ANDREA GLANDON:	Good morning, good afternoon and good evening and welcome to the gTLD Registration Data Policy Implementation IRT Meeting, held on Wednesday the 10th of July, 2019 at 1700 UTC. In the interest of time there will no rollcall, attendance will be taken by the Zoom Room. I'd like to remind all participants to please keep your phones and microphones on mute when not speaking to avoid any background noise. With this, I will turn it over to Dennis Chang. Please begin.
DENNIS CHANG:	Hello everyone, welcome again. This is our IRT meeting number four, the one after our ICANN 65 meeting and thank you again for those of you who supported that. It was nice seeing you, actually meeting you for the first time, some of you and thanks for calling in at very strange hours I'm sure on American continent but you did call in, so I want to thank you again. We're going to look at the agenda now, this is my agenda for the day. We will quickly talk about where we are and then we have some new team members we want to introduce and look at our work assessments.

Take a quick look at our policy document and FAQ's, those were the ones that are due prior to today and the recommendation analysis five, six, seven and nine were the ones that are due prior to today, we'll look at those. If we have time leftover, we can talk about the ones that are not yet due but are assigned and anything else that you might be interested in doing. Again, as always let's keep this as informal as we can, just interrupt me at any time if you have questions or inputs. |

	This is our implementation team ITTIRT on this page we really don't have any change but we do with four new members who have joined the IRT since the time of our last meeting and they are in blue, starting with number 29. It's our tradition that the newcomers to the IRT, to the implementation team, introduce themselves. Please let us know your role and our affiliation. Can we start with Ben, is he on?
BEN WALLIS:	Yes, good morning. My name is Ben Wallis, I work for Microsoft and I'm working for Microsoft through the business constituency. Last year I was coordinating my Microsoft's input, the discussions around WHOIS and GDPR and I did speak at a cross community session in Panama on WHOIS and Microsoft's use of WHOIS data. Yes, I'm interested and have been following this issue and followed the work of the EDPD over the last year or so. It's a good point to pass on to my colleague who's the next on the list, Mark Svancarek.
MARK SVANCAREK:	This is Mark, you might know that I'm on the EPDP. Ben and I agreed that Microsoft needed to have some representation on the IRT and the BC as whole needed more representation on the IRT. I was concerned about my ability to really cover this very well, so I'm hoping that the partnership of Ben and myself will be impactful. Thanks.
DENNIS CHANG:	Thank you. David, are you on?

ANDREA GLANDON: He's an apology.

DENNIS CHANG: I remember, yeah. Thank you, Andrea. Margie, are you on?

ANDREA GLANDON: Margie is here. Margie, it looks like your line is muted and it may be double muted. Dennis, she typed in the chat that is she on. I'm not sure if you wanted to try to talk, Margie?

DENNIS CHANG: Go ahead, Margie, if you can speak, introduce yourself.

MARGIE MILAM: Sorry, I didn't realize you called on me. This is Margie, representing the BC. Since I was involved in the EPDP, I just wanted to make sure that the implementation was tracking what the policy recommendations were from phase one. I'm happy to join and thanks for allowing me to participate.

DENNIS CHANGE: And Margie is still on the EPDP team, working on phase two, as well as Mark, I think. It's good to have overlap of the EPDP team and the IRT here. For the newcomers, I'm going to remind you that it's up to you to catch up, meaning that everything that we have done, you have to listen to all the previous recordings and look at all the assignments and your homework done basically and we're counting on you to do that, so that

you can participate in a meaningful, productive way. That is part of the agreement for joining the IRT and we trust that you are doing that.

We will go to the next page, observers, there's two new observers that you might want to be aware of. These are people who are watching our emails basically and listening to our recorded material, there's 35 of them.

We're going to our IRT collaborative documents and starting with you all know that we have a team drive, looks like this, it's on our team drive, we call it external but it is our IRT drive where all our material is housed, including this workbook. We call our IRT workbook where you can find the task list with the ongoing due date. When I say homework is due, I'm talking about the due date here. As I mentioned, the ones that are due prior to this meeting is up to here, up to number 20 and I'm not going to hold you accountable for things that are due on seven ten because you have respectfully till midnight to complete this work.

Definition is something we will look at but I'm going to assume that not everyone has reviewed the definition but we will talk about it in a general sense and I think that's poses a very good question about why we need the definition anyways, so we'll take a look at that.

First, we will look at the FAQ. We started this document together and the first one was assigned for due [inaudible] FAQ 1 and FAQ 2 through 6 was assigned for you to review by the end of June and I don't see anymore -- I see one comment here from Ruben. Unless it falls outside -- regarding this pick fence comment Ruben, I don't know if you are on, I would rather not bring in the picket fence in this FAQ because then we

have to explain what that is. It's sort of an inside term if you will. I think the consensus policy is assumed that we're going to be working in the picket fence anyway, so it's sort of a redundant. Do you mind if I reject this comment or can you resolve it? I'll take it back with Ruben with what I just said. Does anybody have any comments on anything else? Number seven hasn't been assigned to you yet.

We're going to add another one, number eight and what I want to add is -- let's take a quick look here. This is our main registration data policy language document is what we call it and I'm assigning section by section. The first section was assigned to you the terms, that's due today. The term definition is here and you've been making comments, thank you for that. Then section one, the scope is up here and that's not due until July 19 and we'll look at your comments. When you are making comments, where we see sort of an obvious, you're correcting my spelling and what not, I'm just going to accept them but anything that I think I substantive I'm going to leave it there and address it in one way or other either as a reply or capture it down here like a resolved comment, like this. I think the one thing, like 214, 214 was here, this term here was Ann and I think that Sarah commented that it should be [inaudible] which we all readily agree so we captured that here and that's how we're going to do that.

We're not going to talk about the definitions or the scope today but we may be probably carrying on some online dialogs of this, unless anybody has an overall, generic comment. I do have one thing that I want to bring up. Marc had written a question to me, what does the definition mean here? Meaning does it encompass more then what this policy says? Typically, when you have definitions within a document, it's in

the context of that document. We're not trying to define things for all ICANN community forever but when you are coming into this document and looking at this document, reading this document, we provide some terms here so that we can effectively communicate.

When we say a word, that we all have the same understanding within this document. Furthermore, we do want it to be consistent with the RA and RAA because those are contractual documents and we want to try stay consistent. The purpose for having a definition, is for ease of use. In any kind of complex document, this is something that we try to do, it's sort of a normal practice but if you have objections, that we should not have terms in the policy document, I would like to maybe hear about that. I can only see benefit of having a definition but not really see a problem with it. It's something that's so natural to me I just took it for granted that everybody would understand it the same way as I do. I'm open to hearing new thoughts on this. Does anybody want to speak to this? Beth, do you want to talk or Marc? Anybody else?

MARC ANDERSON: This text looks to me to be the same text as in I think article 4, it's seems to be verbatim from article 4. When it's defined like this in this document, I think it gives a sense that, this is something that could be changed or debated or something like that, whereas it's actually intended to be a verbatim copy out of article 4. I think it would be helpful wherever we do things like that, to say, identifiable person is defined as in GDPR article 4 and then provide the verbatim list and that would give some context to show that this is not a debatable set of text

or that it's specific to this specific document, that is it's actually a reference to some other documents and it's immutable.

DENNIS CHANG: Thank you. I like that, good suggestion. Anybody else? It's sort of like how we did our 2.1 right?

THEO GEURTS: I would be very cautious, be overly specific when it comes to mentioning certain elements of laws, actually work against you at a certain point. I would be very cautious. These things are not static, be mindful of it.

DENNIS CHANG: Okay, that's a good point too.

THEO GEURTS: And as mentioned in the chat, this is not just GDPR, unless you want to redefine the definition of GDPR into the global data protection regulation, which I fine by me but that could be out of bounds. We need to take care of all the other data protection. It's not only focused on GDPR, like EDPD charter set, GDPR data protection law.

DENNIS CHANG: Good comments, thank you. Anyone else want to talk about the reason or purpose for having section two at all? No, then we'll move on.

MARK SVANCAREK: Margie and I are both in queue.

DENNIS CHANG: Sorry, I didn't notice. Who was on first? Mark, I think you were on first, go ahead.

MARK SVANCAREK: Beth was able to make the early part of the call and I hate to try and channel Beth but I'll make a couple points here. First, in the EPDP recommendations, phase one recommendations, those recommendations had a glossary of terms rather than a definition of terms and I was much more comfortable with glossary of terms, so maybe that's a consideration. I think glossary to me got closer to the intent of having those terms.

Again, trying to channel Beth here, definitions, it seems like we're running away with defining definitions before we've identified need for specific definitions within the document itself. I think during the EPDP, in the glossary we defined -- included terms in that glossary as needed, as they came up and there are some terms here in the definitions that just don't have a home within the rest of the policy yet and maybe that's planned but it just seems to be a little cart before the horse. Just my thoughts on this, maybe we should be a little more cautious in when we're trying to define things and maybe consider keeping them more of glossary for reference, rather than definitions, which for me carry different connotations.

DENNIS CHANG: Thank you for that. What we were trying to do ITC is to predefine as many as we think are needed and define it so that when you see those policy languages drafted and put to you for review, we thought maybe it would make it easier. But I certainly take your point. Just a reminder, that when this whole document comes together, we're going to review all of the terms and take out things that we don't need or add things that we have to at that time too. Consider this as an initial list for you to look at and give us comments. I think the first comment is sort of a good one and that is, why do we need it all? That was unexpected but I can see what you're saying. The glossary instead of definitions has a different meaning for you. Okay, is Margie is next?

MARGIE MILAM: Actually, I think I agree with the prior two speakers, Mark and I forgot who spoke about not wanting this policy to be GDPR specific. I think all of those comments a lot of sense. For me, it came us as 2.4, the definition of identifiable natural person, I just didn't understand why it was there. Maybe as we work through this later on, we'll come back and take a look at this but certainly, we shouldn't just quote from the statue and we should be generic in our policies because this is meant to be a global policy not just a European policy.

DENNIS CHANG: Excellent point, thank you very much for that. Anyone in the cue? No, okay. That' the decision on the terms and scope is something that you have for your homework.

Let's move on to our policy language draft, Rec 5 is what we were reviewing the last time. We've tried to clean it up as much as we can and I think it's getting there. Of course, I told you that my intent is that when this is reasonably clean, that we're going to merge it with our main document here, right after probably policy affective date here in section 3, or section 4, the collection of registration data. Right now, you'll see a link and that link takes you to this document. Once this is done, we're going to move it over and I'm not looking for perfection here, there could be lingering comments, one or two but I think it's sufficient to do so, I'll just go ahead and move it so we can work from one single document. I didn't want to create a whole big document because that would be unreasonable.

Going down the list of the comments. You can see that Amanda is just making a note for us. Don't worry so much about the numbering because after we move, all these numbers will probably change and be renumbered, that's one thing. The other thing, let's see here, there was some comments on 5.6, what I tried to do is, Sarah made several comments and I accepted those comments and then I modified it even further to create sort of a new cleaned up language here. If you can look at that and tell me if that's reasonable and you would accept that, then I can resolve it or we can further look at it. That's one thing. We can either do this together now or we can do it later, up to you? Have you looked at this 5.6 Marc, Sarah? Let's do it now, okay Sarah, go, 5.6 you want to take the first shot at it? What do you think of it?

EN

SARAH WYLD: I'm trying to read it. I can't read it and listen you at the same time, I'm so sorry.

DENNIS CHANG: How about it you read it out loud for all of us?

SARAH WYLD: No, thank you.

DENNIS CHANG: One minute of silence.

SARAH WYLD: I don't remember the previous version. Dennis, can you tell me what you changed, which is different then what changed, do you remember?

DENNIS CHANG: Not really but when we got Marc Anderson's first comment, what I did was I looked at our language and what we tried to do was actually try to make it more clear and in the course of trying to make it more clear, we deviated from the recommendations language. What we tried to do was go back to the recommendation language as much as we can but try to put clarification. The other thing you asked is whether example for the email address was typically used and I said yes, I accepted that or resolved that comment. I don't remember the details of what exactly.

There was a lot of little changes but I think what I'm asking you to do is just look at this sort of a new initial draft and give us your comments. Opportunity is now and also after we move it over to our main language, you'll have another opportunity to review then too, as part of the entire policy language. There are several ones that we parked, to say, "Okay, we'll take another look at it when we look at recommendation 10, recommendation 12." Those I said, "We're going to take an action item." You will see that below, in the bottom of the document but we won't try and address it right now but we did go ahead.

SARAH WYLD: It looks pretty good to me. I'm going into the actual document because there's an and that I think should be an as, this should be as. If we look at the recommendation five, which I pasted into the chat, designate the same person as the registrant or is representative as the technical contact. I think the word I have highlighted should be as.

DENNIS CHANG: I'm getting [inaudible] from Roger and Eric, should be an as. Now, I have to think about why we…

SARAH WYLD: It might have been my mistake, if had also proposed an edit, I might have made a typo.

DENNIS CHANG: Thank you for the suggestion but give us some time to accept that change because I remember that we were trying to make it clear that it should be an an because it could be -- I know what you mean. I agree as is the recommendation language but at times we do reword things to make it clearer and I'm trying to recall whether this actually changes the meaning, if you say an and as. We'll consider that change and let's move on.

MARC ANDERSON: Me, Margie and the other Mark are in cue. I guess both Sarah's reaction and your reaction to changing an an to an as to match the policy recommendation language basically answers your question that, no we can't do this online, we should take it offline, it needs to be considered a little bit more. Basically, my recollection of 5.6 was initially you'd taken the language from the phase policy recommendations and reworded in your own words and my suggestion was, don't reword it, just the language from the phase one recommendations.

My recollection is that you took that advice and copied and pasted apparently with minor changes and then put in the four example language to try and make the phase one policy recommendation language more clear, as far as what was needed. Just sort of my recollection of what the history of this particular recommendation was and why we're looking at, where it is now. But I think based on the conversation between you and Sarah, maybe we just need to take another look at this offline and add comments as needed.

DENNIS CHANG: Thank you, I agree. Who's next? Margie.

MARGIE MILAM: I guess and I apologize because I'm new to this, this IRT but I thought the technical contact was required to be selected by registrars as optional to be provided by the registered name holders. I think we talked about this in Marrakech and I liked some clarity on that because this language doesn't say that.

SARAH WYLD: I think I can speak to Margie's point about whether the contact is optional, I'm just trying to find the relevant section in the final report. I'm looking at recommendation five, which is data elements to be collected by registrars and the tech contact fields are yellow, which is optional.

MARGIE MILAM: If I could respond, I put language from Rec 5 in the chat and it says, "They are required to be collected by registrars." That's the lead in statement to Rec 5. I realize its inconsistent language in the report but I think this is something we probably should get clarified.

SARAH WYLD: I'm really not agreeing with that. I think we have very clearly the required verses optional colored coding of green and yellow in the chart below, so I think that modifies the initial statement that it's required.

THEO GEURTS: I agree, we should not go back and reopen the recommendation, the recommendations are clear, the IFT is not in position to reopen a recommendation unless we go back to the GNSO, so we must follow the procedure here. Thanks.

MARGIE MILAM: Perhaps this is something we could send back to the EPDP to clarify because it's not. I don't agree with the interpretation there. The footnotes also say, if the data is provided it must be processed. It's not clear here what the intention was.

THEO GEURTS: The intention was [inaudible], I'm not sure why we are reopening this. I mean, we must follow the recommendations as an IRT. We are not in a position to defer it back to the EPDP team. We must follow the IRT procedures here and if there is divergence amongst the IRT members, then we should write a letter to the GNSO Council [inaudible].

MARGIE MILAM: Sure. I think that the language I've quoted from Rec 1 that's lead in language, and this is an area where if we're not going to agree then we probably do need to do that process.

SARAH WYLD: If I may, I'm a bit confused. It seems so clear to me, the following elements are to be collected is says and there's a footnote, footnote 7, which I've quoted in the chat, the footnote says that, it's either optional to offer or for the register to provide. I don't think that we should say that the introduction to recommendation five invalidates the content within the recommendation. Thank you.

DENNIS CHANG: You have your hand up Marc?

MARC ANDERSON: The problem is that it's the issue of whether or not the registrar was required to offer the option at all and for some reason I just remembered it differently, that we had concluded that everyone had to offer it but nobody had to submit it. Rereading it, I guess maybe I misremembered but it is true that later one, there's this thing that says, if it's submitted it has to be processed, which would imply that the registrant could submit it but if it's not offered, how can they submit it? Anyway, I withdraw my concern about this one, even though I remembered it differently.

THEO GEURTS: I agree, if you're looking at a language, it is optional thing for a registrars to be able to comply with the different laws they are facing. If it's optional, it puts the registrar in the flexibility it requires, they don't support, discuss within the EPDP. Just as a reminder to everybody because I don't really want to go down this slippery slope of re-

discussing this but this report has been, I think the most viewed report ever with ICANN. It has been discussed over and over within the GNSO Council, it has been approved by the Board and we must follow these four directions and continue with our work. This has not been flagged down by the Board, so we must continue our work. Thanks.

DENNIS CHANG: Caitlin, do you want to take the floor, you had your hand up?

CAITLIN TUBERGEN: Hi Dennis, thank you, this Caitlin Tubergen and I was part of the policy support staff for the EPDP team. My recollection is that the EPDP did not come to agreement on what the definition of optional was, in that they did not agree whether it was optional for the registrar to offer the technical contract or optional for the registrar to provide the contact. Where it landed was that it was optional for the registrar to provide or to offer the contact and in the event the registrar did, excuse me, the registrant did provide technical contact details, then the registrar did have to process that data. Thank you.

DENNIS CHANG: Does anyone else speak to this? This is the way that we are going to keep the policy language and maybe we can have further discussion and of course we will continue this discussion. If the concept or intent is in disagreement among the IRT, then we have to resolve it or we should resolve it some way but I remind you that there will be some disagreement and that's okay to. I think what we have to do is listen

the majority of the IRT and their recollection and go with it. The way we read the language is exactly what this says right here.

Registrars do have the option and they're obligated if the registrant provides it, but until then, they have the option. If we're going to change that to say that registrars now must do something, that's a big change. At this point, I don't see that I have a way of doing that because I feel like that would not be in line with the recommendation, myself. Thanks for that discussion and we will continue on the next item.

MARGIE MILAM: I'm still in the cue Dennis, I have my hand raised.

DENNIS CHANG: Go ahead Margie.

MARGIE MILAM: Sorry. First of all, if the interpretation is that it is optional, then there's more work that needs to be done from the implementation side because there are existing text contacts out there and we also have a situation where a domain name may be transferred but has text contacts. I just want to flag there's probably additional work that needs to deal with the situation where there -- everybody has text contacts right now, I think that's something we -- doesn't need to be discussed now but it's something that I think we probably need to get a better handle of what it means if those options are optional and a registrar chooses not to offer them.

DENNIS CHANG: Okay.

THEO GEURTS: And I agree. We could have a look at that. I would like to remind the IRT or inform the IRT for those who are not aware of registrars already dealing with contacts missing or not being available anymore within the ccTLD landscape. We have experience with this now and from a point of view, we have not encountered any problems so far with extracting certain contacts or certain other information within the WHOIS regarding ccTLD's. It's been smooth sailing so far. Thanks.

DENNIS CHANG: That's comforting to hear Theo, thank you. Thanks, Margie, for the advice too, we'll keep that in mind as we proceed. One of the things our IPT is doing in parallel is thinking about an educational component of this policy when we do go ahead and launch it and see how we can put together some material that is supplement to the policy for educational purposes and training and helpful. That is probably going to be shared with you. A lot of the material that is coming out of this review, we're going to take notes and see if we can use them in that package.

Next one, 5.7. Here there was some discussions and there was actually one suggestion that we should not use the word generate and just delete the word generate and use collect only. It's our experience that registrars do generate so we must keep that and that was part of the

policy recommendation language. I kept that open and Roger I think made the final comment. Roger, are you on? Do you want to speak to this a little bit? You are saying that registrar indeed do generate data elements and therefore you need this language, correct?

ROGER CARNEY: Yeah, I think again, it depends on how you look at this but yeah. A registrar expiration date is distinct difference to registry expiration date and registrars do control this data point. I think generate or collect makes the most sense here. Thanks.

DENNIS CHANG: Thank you. With that, I want to resolve this comment and I think we've heard from the registrars and all we need is one registrar in one case, where they need the language, so we must keep this. Thank you very much.

Next item is 5.8. I added the word permit the registrar RNH to provide and to replace the offer. I forget who it was but I remember at our last meeting, the word offered was not something that you wanted to see in your policy language, it has other condonations, this is trying to deal with that comment that was made to me verbally in the meeting. If this okay, I'm going to resolve it and move on unless you want to talk about it?

MARC ANDERSON: Thanks, Dennis. I guess the language here, I don't have heartburn with it and I don't want to wordsmith things to death here but I raised my

hand with trepidation a little bit here. The wording here is a little odd, that the registrar must permit the registered name holder to provide, it's a little bit backwards. What this recommendation is intent is, the registrar must support the following fields, it's optional for the registered name holder to provide information for those fields. So, this recommendation isn't about permitting or not permitting the registered name holder to provide.

Our policies aren't about these policies or these policies recommendations are not about the registered name holder, it's about what the registrar must do. The registrar in this case must support but those fields are optional fields. So, at the end of the day, my comments I don't materially change what we're doing in 5.8 but I felt it was worth raising my hand to try and make that distinction, what we said in the policy recommendations and what we're trying to get to is registrar must support but it's optional but these fields themselves are optional. Hopefully that's helpful.

DENNIS CHANG: Thank you. I hear you. Margie, go ahead.

MARGIE MILAM: Actually, I was back at 5.7 if you just scroll up a little. We had a conversation in Marrakech about the reseller field and whether was optional or required and where we left it was, we were going to ask for input from ICANN Staff on how the current language is interpreted under RAA, understanding that the EPDP team didn't intent to change

the way the reseller field was treated currently. I just wanted to flag that and wonder where the status of that response is?

DENNIS CHANG: I think what we are trying to do here is, I think Margie this is one of yours, I think we're trying to stay consistent with current practice and make changes unless it specifically calls out by the recommendation. I don't know if that helps or not in your understanding but this is what happened today.

MARGIE MILAM: This language is consistent with today's language, okay.

DENNIS CHANG: Exactly. So, 5.8, I hear you Marc and let me just pounder to see if we come up with some more. I see your reaction with the work permit. It sounds like another meaningful word that has condemnations that we're not trying to obligate or impose. I think that we understand the intent, I think you understand, we're all together on the intent. I'll leave that for a bit and then see if we can maybe later on come up with something better.

After that is implementation note, no comment here but one thing that I did want to do is -- there was a comment by Matthew. Matthew proposed a whole set of language here; I don't know if you've seen this? Matthew, are you there? Do you want to speak to this because I want to understand why you're wanting add all this language to the policy because just so that you know the way we are going about the policy, is

that we want to avoid saying anything that is between registries and registrars, where the contract get's outside of our realm of responsibilities. We're careful not include things unless they absolutely have to be included and somehow ICANN Org or compliance has to enforce it because if it's in the policy, we have to find way to enforce and stuff like that. I'll give you the floor to explain what you're intending to do here.

MATTHEW CROSSMAN: I just noted that we didn't have anything in here that covers purpose seven data elements and I think because those are specifically called out in one of the purposes and in recommendation five, I don't think it's something that we can omit. I agree with you that we shouldn't be dictating the specifics between the parties but I think the key point of the recommendation is that registry operators may collect these additional element and I think that sort of affirmative language that I've included in that first sentence of my proposed language, I think captures the intent of including this specifically in a recommendation.

I just think because it is something that has been called out in the final report, I think that sort of affirmative statement that allows, that says this policy allows registry operators to collect those additional elements, not specifying necessarily what those additional elements are and leading that to the parties but just giving that affirmative statement I think that kind of language is important here. I think it would be odd if we -- if there were data elements that were specifically decided on and discussed and included in the final report by the EPDP team if we didn't find a way to appropriately address those in the policy.

DENNIS CHENG: Let's address the concept. I think we recognize that and it was good to hear explanation from the EPDP team members, that when they created the list of data elements, there was no real attempt to make that complete or comprehensive and finite, so that was good to know, so we didn't have to worry about all the data elements there ever is. If you notice our data elements workbook that we have shared with you, you notice there is over 60 data elements that we had to carefully collect, comb out, identify and deal with. That's why when we were dealing with this as a policy language, we included this implementation note as a part two, do you see here? The intent of the implementation note here is to I think, trying to explain what you just said but you're feeling that this implementation note is not adequate and then something has to be added to the policy language and if so, where?

MATTHEW CROSSMAN: My thinking is that again, because it's specifically called out in the recommendations and it is one of the specific purposes in the final report, I think it has to go beyond just sort of a negative reference in an implementation note. I think something just along the lines somewhere here in Rec 5 that registry operator may require collection of additional data elements as identified in the registry operator's registration policy and or RRA, I think that sort of affirmative statement would enough so that we're appropriately incorporating that recommendation into this policy. I agree, I think the specifics of what those data elements are can always be sorted out and should be sorted between the parties, that's not something that this policy needs to dictate.

DENNIS CHANG: I understand your opinion. I'd like to hear from other IRT members, what do you guys think? Do you think that we should be adding to the policy language to what Matthew suggests and if so, where would it be appropriate? What do you think?

MARC ANDERSON: I have to confess I didn't previously look at Matt's comment and didn't get a chance to read exactly what he said but listening to his explanation just now I don't have any problems with what he's saying. I agree that in our phase one deliberations we did specifically talk about how nothing in our recommendations should prevent a registry operator from being able to require additional fields. Anybody can correct if I'm wrong here but I think that received pretty broad support. That was something we specifically talked about and I don't think adding additional language specifically calling it out saying, registry operator may require additional data elements as Matt has described, I don't see that as being a bad thing. I don't have any heartburn with Matt's proposal.

DENNIS CHANG: Anybody else want to speak to this.

BETH BACON: Hi Dennis, I'm sorry I was late. I agree with both what Matt and Marc saying. It was fundamental to the work of the group, so I think it's not us creating policy or policy language out of somewhere that doesn't

exist in the recommendation, I think it's a clarifying remark. What I might suggest so folks have time to digest this because it was a little bit confusing because it was resolved and then the comment was made on the resolved comments, maybe we try and slot this language in that he suggested and then we give ourselves another -- put it on to take a look at again on our next call, so that folks can really digest it.

But I think it is an important point because part of what we were doing was to say, this the policy for those items that are required but that doesn't mean that you can't do other things. That perhaps could also or may also be addressed in whatever data processing addendum that we have, that it becomes part of this. If it becomes redundant then perhaps, we don't need it but for now I think it's good to include as a draft and let us think about. Thanks.

DENNIS CHANG: Thank you, Beth. I like your suggestion. Let's think about this a little bit because as I made a principle or drafting the policy language, I try not to add any language that I don't feel is absolutely needed and we already have sort of a negative language as Matthew puts it in the implementation notes that conveys the same meaning and then having another language that's positive. I just put this as an example, something like they may do something, to me it seems unnecessary but I'd like to hear more from you maybe later.

I'm going to right now [inaudible] and ask Matthew or anybody else actually of the IRT, if you want to make a suggestion to this policy language at the right place, the right words, that you think would be

helpful and maybe really benefit the policy, then go ahead and do that and then we'll include this discussion. I think I was hearing Beth; Beth, do you want to speak again?

BETH BACON: I just have a quick question if you don't mind? What is the force I guess, of an implementation note? Is that something that we have in other consensus polices or just something we're proposing here? The concern is, as you say, if you add something to the consensus policy, it's essentially part of your contract, is that go for the implementation notes? Can a registry or a registrar have -- what level of competence do they have if they say, we're just following the implementation note. Isn't it part of the consensus policy anyway? I'm interested in how ICANN and ICANN compliance would view an implementation note.

DENNIS CHANG: We view it as part of the policy language. Of course we're trying to make the language a policy language itself clearer but in cases where the adding all details and some comments like this, this is a good, perfect example, implementation note here, this is a good example of where we can say this in every section of this policy language but we chose not to and put it here as a clarification just in case. People do ask, what about this other data element, they were worried that the data elements were missing from the list, so we have to address it. Instead of mentioned that in every section, we put it down as implementation note and we mention it here.

BETH BACON: Thank you. I think it bolsters my suggestion if I do say so myself, of pick out some language and find a spot to drop it in. If it is considered part of the policy and we can input it anyway, why not put it in the policy and then we can see if it makes sense? If it doesn't, then we think of something different.

DENNIS CHANG: Yes, let's do that. I'll give the IRT homework, before we meet again or maybe we can do it online, go ahead and propose something because right now I'm sort of at a loss of where I should be sticking this language in and the first place I thought about was on the top but I don't it's worth it, so maybe adding to the implementation note but I feel like -- I just said in note one, you can do this and then note two I'm saying the same thing and that's why I took it out. If you think negative statement and a positive statement combined can be even more helpful then let's see what it looks like. I challenge you to go ahead and give us a suggestion.

Next one is Rec 7, right? 7 and 8.3. Clarification on 8.3, why is it 8.3 only? Because 8.1 and 8.2 really do not resolve in the policy language so that's why we want to draw your attention to 8.3 and the way we are carrying that is so that you know -- what are we doing with 8.1 and 2, is you maybe be asking the question and we have the answer. In this rec analysis tab, you see that 8.3 we said draft language and then 8.1 and 2 we are saying that we are going to create something for DPA as appropriate and enter into the data as per agent. That is something that we will do but it's not something that we think will result in a policy language here and that's our action, you can see our action. That's it

something we will pursue in a parallel workstream and we are doing that separately, just so that you know. We'll give you a status on those things as they make progress also.

You know 8.1 and 2, 8.3 and 7 are here. Similar fashion. We crafted some language on transfer and please remember that we have IRT data element matrix that you can refer on specific elements. On this one, I left this [inaudible] at this green mark, I left this here because we're looking at it and -- maybe when we combine this thing, maybe it will help but you will see that we are beginning to mark these specific sections with recommendation numbers. For example, I'll show you here, just a quick view of Rec 10, if you look at Rec 10, we're going to start displaying -- okay, this one is for Rec 11, that will give you a clue and this one is for Rec 13. Give you a clue of why we are adding that language and where it's coming from, just so that you know.

First comment is here, this is DPA. You didn't know when you made this comment but I think now you know that our intention is to have a separate item called document addendum for DPA, it could be data protect arrangement, it could be data protection terms or data processing arrangement, we don't know exactly what the word is but that's our plan. Once you know that, I think that you're okay with the way we're doing this. You can get a clue of our plan by looking at this in the scope, when you read through the scope later, you will see that we are counting on, like here 1.4 data processing term title TBD addendum. We are planning on creating this separate document for agreement. With that, I think the I can resolve this comment, the first comment from Luc and Sarah agree with Luc. Theo is torn. Any other discussion on this because I'd like to resolve Luc's comment now that you all know

that there is a DPA coming, that is a separate document that is linked to this policy.

SARAH WYLD: When you resolve the comment, will you keep a copy of it in the chart at the bottom like with the other ones?

DENNIS CHANG: Yeah. I don't mind telling you this, this takes a lot of work but we are doing it because…

SARAH WYLD: It's so helpful, it's really, really useful.

DENNIS CHANG: I have to thank Isabelle, our team member here, she's really diligent and good at it this because I couldn't do it.

SARAH WYLD: Please let her know I'm very grateful. Thank you, Isabelle, it's really useful. I'd just like to make sure that we come back to it as a team when we look at the DPA. I don't feel like I can agree right now without having all that information in front of me.

DENNIS CHANG: Okay. We will come back to it when we have the DPA. I think what I would like to do is resolve the comment and then take an action below

because when we go over to the mail policy and look at it in conjunction with the DPA, that you will probably have more comments. Is it okay for me to resolve and capture it below? Do you agree? Sarah? No objection from anyone then -- because then what happens is it reveals yet another -- the second layer comments. Sarah who's adding the language and I forget where we were with this.

SARAH WYLD: I think it's basically the same question.

DENNIS CHANG: Yeah. This is what we want to cover in the group level and I would rather not have this language on this section. I'm going to resolve this Sarah but please feel free to resurrect it later. You see what it looks like without it.

Next one is WHOIS server, Theo made a comment; what is your comment, Theo? Do you want to talk to this one, Theo?

THEO GEURTS: Just really quick, I had to refresh my memory, it was a long time ago I made this comment. I think you either replace with the requirements from RDAP or you keep referencing both. It stuck out a little bit. We are currently busy with the RDAP implementation and I'm not sure how long WHOIS is going to be around but if we can [inaudible] system out as soon as possible it would be very favorable in my opinion but my opinion besides. I think the reality is that after the August 25th, most of the stuff will go through RDAP and that is the new reality, that's then

new protocol. We either reference both, would be most important here, I guess. Those requirements are a little bit different then WHOIS from what I see. That's going to be the new protocol.

DENNIS CHANG: Right. What we're doing is of course, following the recommendation as is and those were the -- the recommendation that was passed down to us. Are you suggesting we change the date elements name, name of the data elements or are you suggesting that we make a note somewhere that this could be an RDAP? What would you suggest that we do now about this?

THEO GEURTS: I would change it to RDAP server. I'm not married to the idea, I'm very flexible. It's just something like I said, it just stuck out when I was implementing RDAP and was looking through the specifications, I was going, okay this going to be the new thing, why are we still debating WHOIS? I know some people are really fond of it but I'm not.

DENNIS CHANG: I'm not comfortable right now to change the data element name of the data element, everybody's not listening to our conversation. I think what I would like to do is maybe an implementation note that future is the RDAP and I'm sure in the future somewhere we're going to replace the WHOIS, the language WHOIS is going to disappear maybe, I don't know. It's going to be with us for a while. Is that okay?

THEO GEURTS: Sure, go ahead, no problem.

DENNIS CHANG: Okay.

MARC ANDERSON: On this one, Dennis, I get your hesitation; this is a field that has a lot of history and you and I spent time on the constant labeling and display policy which is how we ended up with this particular field label based on the CL and L policy. I certainly get that there isn't a driver on this policy to change the field label. It really makes it difficult as far as our mandate here. I suggested as part of the EPDP that all references in the policy to WHOIS should be changed to RDDS, that was really the proper term, Luc's saying the same thing, calling it the registration directory service, RDS or RDDS depending on your choice there. If we had more time in EPDP and weren't so rushed in phase one I think we would have had an opportunity to clean up and remove all those WHOIS references but we were crunched on and here we are.

I get this is sort of a -- I think we probably all recognize that from a practical matter, having this field labeled as WHOIS doesn't make sense but perhaps we don't have a proper mandate to change it here in the EPDP. I don't know what the correct vehicle is for this but there ought to be sort of a practical way to change that field so it doesn't reference this legacy WHOIS value that's just not really applicable or appropriate anymore.

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DENNIS CHANG: I think the best thing I think of right now is the implementation note to deal with it today and perhaps when you come up with your EPDP phase two recommendations, maybe you can give us directions to change the names then because a year from now we'll be revising this policy based on your phase two recommendation and then we have a mandate to change the name. Does somebody have a hand up? Unless there is other idea, please let me know but for now, let's go with implementation note and you know why the implementation note is there and that's a to do list for us to do that.

Next, is a Sarah comment. I think I am in agreement with Susan and that's of course my conservative view of not adding language. Is there an objection from Sarah if I not take your suggested changes here?

SARAH WYLD: Certainly agree that we should not change the intention of the recommendation and maybe I'm wrong here but I thought some these elements are not necessarily to be collected because they're optional, so I wouldn't to be required to transfer a data element that's not necessary, so maybe it would be easier to just go back to the version that say, if collected or generated. What does everyone else think?

DENNIS CHANG: Anyone else? No other opinion, so if you don't mind, I'm going to say plus one to Susan, so she knows that's what we're doing and then we're going to remove that comment. I'm going to remove further editorial.

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That takes care of that level of comments and then we are on to Marc Anderson's comment. What we decided to do your think that we are combining two different categories of data. Marc, can you explain this? I don't think that I understood what you were trying to say and why is it two different categories? All these are must transfer to registry operator if you're collected or generated -- the register must transfer period, how is this different? Which ones are different?

MARC ANDERSON: I'm not sure I follow your logic there. If you look at the data elements matrix there's clearly two different categories here, name services and IP addresses, the registry must support and the registrar must transfer them to the registry operator if they exist. Other fields such as the registrant and tech fields on the other hand are clearly different in that the registry operator may require them but to do so they're required to provide a legitimate basis to the registrar in order for that transfer to occur. I think I refer to the data elements matrix, which differentiates the two on these fields.

DENNIS CHANG: Marc, the way we looked at is, your logic was covered in the collection phase -- when we're here, they've already been collected or generated, now we're talking about transfer. Isn't it a consistent requirement that registrar must transfer period? If they're collected and generated as they said?

MARC ANDERSON:	That's not my read, a data elements matrix Dennis.

DENNIS CHANG:	One wording is, registrar must transfer the following data elements to the registry operator if collected or generated, that wording, that requirement applies to some if it and what will be that other requirement, statement, how would you word that? I keep coming to the same requirement statement, that's why we combined it.

MARC ANDERSON:	I'm trying to pull up the applicable policy document right now, sorry I'm trying to multi task failing.

SARAH WYLD:	May I jump in with question? I'm just looking at recommendation seven, which is the data to transfer from registrar to registry and it shows all of those registrant and tech fields as being optional, which I think means that if the registry collects those or requires those fields, then they should be transferred and if the registrar collects them. My question that I think we're all getting to, is what if the registry does not want those data. For example, what if the registry does not use the registrant fax field, is the registrar still required to transfer it because the registrar collects it? Thank you.

MARC ANDERSON:	Thanks, Sarah and I think you're getting to exactly my point. Just because the registrar collects it, does not mean that the registrar is

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required to transfer it. I think as Sarah sited, that's how it reads in the policy recommendations.

DENNIS CHANG: That's not how we interpreted it or understood it. We thought it was more clear and straight forward that if it's collected or generated, if the data is there, registrar must transfer to the registry operator period and that is the requirement, a very clear, firm requirement and we did not separate which one they can do that and which ones the registry operator or registrar has the option or they can decide which one, which elements to transfer, which ones not to transfer, that's not up to the registrar to decide, period. I think that's the way we are reading the intended recommendation.

MARC ANDERSON: Maybe you can tell us where you're reading that because I'm not seeing that at all.

DENNIS CHANG: Susan has her hand up, go ahead Susan.

SUSAN KAWAGUCHI: Can you hear me, I think I unmuted twice.

DENNIS CHANG: Yes, I can hear you Susan, go ahead.

SUSAN KAWAGUCHI: Thanks. I would agree with you Dennis, that's the way I'm reading too, that the registrar doesn't have a choice. What I do need to do is go back and read the report a little more to see if the registry can then opt out of collecting -- receiving some of this information. But it's pretty clear the way the recommendation was written in my opinion, that these data element points must be transferred if they're collected or generated. So, I agree with the wording that's there currently.

THEO GEURTS: That is against actually one of the other recommendations I'm going to quote right now, which is the recommendation where the registry must determine -- has to make a determination if they can even collect the data from the registrar, there could be circumstances that the registry is not in a position to collect all those data fields, even if they are generated or collected by the registrar. That is clearly [inaudible] in one of the recommendations because we are also facing the problem that a registry is no longer the authoritative source for data, it must follow their own determination of the data protection law, it can collect all the data which a registrar may have.

It can be two opposite things here, the language here itself must [inaudible]; if the registrar has it and the registry requires it, then it must be -- no, that's actually not true what I'm saying. There must be come flexibility here because like you're reading what we are proposing now is if the registrar has it, it must send it to the registry, that's going to be problematic later on. Thanks.

DENNIS CHANG: Marc, you're next.

MARC ANDERSON: Theo, can you give some examples of what you just said other than the ones that would captured under applicable to local law? Everything in this document would be applicable to local law of course, are there any other examples besides that? Thanks.

THEO GEURTS: Actually, Susan just pointed it out here. It must be transferred from registry to registry provider appropriate legal basis exists. That must be determined first, if the registry has a legal basis and requires that data, then there is no question here, we don't have to discuss that if the registry says, you need to do this, fine. If the registry says, we can't actually accept that data, then we can transfer, that's exactly what the recommendation Susan quoted right there. Maybe we have a little bit of legal language issue here? I think we are on the same page but the current language does not reflect what Susan just quoted there. Thanks.

MARC ANDERSON: I'm going to say basically what Sarah said in chat, that's why some elements yellow and some are green. I finally got recommendation pulled up in front of me and it has a chart there, transfer of data elements from registrar to registry and then transfer logic. The transfer logic column has green for required and yellow for optional. I think that

clearly spells it out but then the complete data elements matrix in the back also has additional details there as far as exactly what the intent of each of those fields are.

DENNIS CHANG: Susan, go ahead.

SUSAN KAWAGUCHI: I think if you read the recommendation as a whole, including that DPA document, then the registrar, if there is an agreement that allows the registry to receive those data elements -- the way this reads to me, the registrar cannot say no because they have a legal basis for collecting those from the registrar. This wording makes complete sense based on the full recommendation that I pasted into the chat. I don't see a need for changing this and I get the yellow and the green and all of that but if the registry says, we need to collect this data, we have a legal basis, here's the document that says that. The problem is always, you've got the cart before the horse with WHOIS, it would be great to have all of this figured out ahead of time to make these decisions but in the way it stands right now, I would argue that we should -- this stays as is until we get that document. I would not want to see any edits into this.

DENNIS CHANG: Marc, do you want to talk again?

THEO GEURTS: I think we maybe should wait for that document that Susan just referred to, the DPA or whatever we're going to call it. I will point out that is going to be ICANN DPA, it might be different from the data processing agreement that will exist between the registry and the registrar. Maybe we should slow down a little bit on this and take a few steps back.

DENNIS CHANG: I'm with Theo. Let's pause here and consider this a little more. I heard from both sides and of course, you know where I stand but let's continue our dialog maybe online a little bit. Go ahead --maybe Marc and the party who wants to separate these data elements to give us a suggestion what wording you might use as a requirement and which data elements belong in the second category. Other than that, we will have to finish our discussion online. Before we say goodbye, it's already time, anything else before part? How is this going for you? I appreciate everybody's support of course. Anyone want to say anything?

No, okay. Thank you all then. Andrea, you may stop the recording and we'll talk to everyone online and there will be more homework coming. Thank you. Bye.

ANDREA GLANDON: Thank you. This concludes today's conference. Please remember to disconnect all lines and have wonderful rest of your day.

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