

Adobe Connect: 27

Alan Greenberg (ALAC)	Julf Helsingius (NCSG)
Alan Woods (RYSG)	Kavouss Arasteh (GAC)
Alex Deacon (IPC)	Kristina Rosette (RySG)
Amr Elsadr (NCSG)	Kurt Pritz (Chair)
Ayden Férdeline (NCSG)	Leon Sanchez (ICANN Board Liaison)
Ben Butler (SSAC)	Marc Anderson (RySG)
Benedict Addis (SSAC)	Margie Milam (BC)
Brian King (IPC Alternate)	Mark Svancarek (BC)
Chris Lewis-Evans (GAC Alternate)	Milton Mueller (NCSG)
Farzaneh Badii (NCSG)	Rafik Dammak (GNSO Council Liaison)
Georgios Tselentis (GAC)	Sarah Wyld (RrSG Alternate)
Hadia Elminiawi (ALAC)	Stephanie Perrin (NCSG)
James Bladel (RrSG)	Theo Geurts (RrSG Alternate)
	Thomas Rickert (ISPCP)

Audio Only:

None

Apologies:

Ashley Heineman (GAC)
Diane Plaut (IPC)
Emily Taylor (RrSG)
Matt Serlin (RrSG)

Audio Cast (FOR ALTERNATES AND OBSERVERS)

Peak: 8 joined

View Only Adobe Connect:

28 joined

Staff:

Berry Cobb
Caitlin Tubergen
Daniel Halloran (ICANN Org Liaison-Legal)
Marika Konings
Trang Nguyen (ICANN Org Liaison-GDD)
Terri Agnew
Andrea Glandon

AC Chat:

Kavouss Arasteh: (1/24/2019 07:13) Hi Terri, Hi Andrea
Andrea Glandon: (07:13) Welcome Kavouss!
Andrea Glandon: (07:15) Welcome to the EPDP Team Call #39, held on Thursday, 24 January 2019 at 14:00 UTC>

Andrea Glandon: (07:16) Wiki Agenda Page: <https://community.icann.org/x/9JUWBg>

Mark Svancarek (BC): (07:57) Hola

Margie Milam: (07:58) Good Morning!

Hadia Elminiawi (ALAC): (07:59) hello all

Chris Lewis-Evans (GAC): (07:59) Hello all

Brian King (IPC): (08:01) hello all

Alan Woods (RYSG): (08:04) i am working on it right now! So sorry all..

Marc Anderson: (08:04) and just to clarify, we aren't proposing language different from what is in our public comments.

Alan Woods (RYSG): (08:04) +1 Marc

Marc Anderson (RySG): (08:04) what we are still working on is the updated worksheets based on that new split purpose

Alex Deacon - IPC: (08:05) I'll have something to share today

Kavouss Arasteh (GAC): (08:05) Hi Kurt,I sent a revised text regarding Recommendation 3 based on the discussions held during the last meeting

Marc Anderson (RySG): (08:05) yes

Marika Konings: (08:06) @Marc - I understood there was some concern from the registrars in relation to the language as proposed in the public comment?

Alan Woods (RYSG): (08:06) We can speak to the proviso that hopefully will help to explain James' problem . I briefly chatted with him in Toronto on it, and I think we can resolve the matter rather simply.

Amr Elsadr (NCSG): (08:07) General comment: Some links in the PCRTs aren't working. If staff could look into those, and see about getting them fixed, I'd very much appreciate it.

Alan Greenberg (ALAC): (08:07) Amr. which links?

Marika Konings: (08:07) @Amr - is it because they are not hyperlinked or it is an incorrect link that is provided (in the latter case, it may not be possible to fix it if the commenter did not provide the correct link)?

Amr Elsadr (NCSG): (08:08) Most recently, the link in John Poole's comment on geo distinction - was a link to the icann page on the EPAG case. Also a link in GoDaddy's comment linking to an email James sent to the EPDP mailing list.

Amr Elsadr (NCSG): (08:09) So they are hyperlinked, but the hyperlinks don't work.

Terri Agnew: (08:09) 5 minutes to review (will be silence)

Kristina Rosette (RySG): (08:09) To take Kurt up on his offer, it would be really helpful to me if we could have one email or doc that lists all the outstanding action items and the date on which staff sent the email that raises them. (Not wedded to email or doc, but am worried that I'm missing things)

Kurt Pritz: (08:09) @ Kristina - got it

Kristina Rosette (RySG): (08:12) Thank you.

Alan Greenberg (ALAC): (08:15) Regarding the link that Amr pointed to. Somewhere along the way, some of the dashes in the link were replaced by the wrong kind of dashes.

Milton Mueller (NCSG): (08:16) actually not that many comments (9)

Marika Konings: (08:16) @Alan - ah, thanks, I was already trying to figure out what the issue might be as the link looked fine. We'll try to fix this.

Amr Elsadr (NCSG): (08:18) Alan G: Thanks for figuring that out!!

Marika Konings: (08:18) Actually, if you use the Word version, the links do seem to work. It just seems to be an issue on the pdf?

Milton Mueller (NCSG): (08:19) NB: MArgie is saying that if Ruth says "yes" their establishment in Brussels binds them to EU jurisdiction that settles the issue of geographic differentiation?

Thomas Rickert (ISPCP): (08:19) Just joined the AC room. Hi all!

Mark Svancarek (BC): (08:19) subject to local law, yes

Alan Woods (RYSG): (08:20) NP at all! :)

Margie Milam (BC): (08:20) @ Milton - it makes it harder -- we would need Ruth's guidance on that

Milton Mueller (NCSG): (08:21) seems like the dog has a different legal opinion ;-)

Benedict Addis - SSAC: (08:22) Hi all, sorry I'm late. Last meeting overran

Milton Mueller (NCSG): (08:25) +1 Alan W

Alan Woods (RYSG): (08:25) apologoes for background noise!

Amr Elsadr (NCSG): (08:26) @Alan W: +1. We also need to identify public comments that are raising new issues not covered in our report, and our previous deliberation. Most of the comments don't really do that.

Farzaneh Badii (NCSG): (08:26) even if it's legal to geo differentiate, do you want to not protect domain name registrants data because you want to harvest it?

Amr Elsadr (NCSG): (08:27) @Milton: +1.

Farzaneh Badii (NCSG): (08:27) +1 Milton

Stephanie Perrin (NCSG): (08:27) + 1 Milton, I too would like an answer to that question.

Farzaneh Badii (NCSG): (08:28) we should put that question on ICANN walls

Theo Geurts RrSG Alternate: (08:28) It's a good question

Milton Mueller (NCSG): (08:28) yes

Alan Greenberg (ALAC): (08:28) If we ever get to me in the Queue, I will address Milton's question.

Milton Mueller (NCSG): (08:29) well Dan, ICANN -DOES- intervene on other questions, I'm asking why not this one?

Hadia Elminiawi (ALAC): (08:30) We were chartered to ensure compliance with the GDPR while maintaining the existing WHOIS system to the greatest extent possible therefore in line with our mandate we are entitled to make the geographic location distinction

Farzaneh Badii (NCSG): (08:30) CEO been wanting to bring universal access to registrants data. only some part of the community asked for that. so why not ICANN org also insist on bringing data protection to domain name registrants globally?

Milton Mueller (NCSG): (08:31) that kind of jurisdictional fragmentation is exactly what we at IGP oppose. I think we need global policy, not global application of a single state's laws

Milton Mueller (NCSG): (08:31) Seems like IPC is supporting jurisdictional fragmentation

Amr Elsadr (NCSG): (08:31) Hadia: What you're referring to is in our Charter?!

Stephanie Perrin (NCSG): (08:31) Let me remind people that there are 118 privacy laws extant.

Brian King (IPC): (08:31) I read Milton's book :-)

Stephanie Perrin (NCSG): (08:31) So this is not about "one jurisdiction"

Hadia Elminiawi (ALAC): (08:32) Let's put Milton's question in writing and we can all contribute to the answer

Benedict Addis - SSAC: (08:32) Milton I'll trade you geographic for legal vs. natural distinction ;)

Hadia Elminiawi (ALAC): (08:32) My adobe link is too slow - so my answers are delayed

Milton Mueller (NCSG): (08:33) agree with that last part, James!Q

Amr Elsadr (NCSG): (08:33) @Hadia: Could you point me to the section of the Charter that says we need to maintain the "existing WHOIS system to the greatest extent possible"?

Milton Mueller (NCSG): (08:33) Benedict LOL, I might entertain such a deal

Sarah Wyld (RrSG Alt): (08:34) +1 James!

Farzaneh Badii (NCSG): (08:34) I find this conversation absolutely unproductive. the surveillance caucus has been advocating especial access is getting backed by ICANN and then you want to take away as much data protection from domain name registrants as possible as well. why? are you not gonna get access?

Farzaneh Badii (NCSG): (08:35) we are not here to violate their privacy either Alan

Milton Mueller (NCSG): (08:35) That's just wrong Alan

Milton Mueller (NCSG): (08:35) We make policies regarding what data is displayed ergo we are making policies related to privacy

Farzaneh Badii (NCSG): (08:36) what is this? people are blatantly advocate for less privacy here? we are making policy to violate privacy .. you are right Alan

Farzaneh Badii (NCSG): (08:37) ICANN job is not to violate their privacy either Alan with its policies.

Amr Elsadr (NCSG): (08:37) @Alan G: As we've repeatedly pointed out, just because an org has registered a domain name, you can't just write the data involved as not being subject to GDPR. If the registration data includes the personal data of natural persons, GDPR is applicable.

Milton Mueller (NCSG): (08:38) "Rules engine" is, as Alan said, an aspirational idea that is not a real solution

Hadia Elminiawi (ALAC): (08:38) As mentioned one commenter says "My company's whois data is being redacted against my desire" and says that some registrants want their data published "to be able to fully document ownership of their own assets"

Kavouss Arasteh (GAC): (08:38) Whatever we conclude on this issue needs to indicate the problem that we are facing and adding at the end the ter," AT THIS STAGE"

Alan Greenberg (ALAC): (08:39) GDPR and other privacy regulations have lots of if, buts and ands. It is not ICANN's job to enact policy to replace such local regulations.

Kavouss Arasteh (GAC): (08:39) tHE USE OF THE TERM " AT THIS STAGE " means we have to do something at later stage

Amr Elsadr (NCSG): (08:40) @Hadia: George K's comment has little or nothing to do with the geo-location issue. Not sure why he provided this response. It might be more helpfully addressed when considering opting out of redaction via requests to registrars.

Milton Mueller (NCSG): (08:40) I am looking forward to Georgios talking, as I know he is going to stand up for the European law and the importance of protecting privacy to conform with his governments' laws

Milton Mueller (NCSG): (08:40)not!

Farzaneh Badii (NCSG): (08:41) our recommendation allow opt in for registrants to show their data. that is not this group's problem. this group wants to have easy access to personal sensitive data of people. and advocates for it...

James Bladel (RrSG): (08:42) One World, One Internet, One WHOIS?

Milton Mueller (NCSG): (08:42) +1000 Thomas

Mark Svancarek (BC): (08:43) I'm confident that we can build a rules engine of whatever complexity or simplicity that we decide; I've built one before. Alan is right to be skeptical of the claims of engineers regarding not-yet-specified software :-)) but it seems a reasonable project. IIRC Benedict's access team is only started investigating now, so stay tuned for more details.

Milton Mueller (NCSG): (08:44) Yes, we can build one, Mark, but will it work? And as I said, if all we are doing is conforming to 2000 different jurisdictions, why do we need an ICANN policy at all? Why do we need ICANN at all?

Farzaneh Badii (NCSG): (08:44) oh really Mark? because it's possible it is not appropriate or good policy.

Milton Mueller (NCSG): (08:44) Let's do away with the UDRP, we can just let you folks file in local courts, eh?

Alex Deacon - IPC: (08:45) IMO the reality of any global policy set by ICANN on top of local laws indicates to me that some kind of rules engine will be necessary no matter what.

James Bladel (RrSG): (08:45) George noted his data was redacted against his wishes, but concedes that he is covered by some form of data protection law. His comment is an argument for consent.

Milton Mueller (NCSG): (08:45) No, sorry Alex, if local law supersedes ICANN policies then it's up to the contracted parties to comply, you don't need ICANN or an ICANN policy for that

Farzaneh Badii (NCSG): (08:46) yes for your access also please get a court order too. local laws are important. use your rule engine!

Amr Elsadr (NCSG): (08:46) @Mark: Building it is not the only issue. The quality of the data fed into it is another one.

Kavouss Arasteh (GAC): (08:47) Reference to national jurisdiction in the outcome is fundamental

Farzaneh Badii (NCSG): (08:47) for so long ICANN had a high bar for violation of data protection and imposed it on CPs. now it wants to comply with local laws??

Mark Svancarek (BC): (08:48) @Amr, is correct. "GIGO". Again, seems a reasonable task.

Kavouss Arasteh (GAC): (08:49) Any thing inconsistenat with national jurisdiction is difficult to apply

Hadia Elminiawi (ALAC): (08:49) @Amr the comment indicates that some registrants would like to keep their data publically available and therefore we should not try make our own laws and apply GDPR on those not covered by it

Milton Mueller (NCSG): (08:50) Nothing in GDPR prevents people from choosing to reveal their data

Hadia Elminiawi (ALAC): (08:50) + 1 Marc

Theo Geurts RrSG Alternate: (08:50) indeed Milton, many folks publish their details on their website

Amr Elsadr (NCSG): (08:51) Those are two different issues, Hadia. Registrants who request their data to be published might be able to do so, whether or not they are protected by GDPR. What we're discussing now is different.

Hadia Elminiawi (ALAC): (08:53) @Farzi No one is advocating to easy access to " personal sensitive data of people " people are simply saying apply GDPR where it does

Farzaneh Badii (NCSG): (08:54) i.e. advocating for easy access. if you don't get the connection Hadia then I guess you have been fighting for it without knowing!

Margie Milam (BC): (08:56) ICANN could develop it

James Bladel (RrSG): (08:56) A rules engine is a thing we could spend years and millions developing, and could be undone by a single false negative.

Margie Milam (BC): (08:57) to help registrars/registries

Farzaneh Badii (NCSG): (08:57) oh yes of course. lets make ICANN into a privacy violator engine - (give access to personal info/ not protect personal info as much as possible)

Theo Geurts RrSG Alternate: (08:57) Agreed James

Milton Mueller (NCSG): (08:58) James is correct, we should not waste another breath discussing it

Theo Geurts RrSG Alternate: (08:58) And in the end we might have 2 countries left without a privacy law

Milton Mueller (NCSG): (08:59) "Persisting" or kicking the can down the road

Kavouss Arasteh (GAC): (08:59) Kurt ,we need to mention the difficulties to conclude on this matter (disability to conclude) at this stage thus postpone it to the phase 2

Milton Mueller (NCSG): (08:59) so we decided nothing, right?

Thomas Rickert (ISPCP): (09:00) Right, Milton. That is my understanding.

Hadia Elminiawi (ALAC): (09:00) @Farzi to be clear I am not advocating by any means to any kind of easy access to personal sensitive data nor do I agree to that

Terri Agnew: (09:00) 5 minutes to review (will be silence)

Milton Mueller (NCSG): (09:03) Can you put Rec 4 up on the AC?

Mark Svancarek (BC): (09:10) I think we can postpone till we have the advice...

Mark Svancarek (BC): (09:11) I also thought we'd be discussing "optional"

Alex Deacon - IPC: (09:11) lets stick with "the meaning of optional"

Kristina Rosette (RySG): (09:12) meaning of optional is next in the agenda, but data elements to be collected comes right after that

Alan Greenberg (ALAC): (09:12) Shameful Marc, thinking we were going to discuss what was in the agenda!

Georgios Tselentis (GAC): (09:14) We might need distinction between optional and not applicable
Alan Greenberg (ALAC): (09:15) But the two definitions of optional are exactly what this question was addressing!

Berry Cobb: (09:15) I'd also note this is a task identified in the small Data Elements team to better represent this in the data elements table(s)

Thomas Rickert (ISPCP): (09:16) Optional for registrars is a policy question (takes away uniformity of the gTLD system, which would be unfortunate)

Alex Deacon - IPC: (09:16) +1 thomas agree

Thomas Rickert (ISPCP): (09:16) Optional provision of data by the RNH is ultimately a question of consent-based collection, which we need to bear in mind.

Kavouss Arasteh (GAC): (09:16) whenever we say optional we need to indicate the entity for the process or the supply is optional as an element or elements may be optional for one entity and mandatory for other

Margie Milam (BC): (09:17) we can wait till later on that --

Theo Geurts RrSG Alternate: (09:19) so every registrar who redacted the WHOIS does no longer publish a tech contact

Theo Geurts RrSG Alternate: (09:20) and the world kept on turning

Margie Milam (BC): (09:21) Sorry Milton - thats not true

Brian King (IPC): (09:21) IPC has been clear about the purposes for having a technical contact

Brian King (IPC): (09:22) Milton that's not true

Margie Milam (BC): (09:23) thats not true - the case didnt go to trial

Mark Svancarek (BC): (09:23) This is the same incorrect interpretation of data minimization that was settled in Toronto

Brian King (IPC): (09:23) Nobody won nor lost that suit

Alex Deacon - IPC: (09:23) i thought we were talking about the meaning of optional....

Mark Svancarek (BC): (09:23) @Alex lol

James Bladel (RrSG): (09:24) @Alan - please don't conflate your personal experiences with policy. There are dozens or hundreds of registrars business models and channels for supporting customers.

Theo Geurts RrSG Alternate: (09:24) Alan G that is an assumption that does not match registrar reality

Thomas Rickert (ISPCP): (09:25) We are having multiple discussions at the moment.

Thomas Rickert (ISPCP): (09:25) It is a different question whether the data elements are required to perform the contract or whether it is desirable to have that (even though not needed) based on consent.

Farzaneh Badii (NCSG): (09:26) why keep the conversation going. lets discuss the public comments and see whether we want to make changes based on them.

Amr Elsadr (NCSG): (09:26) @Farzaneh: +1

Thomas Rickert (ISPCP): (09:26) BTW - I need to step out for another call in a bit. Will rejoin as soon as a can.

Milton Mueller (NCSG): (09:27) we didn't actually add any new data elements since 1998

Margie Milam (BC): (09:27) thats not true Milton - new elements came thru the 2013 RAA

Milton Mueller (NCSG): (09:27) what?

Alan Woods (RYSG): (09:27) Surely Mark the decision to add or not such data elements would be the decision of the controller

Milton Mueller (NCSG): (09:27) data minimization is a legal requirement

Alan Greenberg (ALAC): (09:28) Purpose 3 includes tech contact phone and e-mail.

Milton Mueller (NCSG): (09:28) OMG. Purpose 2 says "data already collected for other purposes"

Farzaneh Badii (NCSG): (09:28) oh so you collect tech admin to disclose it? is that the purpose?

Milton Mueller (NCSG): (09:28) You are caught in an infinite recursive loop if you use that to justify collecting a tech contact

Farzaneh Badii (NCSG): (09:29) we should not re-open this issue. we have heard enough. are there new arguments in public comments we have not discussed?

Milton Mueller (NCSG): (09:29) which is exactly why some of us opposed purpose 2 to begin with

Alan Greenberg (ALAC): (09:29) Farzaneh, we are not talking about disclosure. Contact may be via anon e-mail or web form. But to do that, we need to collect the contact info.

Farzaneh Badii (NCSG): (09:30) useful does not mean necessary ----

Theo Geurts RrSG Alternate: (09:30) When there is an issue who they gonna call the registrar, this is no longer 1985

Farzaneh Badii (NCSG): (09:30) Alan, Margie talked about disclosure. you are talking about collection for disclosure. so in effect you are.

Julf Helsingius (NCSG): (09:30) Hadia, I think your mic is on

Milton Mueller (NCSG): (09:31) Georgios: the reasons is data minimzation. check your laws

Theo Geurts RrSG Alternate: (09:31) Many ccTLD operators do not even have this contact we are discussing

Milton Mueller (NCSG): (09:31) No we didn't Alan.

Farzaneh Badii (NCSG): (09:31) I don't want to hear ALAC's opinions I have heard enough. we need to go through the public comments

Milton Mueller (NCSG): (09:32) We decided to have a discussion of whether to require it or not

Georgios Tselentis (GAC): (09:32) @Milton if the data are the minimum used for the purpose the minimisation criterion is fullfiled

Kavouss Arasteh (GAC): (09:32) I am not sure why it should be optional and why it should be decided by registrar

Farzaneh Badii (NCSG): (09:33) if registrants don't provide that tech contact field you won't be able to access it. simple.

Alan Greenberg (ALAC): (09:33) Milton, the fields are there in the tnterim report.

Milton Mueller (NCSG): (09:33) But so is the question whether they are required or not

Milton Mueller (NCSG): (09:33) BY THE REGISTRAR

Alan Greenberg (ALAC): (09:33) We are supposed to be discussing which def'n of optional we are using and I asked that we understand the implication of that answer.

Farzaneh Badii (NCSG): (09:34) definition of optional? we shall use a dictionary then.

Milton Mueller (NCSG): (09:34) can the registrar offer the option or not? registrars and NCSG say they can offer it if they want but it's not required. You want it to be required to be there

Alan Greenberg (ALAC): (09:35) Farzaneh, the two option for the definition are listed just above #46 in the PC survey.

Georgios Tselentis (GAC): (09:36) So we agree this is optional for registrants to provide but not at the discretion of registrars to request?

Alan Greenberg (ALAC): (09:36) If fld is not there, it will either return blank or another field will be returned?

Milton Mueller (NCSG): (09:36) No we do not agree on that.

Kavouss Arasteh (GAC): (09:36) Kurt, may we search for something between the optional and mandatory in stating, it is optional in principle but should be provided if it is strictly requested or if it is asked for

Milton Mueller (NCSG): (09:37) Registrars should have the option to offer or NOT to offer a Tech Contact field

Amr Elsadr (NCSG): (09:37) @Milton: +1, and registrants should also have the option to provide it, or not.

Milton Mueller (NCSG): (09:38) Yes, Kurt, that is the question!

Hadia Elminiawi (ALAC): (09:38) There is no reason for the registrars not to offer it

Kavouss Arasteh (GAC): (09:38) If it is not provided but in certain cases it is necessary to have those data then it should be provided

Alex Deacon - IPC: (09:39) FWIW (and if I understand what we are talking about) the SSAC comments are relevant to this point.

Georgios Tselentis (GAC): (09:39) @ Milton please explain why "Registrars should have the option to offer or NOT to offer a Tech Contact field"? (provided that is minimized and necessary for the purpose)#

Farzaneh Badii (NCSG): (09:39) oh you might be surprised Hadia, there is this data protection law ... that might be the reason :)

Hadia Elminiawi (ALAC): (09:39) I would say Wait for the legal advice -

Chris Lewis-Evans (GAC): (09:40) +1 Brian provides consistency

Alan Woods (RYSG): (09:40) agreed Milton .. we provide the service, it should be based on the necessity as perceived by the registrar whether or not collect the data. The 'necessity' or the want of the data subject to 'provide' this data is really not of our concern. So if a registrar feel that they need to collect that data, as it tallies with their customer bases' needs and that is a legitimate business interest for them this is an 'optional' a the option of the Registrar . This conversation is ,again , the victim of the "access to all the data 'black hole' "

Milton Mueller (NCSG): (09:40) Georgios: I already did that. It's not needed and may be illegal based on data minimization

Mark Svancarek (BC): (09:41) Wrong interpretation of data minimization!

Kavouss Arasteh (GAC): (09:41) irrespective of reality ,the opinion is polarized and we can not or should not continue following these two different avenue but need to find a compromise, if any

Margie Milam (BC): (09:41) Milton -- that's not what Ruth said data minimization is interpreted

Milton Mueller (NCSG): (09:41) Ah, Alan W said it better.

Alan Woods (RYSG): (09:41) with all the typos ... as per usual!

Farzaneh Badii (NCSG): (09:41) there is a ruling on this issue. unless you think German court is wrong Mark ...

Milton Mueller (NCSG): (09:42) So now IPC wants consistent policy across all of ICANN, hmmm

James Bladel (RrSG): (09:42) Can we take a step back on the value/non-value of the Tech Contact, and focus on optional (Registrant) vs. optional (Registrar)

Amr Elsadr (NCSG): (09:42) @Alan G: or both?

Kavouss Arasteh (GAC): (09:43) James + 1

Milton Mueller (NCSG): (09:43) Alan, most registrars don't support making offering the field mandatory

Alan Woods (RYSG): (09:43) no... Optional for the registrar is the point

Margie Milam (BC): (09:43) it needs to be mandatory for the registry too if the registrar is required to offer it

Milton Mueller (NCSG): (09:44) So Mark, if you want that data to be collected and published why would you transfer to a registrar that doesn't offer it?

Kavouss Arasteh (GAC): (09:44) I recall that we said the term optional should indicate with respect of which entity it would be optional among the three entities ; registrant, registrar and registry

Mark Svancarek (BC): (09:44) Might not know that they don't offer it.

Milton Mueller (NCSG): (09:44) Consumers who really want that can choose a registrar who offers it

Amr Elsadr (NCSG): (09:45) @Mark: In this kind of scenario, if the RNH feels so strongly about having a tech contact, the RNH should choose a registrar that offers this during a transfer.

Mark Svancarek (BC): (09:46) Ideally, the RNH will be informed and be able to choose appropriately.

Alan Woods (RYSG): (09:46) @Mark ... seriously people who registrer domain names have a brain and its up to them to shop around and find the provider that best suits them. Let's not treat them all as below average intelligence!

Alan Woods (RYSG): (09:46) (note my inability to spell "register"... should not be representative of my intelligence level)

Milton Mueller (NCSG): (09:47) LOL

Mark Svancarek (BC): (09:47) @Alan lol but we do frequently in this EPDP assert that they cannot be trusted to declare themselves orgs or submit appropriate tech contact data, so I think it's consistent

Alan Greenberg (ALAC): (09:47) Can we please just have a consensus call and make a decision, one way or another.

Kurt Pritz: (09:47) @Alan - thanks - getting to that

Amr Elsadr (NCSG): (09:47) Optional, or not, we still haven't baked Article 18 of the GDPR into this. I'm hopeful that we'll get some legal advice on this.

James Bladel (RrSG): (09:48) I'll need to drop at the top of the hour. Thx.

Alan Greenberg (ALAC): (09:48) We are managing to use one of our last meetings before report publication and make no progress whatsoever.

Theo Geurts RrSG Alternate: (09:48) Brian, we disagree here as other operators can live without :)

Milton Mueller (NCSG): (09:48) No offense, but you've said this already, Brian.

Theo Geurts RrSG Alternate: (09:49) but keep it simple, make it optional amongst registrars :)

Milton Mueller (NCSG): (09:50) Registrar market is competitive -if there is real demand for this and a real need for it they will offer it

Sarah Wyld (RrSG Alt): (09:50) +1 Theo - should be optional for registrars as well as registrants

Alan Woods (RYSG): (09:50) @Marc but if a registrant make the decision to provide their busineses to a registrar who Doesn;t want to collect Admin or Tech, the Regsitrar isn't going to get fined up to 20million of 4% of their global turnover!

Amr Elsadr (NCSG): (09:51) Apologies, my comment above should have referred to article 14, not 18.

Milton Mueller (NCSG): (09:52) that is the whole issue Kurt, should it be mandatory for registrars to offer tech contact field

Kavouss Arasteh (GAC): (09:54) Why not?

Hadia Elminiawi (ALAC): (09:54) Green (I am typing because my adobe room does not show green - I' don't know how you see it)

Milton Mueller (NCSG): (09:55) we see it

Margie Milam (BC): (09:55) I have to go offline in 10 min

Margie Milam (BC): (09:55) but will remain on the call

Terri Agnew: (09:56) 5 minutes to review (will be silence)

Hadia Elminiawi (ALAC): (09:56) I appologies because my connection is slow

Kavouss Arasteh (GAC): (09:57) None of the two opposite view proponents is able to convince the otherone

Margie Milam (BC): (09:57) what are we looking at?

Margie Milam (BC): (09:57) sorry

Amr Elsadr (NCSG): (09:57) Yeah, sorry here too, but what are we supposed to be reading right now?

Milton Mueller (NCSG): (09:57) Rec 4?

Amr Elsadr (NCSG): (09:58) Didn't we just finisht that?

Kavouss Arasteh (GAC): (09:58) no

Kavouss Arasteh (GAC): (09:58) no rersuilts

Kavouss Arasteh (GAC): (09:58) Sorry ,no results

Alan Greenberg (ALAC): (09:59) Wew are now on 4 proper - what flds to collect.

Marika Konings: (09:59) The comments that focus on which data elements are required to be collected or not - the focus should be on the public comments and whether they provide any new information / rationale to change the Initial Report recommendations in relation to which data elements should be required to be collected by registrars.

Kavouss Arasteh (GAC): (09:59) Today we were not able to reconcile among opposite views

Amr Elsadr (NCSG): (09:59) Thanks Alan and Marika.

Andrea Glandon: (10:01) Yes, recording started

Theo Geurts RrSG Alternate: (10:03) Yes all registrars are under the RAA 2013

Berry Cobb: (10:03) https://urldefense.proofpoint.com/v2/url?u=https-3A_www.icann.org_registrar-2Dreports_accruited-2Dlist.html&d=DwlFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7_ZjlyVqrCYHo_rKms9SFxImbYEJqG-y9I&m=K3CIF-bj5YrPEXN7pRQetfRk-5t8nBj3tG62JisnR1I&s=Ysvi_KgO1D6CBpwpb5yBeWl6gOWGKkebVvhQ0719F5g&e=

Margie Milam (BC): (10:03) Could we get ICANN answer on the issue

Margie Milam (BC): (10:03) that Alan G raised

Benedict Addis - SSAC: (10:03) Confirm all are on 2013

Margie Milam (BC): (10:04) the question is what happens to registrations that were made under the 2009 RAA and whether they now need to get that contact for all registrations

Mark Svancarek (BC): (10:05) It seems reasonable to make our rec to stop collecting admin field contingent on whether it breaks things

Mark Svancarek (BC): (10:06) hopefully we can stop collecting it

Margie Milam (BC): (10:08) We need to ensure there is at least one contact

Thomas Rickert (ISPCP): (10:08) note that all data currently held in the gTLD system (i.e. all parties that have data), can only be kept if it is in compliance with GDPR.

Brian King (IPC): (10:09) +1 Margie

Alan Greenberg (ALAC): (10:15) @Thomas, indeed, but we have an EDPB statement telling us how to handle admin and tech contacts, not contesting whether they are needed.

Leon Sanchez (ICANN Board Liaison): (10:15) Hello everyone. My apologies for being so incredibly late

Alan Greenberg (ALAC): (10:16) It sounds to me like we are proposing something that has unknown implications, and that may not be needed for GDPR.

Milton Mueller (NCSG): (10:17) I am not seeing how this serves any interest of the registrants. I think this is just IPC/BC wanting more access to data

Sarah Wyld (RrSG Alt): (10:17) I dont think registrars can feasibly call or snail-mail all their registrants. Even if some of the larger registrasr could do so, the burden on a smaller registrar would be unmanageable

Brian King (IPC): (10:17) Note that those were not concrete proposals, merely spitballing ideas to help get the policy development juices flowing

Thomas Rickert (ISPCP): (10:17) @Alan - I thought we had agreed previously that all communication needs to go to the RNH.

Brian King (IPC): (10:17) I agree, Sarah.

Sarah Wyld (RrSG Alt): (10:17) Thanks Brian. Let's move on from that idea, then, and stick to email. :)

Milton Mueller (NCSG): (10:17) Massive costs are being proposed to accomplish what?

Alan Woods (RYSG): (10:18) +1 Theo ... all the confusion

Sarah Wyld (RrSG Alt): (10:18) And overall, the Admin contact is already decided to no longer be used, right?

Amr Elsadr (NCSG): (10:18) @Sarah: +1

Alan Woods (RYSG): (10:18) agreed Thomas and Sarah

Alan Greenberg (ALAC): (10:18) @Thomas, we can say that, but what are the implications of deleting a unique contact.

Sarah Wyld (RrSG Alt): (10:18) Agree with Theo! What are we trying to decide at this moment?

Thomas Rickert (ISPCP): (10:19) Alan, the implications would be that all communication currently directed at the other contacts will go to the RNH.

Brian King (IPC): (10:19) I think we're talking about how best to protect the informed decisions that registrants have made

Alan Greenberg (ALAC): (10:19) @Theo, ARS considers an old registration with no REgistrant contact info as ok since it was compliant.

Milton Mueller (NCSG): (10:20) Admin-C will be eliminated, but Alan G has conducted a Lazarus like resurrection of it

Theo Geurts RrSG Alternate: (10:20) But Alan that sample of 2009 registrars was a minority in the last report

Alan Greenberg (ALAC): (10:21) @Milton, I am happy to have the field eliminated. I never said otherwise. The only question is whether that generates a problem that we need to address.

Brian King (IPC): (10:21) +1 Alan

Theo Geurts RrSG Alternate: (10:21) I doubt it will be an issue and if it is an issue we will fix it

Chris Lewis-Evans (GAC): (10:21) Removal by email agreement or on contract renewal?

Alan Greenberg (ALAC): (10:22) @Theo, and now there should be none. My question was whether being on the 2013 RAA obligates a registrar to ensuring that the contact fids are present.

Theo Geurts RrSG Alternate: (10:22) And if the answer is yes or no, does that cause an issue?

Amr Elsadr (NCSG): (10:22) @Kurt: Unless I missed anything, I don't think so.

Sarah Wyld (RrSG Alt): (10:24) We should not continue to collect it, because we need to minimize what data we process. If we can fulfill those purposes we all agreed on without an Admin or Tech contact, then that's what we should do

Theo Geurts RrSG Alternate: (10:24) But I think you still need to balance it all and make a decision how big the issue in relation to complying with the law.

Hadia Elminiawi (ALAC): (10:25) @Kurt ok thanks

Theo Geurts RrSG Alternate: (10:25) and in my opinion we are going down a snipe hunt

Alan Greenberg (ALAC): (10:26) Pity the poor snipe!

Alan Woods (RYSG): (10:27) sorry all... or is that sorry, not sorry :D

Amr Elsadr (NCSG): (10:30) We also have a consensus call that we need to get through at some point.

Alan Woods (RYSG): (10:32) taking down my had ... i just wanted to say that my email / recommendation re £retention£ is mine and mine alone as we are so short on time . So this is not a Registry position by any stretch of the imagination.

Farzaneh Badii (NCSG): (10:32) what's this timer displayed in the corner of adobe for? does anyone enforce it?

Alan Woods (RYSG): (10:32) *hand

Marika Konings: (10:33) @Alan - thanks. So the ask is here for everyone to weigh in on your proposed language and indicate any concerns that require further consideration.

Alan Woods (RYSG): (10:34) please! :)

Brian King (IPC): (10:36) having an agreed plan for phase 2 may be material to our positions on consensus

Georgios Tselentis (GAC): (10:36) Having said that I certainly want to praise the staff for the support provided so far

Brian King (IPC): (10:37) thanks all

Rafik Dammak (GNSO Council Liaison): (10:37) thanks all

Hadia Elminiawi (ALAC): (10:37) Thank you all bye

Kristina Rosette (RySG): (10:37) Have a good weekend, everyone!

Amr Elsadr (NCSG): (10:37) Thanks all. Bye.

Georgios Tselentis (GAC): (10:37) bye thank

Benedict Addis - SSAC: (10:37) Thanks Kurt