CLAUDIA RUIZ:	Good morning, good afternoon, and good evening, everyone. Welcome to the LACRALO working group on WHOIS and GDPR on Thursday, June the 6th 2019 at 23:00 UTC.
	On today's call, we have on the Spanish channel Carlos Leal, Sergio Salinas Porto, Harold Arcos, and Antonio Medina Gomez. We have no participants on the English channel. From staff, we have Silvia Vivanco and myself, Claudia Ruiz, who will be managing the call today. Our interpreters today are Veronica and David.
	Before beginning, I would like to remind you all to state your names before speaking, not only for the record but also for the interpreters to identify you on the other language channel.
	Thank you, and I now give the floor to Carlos.
CARLOS LEAL:	Hello. Good morning, good afternoon, and good evening, everyone. My name is Carlos Leal, for the record. Thank you for taking the time to participate in this working group. We are going to encourage participation of more people in this working group and we are going to activate the mailing list, so as to verify the fact that those who have already expressed their interest to participate are actively participating.
	So, once again, thank you very much for being here. And now I would like to give the floor to Harold for him to approve the agenda for today.

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HAROLD ARCOS: Hello. Can you hear me?

CARLOS LEAL: Yes, loud and clear.

HAROLD ARCOS: Thank you, Carlos. So, let's proceed with the approval of the agenda for today. The next item on the agenda would be a brief summary of the WHOIS process and GDPR. This would be delivered by Carlos Leal. After that, we are going to present the objectives of the working group and the activities. We're going to discuss the activities of this working group. Finally, we have the any other business items. If there is any other business that you would like to add, do it right now or at the time of reading that item of the agenda. So far, Antonia Medina Gomez and Adrian Caballo, members of this working group, would like to take the floor and you can do it right now. So, Carlos, since we have no other business to add on the agenda, we would like to approve this agenda for the day.

But before giving you the floor, I would like to remind staff to please provide support to us to help us with the hands raised in the Zoom chat and this can only be seen by those who are the managers of this chatroom.

CARLOS LEAL: Thank you very much, Harold. We are going to start by providing a brief summary of the WHOIS and the GDPR processes. We're going to speak about the objectives of the working group. This is our idea because we

want to provide some context, background information on these issues, and then to discuss the working group objective.

As we already know, WHOIS is a system allowing us to know the technical, the administrative contact, and related information or information related to a domain name. The thing is that WHOIS is providing too many data. Many agencies use this data to prove a kind of security or information breached, so we have plenty of information there.

So, as of 2014, 2015, there were many working groups working on these issues, such as human rights protection. There are organizations having webpages that would like to gather people together or share resources. We also have working issues, trade union issues. So, since those data were exposed due to WHOIS, they were easily located, and fortunately, [inaudible] were able or they could suffer from political persecution or they could also be victims of different kinds or even murders. So, the fact of having too much information on WHOIS was not good for people.

So, we started working on something to evoke WHOIS and then we have the Registry Directory Services. This is directory and the idea is to work to take WHOIS to a new level for data to be consulted without exposing the privacy of the domain name holder. This activity was carried out by ICANN but it was somehow stopped or reviewed due to the emergence of the GDPR. This is the General Data Protection Regulation. So, this is a new proposal or a new regulation issued by the European community to regulate and protect privacy protection rights for European citizens.

There are many people working on this regulation and, according to some research carried out, we have Carlton Samuels and we have Holly Raiche from our region working on the issue. They have been working very closely and they have been discussing the topic.

GDPR implies its own challenges. For example, who can access information, who provides access to that information because GDPR demands that pertinent data from European citizens should be anonymous in any part of the world.

So, the question is what happens with our countries if they do not belong to the European community? So, this regulation set forth that the data of the up citizens should be protected. So, if someone, if a European citizen buys a domain name in our country and we expose the personal information, the personal data, we will be violating that regulation and probably we could be subject to fines because we end up infringing or violating GDPR.

ICANN of course was not the exception and ICANN had to address the GDPR. That's why EPDP process was created. So, this is an expedited policy development process. Has to be a quick process. And the idea is to focus WHOIS situation and to see how to apply GDPR within a one-year period.

So, this EPDP is being carried out by the ICANN community. You already know that. There are some legal experts, technical experts, working on that. The multi-stakeholder community is also working and so far they have registered agreements. They have created a proposal so as to how ICANN should proceed. They are now having a break but then we have

the work stream number 2 of this EPDP and now they are calling for new membership to start working.

This is the current status. I don't know if you have any questions or any comments that you would like to share. I know that Harold has been sharing some information suggesting WHOIS webpage on ICANN site on the topic [inaudible] link related to WHOIS and At-Large. Is there any questions?

CLAUDIA RUIZ: Harold is first and then Sergio.

CARLOS LEAL: Please, Harold, go ahead.

HAROLD ARCOS: Thank you, Carlos. I would like to thank you for this update, and secondly, taking into account the suggestion of one of our colleagues in this working group, I would like to very briefly make a sort of [inaudible] and to introduce the team members.

So, Carlos Leal is an engineer belonging to the technical community in Nicaragua. He has been working in the Nicaraguan chapter, so he has many responsibilities. He [inaudible] technical decisions. He is a professor at university and he is also an expert in higher education, apart from the workshops that he delivered on cybersecurity. When we met him in ICANN at Barcelona, he was already involved in some technical aspects and he was also participating in the fellowship

program. Please, Carlos, correct me if I am mistaken, but that is how Carlos is well aware of the ICANN ecosystem and is now actively participating in our region. So, this is just a very brief summary or introduction for those colleagues in the working group who do not know Carlos Leal and they have kindly asked me to provide this sort of information for the record. So, now we can proceed with the presentation. Thank you.

CARLOS LEAL: Thank you very much, Harold. Sorry for not introducing myself. It is true I was a fellow at the Barcelona meeting and I am a member of our ALS. So, thank you for the introduction. I see Sergio with his hand up.

SERGIO SALINAS PORTO: Thank you, Carlos. It's great to have you leading this group and I should congratulate you for your report. I have some questions. These are not actually my own questions. These are questions from the [Argentinian] community that have arisen within the community. I hope that we can all clarify those questions. We understand that the measures we have taken at ICANN to preserve anonymity or at least to preserve the data viewed in WHOIS that were extreme has been a good initiative. I'll agree that those that are activists, [inaudible] and political activists – people who are actively involved in human rights – need to preserve their identity or at least to preserve a primary identity preservation.

Now, we also understand that the WHOIS is providing data to someone who [inaudible] or information on our domain name and that domain name may be associated to pedophilia, for example, or to crime.

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So, how does ICANN work on this? What is the structure that ensures that the police, for example, can take data from those who own a domain name? Those are my questions.

CARLOS LEAL: Thank you, Sergio. This is actually a very interesting issue. I think there is two areas. First, the issue of country codes, ccTLDs. I think in the region – and I'm going to provide an example of my country – we would need to promote ccTLDs because a Nicaraguan company can easily purchase a dot-com domain and have its webpage without having a dot-com-dot-nic domain. I think this is a responsibility because there is no federal legislation obliging companies to use a dot-com-dot-nic domain. In the dot-ni domain, they could be forced to show documentation and technical information and [inaudible] information support [inaudible] to show that it is a Nicaraguan company and that it is registered. Same happens with schools, [inaudible] that own webpages that are not necessarily edu-dot-ni. They cannot register that because it's restricted for educational organizations in the United States but they can register a dot-org domain.

So, when there is a lack of legislation in countries, I think this is an important part to consider. ICANN will not be able to do much if there is no local legislation to support this in this process. I'm not sure if I am applying to your question.

SERGIO SALINAS PORTO: Yes. Thank you, Carlos. It was answered. I see there's Antonio in the chatroom and he says, "Europe [designed] the GDPR. What are the

implications for the organizations and governments in Latin America? Are they obliged to comply with it? What is the scenario in time and requirement? What happens if it's not complied with?"

Well, I had said that since we have national domains with country codes, a European citizen can come and purchase these domains and I'm not sure whether the personal information, the personal data, of these European citizens are exposed. So, of course there is a breach of the GDPR. A basic example would be this. And this implies that information [inaudible] on the Internet can prohibit traffic on an academic institution or a large company that has a website on the Internet, so all of this information [inaudible] because there was a breach of the GDPR.

There is a working group that has progressed on the creation of an RDS, a Registration Directory Service, where those active policies are being defined, and as a working group, we should [inaudible] on this issue. It would be good, Antonio, if you joined the group. You can work with us or you can work with the ALAC Working Group, so that we can update the region together on these issues and progress in this regard. Is there any other question or comment? If not, we can just continue to the next item.

SERGIO SALINAS PORTO: Carlos, there is another question. What is ICANN's progress with respect to WHOIS? This is a question from Antonio.

CARLOS LEAL: Well, basically, what I have just said. Their working group is working on the creation of RDS but with the emergence of the GDPR, this has been suspended, so we are working on this. There is an EPDP that is now going into a second phase. I thought I have already answered that.

SERGIO SALINAS PORTO: Thank you. So, we can now then go to the next item. I see no more questions. The question now is the goal of the working group. We are here in this working group to follow-up and review the issues that emerged within the EPDP related to the GDPR proposals and its impact on Internet users.

I would add that first we need to have a [inaudible] of what is happening worldwide. We can share some links. We have a Wiki and we need to use it. It would be good if we can put all of these links together on a favorites folder and it would be good for us to read this so that we, from here, can also participate and from this working group we can show what is our position as a region.

We would also need to think of the potential actions that we can engage in from LACRALO and I'm now going to give the floor to Sergio or Harold because it would be interesting to know which countries do have a data protection regulation. It would be good to know if their criminal codes are updated, if there are crimes that are included. In my country, the criminal codes were on for 150 years and it was updated two years ago. So, a large number of information technology crimes were included within the criminal code, with no need for a specific [clause].

So, the door is now open, so that a crime committed with technology are not considered information technology crimes. If there is a [fault], then there is a [fault]. If there is extortion or blackmail to electronic media, it still is the same crime but using other media.

So, I will give the floor to Sergio or Harold because it would be nice to know if there are studies, there are ALSes with volunteers that [inaudible] use some resources. If we have people who are willing to do this, then we can perhaps [inaudible]. Sergio, I see your hand is up.

CARLOS LEAL: Sergio, we cannot hear you.

SERGIO SALINAS PORTO: I was saying … I need to follow-up on what Carlos has been saying because I believe this group has to push the region to do this. I think we should create a project. I think it could be some kind of an observatory. Create an observatory of WHOIS and GDPR issues in the region and use the users organizations together with ISOC that is also present in many countries in the region. We have ideally 58 or 59 ALSes that are working within LACRALO so it could be a great element for collective work. But we should also involve other stakeholders who can perhaps help us in our work. I'm thinking of LACTLD could be one of those.

So, I think we can do something together but the big [engine] has to be this working group. In yesterday's capacity building meeting, the Capacity Building Working Group, one of the members in the region said that leadership should face certain issues. The development policy for

our region is not led by one person. Harold and I believe that the process – and this was shown in the new operating principles – we believe that these processes are collective. So, leadership – there is multiple leadership. There is no one leader.

My idea is a horizontal structure. So, each working group has an [inaudible]. If we saw this as a country, each working group would be a ministry and the executive power is not the president. It's actually the president and all the ministers. So, the same applies here. This leadership structure with chair and secretary is now enriched with a large number of stakeholders that are chairs in working groups in each of the participation spaces that we have enabled in the region. So, it's extremely important for the region that this working group works as a [inaudible] way to push this in the region.

One of these things would be the observatory that Carlos is saying. It could be something that works in the region and I think it's a great idea that we can raise.

I think we need to think of three steps for this. The first step is to write a small project with very clear objectives that is very clear even for those who read it in English, even though we speak Spanish, others speak English and so this is the [inaudible]. We Latins speak a lot. I also tell Harold that he speaks Venezuelan. He writes four pages just to say hello to me. So, each of us has their own way to express ourselves and to write. So, we need to write very concrete, have some sort of project that is written in a single page and then we need to find out how we are going to incorporate this into ICANN's [logic].

I think ICANN wants us to have an initiative and I believe this is a great initiative. So, the first step is to generate the project and then the formal leadership, which is the chair and secretary, will make the necessary steps to materialize this. But we also need many people to [inaudible] with this project. So, it would be a great presentation to involve people and I insist there are 58 or 59 organizations, many organizations actually, that can contribute a lot to this observatory. That's all. Thank you.

CARLOS LEAL: Thank you very much, Sergio. I would like to ask staff to put on the screen the slide with the activities. When we created this working group, we thought about these activities. So, we have already finished with the creation of the working group, with the creation of the Wiki page and the mailing list. We need to add more members but we are also creating, or we are going to create, WHOIS status table so that we can have all the information on paper and so that we can update that information because if we have a new member, just by a brief reading of a good summary and with all the supporting documentation, that person may have a clear understanding of the situation and a clear understanding of the evolution of this topic.

But at the same time, we need to be mindful of actions. We need to create or to take action. That's why I was thinking of carving out a serious research because this is for the benefit of countries because countries may learn if they have an old code or an old legislation or if they need regulation on personal data protection. So, I believe this might impact the region in a significant way. I believe that we have or

there are many [inaudible] factors in the region. Some of us speak Spanish, some others speak Portuguese, and some other people speak English. And because of the difference in the region, we have different government models. We have the parliament on one hand.

But the thing is that we have regions that are multi-lingual population, multi-[inaudible] population, or indigenous people as well. So, I think this is worth doing just to have a clear picture of the region. So, that's why we need to create actions on this issue.

Then, we need to define other actions or further actions. So, I don't know if you have any comment or any questions. I give you the floor.

SILVIA VIVANCO: Carlos, if I may, I have a question. The creation of this WHOIS status table, are you trying to map all the countries that are part of LACRALO and how the WHOIS issue is being regulated? Is that your idea?

CARLOS LEAL: No, no. This status or situation of table has to do with the status at the global level so as to have, for the working group, to be able to share information at the local level. The working group should become a meeting point so that people may find and get information and everyone would be able to participate in this action.

SILVIA VIVANCO: Okay. I do understand. Thank you.

CARLOS LEAL: Is there any question regarding the actions to be taken regarding the input or any questions?

SILVIA VIVANCO: Antonio Medina has a comment.

CLAUDIA RUIZ: Sergio has raised his hand.

ANTONIO MEDINA GOMEZ: Hello. Can you hear me?

SILVIA VIVANCO: Yes, Antonio, we can hear you. Please go ahead.

ANTONIO MEDINA GOMEZ: I was trying to activate my mic. I have a concern regarding what Carlos is saying. In Colombia, we have the Personal Data Protection Act. We have the [inaudible] regulation. When it comes to cybersecurity issues, there are organizations for that.

But when it comes to data protection, it is the industry and commerce [inaudible], the one in charge of regulating and addressing data protection issues. So, if there are [actors] to be taken into account, one suggestion or one recommendation would be to interact with those entities that nowadays have certain relevance and that may have a sort

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of continued communication with European countries and government by means of treaties. This is not something that we should start today in these countries. We have been discussing the issue for quite a long time now in different fora and instances.

However, since there is no knowledge by companies or by governmental agencies or agencies away from capital cities, we have misinformation or lack of information, so this would be my suggestion or recommendation. Perhaps we may have a quick mapping and see what entities and people are working on the issues and perhaps we could articulate with them some actions in order to evolve that LACRALO region [mapping]. Thank you.

CARLOS LEAL: So, Antonio, your question is would you be willing in your country to contact these people to, for example, circulate a certain survey or to create a focus group to – I mean, of course a working group is going to involve in these activities, but would you be willing to participate?

ANTONIO MEDINA GOMEZ: Yes, of course. On some occasions, we share information during some activities, and of course it would be good to interact. When you say a survey, I wish the survey that was circulated would be useful for LACRALO and for the different country members and organizations.

And when doing this coordination work, perhaps they could help us to define our objective and [inaudible]. We need to take into account this

issue because personal data protection is increasingly becoming more important and of course it is something that we cannot neglect.

Today we speak about the data, the Internet of Things, so it is worth the ALSes get involved in these issues. I believe this is an urgent topic to address.

CARLOS LEAL: How possible would it be for you to identify a list of key people to contact and even to share with them or invite them to be part of the working group mailing list so that we can add people to our effort?

I believe that for the observatory it would be good to have a good pilot perhaps to select one or two countries to perform a good pilot. Let me give you an example. In my country, we can talk about digital rights or citizens rights. We can have that example. But I know that there are some other countries in the region that are far more advanced in the topic, so we could take them [inaudible].

ANTONIA MEDINA GOMEZ: Okay. Let me think about this, how we could articulate with them, how we could work with them in the working group because, as I said before, we have the industry and trade [inaudible] and since I know the people working there, this is a government agency, and as you know government agencies do work in the topics but they're quite slow at the time of participating because sometimes they can have information – firsthand information – that they get from true sources. So, sometimes they are not interested in this kind of proposal and they may not pay

attention to that because they might believe that this is something that they already know or something that is not clear enough for them.

Yesterday in Colombia, the Communication and Information Technology Act was passed and we had two days the congress debating. It was hard work. We were discussing and the topic will open new horizons because Colombia is now talking about digital economy, digital transformation, is talking about Internet of Things, [inaudible] smart cities. So, this act provides a platform to pave the way for those scenarios, and of course this act would provide the necessary conditions to act.

So, this personal data protection issue is an urgent matter because there is a great fear by citizens that their data might be shared, why should I need to authorize someone to use my personal information, for example? So, there is a great discussion that is worth following up – a discussion that is worth participating in.

And of course this is within the Internet governance scenario, if you will, because we speak about this on a daily basis and it is worth working on it.

CARLOS LEAL: Thank you very much, Antonio. In Nicaragua, we have an event. We presented the topic to the government and the technical community and we also presented the topic to companies. We spoke about the digital market. We spoke about the DNS industry and it is worth inviting them to participate. This is not something new because it is taking place in some other parts of the world. And now I'm going to give the floor to Alejandro Pisanty.

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ALEJANDRO PISANTY: Hello. Can you hear me?

SERGIO SALINAS PORTO: Yes, we can hear you. Alejandro, please go ahead.

ALEJANDRO PISANTY: Very briefly. I'm sorry for being late to this call. I hope not to be repeating questions. I believe it is very important that within this awareness effort in terms of WHOIS and GDPR and some other regulations we need to be in touch with organizations, companies, and academic organizations and even government agencies working on security issues. Some of them are facing real serious difficulties to work on their security aspects because of the lack of information of accessible information in WHOIS.

There are certain [inaudible] techniques and there are no longer able to operate or implement those techniques. So, it would be really important to take this into account in our debate. If not, if we … I mean, the proposal is correct. This is not a negative point of view from my part, but if we take it as it is there is a risk and the risk is that our work might not be taking into account or even [inaudible] because it might be considered irrelevant. There are government groups working on the topic as well. So, thank you.

Of course, from my organization, we would be happy to help you promote your activity.

CARLOS LEAL:

Thank you, Alejandro, and thank you for joining the meeting. The idea is to keep on working. I see Sergio wants to take the floor. Sergio, do you want to take the floor?

SERGIO SALINAS PORTO:

Carlos, I would like to make a comment. Two comments. This is related to the functioning of this working group. All members know that we're going to meet every two months but we need to keep on working in the cross-community working groups and the ALAC working groups.

Therefore, my suggestion, if you will, is that once we finish with this, Carlos, you have to act or operate in two places. On one hand, you need to use our mailing list to encourage the work of this working group and also see the topics being discussed at ALAC or in the different spaces where the WHOIS and GDPR topics are discussed so that we can start working at once.

I know Leon Sanchez is working within the board on this topic, and if necessary, we should contact him and see the situation or the status of the policies being discussed at ICANN so that we can measure the impact of our participation which would reflect our reality.

What Alejandro says is really valuable but we also need to be [inaudible] in ICANN's reality. We have to be part of ICANN's reality. So, we need to see other working groups and of course we have to take into account metrics. So, from this month onward, we will start considering metrics as of November to measure the participation of ALSes and

representatives. We need members of ALSes to be participating in the working groups. There are some ALSes that have as many members to the working group because there are people who are interested in discussing topics.

In the LACRALO monthly meeting, we do not discuss policy issues but we need to modify or change this with the work of the working groups and of course we need to take into account metrics. So, my suggestion for this working group is to create a strategy for you to consider from now onward and to start participating in the working groups, in the [inaudible] working groups, that are closely related to the ICANN reality and please use the mailing list as a quick tool to communicate and to start discussing policy topics. Thank you.

CARLOS LEAL: Okay, Sergio, thank you very much for your comment. We have six more minutes to get to the top of the hour. I would like to hear if you have any other proposal or any other comment. Otherwise, we will just adjourn this meeting.

Okay. If there are no more proposals or comments, then, we can just bring this meeting to an end. Thank you very much for your participation and we would like to wait for your comments on the mailing list to continue sharing and working. Thank you very much.

SERGIO SALINAS PORTO: Thank you. It's been a pleasure to work with you. Thank you, everybody. Good evening.

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