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YVETTE GUIGNEAUX: Hello, all. Welcome to the RDS-WHOIS2 Plenary Call #48 on February 4th, 2019 at 15:00 UTC. Attending today's call, we have Dmitry, Alan, Lili, Stephanie, and Susan. Currently, we do not have any observers joining the call.

From the ICANN Organization, we have Jean-Baptiste, Jackie; and myself, Yvette.

We have apologies from Carlton, Erika, Cathrin did note that she is running late. We also have apologies from Volker and Chris is a tentative on being able to attend.

We'd like to remind you that this call is being recorded. Please state your name before speaking.

Okay, I think that about does it for me. Alan, I'll go ahead and turn the call over to you.

ALAN GREENBERG: Thank you, Yvette. First of all, any Statements of Interest changes? And I see none, hear none.

First of all, apologies. I was due to fly out of Montreal in a few hours and my flight was just canceled, and I'm expecting a call from the airline

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momentarily, so when it comes, I will drop off from this call or go onto mute for a few minutes while I try to solve that little problem.

Before we continue and while I'm still on the line, I will remind everyone on this call that nobody has responded to the consensus call on our recommendations and it's really important that people get back to us and I'll ask as an action item for Jean-Baptiste to send out a reminder at the end of this call.

And I will turn the meeting temper, or not turn it over, but go to Jean-Baptiste to tell us what the first item on our agenda is.

All right, what we're going to be doing here is going through a number of changes, most of them will hopefully be relatively uncontroversial and we'll go through them very quickly because there's quite a few of them. But to minimize the number of people who discover things by accident as they're doing the final review, we're just trying to cover all of these.

We also will be reviewing the – sorry – the priority, which Susan has worked on a little bit later in the call, a priority of the various recommendations.

The first one is on compliance impact of GPR and applicable laws and a paragraph has been added. Whether compliance will, in fact, be able to verify RDS WHOIS information is still not clear. If they must request the information from the registrar or registry, they have no guarantee the information returned is what is actually in the database. It is only with direct access to the database as was previous in the case, they affirm evidence of its content. Now that's hopefully not a political statement,

just one of fact that if compliance is trying to verify that registrars/registries are doing their business, there's a potential issue that the information returned by the registrar or registry is not, in fact, what's in the database. And that's simply a fact. Any comments? Questions? Stephanie, go ahead. Please go ahead, Stephanie. And that is a call I can't ignore at the moment. Stephanie?

STEPHANIE PERRIN: Just a point of clarification. [Does] the new text you have deleted the reference to, depending on the final GDPR implementation, right?

ALAN GREENBERG: We can certainly put that in before the ... There is no guarantee. I hadn't deleted it. This was a new paragraph. This was not a replacement. This was an additional paragraph.

STEPHANIE PERRIN: Okay. Well, I just think it's unfortunate because depending on the final GDPR implementation, that's out of our control. What we're talking about is the interpretation of GDPR with respect to registration data services. Okay?

ALAN GREENBERG: Yeah.

STEPHANIE PERRIN: Final GDPR implementation is [inaudible] to the discussion board. It implies that we're waiting for them to figure out how to implement GDPR, which is not what you mean by this.

ALAN GREENBERG: No. I wasn't implying anything at all. I was just saying whatever the reason the outcome may be that they don't have access to the data. If you'd like to, before the "they have no guarantees", we could add "depending on the EPDP or the GDPR outcome". You give us the words you like. This was just the statement of fact that at this point, we don't know how it's going to turn out, not predicting who's control it's under. If you want to add some words that you feel more comfortable, then please do.

Stephanie? Can anyone hear me?

JEAN-BAPTISTE DEROULEZ: I can.

STEPHANIE PERRIN: I can.

JEAN-BAPTISTE DEROULEZ: I see her hand is still raised.

ALAN GREENBERG: Everyone else can. Stephanie, if you feel that some words should be added here to say on what this depends, then please suggest words. Your hand is still up. We can't hear you speaking. Your hand is down now. Stephanie is typing. She'll provide some language. Thank you. Let's go down to the next slide, please. And what is the issue here?

JEAN-BAPTISTE DEROULEZ: There is an issue. As you recall, there were several open [inaudible] into data accuracy, so it's just a minor [inaudible] in gray. The major one is on the next page.

ALAN GREENBERG: Okay, fine. Just ICANN-initiated. That's fine. Next slide then.

All right, here ... Yeah, there is a paragraph on the number error rates and the ... Yeah, the way this read, there is an implication that registrars are not validating things as in their 2013 RAA. There's an implication that all of the domains that are under their control now have to be validated. That's not clear under the current interpretation of the RAA and although compliance has identified not verifying things as a problem, it's not clear that it's in violation of the RAA or not.

So there's currently a question outstanding with ICANN in the EPDP of to what extent must registrars go back retroactively and verify data even if they're under the 2013 RAA. So I've suggested to minimize the people who interpret this incorrectly that we just delete this sentence and I think Lili has agreed, but I'm not 100% sure on that.

Lili is fine with the deletion. Next slide, please.

Under annual reports, that's just a minor change. Yeah, okay. Two things here. ICANN Board should take the lead in developing. The ICANN Board doesn't do operational work like that, so I just deleted that sentence and it's left, essentially, to ICANN Org to implement. And just a minor wording, making sure that "that" is clear what it's referring to. And I don't think there's any controversy on that one. Next slide.

This is not anything new. I just clarified that instead of the recommendation number, just said where they are addressed. Again, we'll go ahead and presume no controversy unless someone raises their hand.

On anything new, there was a question saying we have, under the ERRP, the Expired Registration Recovery Policy, it said, "How are fees announced?" We had a question, "How are fees announced when the registrar has no website?" And, in fact, that is addressed in the ERRP. And it says if you don't have a website, then at the very least, you must include them in your terms and conditions. So I replaced it to say we have no answer to ... That's where it's addressed.

Under recommendations, the original recommendation said that they are covered in the sections, that there are two places where we have recommendations. In fact, I could only find one that is the one specified under – sorry – the one above the new website. And, in fact, that is not a new recommendation but their follow-on to the RDS ones. So I just changed the recommendation lead-in to point to that, to say that these were all follow-ons. Again, don't think there's any controversy there. Next slide.

JEAN-BAPTISTE DEROULEZ: I just wanted to mention that we have Cathrin joining the call.

ALAN GREENBERG: Good. Thank you. Welcome, Cathrin. And Carlton. I didn't see Carlton. Welcome, both of you.

The next one is consumer trust. You'll recall in Brussels, we decided that we would do a significant rework of this section. A lot of it currently was talking ... It was an analysis of what WHOIS1 did, which I don't think we need to repeat in full, and there was also a fair amount of non-WHOIS-related things. That is, things related to consumer trust but not necessarily related to WHOIS, largely associated with resellers, third-party resellers, a number of other things like that, and we decided to do a rework.

Unfortunately, Erika has not been able to do it and I've proposed to Erika a number of changes and I hope to get the revision done in the next 24 hours. That's going to depend a little bit on my personal life. But essentially, the items that I was talking about was removing the quotes from the first review. That is, the description of their thoughts and reasoning, although they do have a number of useful definitions and those we are leaving.

And deleting the section, new gTLDs that are not WHOIS-related, add a section on WHOIS third party, usage [by] third parties to the benefit of users which is one of the implications of how WHOIS has been used in the past and a section on WHOIS implications for registrants in

particular, and clearly, GDPR has changed the world completely. Their data is far more protected and private than it was before, but there's also a fair amount related to WHOIS that they now have to be informed of and so that will add the sections like that.

So I don't know if there's any questions or problems with this. As I said, I hope to have the text ready in the next 24 hours. I see nothing. Carlton is typing, but let's go on to the next section.

This is under compliance, although not part of the ... Remember we added a recommendation that says that based on the GDPR implementation, compliance's work may increase and we have to make sure that their resources are adjusted so they can continue to do their job. And this is the rationale within the text for doing that. So this just goes along with the new recommendation that we've added to say that the Board should ensure that their compliance is adequately resourced.

And there we have the actual recommendation. We did discuss this on a previous call. Note we're changing the titles of these recommendations in this section from CM, which didn't make a lot of sense to people to CC for contractual compliance. I see no hands, no comments.

Under impact and feasibility, I've used the same text because I think, in fact, it applies. If anyone is offended by the redundancy and would like to propose different words, feel free. And I see no hands, no comments.

Next section, prioritization. And I'm going to turn it over to Susan.

SUSAN KAWAGUCHI: Thanks, Alan. So I finally just brought up a brief description of each of these priorities and tried to get some rationale to why we decided these were high, medium, or low. So there's the text right there. It could definitely use some help probably.

And I'm a little bit confused, or I wasn't sure on the last sentence of the high priority. Are we recommending that the Board work on these first or focus on the high priority one first? Or do you think that there's an overall ... Obviously they're going to look at all the recommendations, but do you think we should direct them to focus on the high priority ones? Anybody have any input?

ALAN GREENBERG: I'm not sure we should direct them to focus on the high priority. I guess I take it as if we are very resource-constrained, we might not get to the low and medium ones for a while.

SUSAN KAWAGUCHI: Right.

ALAN GREENBERG: So I would simply ... You have most involved community input, which can be time-consuming. I can live with what you have there. I don't think ... It's tying it to the community input part, so I think that's fine.

SUSAN KAWAGUCHI: Okay. Anybody else?

ALAN GREENBERG: Of our 21 recommendations – one, two, three-, four, five, six, seven, eight, nine – less than half of them are high. I think that’s reasonable.

SUSAN KAWAGUCHI: Yeah, I did take a lot of time to just go back over and look. Some of these, especially the low priority, are either deferred or would be fairly easy to implement. So I don’t think we’ve given them [inaudible].

ALAN GREENBERG: Stephanie in the chat says, “I don’t really think we need to tell them how to manage. There may be some easy kills in the low and medium priority. [inaudible] change recommends to, so the Review Team ... Okay, most involved community input which can be time-consuming so the Board may wish to focus on these first.”

SUSAN KAWAGUCHI: Okay.

JEAN-BAPTISTE DEROULEZ: [inaudible], Alan.

ALAN GREENBERG: Yeah. Most involved community input which can be time-consuming, so the Board may wish to focus on these first.

SUSAN KAWAGUCHI: Oh, and I left out “without” on medium priority. Amazing what you see when you read things later. On the last sentence, “Most required actions only by ICANN Org so they should be implementable without much community input.”

ALAN GREENBERG: Isn’t that in conflict to your first sentence?

SUSAN KAWAGUCHI: No because I talk [inaudible], could develop time-consuming research and implementation, but when I was reading through the recommendations, a lot of them didn’t have the community input.

ALAN GREENBERG: Okay, got it. Sorry, I read consuming and community as the same word. It’s just my eyes. Okay, I see no hands, no comments. Next slide.

And this was a recommendation that, for reasons I don’t quite understand, we reported level of consensus as no objections and I would presume that we should report it as full consensus as specified in our terms of reference unless there is any objection, exactly how we word ones which do have some objections, I think we’ll measure the level of consensus and perhaps add an explanation of who has disagreed, assuming we have any like that. Next slide.

These are just repeating what Susan has specified. Do we want to go over them one by one? Does anyone on this call feel that we need to now go over them one by one, reading out the recommendations and

assigning their priority? I'm happy to presume that if anyone has any objections, they'll do it within 24 hours and do it by e-mail. I don't hear anyone disagreeing or see anyone writing so let's go on to whatever comes after prioritization.

In the leadership call, we had talked about trying to do consensus call at this point, but with only half the people on the call, I don't think that has an awful lot of merit.

All right, timing. We have specified end of Thursday UTC as the deadline for giving a statement of your consensus call. We really need a positive statement from everyone saying either they are agreeing or disagreeing. And certainly, if you are going to disagree earlier, the earlier the better, and requiring any minority statements by February 13th which is just enough time to integrate them in before the report is scheduled to go out. Comments or questions?

I know everyone is busy and some of us are more busy than others, but we really have to get this report out before Kobe and the 15th of the month is really the last time we can do it before staff starts getting very busy with preparations for the meeting, or actually, leaving for the meeting. I'll give people a chance to respond. If there's anyone who would like to register their responses right now, we are welcome to take them. I'll go on record saying at this point I am supporting all recommendations. And Lili supports all recommendations. All right, next section.

JEAN-BAPTISTE DEROULEZ: There are some comments in the chat [inaudible].

ALAN GREENBERG: I see. We have support from Carlton. We have support from Susan and support from Dmitry. And I have to drop off for a minute. I'm not sure it's my call but I have to take it and I'll be back as soon as I can.

SUSAN KAWAGUCHI: So Jean-Baptiste, is there anything ... It looks like [inaudible] any other business. Do we have any other business?

JEAN-BAPTISTE DEROULEZ: There is no other business listed at this point, but just a reminder. So, some of you have received several e-mails regarding updates to the final report. You'll hear from me or from Jackie and we'd appreciate if you could address this at your earliest convenience following the different [inaudible] that Alan has shared beforehand. Thank you.

SUSAN KAWAGUCHI: Okay. And did any of the team members have anything they'd like to bring up? It looks like Lili's typing. I'll just wait to see what she's saying. Okay. Recommendation 5.1 should be a high priority. Do you have the list? Yeah, can we look at that? 5.1?

Okay, I did notice that when I was going through the priorities last night. Does anybody object to that being a high priority? I think that's where we were before.

So if I see no objections or hear no objections, let's change that, Jean-Baptiste, to high priority and if anybody has any objections then we can, in your ... Well, some people have indicated they supported all the recommendations. Think about that, too, and you can do that Thursday.

Okay, Stephanie, you don't agree. I don't understand. My thinking on this is even if the EPDP comes back with absolutely changes, there will still be a need for data accuracy even in a limited way so that ICANN Org continues to monitor this. There will be information out of registrant data either by, at the very least, by [subpoenas] that might be not reported and so even if ICANN Org doesn't receive any registrant data on a daily basis, they may in one-off, and in those situations, I think they should be required to look at these.

I agree, but we don't know and we can't ... The ARS system [shows], that's fine. But I think the recommendation says, "Or a comparable tool or methodology," so something has to happen. Whether or not the EPDP addresses accuracy right now, nothing is implemented so I don't think we can make that assessment. That's what we've been doing the last over a year and a half is looking at things as the status quo and I don't think we can now look to the future on this one.

So everybody should weigh in online on this one via the e-mail. And Stephanie, if you oppose that, please provide a rationale or at least your opinion that it should not be a high priority. It looks like we've got a couple people typing. Sorry, I have barking dogs this morning.

JEAN-BAPTISTE DEROULEZ: I think they have agreed to the recommendation.

SUSAN KAWAGUCHI: Okay. But I don't think that ...

JEAN-BAPTISTE DEROULEZ: I was talking about the dogs, Susan.

SUSAN KAWAGUCHI: Oh, okay. Sorry. They're in violent agreement. But even if, Stephanie, just to your point with the requirement to respond within two weeks, that they – I'm laughing at your comment, Stephanie, about the dogs are in agreement with you. So, even if that element changes, that maybe it goes to a month or six weeks or a year, this priority or this recommendation could still stand.

I think that there's always going to be some data accuracy requirement and whether or not it's the same criteria as it is now or not, I think this could still stand, this recommendation. So, let's finish this one up via e-mail. It would be good if everybody... Even though a lot of people said they support, we can use that from the meeting, but it would be better to have it confirmed via e-mail as Alan requested. So do we have any other business?

JEAN-BAPTISTE DEROULEZ: Not on my side.

SUSAN KAWAGUCHI: Okay. Well, then we'll give you back the rest of your ... Almost a whole hour. Oh, sorry. Jean-Baptiste, please go ahead.

JEAN-BAPTISTE DEROULEZ: Exactly. If we can just confirm that under decision reached. So the different updates that were mentioned today on the call were all approved. There will be two updates to the high priority text. I'm sorry. One on the high priority text to say to the Board maybe we should put this on this first and then on the [inaudible] to say we got community input.

On the consensus update, this will be changed in the report to full consensus and we received support on the recommendation from Alan, Lili, Carlton, Susan, Dmitry, and Cathrin. And so there was discussion on the priority level change on Recommendation 5.1 to high and this would be separated for consensus. But yeah, e-mail after this call. We'll send out a reminder on the call for consensus and Stephanie will provide a language update on paragraph on possible impact of GDPR [inaudible]. Thank you.

STEPHANIE PERRIN: Thanks. If nobody is opposed to all the action items and the decisions reached, then we'll, like I said, give you almost back an hour of your day and thanks for all the hard work. Talk to you next week.

JEAN-BAPTISTE DEROULEZ: Thank you, Stephanie. Have a nice day, all. Bye.

[END OF TRANSCRIPTION]