAEL PALAGE: Thank you, Alan. Scott Austin, you have the floor.

SCOTT AUSTIN: Thank you, Michael. Can you hear me?

MICHAEL PALAGE: I can hear you loud and clear.

SCOTT AUSTIN: Okay. Great. First of all, I'll make the same apology that Susan did earlier about not having been here for several meetings because of travel and a death in the family. But I am, in looking and hearing what Susan said earlier, I think the IPC would be in total agreement with the aspirational aspects of it. As far as what we currently are dealing with, I hear Alan's comments, and I support those comments. I think he's correct that there is a distinction between the absolute terms being offered and then some that equivocate or are in need of a standard.

But the main point I wanted to make is we talk about validation and verification all the time. I don't believe those terms are specifically defined. They're in a sense defined by process in the agreement. Terms like illegality are specifically defined. But I question whether we need to at least incorporate into the definition some link or reference to how those are applied or how they are defined in use because, again, you brought up another term, authentication.

And these, sometimes, are in the eye of the beholder. In fact, I've seen documents going back to 2003 and 2004 where they were used in the exact opposite, and I'm talking about validation and verification meaning the exact opposite in terms of the way they're being used now. So I guess my question is, is it possible that those terms could somehow either be verified through a specific

reference to the process in the specification or independently defined somewhere?

MICHAEL PALAGE: Thank you, Scott. Beth, I think I'm going to allow you to have the last word. Yes, I will let you have the last word. And I will just do a quick administrative wrap-up afterwards.

BETH BACON: Thank you. This is always letting me cap it off a bad choice, guys. Just kidding. So I really appreciate this discussion. And I think it's been very helpful to hear everyone's views on Manju's comment. I am pretty sure, I'm doubling-checking with Sophie but she is on vacation today, and everyone gets vacation.

But I think that[—she called that that] was part of the language that we had originally drafted it form the registries for the description and just [inaudible]. So I don't believe it's pulled directly from the agreements, but I am double-checking for that. So, Kenneth, we can get back to you on that from the registry side. And I see Caitlin's commenting as well.

But for Scott's question for validation verification, if we do include those terms, could we not also simply just say, "The group operated with this understanding of definitions for these two terms. And that is how we are basing it for this work." I don't know that we necessarily need to cite any authoritative source other than, "This is how we describe them and define them. This is the work we're doing."

But, again, I do appreciate everyone's input and the discussion here. It's been really helpful. I think that also we're in a good spot to say, "This is what we do. This is our starting point, our baseline."

MICHAEL PALAGE: Alan, I guess you will have the last word.

ALAN GREENBERG: Yeah, sorry. Just briefly to beat a dead horse, the terms validation and verification are the terms... We are using them in the way they are defined in the RAA. That may not be how they are generally used by the person in the street. But we are using the definitions as they were in the RAA.

Whether they were well-advised and they picked the best words or did they use them in opposite terms, regardless, how we are using them right now is how they are used in the RAA, and they are carefully defined there. So let's not debate whether they're good words. If we ever come up with a future definition of accuracy or implementation of accuracy, which is different, we'll have the opportunity of maybe changing those words. But let's not agonize over that right now. Thank you.

MICHAEL PALAGE: And with that, I will call the meeting to a close, stop the recording, and I look forward to seeing everyone next week. Please, again, engage with your respective stakeholder groups to get feedback not only on these documents, the report, but also the outreach

and the inquiry from ICANN Org/ICANN Board regarding the European Data Protection Board and Commission outreach. So with that, thank you. Stay safe, everyone.

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

[END OF TRANSCRIPTION]