

BRENDA BREWER: Thank you. Hello, everyone. Welcome to RDS WHOIS2 Plenary Call Number 49 on the 11th of February 2019 at 15:00 UTC. Attending the call today, we have Alan, Cathrin, Dmitry, Lili, and Susan. From ICANN Org, Negar, Jackie, and Brenda. We currently have no observers. We do have apologies from Erica and Jean-Baptiste. Today's call is being recorded. I'd like to remind you to please state your name before speaking. Alan, I'll turn the call over to you. Thank you.

ALAN GREENBERG: Thank you very much. Are there any changes to statements of interest? Hearing nothing, let's go on to the first slide. All right. There is a new section on consumer trust that I sent out last night. It's been posted on the Google Doc for a while, but I sent it out via email last night. The changes, essentially, are there was a large section at the beginning that talked about some of the definitions that the WHOIS Review Team 1 put together. But it then followed with a lot of the logic that they used and their conclusions other than the recommendations. That was shortened to include the parts we need but not just to include the dialogue parts. The sections that related to consumer trust, which weren't focused on WHOIS, were largely eliminated and an additional section on the third-party use that is indirect use of WHOIS information for the benefit of consumers was added.

A fair amount of clean-up, so it's significantly shorter. I think it keeps all of the parts that we needed before but kept it more focused on WHOIS-related things. So if there's anyone who has any problems with the text there, please comment on it as soon as possible because we do have to

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lock this in. I apologize for the lateness of it. Erica unfortunately has been unavailable, and we had no choice but to proceed without her drafting it. But she has supported what is there. Any comments on that at this point? You will recall that there were no recommendations, and there still are no recommendations coming out of it. Next slide, please.

This is the prioritization that we'll go into a little bit more detail in a minute. I'll note that the comments from staff suggested that instead of using high, medium, or low priority, we instead give deadlines when we believe that work should be done, with reasons I don't remember. Did not really process that at the time, and therefore, we continued working on high, medium, or low priority. At this point, we can continue with what we have done. We can add in for each of the recommendations the timeline. It's already there in many cases but not all. Or we can replace the high, medium, low with just the timeline. I'm guessing from a staff point of view, either of the latter two are acceptable. I'm wondering if people have any thoughts. Negar, please go ahead.

NEGAR FARZINNIA:

Thank you, Alan. Yeah, with respect to high, medium, low priorities, I would actually imagine leaving the level of priority as it is, but just defining what high, medium, and low means to the review team will suffice here.

The question that comes to mind then [inaudible] implement recommendations is if something is marked as high, does that mean it takes priority for implementation, or is it marked as high because it has prerequisites somewhere or dependencies somewhere etc.?

So if the definitions of high, medium, and low, not in terms of defining what low, medium, and high by themselves mean, but just in general what the order of implementation means to you ... If something is marked as high, you expect it to be implemented first. That would suffice for this report and there shouldn't be any need to go in and change everything on every single recommendation at this stage.

ALAN GREENBERG:

Okay. Thank you. To answer part of that, the high, medium, and low was, I believe, meant to indicate resources, but the issue of what do you do first is also contingent on whether there are constraints. So a fair number of the recommendations are high priority, or several of the recommendations anyway are high priority, but cannot be started until GDPR is somewhat more stable, or the implementation of GDPR is somewhat more stable. So high doesn't mean you have to start it today, but does imply that once the conditions are met, it's one that should be worked on earlier than others. I think we're pretty clear about that in the recommendation or in the implementation if there is a condition that must be satisfied prior to starting.

NEGAR FARZINNIA:

That's fair, Alan. Thank you. I think Susan has her hand raised. So I'll lower mine and [inaudible].

ALAN GREENBERG:

Susan, go for it.

SUSAN KAWAGUCHI: Thanks, Alan. I think the complexity is ... That's what I was looking at, at least, when I developed these descriptions. The high priority are complex, but they're also really important to do. I think it's the complexity that is the most important thing to look at and that they will take some time. Therefore, they're not as simple to implement is the way I was viewing them, and the importance of it was a factor. So if the board understands that, and the Org, that high priority may not be completed before a low priority just because of their complexity. They may actually be able to go in and go, "Oh, these are easy. Let's do the low priority," not before the high priority but at the same time, and they'll finish before high priority is, the way I was envisioning it.

ALAN GREENBERG: Thank you, Susan. I guess we need to add at the end of the first sentence on the description of priorities, it's "once any pre-conditions are met."

SUSAN KAWAGUCHI: Yeah, that would be a good—

ALAN GREENBERG: If someone could capture that, please. So "the board may wish to focus on these first once any pre-conditions are met." I think, in fact, the wording that Susan has in these definitions that are on the screen do exactly what Negar was asking for.

I'll also point out that, although overall resources within ICANN Org are relevant, in many cases different recommendations are going to be

implemented by different people. So it's not a matter of X group does recommendation one before recommendation three because in many cases they are going to be spread out in different parts of the organization.

NEGAR FARZINNIA:

Yes, Alan. That is correct. There are going to be different SMEs depending on the recommendation. These definitions, the way you and Susan explained it, makes it clear what the intent behind the priority levels are. So with the addition of the one sentence you noted that I've put under action items, I think we are good to go.

ALAN GREENBERG:

Okay. Thank you. Let's go to the next slide, please. This is the actual recommendations that we have at this point. There was some disagreement on 5.1. I think Stephanie suggested that it isn't high, but I think that we have consensus other than that. It may not be unanimity, but I believe we have consensus on all of these recommendations.

But I think coming out of this meeting, we need to send them to the email list and, essentially, say speak now or forever hold your peace, based on putting them into the report, unless there are any comments. They continue on the next slide, but I don't think there's anything controversial there. Seeing no hands, I think that's agreed, at least for the people on this group. Negar, I assume Jean-Baptiste put these slides together. Is that correct?

NEGAR FARZINNIA: Yes. That is correct.

ALAN GREENBERG: I'm assuming that the people he named under approval needed presume that the recommendations which only with Thomas are ones that have not changed in any substance since the draft report. Do you know if that's correct or not? I'm assuming that's why the different people have been named in different cases.

NEGAR FARZINNIA: Yes, Alan. That is my understanding.

ALAN GREENBERG: Okay. So that's presuming no one is withdrawing consent, which they still could do in theory. But at this point, we have not heard from Chris and I'm not expecting to hear Chris. I believe he abstained last time, and I'm presuming he will abstain this time since this is going to the board. Thomas, we may or may not hear from, and either way we'll note it. So I think what we're saying here is we have heard from everyone except Stephanie, Volker, and Erica. That is we have positive acknowledgement for everyone else that they are supporting all of the recommendations. If anyone believes that it's not clear, then speak up.

So what we need to do is remind Volker, Erica, Stephanie, and Thomas for whatever it's worth, to please let us know. I've sent privately a message to Stephanie to that effect – sorry to Erica and Stephanie. I haven't to Volker. So I think we need to try to contact them as quickly as possible and get their responses. Now I presumed Stephanie was going

to be on the EPDP call that's going on in parallel. She's not on that call either, so I'm not quite sure what's happening with Stephanie. All right. Next slide, please.

We discussed webinars. According to our outreach plan, we will have one or more webinars. I think in the past, we've held two on the same day at two different times to accommodate different time zones. There doesn't really seem to be a lot of time to do it before the Kobe meeting. I'm not available for two weeks after it, so we suggested some time moderately early in April. They're going to use the same slide deck or probably close to same slide deck as we plan to use in Kobe, so there's not a lot of preparation that will have to be done explicitly for that and we're suggesting sometime early April – somewhere second week perhaps in April, unless anyone has any concerns over that.

As we have done in the past, we'll have the presentation done by the leadership with any other people there to answer questions. Sadly because of EPDP and other things, I'm not sure how much interest there's going to be at this point, but I think we have to go through the process. Comments, questions? Next slide.

All right. We had a deadline for specifying the support or non-support. That's long passed. We have said minority statements by Wednesday of this week. We could extend that by a day, perhaps, but not an awful lot.

My hope is to get the report out by the 15th. If we can't make it by the 15th for some reason, then we're looking at the following Monday. But I don't have any interest at all in trying to push it past that. So if anyone has any concerns, I'd ask Jackie how comfortable does she feel with the

document. If I could ask, what is the stage of exporting it from Google Docs into a Word document? I'm assuming that hasn't been done yet because I'm still making a few changes in the Google Docs, but that's probably finished as of today. I think I've addressed the other points that I had to address. There is a critical one that Cathrin has to address, but we'll get to her in a minute. Jackie, are you feeling comfortable with the status of the report, and what's the timeline for exporting into Word? Which [inaudible].

JACKIE TREIBER:

Yeah. I feel fairly comfortable with the progress of the report so far. There are a few points that need to be covered in the glossary which I'm working with a team within ICANN to cover some of the definitions that were missing from the report. Other than that, I feel that we're on a good path so far.

And as far as exportation goes, that's something the Jean-Baptiste is taking care of, and I think that the steps are to send off to translation and then start the exportation process.

ALAN GREENBERG:

Okay. You've highlighted that there was a problem with the privacy proxy references.

JACKIE TREIBER:

Yes.

ALAN GREENBERG: For some reason, when you or whoever did it, copied them from the document proper into there, some but not all of the links disappeared. I have no clue why that one was different than the others, but it should be an easy matter to cut and paste them from the original draft report into that section. I don't have the editing rights on that section, so I can't do it. I'm happy to do it if someone wants to give me editing rights, or it should be no problem to for you to do. I sent an email on that yesterday. Go ahead.

JACKIE TREIBER: Okay. Yeah, that's something that probably Jean-Baptiste can give you editing. Also, when I received the document and downloaded it on my computer, the links were missing as well. So that's been an issue from the get-go, but I think it's easily fixable.

ALAN GREENBERG: They're certainly in the draft report. I sent you a Word document of a very near-the-end version that has them all. So for anyone who has editing rights, it shouldn't be a problem. Susan. Please go ahead.

SUSAN KAWAGUCHI: Yeah. Jackie had sent me an email, and I didn't get to it last night, but I could do that today to help out if that makes more sense because I could check the links and make sure they are—

ALAN GREENBERG: As I said, the links are just missing. Most of them have a bullet point with no text after it, so I think that whole section needs to be erased and copied from the Word document of the draft report – unless there's something magic about those links which caused them disappear on a paste. But worse case, don't do it until you get to export it to Word, and then copy them. And that will surely work.

JACKIE TREIBER: Oh, I see. Okay.

ALAN GREENBERG: If you look at it, you'll see it's just garbage. I'm presuming the links weren't missing for any section, and why they were for that one is a mystery. But it's a mystery I think we could live not knowing about and just fix it when it gets to the Word document if nothing else.

JACKIE TREIBER: Yeah. So should we determine who is going to tackle that? Could it be you, Alan; or you, Susan?

ALAN GREENBERG: Well, if someone gives me access, I'll try to paste it in. But worse case, when it gets to the Word document, we know a cut and paste from an old Word document to a new one will work.

JACKIE TREIBER: Will work. Yeah. Okay.

ALAN GREENBERG: So one way or another, we have to replace that section.

JACKIE TREIBER: Yeah. Thanks, Alan. I've made a note for Jean-Baptiste when he comes back to give access, editing rights, to the document just in case, and we can take action at that point in time.

ALAN GREENBERG: Yeah, but he may do the export immediately, in which case we don't even need to do that. We're going to need a good [inaudible] at least a few days to clean up the Word document with formatting and stuff. So the export has to be done pretty soon if we're going to meet the deadline. For all I know, he's doing it on the plane, but I'll leave that—

JACKIE TREIBER: I'm pretty sure it's happening on the plan, but you never know.

ALAN GREENBERG: That's true. Okay. Any other thing? What is on our next slide? So the real, critical point at this point is to clean-up, which I guess I and Jackie and Jean-Baptiste will be doing, and getting consensus, getting the statement for consensus. It's unlikely we'll get anything from Thomas. We may not get anything from Stephanie in time to do the published report, in which case we will publish with the consensus from those

who have responded. If we have to, we'll do a revised report factoring in consensus from the other people or any minority statements.

Now the EPDP report will be shipped tomorrow if things go ahead, so Stephanie should have time after that. But at this point, I'm not in a position to guarantee anything. All right. Compliance, these are the—

NEGAR FARZINNIA: Alan, sorry.

ALAN GREENBERG: Yes. Please go ahead.

NEGAR FARZINNIA: I'm sorry. Before you move on, I wanted to just touch on the comment you just made about revising the report. You had sent an email yesterday – or actually the day before, I don't recall exactly – to the same effect, and had correctly stated to Stephanie that once the final report is submitted to the board, almost immediately it gets submitted for public comment. The chances of being able to submit a revised report is almost non-existent. So I just want to highlight that because once a report has been submitted, it's...

ALAN GREENBERG: Well, let's talk privately on that, Negar.

NEGAR FARZINNIA: Okay. All right.

ALAN GREENBERG: Perhaps after this call.

NEGAR FARZINNIA: Sure. Sure. That's sounds good.

ALAN GREENBERG: Okay. 3.5 Compliance. Stephanie to provide language of update of possible impact. Again, if she provides it, fine. If she doesn't, then it's not there. We have asked her for it. Data accuracy 5.1 does not have full consensus. Can someone remind me why 5.1 does not have full consensus? Anyone? Let's see what 5.1 is. Cathrin has her hand up. Please go ahead.

CATHRIN BAUER-BULST: Yes. Thank you, Alan. I was just wondering who has not agreed to data accuracy. Was that Volker?

ALAN GREENBERG: I could guess it's Volker or Stephanie, but I don't know. That's why I was asking. 5.1 is the accuracy reporting system was instituted to address concerns. It should continue one way or another. I know Stephanie said that under GDPR, it's not going to be possible to live with it. At this point, there is a discussion going on within the EPDP team soon, but not quite right yet. That actually integrates the ARS into one of the

purposes. So it might be a done deal by the time we finish this call or not. But in any case, I believe if there's an objection, it's Stephanie pointing out that it might not be possible. I don't think she was objecting to the concept, but I can't really speak on her behalf.

CATHRIN BAUER-BULST: Because I think what we said in the recommendations ... Well, I see Carlton has his hand up, sorry.

ALAN GREENBERG: Lili's first, and then Carlton.

LILI SUN: Hi, Alan. Can you hear me?

ALAN GREENBERG: Yes, we can.

LILI SUN: I think the objection is not about the recommendation itself. It's about the priority. We adjusted the priority to be defined to high priority last plenary call, and Stephanie raised objections during the plenary call.

ALAN GREENBERG: Oh, okay.

LILI SUN:

It's about the priority, not to the recommendation itself.

ALAN GREENBERG:

Well, as I said, if someone wants to say there's a problem with priority, she's just going to have to get online and tell us that. At this point, we only have one person objecting to the priority, and that does not break consensus. So thank you for reminding us of that, but I don't think that changes the outcome. She also did say that it may not be possible at all, and that remains to be seen. Being impossible does not really change or make new recommendation. It just makes it harder to implement.

Carlton asks to read his statement. He said the issue of 5.1, Stephanie made some comments but withdrew them, and the issue raised was whether it is necessary given GDPR, and Carlton said it was a a necessary part.

In fact, there is question under GDPR whether the data controller has a responsibility to ensure accuracy, or it's purely up to the registrant. That is a question we haven't really addressed in the EPDP yet, and it's not clear what ... The different data protection regimes seem to take a different position. The UK one says it is a responsibility of the controller. Other ones seem to imply it is not. But I don't think that alters our recommendation.

Common interface has been updated, law enforcement we'll get to in a moment, consumer trust was replaced, and bylaws has been updated. Cathrin, the issue on law enforcement, other than the fact that some of the graphs didn't quite coincide to the text, but there's a major one on ... One of the graphs talks about which parts of WHOIS are used, and a

significant number of law enforcement respondents said they used the billing contacts. Now, as far as I know, billing contacts have never been published. Therefore, unless I'm mistaken and someone can correct me, we either need to remove that graph or remove that line from the graph because I believe saying that people are relying on contacts which they have not had access to is going to put the whole survey into question. Cathrin, please go ahead.

CATHRIN BAUER-BULST:

Yes. Thank you, Alan. I looked into this and actually it is correct. So we did ask about the billing information, and people get it on the basis of subpoena. It is a separate issue, so indeed I think the best way would be to remove that line from the graph, or else remove that graph altogether. Either solution will be fine for me.

As for text not coinciding with the graph, that was a misunderstanding because the text moved on to say ... There is no text actually just reprising that graph. Rather, I explained something in text, and then I moved back to a visual to give people the possibility to switch the way in which they absorb information. So I haven't put every visual also in text above, but for this one I saw why you got confused. So I have now added a sentence to basically reprise the information from that pie chart, right above the pie chart with [inaudible]. But in fact, the text above the pie chart was referring to a different data set, so it wasn't incorrect [inaudible].

ALAN GREENBERG: Okay. So your recommendation at this point is to redo the chart without that line?

CATHRIN BAUER-BULST: For the other bit, yeah. I would suppose that that's the easiest way to fix this issue.

ALAN GREENBERG: Okay.

CATHRIN BAUER-BULST: And just to say, Carlton on the accuracy had raised a comment in the chat which maybe we want to attend to, where he said please read it out. I can just read it now if we want to just quickly refer to.

ALAN GREENBERG: Please.

CATHRIN BAUER-BULST: Yes, on accuracy he said the issue raised was whether it was so necessary given GDPR, and I have rebutted that it is a fundamental requirement for data management, going with the data accuracy. I have to say that I agree. There is an obligation to ensure data quality that stems from the GDPR. So even if we have different national legislation now that has different levels of obligations, there is now a horizontal one across the EU that says that you have to ensure data quality and data accuracy. We've said that also in the union positions that we've

taken at previous ICANN meetings, so I would also think that is helpful to formulate this other recommendation because there still seems to be a lot of confusion in the community as to whether there is such a requirement.

ALAN GREENBERG: Yep. As I said, there is some controversy certainly in the EPDP, but I don't think that alters our position in the review team.

CATHRIN BAUER-BULST: No.

ALAN GREENBERG: All right. I think we're now completed on this one. So we have an action item to redo that graph without the bill, the line of the billing information. And next slide, please. Review team to identify implementation agents.

JACKIE TREIBER: [I can expand on that].

ALAN GREENBERG: Oh, we're talking about the implementation review team, and I volunteered the leadership with their agreement, and both Cathrin and Susan have accepted that. If there is anyone else on the review team who strongly wants to be involved, then we're glad to have them. But at this point, it will be the leadership plus anyone else who expresses a

strong interest – and presumably will actually be there when we need any input. It turns out it’s a lot easier to volunteer to be on the team than to actually contribute once it convenes. I speak from personal opinion having volunteered to be on an implementation review team that I then did nothing on. And Carlton—

NEGAR FARZINNIA:

So, Alan, I like to provide some additional data on this because I’m not what the extent of the conversation was regarding the role of the implementation agent. I will ask Jean-Baptiste to circulate a few slides that we’ve had on this topic just to provide clarity as to what the expectations are.

The goal for the role of the implementation agents are in case there are questions that we might have when we go through implementation planning of the recommendations or feasibility assessment, and all the work that we have to do in preparation for implementation. If we need clarification or have questions, the idea is for us to be able to exchange emails with you, Cathrin, and Susan, or any other volunteers that are in place, to just seek clarification and possibly with some answers. This is not meant to be an active role or a time-consuming role. It is merely set up to help provide clarification in case at the time we plan implementation, something is unclear and we need your help to provide clarification for us.

ALAN GREENBERG:

Thank you, Negar. I think that’s well understood. Certainly, several of the people who will volunteer, or are already involved in other

implementation review teams. At this point, we have four names. If anyone else volunteers, we'll gladly add them.

NEGAR FARZINNIA: I'm sorry. I didn't catch who the fourth name is. I have you, Susan—

ALAN GREENBERG: Carlton. He volunteered in the chat.

NEGAR FARZINNIA: Oh, perfect. Thank you.

ALAN GREENBERG: Next slide, please. And any other business? At this point, I think we need a leadership call later in the week, probably Friday, or Thursday will do. Thursday may be better because Cathrin might be available for it. I don't believe we need any other plenary calls at this point, unless anyone is forecasting enough problem that we will not ship the report. If we do ship the report, there's certainly no need for a plenary call, I believe. So at this point, I would say no plenary calls.

Let's try to schedule the next leadership call. I think Thursday is a clean day. It's Valentine's Day. Hopefully, Cathrin will be able to make it, and we can do a final review of any substantive issues that Jackie or I have found in the report, or anyone has found, and hopefully can confirm what level of consensus we have by then. Anything else? Then, Negar, if

you could review any decisions and action items, and we'll adjourn the call.

NEGAR FARZINNIA:

That sounds great, Alan. I will be happy to. The list of decisions reached is to [inaudible] send the list of recommendations to the mailing list for consensus reaching. Alan to also send reminders to Volker, Erica, Stephanie, and Thomas to let us know about their vote on the recommendations that are outstanding. Hold webinars early April, preferably two webinars in one day, leadership to prepare presentation.

On the law enforcement section, redo the chart without the line about billing information. Alan, Cathrin, Susan, and Carlton have volunteered to become implementation agents. Leadership call needed, preferably on Thursday. No further plenary calls are needed at this point in time.

And the other action I just captured are that for the priority level definitions, we want to add in a text that says implementation to begin once any pre-conditions are met. And the second action item is for staff to look into giving editing rights to Alan and Jackie on the privacy policy section.

ALAN GREENBERG:

I think Jackie already has editing rights. In any case, that item is not really important. We can fix it once it gets to a Word document if we don't fix it on the Google Doc, so let's not worry about that one if that doesn't get done.

NEGAR FARZINNIA: Okay.

ALAN GREENBERG: I'm fine leaving it as an action item, but it's not really crucial at this point. All right. If there's no other comments, then we will end this meeting.

And this may well be the final meeting of the plenary of the review team. In that case, we'll do formal thank yous and things by email, but for those who are on this call, I really appreciate the level of activity and the work that's gone into this. I think we have a report that hopefully will improve the RDS WHOIS ecosystem, going forward. So thank you all for your efforts. Any further comments before we end the call? Then I will also give specific thanks to Susan and Cathrin for the significant amount of extra time they've put into this. And thank you all. And this call is over. Bye-bye.

NEGAR FARZINNIA: Thank you, everyone.

[END OF TRANSCRIPTION]