
DEVAN REED:

Good morning, good afternoon, and good evening. This is Devan Reed for the recording. Welcome to the RDRS Standing Committee meeting on Monday, 11th August, 2025. Your statements of interest must be up to date. If anyone has any updates to share, please raise your hand or speak up now.

All documentation and information can be found on the wiki space. Recordings will be posted shortly after the end of the call. Please remember to state your name before speaking. And as a reminder, participation in ICANN, including this session, is governed by the ICANN Expected Standards of Behavior and the ICANN Community Anti-Harassment Policy. And we do have apologies from Thomas Rickert and Alan Greenberg. And with this, I will turn it back over to Sebastien.

SEBASTIEN DUCOS:

Thank you, Devan. And hello, everybody. Good evening here. Good afternoon or morning for you guys. This looks like the last of our calls for a little while. And after a long chain of bi-weekly and then weekly calls, as agreed and planned, I think that we're getting ready to put our document for public comments. There's still one item that we're going to look at today. And I see that some of you feel elated at the idea of spending two hours together, but we might not even have to spend two hours together. It might be a lot shorter this time. We have two hours in case, but I'm pretty sure that we're going to finish this before, which will be a shame, but anyway.

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

So we're going to have a discussion about the report and the one pending item that is on it, and I'll pass the mic on to Feodora in a minute to discuss that. After this, and for the rest of the week, we're going to open a consensus call on our good work, and particularly on the recommendations, small r. And we'll explain that process after we have the discussion.

So first the discussion, we agree what the report looks like, and then we'll put it for consensus, and I'll explain, or Feodora will explain all that, maybe even Caitlin will explain all that before we close the call. So we have two hours. Hopefully we'll need a bit less, but we'll see how we go. Feodora, do you want to take us through item 2 with the review of pending comments?

FEODORA HAMZA:

Yes, thank you, Seb. So for discussion, indeed, there is one discussion item pending. However, just to note from as outcome from the last meeting, we have made some changes to the recommendations as discussed. You can see them in, they were, yeah, in track changes. So we added the additional language regarding the next steps and the policy work, but we will--

SEBASTIEN DUCOS:

Feodora, actually no, sorry.

FEODORA HAMZA:

Sorry.

SEBASTIEN DUCOS: No, I was going to suggest to put the document in the link in the chat, but I'll do that. I will do it, so just in case somebody doesn't have it.

FEODORA HAMZA: Thank you. Thank you, Seb, much appreciated. So yes, so that has been so far resolved. And the one main pending discussion item relates to recommendation 14, the tables. I'm going to scroll down there. Just one second. I apologize for all the scrolling. I'm sorry. Here we go.

Is this because the recommendations changed? Here. So the small team had a discussion last week regarding this item. Gabe proposed some language for the rationale, but he's suggesting that we should consider putting modify here and not keep. So I have not received any further feedback on this from the standing committee. So I would hand over to Seb to discuss this one last time. So the standing committee can indicate if they agree that this should be kept or slightly modified considering the input that Gabe provided.

SEBASTIEN DUCOS: Before we open it to anybody else, Gabe, do you want to walk us through your worries about the wording and what you wanted to change exactly?

GABRIEL ANDREWS: Yeah, this is, I'm trying to recall. I had the actual links to the recommendation. I think it was 14.5.1 or 14.5.2. Can I ask, Feodora?

You were so quick last week to jump to the actual text, but this just pertains to, there was a requirement in there that there be a fee assessed for people that are signing up for accreditation. So scroll down a little bit. I want to say it was beneath that. Yeah, there we go. It was 14.5, okay. I remembered correctly the numbers.

So 14.5.1 in particular, accreditation applicants must be fees to be determined to recoup the cost of validating an application. And my concern was, as I expressed last week, that if a law enforcement umbrella agency like Interpol is trying to authenticate all of their members, we didn't want there to be language that would suggest that they must charge fees of the individual law enforcement agencies that they're helping to authenticate. Similarly, if FBI is doing this for the 18,000 or so US-based law enforcement agencies, that we're doing that public service oriented, not wanting to be compelled to charge fees for this.

I think there was a comment that was called, I want to say it was Mark. It might've been someone else that discussed, where was it? Further on that the fees may be waived or zero for certain types or categories of applicants, but that was very vague. So maybe we can just address this. If people are really opposed to saying modify, maybe we can address this as saying that we are suggesting that law enforcement, if they were to act as their own authentication mechanism or to take steps to do so, that they would be one of those categories that should not be required to charge fees for their members. Maybe that would help satisfy this, but I just really wanted to make sure that we didn't give the false impression that there would be an expectation for that sort of fee structure in the public safety context.

SEBASTIEN DUCOS: Thank you, Gabe. And I see Sarah's hand up.

SARAH WYLD: Hello, friends, Happy Monday. This is Sarah. I am open to the accreditation related fees being modified. That seems not unreasonable. If that is what we are proposing, I just want to see that really clear in the text in the report. So, I have proposed language. Here it is in the chat. The Standing Committee notes that the considerations in REC 14.5 relating to the accreditation framework may need to be adjusted depending on specifics determined by the accreditation provider. That's my suggestion for what to include in that box. Thank you.

SEBASTIEN DUCOS: Any comments on this? I see Gabe thinking, thinking. Yeah, go ahead.

GABRIEL ANDREWS: Sarah, would you be opposed to even making it more explicit, like tacking on a, for example, public safety agencies serving us as authentication providers for their constituent members or something like that, just to make it clear that we're contemplating that as part of this text?

SARAH WYLD: Hi, this is Sarah. I am not opposed to that. I don't think it's necessary.

GABRIEL ANDREWS: Copy. My only concern is that this is, unless you're on this call, like being on this call and in this conversation, I think we all get it. I just don't think that other readers not on this call will understand why this is being mentioned without something very clear and real world to put in front of their face. But that's just maybe my general cynicism showing through.

SEBASTIEN DUCOS: Seeing no further hands. So, this is my personal—Farzaneh, go ahead first.

FARZANEH BADII: So Seb, can you give us two minutes to kind of digest what's [CROSSTALK]?

SEBASTIEN DUCOS: Sure, sure, absolutely.

FARZANEH BADII: So, what Sarah suggested text, where is this? Sorry.

SEBASTIEN DUCOS: It's the text that is five bubbles up where it starts, The standing committee... it's been recopied pasted.

FARZANEH BADII:

Oh yeah, okay. So it may need to be adjusted depending on specifics determined by the accreditation provider. This is not the cause I'm going to die in a ditch for, but the rationale for considering a fee that the requester has to pay was to also, like in other areas, but I think like in this area as well, is to also prevent frivolous requests. So, complete requests, it was to incentivize complete requests to be something so that the requester bears the cost. So, it wasn't just the cost of like SSAD and who's paying the cost of SSAD.

So I don't think that, like, we have to add something, if we can, we have to add something that, okay, so, in particular, the SC notes a primary cost driver of the SSAD pertain to the expense of requester authentication, and that cost is being reduced by these other alternatives that we have. So yes, that's good, but that's not the only reason why we want to charge the requester. We want to charge the requester to prevent frivolous requests as well. So, I just want to point that out. I just don't think that we need that example there.

SEBASTIEN DUCOS:

Correct me if I'm wrong, but this is specifically about the cost of accreditation, not of requesting. The fact that we may say law enforcement or whatever other category, if they provide their own accreditation system, may not need to pay us or pay RDRS, doesn't impede any request-specific fees. It's only for the accreditation, right?

FARZANEH BADII:

It's only for accreditation?

SEBASTIEN DUCOS: That's how I understood that, yeah. Gabe, can you share?

GABRIEL ANDREWS: Yeah, I typed in chat, but yes, my understanding is the 14.5s are... and yeah, I think, Feodora, if you could flip back to it, we're speaking only to the 0.5 section of Recommendation 14, not the preceding points, which might have covered other things, such as per-request fees and so forth. So, the 14.5 is accreditation, yeah.

FARZANEH BADII: If you can be very clear in the rationale, I see that you've mentioned 14.5, but this financial sustainability number 14 is not just about accreditation. So, I think we should clarify that these things that we're saying is just about accreditation.

GABRIEL ANDREWS: Yeah, so the 14.5 reference that was suggested by Caitlin, I think, makes that clear, and I think both Sarah and I were happy with the text proposed by Caitlin there, which does call out 14.5 in particular.

FARZANEH BADII: Yeah, I think that it's great that you and Sarah are happy. I think my happiness should be taken into account as well. I suggest that one sentence at the beginning of the first paragraph that this rationale is

specifically about accreditation, so that we can be clear and send a clear message to the community.

GABRIEL ANDREWS: Copy that. And since we're having a conversation, I want to be clear that I am not sure that we have consensus on the notion that fees are to be levied purely to discourage frivolous requests. I don't have that same concern, and I think it's the first time I'm hearing of it. So, if that is something that needs to be teased out in a future conversation, we can, but I view cost recovery as being wholly apart from any encouragement or discouragement of requesters.

FARZANEH BADII: It's not a discouragement of requesters. It's to prevent frivolous requests. It's a very normal process that, for example, in the court system even, when one party loses, they pay all the costs of the court. It's a very standard process, and it's not to discourage. It's to prevent frivolous requests that can be filed.

GABRIEL ANDREWS: I understood that. I just don't think we have consensus on that.

SEBASTIEN DUCOS: Excuse me. Just a second. Great conversation, but I just want to make sure that at least I understand and everybody understands. We had many discussions on REC 14, and we came back to the agreement that we wouldn't touch it. The only bit that we might touch, because this

idea of accreditation by a third party that would handle their own accreditation is new. The only part is that 14.5 in relation to fees. The rest wasn't going to be touched.

There were a number of comments that were elaborated on REC 14 of the SSAD, and it was suggested, if I remember well, by Marc to go and put that in some annex for the record, because some of the points were interesting, but it wasn't part of the recommendation. Here we're talking about the recommendation itself, and I just want to make sure that we don't start re-litigating everything today.

Right now, what we're discussing is, do we put anything at all, and if we do anything about 14.5, but we're not re-litigating the rest of recommendation 14. The financial recommendation that is around the recognition stays. The next group that will reopen the policy for good may re-discuss it, but we're not litigating that today. The only thing that I'm happy to discuss is specifically to 14.5. Do we add a comment in the direction of what Gabe suggested, or do we not? Feodora, I see your hand up.

FEODORA HAMZA:

Thank you, Seb. I'm just trying to make a suggestion. I understand that in general, and that's also what the rationale provides, that the standing committee agrees that SSAD should keep the parts about self-sufficient or financially self-sufficient, but we are only discussing potential modification for 14.5, so maybe we can introduce a sentence stating exactly that, just to make it more clear that in general, the standing committee agrees that recommendation 14 should be kept as is, except

for 14.5 could benefit from some modification. So, we keep it modified, but then state clearly in another sentence that this is intended only for that section. Would that make sense?

SEBASTIEN DUCOS:

So group, for 14.5 only, are we happy to change or put a recommendation here? I see a thumb up, but I don't see the author. It was you, Gabe. Okay. And right now, the wording that we suggest is as left by Caitlin. I think it was the one that everybody agreed on. Yeah, again, Gabe. So, for Caitlin's wording, we agree to change only 14.5 of the SSAD recommendations. One, two, three. Do you need two minutes to think? I should get myself a gavel. Okay. Well, I'm seeing no objections, so we go with that, and I'll let Feodora make the changes.

FEODORA HAMZA:

Thank you, Seb. I will make the changes right after the call, if that's okay, but in essence, we're just going to add a sentence clarifying what we just said, and then we can move to the next comment or update.

SEBASTIEN DUCOS:

So, I see a question, yeah. Thank you, Gabriel. As of the ODA, and again, there's many discussions about that, and the ODA is one way of implementing the SSAD recommendation. It was about 50%. The cost of building and then operating an authentication system was about 50% of the overall cost. That's why it was significant. Good. A reference to the ODA. Is that Farzaneh?

FARZANEH BADII: I withdraw my comment. Don't worry about it, Sebastien.

SEBASTIEN DUCOS: Okay, thank you very much. So next, Feodora. Do we have anything else that we want to discuss on the recommendations as are?

FEODORA HAMZA: So, in terms of comments and pending discussions on the recommendations, there is no other comment or pending item. However, I received a few comments from Gabe right before the call. So, maybe they don't relate to that assignment, but to, I think, the lessons learned. Sorry for scrolling again. You might want to use the time while we have it to address it, but I see Marc maybe has a different question. So Marc, please.

SEBASTIEN DUCOS: Marc, go ahead. I see your hand up.

MARC ANDERSON: Thanks, Marc Anderson. I don't know if this is the right time, but on previous calls, we had talked about as a possible enhancement, including a link from RDRS to registrars with their own request system. And there was some discussion about adding it to the recommendations or at least linking it or including that in the portion of the report that deals with potential future system enhancements. And unless I missed it, which is entirely possible, but unless I missed it, I don't see it in either.

So, I wanted to raise that. I think it would be a good system enhancement to be able to link from RDRS to non-participating registrars request systems. I think that would be an improvement for the requester experience. So, I think that's a worthy enhancement. But even if there isn't agreement to include that in our recommendations, I'd like to see that at least captured as a potential future system enhancement. Thank you.

SEBASTIEN DUCOS: Thank you, Marc. Gabriel, I see your hand up.

GABRIEL ANDREWS: Just a quick clarification for Marc. It's been a while since any of that conversation. I don't remember. But were we talking about then triaging the request through RDRS into the registrar specific system without any further action of the requester or were you talking about just having a list of, hey, here's a bunch of registrars in their own requested systems just being pasted on RDRS in place? So, it'd be those two very different things.

SEBASTIEN DUCOS: So, it was a bifurcation. So, right now, you enter the domain name. You check who the sponsoring registrar is. And it was a bifurcation there because right now, either we have participating or non-participating. And non-participating is essentially, sorry. But then it would be a third option, which is non-participating. But here's the form that you can go and fill in. Does that answer your question?

GABRIEL ANDREWS: It does. I'm chewing on a response to it. But please continue.

SEBASTIEN DUCOS: Okay. Feodora, I see your hand up.

FEODORA HAMZA: Thank you, Sam. Thank you, Marc. Yes, indeed. Staff will include that in the assignment two table for future enhancement. That is definitely something we can do. And apologies for the delay. But am I understanding correctly that the standing committee wants to add a new recommendation for that enhancement particularly? Because if so, that would change chapter two, the ranking, and the proposals again. And that would potentially delay a few things. But if we add it in assignment two for now, that would not make a big administrative impact. So, just to clarify what the standing committee wants to do.

SEBASTIEN DUCOS: Even though I'm really wedded to that idea, I think that we should, at this stage, put it as a recommended enhancement and not include it in the recommendation because it's just a bit late in the day. If that becomes something that registries with Marc or anybody else really wants, I invite you to put that in public comment. But I think at this stage, it should be in that chapter two rather than recommendation because it's just going to complicate the play quite a bit this week. Sarah, I see your hand up.

SARAH WYLD: Hi, this is Sarah. I will confess I was briefly distracted. So, it's possible that the request changed and I missed it. But what I thought Marc was suggesting is that in RDRS, if the registrar for the desired domain name is not participating, then the RDRS would say, sorry, you can't do it here, but you can contact the registrar. And here's the info that they gave us to pass on to people who want to make requests. I like that idea.

Separately, I see a comment in chat from Gabriel that confuses me. So, what I see this comment is that there should be a minimum data set that can always be accepted by registrar-specific systems. So, to me, that doesn't match up with the proposal, right? Because what I thought Marc was suggesting is that registrars can tell ICANN, here's the phone number or email address to put in to give to people, not what data the requester would give to the registrar. And we already have a policy for that. There is the registration data policy that lays out exactly what information a registrar must require to get from the requester for a data disclosure request. So, I think actually that does exist. Thank you.

SEBASTIEN DUCOS: So, Sarah, the phone number, email address, I would have suggested also, if possible, a link to a form.

SARAH WYLD: Sure, I just hadn't thought about it, but yes, of course.

SEBASTIEN DUCOS: And, yeah, again, without overburdening the interface, if a reference to an existing policy would help all parties to understand each other, maybe it's worth also adding it there, but again, I don't want to overburden the interface. Marc, I see your hand up.

MARC ANDERSON: Thank you, Marc, again. I just wanted to confirm what Sebastien and Sarah described is what I thought we had discussed previously. I think right now when you have a requester using the system and they come up against a non-participating registrar, it's just sort of, that's as far as you can go. And I think without a significant amount of effort, we can do a little bit better, as Sarah pointed out. You know, registrars are required to provide information and mechanisms for requesting access to non-public registration data. That's a requirement that exists now.

So, they all have that mechanism available. And so, if within RDRS, we had a little bit of a handoff to facilitate requesters getting from the RDRS to the registrar's system or processes or form or email address, whatever is specific to that particular registrar, if we had a little bit of a handoff, so to speak, I think it would make for a better requester experience. And I know this is something we talked about previously. We talked about potentially adding it to the proposed future enhancements. You know, I'd like to see it there, but if that's going to unnecessarily slow down this report, then--

SEBASTIEN DUCOS: No, no. Having it in the enhancements is not the issue. Having it in the recommendations, because of the next process, which is the consensus

call on the recommendation. Having it in the enhancements, in the chapter two, absolutely no problem, and it will be done. Okay. So, that will be done, a recommendation to, again, sorry, in the enhancements in chapter two. And I see further support for that, or is it support for what Sarah just put in the chat? Okay. So, we'll put it in the enhancements. Any other topic? Did you want to go, Feodora, through the few comments that Gabriel had sent today?

FEODORA HAMZA:

Yes, I think we can use the time for Gabe and John to maybe discuss this on the call. Might be easier. And then, in terms of comments, we should be done. It would mean that staff would implement the changes that we just discussed, and potentially this one as well. But maybe, Gabe, I hand over to you in a second. But this was discussed last time, and there was additional language provided by Farzi and John, and staff updated it. But Gabe had a comment on this part of the text. So, I hand over to him to--

SEBASTIEN DUCOS:

And before you do, Gabe, can you just clarify for me, on our last call, you raised the possibility that the GAC, or at least PSWG, wanted to add some comment, but you weren't sure if it was going to make it on time. Is this it, or is this another-

GABRIEL ANDREWS:

That was a separate issue, and still pending. I think it's likely that that's going to come back as public comment per our conversation.

SEBASTIEN DUCOS: Okay, cool. So, on this.

GABRIEL ANDREWS: On this. This is Gabriel, for the record. And I will confess, I was a little bit confused, I think, as I was writing this. I had addressed some comments in the margin to Sarah. Sarah had since advised that the reason her name is listed on the left is because she was flagging that this was a text that she wasn't sure needed to be duplicated in the report in the way that it was. And Sarah, forgive me if I misstate in your position, but you were asking whether or not it's required, essentially, whether or not it could be removed, versus it was John and Farzaneh that were suggesting it be retained. Is that accurate, Sarah?

SARAH WYLD: So, I did indeed suggest that the text which replicates the Phase 2 recommendation should be removed from the report. I am not sure if Farzaneh was specifically advocating for it to be kept, but I know that she and John were working on some additional language. I'm not also sure if that additional language was altering the text that was pulled in from the EPDP Phase 2 final report, or if it was modifying other language, but it's lower down in the report. Thank you.

GABRIEL ANDREWS: Thank you for that clarification, Sarah. Okay. So, I'm not sure of that either. And so, to the extent that we can clarify what part of the language is new would be helpful. I was chewing on this since last week,

I think, when there was first discussion of requirements pertaining to human rights assessments. And so, I had several comments here that I was just kind of going through and providing reactions to. And so, it's not just one, but it's several. And apologies for this being a morning activity today. That's just when I was reviewing it, having given it some thought.

The first such is that the text that's highlighted on the left here contemplates that if a request passes an initial review of, well, above what's called a prima facie review, about the validity that there's expectations of what a registrar always should do to evaluate requests. And I was reacting, thinking that this was a bit too prescriptive in terms of telling registrars exactly what they have to do in the order that they have to do it. Because as I'm reading this, it's contemplating that every registrar, every time a request is received, must determine, for example, if the data is personal versus pertaining to like legal versus natural persons.

And that's the step that you don't really need to take if you're a registrar that's responding to a local law enforcement agency about a local registrant, because you're going to give it to them regardless of whether it is or the next at your option, if you wanted to. And to really get in the weeds and telling them all the steps that they have to take, even though they wouldn't make that as part of their disclosure analysis in some contexts. Just felt too much to me, and that's what I was reacting to. But that said, all of that might be pointless if this is text that was just suggested for removal anyway. And so my apologies if I'm spun up unnecessarily on something that is not needing comment at this point.

SEBASTIEN DUCOS: And Farzaneh, can I put you on the spot here? Because John is not on the call.

FARZANEH BADII: Oh, John's not on the call. Okay, so well, we had a chat. And what we want to say here is that I saw Sarah's problem with this text was that there's no lessons learned here. So we suggested that, because the lesson learned here is that when the request, like in the communication and documentation of the process through which the registrar decides whether to disclose the data or not. And let me just pull this up. Sorry, I thought we were on top of things, but we weren't.

So John mentioned that he has added the following introduction at line 496. Moreover, one of the clear lessons learned was that there was a disconnect between the decision-making process of registrars and communication of those decisions and the processes and standard applied. Is that there? By providing more clear communication documentation of disclosure decisions, better requests can be formulated, blah, blah, blah. Is that there?

SEBASTIEN DUCOS: Yes, it is.

FARZANEH BADII: Okay, perfect. So we thought that by providing that, we have alleviated the concern that Sarah has, unless Sarah tells me that the concern is somewhere else, is in the table and not in that lesson learned.

SEBASTIEN DUCOS: So Sarah's had her hand up. Let her answer.

SARAH WYLD: Thank you. Hi, this is Sarah. So I still do not think that the text in this paragraph is a lesson that we learned or a suggested enhancement. And so specifically, all the stuff that I just highlighted, so from line 501 down, I'm happy with the stuff that is highlighted by Feodora. Yeah, there could be something better done for communication about decisions and processes and standards applied in making decisions. I agree with all that. I don't think the rest of it needs to be here because this is replicating what it says in the recommendation. So the registrar will have to do that anyways. And putting it in here just makes it like less clear as to where that text comes from and leads to conversations like this one, where some of us are suggesting to change those requirements.

And I don't think that this standing committee actually can change those requirements, regardless of my opinion as to whether each request should go through this process. And I might actually agree with Gabriel here, but doesn't matter because this is what the recommendation said. So that's what should be implemented. But anyways, the stuff that's on brown in the screen right now, I still do not think belongs in the report. That said, it's also, as we say, not a hill that I want to die on. And it's not

wrong. It's just not helpful. It doesn't belong in this section because it's not a lesson that we learned or a suggested enhancement. But fine, you know what I think. Thank you.

SEBASTIEN DUCOS: For the record, I'm not suggesting anybody should die tonight on any hill. So this one or another. Farzaneh, I see your mic is still open.

FARZANEH BADII: Oh, yeah, sorry. This is a hill I will die on. So I would like this text to be kept. I think that it's pretty, because also we don't have an understanding of, we need the registrars to document and communicate their reasons. But we also want to have some kind of visibility into like, if they use fundamental rights balancing and if they do it, in what circumstances they do, and stuff like that.

And I think that, I don't know, maybe we can do it in other ways that can be like more acceptable to the SC. But we need more. Like one of the lessons that was learned from this arduous was that we don't know how registrars come to their decision to make the disclosure or not. And of course, as NCSG, we believe that fundamental rights balancing should happen and the registrar has to have the means and the guidelines that to decide whether they want to do fundamental rights balancing and if they want to do, and if they don't want to do fundamental rights balancing, why they don't want to do fundamental rights balancing.

And yes, of course, not all the requests can hamper human rights, but there are certain circumstances that they have to do this kind of

fundamental rights balancing. And I think it's very necessary for us to say that in the document.

SEBASTIEN DUCOS: Thank you. And thank you for that. Feodora, I see your hand up.

FEODORA HAMZA: Thank you, Seb. I just wanted to clarify that this text is part of assignment three, the lessons learned. So the standing committee is free to add, like to note disagreement here. So you don't have to, this doesn't need consensus. It can be clearly described that some agree with certain parts and some learned different lessons for that matter.

And also, for the part that Gabe noted earlier, even if it's the same text of a recommendation and he thinks that it deserves some further consideration, that is a lesson learned that you could add potentially here. So just to clarify what is possible for this paragraph in particular. But I understand that we are going to keep this for now. If at all, we might add for the language noting that not everybody agrees. That's my current understanding.

SEBASTIEN DUCOS: And your understanding also, as I'm seeing that in the chat, would be rather than stating it as a lesson learned to quote the original text that is meant to be referenced and to Mark it quickly, clearly as coming from somewhere else. Gabriel, I see your hand up.

GABRIEL ANDREWS:

All right. Proceeding with the conversation and finding myself in a position very similar to Sarah, this isn't a hill that I care to die on. And I don't disagree with the notion of human rights assessments being important either, just to make that clear. I think it's more that I was getting very confused in terms of what text was being our recommendation versus a quote. So I appreciate the notion that we can quote what we can to prevent knuckle-draggers like me from trying to change quotes when we shouldn't be. But, Feodora, also appreciate your noticing that there may be a learning that the order of operations in that direct quote might be overly prescriptive, as I had previously said.

Wanting, though, to move the conversation onto the next comment I had on this very same topic, there was something in the table now. If you go back to the table, and I'm looking at the comments on page 19, I think, where I had clarifications. I think this is new text now. So please correct me, Farzaneh, in the absence of John. But some of the text here, I wasn't sure if it was actually making its way to the document or not. So I guess that's the first thing. If none of this text that I'm now highlighting on page 19, if none of this made it to the document or is not making it to the document, then none of this matters, first off. So I'll pause there. Is this text being incorporated in the document in some place?

FEODORA HAMZA:

Yes. Sorry, I'm interrupting. But yes, this--

GABRIEL ANDREWS: No, I want you to interrupt on this. I don't want to waste time otherwise. Thank you.

FEODORA HAMZA: This column of this review document is usually what was concluded and what has been included in the report.

GABRIEL ANDREWS: Okay. So thank you. And apologies for not knowing where in the other report it is. I'm just referencing it here because this is where I saw it. So I just had some questions, and I'm seeking to just better understand what's being asked of registrars making these human rights assessments and what it is that we're saying. So when I read the sentence that disclosure must occur if a lawful basis exists and no legal prohibition applies, provided, however, the human rights of the registrant, if applicable, must be taken into account in the disclosure decisions.

And I found it very odd to say human rights of the registrant, if applicable, because I struggled to come up with a situation in which registrants are not afforded human rights. And I just wondered if that was me being obtuse or if there is some reason why it says applicable here. Farzi.

FARZANEH BADII: Yeah. So their human rights might not be impacted if it does not lead to unfair arrest or some kind of like chilling their freedom of expression and stuff like that. Human rights risk can be low, can be high. And yeah.

GABRIEL ANDREWS: May I suggest a rephrasing then of the, let's say, potential violation of human rights must be taken into account. I think that makes it a little bit more clear that we're talking about that as opposed to perhaps accidentally implying that there might be registrants who don't have human rights.

FARZANEH BADII: I don't really think this text says that, Gabriel, but I think, fine, we will go with your text.

GABRIEL ANDREWS: Copy. I appreciate it. I mean, I got hung up on it. And so, maybe it's just me. But then the follow-on question, I was trying to understand how this would actually come into play then in practice. And my hypothetical is only halfway a hypothetical, but there are entities in the world that have tried to obtain registrar status before and were denied, but who espouse extreme, let me not say extreme, but espouse views in which they highly value privacy as a fundamental right above all others.

And it makes me question if there was a registrar that did espouse that, that says that human rights, I believe in human rights, and the foremost human rights is always going to be privacy. And they wanted to take that as their position. Does this suggest then that a registrar, as long as they can articulate that that's their reasoning, they could always deny every request for disclosure in every circumstance, because in every such request, they value the foremost. And I wondered if that was

something that you would agree with them on. And are we asking then that we're suggesting as a committee that we want to enable any registrar to just deny all requests if they feel that the human rights as they assess them themselves are being violated?

FARZANEH BADII:

Well, so actually, you know, this is in collaboration with John, we've come up with this language. And we can make some tweaks, like, for example, we can say that, like, we can take away that requirement. All this paragraph is doing is to mention that when the registrar comes to a decision on whether to disclose the data or not to the requester, the reason for it should be transparent, and they should mention why they and it should be documented.

Well, if the registrar feels that we are not giving them a carte blanche to just like, reject every request because of that, but it is possible that a registrar would see these data requests and does a fundamental rights analysis and says that, yes, I reject this because I did my fundamental rights analysis and it didn't, it can risk fundamental rights. But the good thing about this paragraph is that then if the registrar does that repeatedly, then we will know because we are asking them to document and tell us the reason why they've rejected or they've rejected a certain request.

So, this paragraph is not really telling registrars what you should do or what you should not do. It's about more about like documenting and communicating and also making sure that registrars use the

fundamental rights analysis when they see, when they assess the situation is apt for that.

SEBASTIEN DUCOS:

Gabe, is that a new hand or?

GABRIEL ANDREWS:

It is the same hand, yeah. So, I appreciate the clarification and I just wanted to respond then. Despite me asking these questions, I am generally supportive of these principles that you're espousing first. I just want to make that clear. So, I was just typing in chat, but I'll say it loud too that I think that a general expectation of there being transparency on the disclosure determinations, that's valuable and worthy of support.

I just was getting hung up on what the actual practice is going to be anytime that there was any risk of it being perceived as a must. And so, I appreciate too that you just said that you're not telling the registrars exactly how they have to do this, but you are saying that there's generally an expectation that they make of, sorry, that they make transparent how they make their disclosure determinations.

My final point in the margin though, and I'm sorry for continuing to throw wrenches and gears here, I fear that if there is a, again, if there is a must for a registrar to call out that the human rights assessment is why they're declining to make information available, I worry that you might be putting the registrars in a poke the bear scenario where, like, if they are having to tell an authoritarian regime with a really bad track record of attacking businesses as a nation state, that you might be putting them

in a position where they're provoking that nation state if they have to say, hey, we're denying your request because we think you're evil, in other words.

And so, just allowing them some flexibility to do this while still adhering to the principles, I think, is valuable. And that's really the thrust of these reactions. It's not to be an obstructionist, but just to ensure that the registrars have some degree of flexibility so they don't get themselves in trouble with authoritarian regimes and become targets and so forth. So, over.

FARZANEH BADII:

I don't think registrars should disclose personal sensitive information to authoritarian regimes.

GABRIEL ANDREWS:

I'm not saying they should. I'm saying that, like, one of their responses might be, please send the request through our local government, for example, but do so. But we're telling you specifically, authoritarian nation X, we're telling you specifically the reason why we're doing this is because we think you're evil and that you don't respect human rights.

FARZANEH BADII:

Oh, you are worried that they might like, by being transparent and tell the request or the reason, they might get themselves into trouble. I get it now.

GABRIEL ANDREWS: Yeah, I'm saying that they might be putting a target on their own back and in the next week they might find a network intrusion.

FARZANEH BADII: So, this paragraph is not really suggesting where they should document it, how they should communicate it, and stuff like that. It could be, like, we can come up with those things later on. It can be kind of like an aggregate. It doesn't have to be to the requester, especially about the human rights thing, stuff like that. So I think that's a good point, actually, and I think we should make sure that we are clear that we are not prescribing how these documentation and communication should take place. Is that good? All right. Good. Thank you, Gabe.

GABRIEL ANDREWS: Yes, yeah. Thank you, too. And again, I really didn't want to be combative there. I was really trying to be constructive with that. So, thank you for hearing that concern, and I think we're on the same page.

SEBASTIEN DUCOS: Thank you. I see now Steve Crocker's hand up.

STEPHEN CROCKER: Thank you. I'm listening to this back and forth on human rights. I'm wondering if, looking at it from the other direction, the basic case, it would seem to me, I haven't spent a lot of time on this, is that the requester and the registrar either both subscribe to the human rights

convention or not. And it could be not because either one or both do not.

So, it's only in the case that they both subscribe that the registrar can feel comfortable that if human rights is a concern, then the default is, well, we don't have an agreement. We don't have a treaty that binds both sides of us to that, so we can't proceed. That is, put the emphasis on what agreements are in place, and absent those agreements, then it's a default outside of in this setting because of lack of agreement on human rights. Thank you.

SEBASTIEN DUCOS:

And thanks, Steve. Yeah, it was a bit choppy for me. I think I understood what you meant, but it was a bit choppy. All good. And I don't think that that goes anywhere against where Gabriel and Farzaneh landed in the end. That's an interesting suggestion, says Steve. So, I'm turning to Feodora. Would you be able to capture what Steve explained, or would you want somebody else to help you with that?

FEODORA HAMZA:

I think we can take it from the recording and in the notes, and then if it's unclear--

SEBASTIEN DUCOS:

Yeah, apology. It was very, very choppy for me, Steve, but if you heard it well, then that's all good. Okay, thank you. Thank you for the comment. Okay, was there any other point of discussion? Anything that you noted, Gabriel, that you wanted to discuss today? Feodora, I see your hand up.

FEODORA HAMZA: Sorry, I thought the question was related to me.

SEBASTIEN DUCOS: It is for you too. Yeah, absolutely.

FEODORA HAMZA: So, in terms of comments, these were pretty much all. I just want to note that Farzi just provided some language regarding what we discussed earlier on Recommendation 14. It doesn't change anything substantively, but since we want to open the consensus call later today, I just want to be clear that this has been considered and noted. So I'm just going there. Sorry for the scrolling again. Just one second. So here.

It doesn't change, I think, too much just add some further clarification but just wanted to note for the standing committee that we probably will consider this as well. But in terms of for the consensus call that you are going to explain in a second, staff will update what has been discussed today and share a PDF of the recommendations only so that the standing committee has this for their convenience and review. But just noting this here. So, that would be it. Comments.

FARZANEH BADII: Maybe I can provide some explanation. I don't mind if you don't like this, but I actually think that I agree with these additions. Because we want to create a system for the requester that can afford that system. Right? So, I think that this is good. It's just like the thing that I

suggested kind of good clarifies that this suggestion, that these things that we're talking about here is about accreditation, and it doesn't really change the text too much. It clarifies that it was in the ODA that was said that accreditation is very costly. So, I'm fine with the rest.

The community suggests exploring a leaner and more cost-effective accreditation model contemplated by SSAD ODA, in particular the SC notes that one of the primary cost drive about identifying the ODA was the expense of requester authentication within the accreditation process exploring the alternative blah, blah, blah. I'm fine with the rest. I just want the opening to just clarify that we are talking about accreditation from the beginning, and that the cost of accreditation was it was deciding ODA that it was very costly. Thank you.

SEBASTIEN DUCOS: Thank you, Farzaneh. Any other comment on this?

GABRIEL ANDREWS: I'm trying to look at it, this is the table page 33.

SEBASTIEN DUCOS: 22 of 85 on the table in the recommendations. It's the analysis of Recommendation 14 of the SSAD. 22 of 85.

GABRIEL ANDREWS: I don't read anything that seems objectionable. Is the entirety of the orange highlighted text new? Is that what was being just proposed by Farzaneh?

FARZANEH BADI: No, I suggest to replace what I highlighted the orange text with what I put in that bubble thing in the comment box.

GABRIEL ANDREWS: Oh, sorry. Okay, still reading that.

FARZANEH BADI: Yeah.

FEODORA HAMZA: Sorry, Seb, if I can interrupt for a second.

SEBASTIEN DUCOS: Please do.

FEODORA HAMZA: So, just to note, while we are planning to open the public comment next week, and we want to open the consensus call later today. This doesn't mean that the report is closed for comment entirely. It means that some small things like certain wordings, etc., the Standing Committee can still address if it doesn't change the substance.

So, just something to consider for the Standing Committee members and not everything needs to be solved in this meeting right now. But what the focus is going to be is the substance of the recommendations for the call. But any other smaller edits or clarifications, if not substantial, can be implemented or considered throughout the week.

GABRIEL ANDREWS:

Can I just ask for a fact check, too? So, I don't object in principle to the text that Farzaneh is adding. I just want to make sure that when it says the phrase within the accreditation process, is that the terminology that was used in the ODA? I just want to make sure that whatever is being said there matches what the ODA said. As long as it does, I don't have any concerns. But the phrasing there is that one of the primary cost drivers identified in the ODA was the expense of requester authentication within the accreditation process.

SEBASTIEN DUCOS:

I'm not sure that we're going to be able to quote that like that. So, I don't have the ODA in front of me, an exercise maybe I should do next time, but I don't have it in front of me. From memory, there was the way the processes and the costing were done were separate. And then there was the cost of development and the cost of operation. Again, from memory, I remember those two to be quite high and all in all to be about half. But there was nothing in the document that I can remember that says that succinctly.

FARZANEH BADII: Really? I put it in there because it was just mentioned that 50%, over 50% of the cost.

SEBASTIEN DUCOS: No, I said about 50% by memory in the ODA, but it wasn't a direct quote.

GABRIEL ANDREWS: It's true, Farzaneh. It's just the language of accreditation process, for example. We just want to use the same language that would be in the ODA and not add a new language. That's the concern.

FARZANEH BADII: I totally agree. I thought that ODA was quite clear on that. I felt that because I asked, where did you get this language from? And you told me the ODA said it.

GABRIEL ANDREWS: It does, but not your language necessarily.

FARZANEH BADII: Okay, great. So let's find that language and put that language in there so that we are clear.

GABRIEL ANDREWS: Overall, I think we're all on the same page, just to be clear, that we're just trying to quote the ODA source material. We're just trying to do so in an accurate fashion.

SEBASTIEN DUCOS: All I'm warning is that we might be quoting five, six different pages and paragraphs at the same time. We'll endeavor. Okay, as we're coming to a close on all those comments, Feodora, because everybody was reading at the same time, do you want to repeat what you just said about the fact that changes outside of the recommendations could happen in the next week before we put this to public comment next week?

FEODORA HAMZA: Correct. So while Seb wants to open the consensus call after this call and explain the details in a bit, this doesn't mean that certain clarifications and wordings cannot be added into the document. So this means for nothing that changes the recommendation substantively can be still added. And all the other chapters, if something needs to be added throughout this week, that is still open for the Standing Committee to propose.

Noting that we have no other meetings, so we would need to rely on what is provided to us and rely that Standing Committee members are reading and reviewing the documents accordingly. And in terms of the next steps, I think I hand over to you, Seb, unless you want me to add anything else.

SEBASTIEN DUCOS:

No, no. Let's go for the next step, if everybody is all right. So the next step is a consensus call. I'll send you an email after this call to gather a consensus position on the recommendations, on the rest of the document, on the recommendations only. Now, last week, as proposed by Marc, if I remember well, we reject the recommendations or the order of the recommendations because the first recommendation was the financial one and it turned out to have been, if not deprioritized, but it wasn't, whatever, it was no longer what it had been. The changes suggested.

And so, in the consensus call, we'll reference the recommendation. If I remember well, we'll put a tiny text just to clarify which one it is, a title or something like that, but just watch that it matches the recommendations. I might give the mic to Caitlin and Feodora in a minute to explain these details in more detail, but in principle, what we're looking for is for consensus in absence of any comment, in absence of any objection from any of the parties. And when I'm saying the parties this time, I'm asking specifically those of you who have been delegated here to this group by your groups so that we don't get multiple voices for a single group. Yeah, recommendations with the titles.

So right now, we've set them at full consensus. Should you have any objection on any of those recommendations reaching full consensus, please write back, giving your reasons and how it should be degraded to consensus. And I'll let Caitlin go through the gamut of the possible here. Now, we've decided long ago that we'd go through this exercise of establishing consensus. It was part of our mandate. There is a little quirk that happened in the meantime, and that is that we're going to

public comment. And so there will be comments, including on our recommendations, and we might come back in September and having to change some of this.

So we might have to review this consensus, but we still decided to go for this exercise this week before we go to public comment just to show the rest of the community where we all stand on this. And even if we recognize that after public comment and if we should change any of those because of public comments, we might have to revisit our position on consensus. And that's all fine. Feodora, I see your hand up.

FEODORA HAMZA:

Thank you, Seb. I just wanted to, you called on Caitlin earlier, but if you want me to go through some of the formalities.

SEBASTIEN DUCOS:

Yes, please.

FEODORA HAMZA:

So thank you very much. As noted by Seb, the plan is for some of you or many of you, probably all have been through this process before. The plan is to open the consensus call process after this call. So in detail, this means 11 of August at midnight UTC and closing on Friday. One minute to midnight UTC. But as noted, you will receive an email to this. As you see, the leadership or Standing Committee Leadership has designated consensus level for each recommendation.

We will attach this document on screen for your review as well in the email. If you agree with what is on screen and what will be shared with you via email, you don't have to do or say anything. If you disagree, please reply back to that email that leadership will send to the standing committee and indicate what you disagree with and what should be reconsidered.

After that, a standing committee leadership will update this table and propose it or share it again with the standing committee for consideration. If, as said earlier, no comment or email has been received by standing committee members until 15 of August, one minute to midnight UTC, leadership will understand this as agreement with this document and support staff will incorporate these designations into the report in an annex.

Please note that only RDRS Standing Committee charter members appointed by their representative groups are expected to participate in this call. Other participants and observers are not able to participate. We will, as noted, provide a PDF of the recommendations only for easier review and consideration, and we will also provide other background documents like the GNSO Working Group Guidelines for further background and understanding on what this process is. If there are no other questions, I hand over to Seb. Thank you.

SEBASTIEN DUCOS:

Yeah, so I see no question. I see your comment, Steve. So again, deadline Friday, end of day, midnight UTC, after which silence will be considered as approval. Again, before we go public comment, there's

then possibility of putting a comment in public comment and possibility of analyzing everything that we've done in the lights of public comment. With this said, Paul McGrady, I see your hand up.

PAUL MCGRADY:

Thank you. Just to react to something that Steve put in the chat, just for clarity, this consensus call is about team members, right? Not about whether or not it's constituent organizations within ICANN are in consensus with that. That's the purpose of the public comment, and we are to take in those comments. But I think what we're measuring, Sebastien, unless I just don't have it right, is among the team, are we in agreement that these are the recommendations we want to make?

Understanding that the SSAC may not completely agree, the NCSG may not completely agree, the IPC may not completely agree, but among us small team members, this council small team, are we in agreement? And just to distinguish the thing, that's not to undercut the hard work that Steve will need to do to try to get the SSAC on board with everything, right? Or our hard work in responding to SSAC's public comment. But I think the focus is us. So Sebastien, correct me if I'm wrong, but that's how I'm thinking about this.

SEBASTIEN DUCOS:

You are absolutely correct. So what I meant by, and I'm going to pick on Sarah and Roger here, because they're the example that jumps out to mind. But when we have two members, regular members in this group, I'll ask Roger and Sarah to be in agreement with each other before

passing any comments. That's what I meant. That it should be only the one. And I see Sarah smiling. Otherwise, Paul, you're absolutely right.

There is then public comment for the groups to respond. And the final, final document is not due until October. So if SSAC or any other party has things they would like to comment on, there's plenty of room for it. But this week is about the committee members. Thank you, Paul, for noting it. I saw the question asked by Farzaneh and by maybe other. Steve, are you able just to, for our own understanding, to share a bit what the concerns might be?

STEPHEN CROCKER: I just responded to Farzaneh on the same question.

SEBASTIEN DUCOS: Okay.

STEPHEN CROCKER: You want to hear just a little more. I don't want to be in a position where we declare in this group full consensus on moving forward with SSAD as it was defined or something that is equivalent to that. So there's a boundary there between what we say about RDRS and whether or not we are recommending action on SSAD in a particular way. So that's what I'll look at. I'll come back with specifics.

SEBASTIEN DUCOS: Okay, thank you. Thank you. I think it's good. But do come back with the specifics, please. Farzaneh, I see your hand up.

FARZANEH BADII: Yeah, sorry, I'm not going to let you go. You told us two hours. I have two hours. You have another hour, ten minutes. So I just want to--

SEBASTIEN DUCOS: I have another 40 minutes for you. We can convert this into a discussion group where I'm no longer babysitting and passing on the mic and we're all having a good conversation. No, I'm just joking. If there are things to be discussed on RDRS, if there are other topics, yeah, I still have 40 minutes for you.

FARZANEH BADII: No. Sorry, I just didn't understand. So Steve said SSAD might not like recommendation number five. Then Paul said, but this is just like our individual consensus and it's not a group thing. So what am I supposed to do? Should I send these recommendations to NCSG and say, hey, let me know if you're okay with these things and give them my advice? I mean, for me at the moment, I don't see a problem with any of these recommendations. So should I do that, or should I just--?

SEBASTIEN DUCOS: That's for you to see with your group and how much of a leeway they give you or trust you in this process. And I'm sure they do. All I'm saying is that you have a week until Friday. It's not even a week. It's now four

days until Friday. And I'll need the answer by then. If you feel or if you need to go back to your group and ask that, that's fine. But having to discuss for your group is no excuse for more time. That's all. We need the answer by Friday.

But in principle, I tend to agree with Paul. I think that we've all conversed with our--Well, you have all conversed with your different groups on these topics. I've heard it from at least the group that I also participate in. And for the record, by the way, it was never me making those comments to the group. Marc did a superb job doing that for the registries. So these conversations that happen, by now you should know exactly where you stand. Feodora, I see your hand up.

FEODORA HAMZA:

Thank you, Seb. Just to clarify that this document, and we've said it, I think, throughout the call already, is leadership team's proposed designation. And this was understood based on the many weeks that the standing committee discussed and refined these recommendations. And so, of course, if a group or a member comes back and says they don't agree with full consensus, that will be then adjusted and shared. But in terms of providing additional language to the substance of the recommendation, especially points that have already been raised and discussed by the standing committee, might not be the best approach for the standing committee to consider.

This is just an opinion that I'm making as staff, but I think the standing committee knows better here. But just noting that in terms of agreement, this is the level that leadership with Seb has gauged. So,

again, if anything proposed changes the recommendations significantly, that would need to be discussed again with the staff committee, as proposals should consider to reach consensus. That's all. Thank you. And sorry for my monologue.

SEBASTIEN DUCOS:

No, no, all good. Most important to me, I mean, this is important, but most important to me is for this to go to public comment next week. I'd rather go to public comment with a position of consensus, a position of this group saying, this is what we came up with altogether. But come what may, we'll go for public comment next week. And then obviously you, your groups, everybody else can put the comments they need to put.

I'm trying to follow at the same time the chat. Okay, cool. With this, so expect I will send you an email. It's already been prepared, but I'll look at it again in the light of what we discussed today. An email about that consensus call later today. And the clock is ticking until Friday midnight UTC or minute before midnight UTC. And I see that Gabriel very helpfully put that translated in different time zones for everybody. If you don't have yours, I'll find you that time zone.

With this and hoping that we are all in line, I think we can call it a day, 30 minutes early. Sorry Farzaneh. And yes, yes, absolutely. Now I should say this before we-- because this has been months in the making. We decided in November that we would start drafting that report. It was my first try at this exercise, certainly sharing this exercise. And it feels very good. I think that what we produced is solid. I'll wait for the public

comment. I don't expect everybody to agree with everything, but it's been an excellent exercise. And thank you very much for your participation, and inputs, and behavior, and collegiality, and all these things. It's been good.

So looking forward to your comments this week before we send this to public comment or your comments on the consensus call. And there will be no call next week. There will be no call until the public comment is over or until at least September. We might start a bit before. There might be webinars and things like that that we'll post and invite you to share, particularly on this document and inviting, whatever. I can start whatever, a fire pit, and we can all gather around to discuss next week, but it will be about something else than RDRS. And we'll let the community comment on it all. Thank you.

FARZANEH BADII:

Sebastien, before you go, I just wanted to thank you on behalf of the group, because I can't speak on behalf of them. I think this was a very hard job. And thank you for bringing us to talk about these hard topics. And sorry if we were a little bit from time to time not too flexible. But I think you did an amazing job. And thank you very much.

SEBASTIEN DUCOS:

Thank you. Thank you much, much, much appreciated. Thank you very much. And I'm hearing it from everybody, even if you can't speak in everybody's name. No, thank you very much. With this, have a fantastic end of your day. Look for my email on the consensus call. And talk to you all very soon in September, if not before.

DEVAN REED: Thank you all for joining. Have a great rest of your week.

[END OF TRANSCRIPTION]