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ANDREA GLANDON: Good morning, good afternoon and good evening and welcome to the gTLD Registration Data Policy Implementation IRT Meeting, held on Wednesday, the 4<sup>th</sup> of September, 2019 at 1700 UTC. In the interest of time, there will be no rollcall. Attendance will be taken by the Zoom Room. I would 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: Welcome members of the IRT to our Implementation of the PDP Phase 1 Consensus Policy Recommendation. This is our meeting number eight. The agenda to this, after we quickly review our work assignments, I'd like to go straight into the Rec 10 Publication, which we provided an alternative or alternative number three, I think we'll like that, it's a much more simpler and clearer version. Then we're going to go on in the same document, we have a reduction in the log there, we'll finish that document today. Then we're going to go back and plow through as many recommendations as we can. Then we will talk briefly about the ICANN 66 again and then Next Steps and Any Other Business. Any comments on the agenda today? If not, let's get started.

There has not been any changes to the IRT team or the observer team, that's pretty stable. The meeting attendance record is about the same and this chart will be provided to you later and posted on the Wiki.

Let's go to our assignment list. We have issued up to Recommendation 28 Analysis, which is due on September 17<sup>th</sup>. We only have a couple

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more left and we're making pretty good process in terms of analysis documentation and providing it for the IRT to comment on. As indicated here, today being September 4<sup>th</sup>, things that are due now are up to Recommendation 26. In theory we should be able to review everything together up to 26 but we'll see how far we can go. Let's continue, just interrupt me any time if you have any questions or comments.

Rec 10, we've looked at this a couple of times. This is now approach number three as I call it and I gave it a name, Field Key Value Version is what I call it because what I've noticed, after our last conversation is that perhaps the IRT and the Implementation Team here is not all together on how we look at the data elements. When we say data elements, we maybe be talking about a key or we may be talking the value or we may be talking about both which is considered a field. That's why I want to start here because I think it was one of the IRT members who commented that it would be nice to just have a full list first, then talk about what we do with each element.

This comes close to that and also in keeping with the desire of the comment that we want to make the expiration date and reseller, those things are optional when appropriate, that we want to keep as well, so it doesn't cause a undue new requirement to the Registry or the Registrant. This is one place where we think I have an agreement that we have an error in the recommendation and that we are going to correct that error in the Implementation, which we can but it has to be transparent of course and we need a full, full IRT buy in that we're going to go ahead and implement something that is inconsistent with the recommendation.

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Let's get started on 7.1, the way we have provided this alternative three, is we have a full list that is 7.1.1 through 7.1.32. We have 32 data elements and what we say here, the requirement is must and we say we must provide the field in this RDDS, subject to the expectation outlined in the subsequent section. These exceptions are 7.2, 3 and 4 and exceptions deal with resellers and the expiration date for Registry and Registrar.

Let's look at this. The list is a full list, that hasn't changed. We're asking that for every increase, you provide full field, so we get a consistent return on the inquiry of 32 data elements, in terms of field and here we provide a further definition of the requirement. In here we also provide what is a key and what is a value and I think this will help a lot for everyone who comes after us looking at this requirement. What we basically are trying to say is that if there is no value collected, that you don't have anything to display, then you have to show blank. Mark, I see your hand, go ahead.

MARC ANDERSON: Can you hear me okay?

DENNIS CHANG: Yeah, we hear you fine.

MARC ANDERSON: Great. I get what you're saying from explanation. I just want to comment, this is written in a very -- from very WHOIS centric perspective and I just want to point out, we're now past the date where

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Registries and Registrars are required to operate an RDS Service and negotiations are underway about how to sort of memorialize that in contracts and ultimately sub set WHOIS. So, looking at the way you've written the language in Proposed Recommendation 10 so far, it is -- the whole concept of key value pairs and the way you've laid it out is very WHOIS centric and does not translate well to an RDAP world. I understand your explanation and why you've laid it out the way you have but I think in a world where we're talking about sub setting WHOIS and relying solely on RDAP, I think this isn't the best approach for laying out the requirements for display of data.

DENNIS CHANG:

That's a really good point. I know that you're deeply involved in the RDAP implementation, so you probably have a very perspective on how the RDAP world, what this policy language would like. I think that was the point that Ruben was making also. Go ahead Beth.

BETH BACON:

Thanks Dennis. Hi guys, how are you? Marc, I 100 percent agree and I think that's a fantastic point. I do want to say I appreciate ICANN Staff. I think this is progress from a clarity standpoint, it's just that now that we have the RDAP aspect to work in, it's not necessarily fit to purpose. Could I just suggest that instead of us trying to riddle this one out because I think it's going to be more changes than we can draft on the fly, can we just move the due date for this and put it to the 17<sup>th</sup> and put it in that bucket so that we can take another look at this and then also Staff could also maybe offer their thoughts as to what they think might

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be more efficient? Marc made the mistake of calling it out so maybe Marc can also get assigned some help. But thank you guys, I think it's good progress, I appreciate it very much.

DENNIS CHANG:

I'm good with that. Anybody else have comments on this before we move on then? For us to help, Marc can I put on the spot and maybe talk about it a little more so that you can guide us on how we may formulate a new language or is it absence of the language that would be best? Can I ask you to speak more? Thanks.

MARC ANDERSON:

Absolutely. Ruben's pasted sort of an example in the chat, which -- I think is good for highlighting the fact that just sort of the key value pair sort of approach that we're use to in WHOIS, just doesn't really translate into RDAP. To me, RDAP is a very tag based, to me it's very much like an XLM schema, where you have labels and values inside of each piece of those labels and each of the schema elements are defined and known by both the server and the client, which is what makes it work.

I think we can get to the same end result, it's just sort of the -- we definitely can get the same end results, that's certainly the intent but just approaching it the way we have in a traditional WHOIS universe where we look at key value pairs and what the element name is and what the value associated with that element is, just doesn't map very well. I think we can -- I'm happy to help out in sort of transiting this to more of an RDAP centric approach. I think we can get that documented

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in a way that's very clear for the implanters, so they understand exactly why they have to implement for the display of data.

DENNIS CHANG:

I think that's what we need to do then. This is very timely. You're right, RDAP is now fully implemented, so even referring to something for the RDAP made sense, I don't know. I see the chat from Rubens, I don't suppose you're suggesting that in a policy language but thank you very much.

Before we move on, I think that I have to do something very important and that is the conversation that I started in the email, we want to wrap up. I want to make a decision, sort of an IRT decision and document it so we don't talk about it again and this is very important. That is, we said that in here, registry operator, concept wise, may chose to publish the reseller value and registrar may chose not to publish the Registry expiry data value. 7.2 and 7.3, I mean 7.3 and 7.4 are inconsistent -- let me just do this. I think this one, 7.3 is inconsistent with the recommendation but we are all agreeing that was probably was an unintended error, so we want to make a correction.

I'm going to refer to our IRT Data Elements Matric, where we look at Registrar treatment of data elements and we go the Publication section here, Public RDDS and we go through data elements and here in number 8, Roy, we say that Registry expiry date is a must, must publish in RDDS. Now, based on my understanding of the IRT Agreement, we're going to change that just to may. The Registrar registry expiration date is now currently stated as may in terms or requirement but we're going to

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change that to must. Before I actually make the change, is there anyone who wants to talk about this, either in confirmation of what I'm about to do or disagree with what I should be doing? Jody, go ahead.

JODY KOLKER: Hi Dennis, can you hear me?

DENNIS CHANG: I can hear you.

JODY KOLKER: I guess I just want to replay that back to you because I'm not sure I quite got it. I think I know what you were trying to say but basically the Registry expiration date may be printed by the Registrar, correct?

DENNIS CHANG: Correct.

JODY KOLKER: And the Registrar registration expiration date maybe printed by the Registry. Am I missing something there?

DENNIS CHANG: Yeah, you're right. So, if I go to a Registry operator page, you can see on number 9, Registry are required to publish the Registry expiration date but may publish the Registrar expiration date, so this is correct and there's no change, this is consistent with the recommendation language.

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Registrar page however is currently, the way you see it, is consistent with the recommendation but we think this is wrong and I think this is what you were trying to point out very early on, that you can't do this and we are now realizing and tracing back that there is an error that must be corrected. What I want to do is, I want to change this to may, I'm doing it right now.

JODY KOLKER: That sounds right to me Dennis because that's what we've talked about before.

DENNIS CHANG: It's exactly what we talked about. I'm doing what you wanted but I do want to make sure that everybody else sees me doing this because we are for the third time doing something that is inconsistent with the language. I'm also making a change -- I'm taking my time doing this so you're all seeing it. Jody, maybe should be asked, in the IRT Rec 10 comment section, that's where I'm pointing to right now, cell AY8 and 9Y, can you put in something there saying that IRT agrees?

JODY KOLKER: Sure, I could do that. I have another question, unless some else wants to speak up?

DENNIS CHANG: Go ahead.

JODY KOLKER: I think that we've discussed this a couple of times or at least at stages, there's another element on here called DNS Name Server IP Address, that is listed on here.

DENNIS CHANG: Can you point me the row number?

JODY KOLKER: Keep going down, there it is. Name Server IP Address, row 60. That's not included on the current WHOIS, we're not required to print that or to list that. I'm curious on why -- on how this got into the recommendations? Is this another -- I guess I'd like to ask Beth and Sarah and Marc, is this another mistake or something that was added because it's not really making sense on why we need to print that in there? It's not printed in the WHOIS currently.

BETH BACON: I think Marc just put his hand up for that but yeah, we did include it in the first, in the EPDP, in the list of elements but I'll Marc, since he put his hand up.

MARC ANDERSON: I'm taking a deep breath here because this isn't an easy answer. This is - - this can definitely be confusing but this is in recognition of the fact that there are actually three different types of lookups under WHOIS. Under

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the WHOIS system you can do a domain lookup, you can do a name server lookup or you can do a registrar lookup. There's a well-known fact because most people just do domain name lookups but there's also domain, name server and registrar lookups. This is not the fact that there are name server lookups where you can look up the name server and get the IP address. This was supposed to be written in a way, you don't need a name server for a domain name registration but if a Registrar has registered a name server with the Registry operator and they provide the IPS addresses for that name server name, then that would show up in the name server lookup. Does that -- I tried to keep that at a high level, does that help Jody?

JODY KOLKER:

It does help. Yes, it does help Marc but I guess, we don't distinguish between a domain name lookup and name server lookup in here. I think we're having some complication here, which is fine but I think it needs to be defined, whether it needs to be returned or not for a domain name lookup. If I do a domain name lookup, do I need to return the name server IP addresses for the name servers if I as a Registrar have collected those at any time?

MARC ANDERSON:

Gotcha, yeah. This was not intended to be a new requirement for domain name lookups.

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JODY KOLKER: Well, if I read this as a programmer, what I'm reading is that I need to put that in there. I really like to get that taken out of there or at least defined as, if a name server lookup is completed, this is what needs to be done. I just want to correct something too, I think the name server lookup is only supported by the Registry not a Registrar, is that correct?

MARC ANDERSON: Yes, that is also correct.

JODY KOLKER: Okay, so then this needs to be taken out of here for that.

MARC ANDERSON: Yeah, it wouldn't even work for -- right, it's not -- it doesn't really become a name server until it's registered that the registry level and so, it would really only be -- it would really only be applicable to name server lookups at the Registry level. To Roger's question, yes, this is only valid for name server lookups, which are only applied to Registries.

JODY KOLKER: Okay, I'm even more confused now. As a developer, it says that I need to do that from a WHOIS lookup, from a Registrar perspective.

MARC ANDERSON: I think that's sort of a short coming of the approach we took in phase one, we did not differentiate between -- I don't think we talk anywhere about a WHOIS lookup or a domain lookup. We talk about the

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processing activities, what data needs to be collected, what data needs to be transferred, either from the Registrar or the Registry or the Registry Registrar to and Agent, we talk about the transfer of data and then we talk about the display of data. We differentiate in how that display occurs, what the mechanism or what the lookup type is, that just wasn't a level of detail we got to in the phase one deliberations.

We're recognizing -- in the phase one we recognized that in some case IP addresses, particularly name server IP addresses have been considered personally identifiable information. In phase one we recognized that this is in some cases considered personally identifiable information and subject to GDPR but also it's the publishing, the display of that information is necessary in order for the service to work and so that's what we were trying to say in the final report, is that helps.

JODY KOLKER:

It does Marc but I still that we need to separate this off to say, for a name server query, a name server IP address is displayed but not for a domain name query.

MARC ANDERSON:

Oh, for sure, yeah. That's a good catch, we certainly need to make that clarification in the implementation.

JODY KOLKER:

Just to wrap it up Marc, would you be changing that or Dennis, does your team change that? How do we do this?

DENNIS CHANG: I would love some help from Marc on the language, sound pretty technical and I don't want to get it wrong. I think we're only talking about 7.1.32, Name Server IP Address, that one element only and what we're saying is that we have identified an exception that we probably need to note below and note it as the Name Server IP -- that it only applies to the Name Server but not the Domain Name Lookup. I think that's what I'm hearing.

MARC ANDERSON: That's essentially right Dennis. I'd be happy to post something to the list.

DENNIS CHANG: Comment on this document. Suggest and addition to this document. I think that is the only data element, it's very important that we recognize all the exemptions. Very good conversations on this data element. We need to make some notes here. In this case, it's not applicable for Registrar. I think that's the change we would be making.

JODY KOLKER: I think it's -- are you on Registrar right there?

DENNIS CHANG: Yeah, Registrar sheet.

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JODY KOLKER: Yeah, it's not applicable for Registrars.

BETH BACON: I think we're in agreement that it needs to change -- and then keep the note that we changed in case there's questions.

DENNIS CHANG: I don't mind doing that. Let's just do it because I have made changes to this page already. What I'm going to say is...

BETH BACON: If we do need language like do an asterisk in the actual language for the policy and Marc -- Marc, you've got to quite explaining things because you're doing so well with them. Then maybe Marc can fill in where the asterisks needs to say. Does that look right to you, is that cool?

JODY KOLKER: Yes, that looks right to me, thanks Beth. But does it also need to change for Registries like we've been talking about? I don't believe the Registry returns the name server IP address when I do domain WHOIS lookup, it only happens on a name server lookup.

MARC ANDERSON: Yes, the intent was only on a name server lookup. Jody is correct. Remember in the phase one, with too many recommendations we don't distinguish between a domain lookup and name server lookup, we just talk about display of data. I point that out because I don't think by

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clarifying that the name server IP address would be only returned in a name server lookup, I'm saying that because I don't think that in any way conflicts with what's in the phase one report. The phase one report just didn't get into that level of what I'll say is implementation detail here. The name server IP address would be returned in a name sever lookup but not a domain lookup and that I think is still consistent with the phase one recommendations which just talk about display, both are displays of RDS data.

BETH BACON:

I was just going to say, for the Registry in that we don't distinguish between the lookups, we just -- just speaking from PIR, we display the name server along with the WHOIS lookup so we just do it all at once. I think we need a may be generated there or a may be reflected, does that make sense to folks. But I think that Marc has that, if Marc can kind of fill out the asterisks and then we can all take a second review of anything. I appreciate everyone making changes.

MARC ANDERSON:

That's a good point by Beth. Some people in their WHOIS outputs today provide additional information beyond what's required, as Beth's saying, PIR they provide that information with the domain lookups. Beth makes a good point, we really didn't try and change existing behavior in our recommendations, right? Anybody that's doing that today, should be able to continue to do that. The recommendation should be written in a way that doesn't prevent a registry from providing that information in

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the domain output if that's what they want to do. That's a really roundabout way of saying it.

DENNIS CHANG: Any more on this?

MARC ANDERSON: Yeah, sorry for talking so much Dennis. I'll just note what Rubens said in chat, which is kind of a good point. He's pointing out that typically IPS addresses are only returned for in bailiwick name servers and for out of bailiwick name servers, you typically do not return an IP address. That's also an important point to make as far as what a typical output is.

DENNIS CHANG: This is getting more complicated. We're still working on 7.1.32 Name Server, we have to clearly define whether it is or it is not required to be published and by whom. Seems like we're getting conditional cases. I guess the important thing is we have to identify whether it is or it is not consistent with recommendation language too. Let's first figure out what it must be in terms of implementation and then we'll see if it lines up with the recommendation language. There's conversation happening in the chat, I don't know whether it should continue in the chat or if you want to bring it up here. Seems important. Jody? If you feel like you're missing something I think you should maybe speak up so we can all hear.

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JODY KOLKER: I'm just trying to clarify what Rubens said, I just want to make sure that I've got this right, that an IP address is returned, so for godaddy.com, godaddy.com that's CNS1 and CNS2 godaddy.com on it, if I look in the WHOIS on VeriSign for that, the IP addresses aren't returned for that, is that what you mean by in bailiwick I think you call it? It doesn't look like it customary to me if VeriSign's not doing, that's all I'm asking.

DENNIS CHANG: I think Rubens may not be able to talk, Rubens can you speak?

JODY KOLKER: I think what I'm saying is, godaddy.com has CNS1 and CNS2 godaddy.com for its name servers but when I look in the WHOIS, the IP addresses aren't returned for that for a domain name lookup at VeriSign. I'm not sure that it's customary to do that. Maybe that's at a CCTLD level or Registry level.

DENNIS CHANG: Marc, maybe you want to talk to that.

MARC ANDERSON: Yes, so Jody we don't return the IP address in a domain lookup as you're correctly noting but if you do a name server lookup, so if you do a name server look for CNS1.godaddy.com, you will get the IP addresses there.

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JODY KOLKER: Absolutely, thanks for clarifying that Marc, I completely agree for a name servers, I understand why it would be done but for domains, I'm seeing it done and that's Ruben's is saying and I want to clarify this. Is this customary for a domain lookup to do this or not?

MARC ANDERSON: Some people do but -- I think PIR does, Beth has her hand up, she probably going to confirm that but I also think if -- so the go daddy name server its on CNS1.godaddy.com, that's in bailiwick and so it's returning an IP address and so I think if you had an out of bailiwick name server there it would not return an IP address it would just point to the DNS centric. I think that's the in bailiwick out of bailiwick point that Rubens was making there.

BETH BACON: I just want to say, Jody I think it is something that's decision my registry and registry operator as to how you display because if you do just a traditional, I don't want to say WHOIS because it's day three of RDS, if you do the WHOIS search, PIR's WHOIS will return the name servers, I think it's by registry operator, it's just the choice you make and how you display your results. As much as we love VeriSign it may not be the standard, it's just what they've chosen to do.

DENNIS CHANG: I think what I see happening is something like 7.5 in responses to -- this is domain name queries as we have repeated three times here and I'm trying to address name server IP address. Beth, we'll do it later. We

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have to say something about that it doesn't apply to registrar but it's conditional for registries. Registries must provide or name server inquires only? This is one data element is getting complicated, let's take some time to think about this. Three different types of lookups situations has now been contemplated. I'm going to move on. Let me make sure our data elements matrix page is consistent is what we're doing. We made the change, can I have an IRT member make a note here on the IRT section on Y60, why documented change? Wait a minute, we're making more changes here. Thank you, Sarah. You can make the change. Make a note on this, Y9 cell please.

This is a redaction question. I'm not sure how to address this and this one too. Registrant Country Redaction question. Sarah, do you want to do the honor of making a mark on y60? Thank you, Sarah. The homework is on the policy language, we have to craft some language to make it clear for the implementor. Right now, what this says is wrong, we all know it's wrong. We have to correct it. I think correct it in terms of an exception here for 7.5 but I'm not sure how to write that yet, that's the homework that Marc has, to help us write that language.

Let's move on to Redaction. Go ahead Marc.

MARC ANDERSON:

I was actually just responding to whoever made the comment about silly question or whatever that was. Whoever was noting that the city field was not listed as redacted but her EPDP Recommendation 11, the city field should be redacted. I'm not sure who made that comment but whoever it is, I think they are correct.

DENNIS CHANG: The comment is on the state province, not the city.

MARC ANDERSON: Ah, then apologies, I was looking at the wrong file.

DENNIS CHANG: That's the question on the recommendation side, so I can't answer that but we're going to continue to implement with recommendation said in terms of redaction. Let's look at the redaction right now. Redaction is provided as section 8 in this document and first is these redaction conditions apply and then there was no comment there. We have 8.2 that's registry operator and registrar must redact, so these are must redact conditions, no question there. We have inserted a 8.X for registry tech ID, tech name and tech phone. This is what I gather is from the IRT comments that the tech ID, tech contact information is not addressed in the recommendation as being able to obtain consent and therefore we have to do this redaction but is there someone with a raised hand? No?

I want to pause here because I added this in response to the IRT, are we saying that we are always redacting these three data elements and that's with the intention of the language is, I mean this recommendation was? Can I hear from IRT members? I see Sarah in agreement. Marc Anderson raised his hand, go ahead.

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MARC ANDERSON:

I guess I haven't done enough talking so far. I don't think the intent was that the tech fields would always be redacted. When we had this conversation in the IRT we heard from Registrars who said they had many very different business models, including some Registrars who deal largely with business customers and those Registrars have business customers that want to be able to publish the tech name and tech phone fields as non-personally identifiable information.

I think we have the example in the recommendation where you could do tech contact at your company.bus or something like that, where you have a legal person not a natural person as the contact information. In those circumstances Registrars should be able to publish the information in their output. The point on consent is that we were very unclear on how consent could be captured for the tech contact and then when the tech contact isn't the domain name registrant. The recommendations were never to require it, that that was optional at the Registrar level, depending on how the Registrars individual business model and how they want to implement it but based on their own business practices they could collect and display that information but that that was not required.

I really hope I haven't butchered that explanation and that that instead is helpful. My recollection was -- to answer your immediate question, I don't think the intent was that these would always be redacted, rather that some registrars had a business case where they wanted the ability to publish that information.

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DENNIS CHANG:

Thanks Marc, that was what I thought because it seemed pointless to have it and then always redact it. We were trying to find ways to publish this contact information and we tried several ways and it didn't seem to work. We were trying to get consent but the argument was that the recommendation did not allow policy implementations to even try to gather the consent and therefore they should not be allowed was one of the arguments against it.

As much as we want to make this implementation useful, what seemingly is inconsistent with the recommendation, then we need to highlight that and have people read, IRT member agree to it but right now I think the IRT is not together on this. There is disagreement on whether to find ways to publish it or always redact it and that's the way it is. Any more discussions on the side on IRT, who believes we should not get consent or publish, always redact it by design, any comments there?

SARAH WYLD:

I don't disagree that some tech contacts might want to publish their data, for sure but there's no recommendation that says that the tech contact should be able to consent to this publication. I have privacy concerns around processing data for someone who's not party to a contract with me. If the tech contact is a third party and I know we've been through this endlessly in phase one, but if the tech contact is somebody that's not the domain owner, I'm just not sure that I should process their data or I should publish their contact info.

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I'm not sure I have an appropriate mechanism to get their consent to publish their data. I'm just not super comfortable with diverging from the recommendation like this. Maybe doing it as a may would be better but I feel like we went through this a lot and I'm not comfortable with it. Thank you.

DENNIS CHANG:

I think we heard, that's why this is written the way it is right now.

BETH BACON:

I think that this is a tricky one because at this point we're kind of making -- we're going down the trail of well, it's says this or doesn't say this so maybe the lack of addressing it means this, we need to go -- I don't know if that made any sense, the lack of mention can't really infer something else, so I think that what we need to do is perhaps revisit the specific language on this in the recommendation and then come back. I think this is not resolved. I don't think that we should be talking about consent in this context, we should be talking about what the language in the EPDP report recommendation says and right now I'm not looking directly at the report language so that's why I'm asking if we could review it again.

Again, I don't think we should be talking about consent right here because that conversation has already been had and has been incorporated into the recommendations, so let's just get clear on what we think the recommendation says and flag this. I am happy if you put my name down there, I'm happy to review it and go back an offer a

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comment and we can revisit it and put it on for the 17<sup>th</sup>, is that's acceptable for folks. I see Brian's hand is up.

BRIAN KING:

You can sign me up for that homework with Beth if you'd like. I would just note that the language in this 8.X draft is too short, there's not enough there. Let's go back and take a look at the language and the recommendation because I think the way this is drafted doesn't capture that, it's too absolute.

DENNIS CHANG:

Thank you for volunteering. We have two volunteers to look at this and try to come up with some words that we can consider. That's tech contact Id, that was an outstanding item and we'll come back to it. The Rec 13, 8.4 there's no comment there. 8.3 no comment there. 8.5 no comment there.

8.6 is where we have comment. Sarah disagrees with the interpretation -- oh, Rec 12, we said Rec 12 we're going to skip, never mind.

9.1 we have a long running comment and what was this about? Let's see, making a list. We said that no, we would rather not make the list. I think you understand why and I think the latest suggestion was confused as to what Registrar will provide in evidence of your colleagues from the compliance. Is there a Registrar who can talk to this, answer Luc's questions? Can I ask a Registrar to address Luc's question here? This is what I'm talking about here if you can see my screen. Go ahead Jody, thanks.

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JODY KOLKER: I'm not sure I can answer Luc's question. I'm not sure what we're supposed to provide. I think that that's the whole issue that Luc's trying to say, is we don't know -- we don't maintain log files, to prove it and Luc, maybe I'm misunderstanding your question?

DENNIS CHANG: What do you do now? Do you have any requirements where you provide the log files? You don't have any such requirements right now?

JODY KOLKER: I don't know if we do or not, I guess. That's something that I have to check on.

DENNIS CHANG: Yeah, I thought this was a standard thing that people have log file and keep a log file that confirms that the relay of communication has occurred and does not have personal data. Sarah has an answer here. Brian, do you want to talk?

BRIAN KING: Thank you. If Sarah or my client that's probably how I'd advise her to answer that question, if at all. The challenge here Dennis is that this is a new requirement for Registrars, this came out of the EPDP phase one and we need guidance on how do to this. This is something that is very

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foreseeable that ICANN Compliance could audit and we need guidance on what Registrars are expected to do here.

DENNIS CHANG:

Can I ask those members of the EPDP team, when they were coming up with this new requirement, what they envisioned?

BETH BACON:

We're looking at 9.1 yes, for the log files? In the EPDP, we had a little bit of a discussion about this and we did talk about it would be a different requirement for Registrars and it was not something that was done. I think that this is pretty clear, you have to do a log file and as with a lot of other things that Registries and Registrars are required to do and maintain and have either available on demand for compliance or to submit regularly, that's something that you generally work out and find something for the Registry or Registrar that satisfies it to your reading of the contract and if compliance disagrees, then you can have a discussion about that and that's something that we do a lot with Registries, Registrars and compliance, is sit down and say, "This is what we think it is, does it meet your standard?", and when we disagree we have agreeable chat about it.

If that needs clarification that might be something that falls under that but I think that this is pretty clear. You have to do log files, do it to the point where you think the standard requires and don't include the information listed. Does that make sense?

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DENNS CHANG: Makes sense to me. Any other comments? Brian, I'm just -- you're the Registrar, you would have to do this, if you have other concerns, I don't want to dismiss them in anyway because quite frankly I don't need to do this.

BRIAN KING: I'll speak with my Registrar hat on, I don't represent the Registrar Stakeholder Group by any means but we want more clarity. I don't want to have that conversation with compliance I guess, I'd rather have certainty. If ICANN's going to require me to log something, I want to know what I need to log, so I can check the box with my tech team when we go through this and say we're logging the things we need to log and there's no ambiguity because right now this just invites compliance to ask questions and kind of poke and prod on what we're doing and we want the certainty that what we're doing is enough and we want to do enough but we want to know exactly what we need to do. Right now, this just isn't getting it done for me.

SARAH WYDE: For those who think we do need more specificity as to what should be logged, could you suggest what exactly that would be included because to me, if we're not logging the origin, so who did the message come from, the recipient, the domain owner, the content of the message or personal data, all that I have left is on this date we transmitted a message for that domain name. I can't think of any other data that would be logged. I would be very interested to hear suggestions for what else could be included.

THEO GEURTS: When it comes to log files, there are a whole bunch of legal requirements which you have to do by law, so that is one part of the equation. The other part is of course, what can compliance ask? That will always be a discussion with the Registrar and ICANN compliance. I don't think that there's much of an issue here. Circling back to what Beth said, just leave it to the Registrar and make sure that everything is complaint with the law. Thanks.

DENNIS CHANG: Does anyone want to respond to Sarah?

BRIAN KING: Sure, I'd be happy to respond. I think Sarah may have answered her own question with what I see in the chat here, the date, the domain and the fact that the communication was sent successfully I think would be sufficient for the purposes of this requirement. I'd be happy if that was the result here and if we wanted to be really specific maybe we could say the date and the time, might be helpful. Date, time and the domain name and confirmation that it was successful would do it for me. Thanks.

THEO GEURTS: I think what Brian just said and what Sarah mentioned, I think I'm very agreeable to that. That's part of what you do with a log files, make sure where it goes to, what was the date, that is pretty basic standard log file stuff and this is also what you might be required under law or when you

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are being challenged in the court. These are very basic log files. I'm good with that.

SARAH WYLD:

I started trying to draft something to this affect and Brian, I'm really glad to hear that that suggest was helpful to resolve your concerns. What I wonder is, I was going to add in that we should include if the message delivered and I don't think we can do that because the system doesn't know if it was delivered, it just can know if it was sent, you know what I mean? I'm not sure how to reflect that in this is language or perhaps it's already sufficient here, just the date and time of message.

THEO GEURTS:

If I can add to that a little bit. What we can do is, we can log if something has been sent, if there is a bounce, that is a very obvious way of a rejected for some reason. These mail servers are on auto accept, automatically accept, there is no way if we know that the recipient received it or that the recipient read it and that is just impossible for us. We can log it if it has been sent, if there's bounce we will get a bounce message but like I said, if the email server is set to accept all, it will accept all and it could be trashing all but that is all beyond what we as a Registrar can see. We are not operating these email servers, we don't own them, so that is going to be very problematic.

BRIAN KING:

Sorry, its' an old hand.

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BETH BACON: I'm going to subject your guys to a thinking out loud question and please tell me to pipe down. In 9.1, did you guys lift this right from the -- the original language you lifted right from the recommendation, yes?

DENNIS CHANG: We tried to.

BETH BACON: Yeah, so are we -- by adding the must include because it's not in the recommendation, are we changing the recommendation? This is just me thinking outloud again, though by process of elimination, really the must include is what's left over after the must not include. Again, food for thought. I don't want to ruin this because it's progress but I wanted to flag it.

DENNIS CHANG: Yeah. We try to be careful about adding what perceived is a new requirement when it's not very clear in the recommendation. Any more questions? Is there a disagreement within the IRT about this language?

BETH BACON: Can we just flag it as to confirm it once we all look it, to come back and confirm? I know we hate doing that because we want to get this done but I just need a minute to look at it.

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DENNIS CHANG: Okay, yeah, so let's tag this one as well for us to come back to. Okay, let's do that, come back to it.

BETH BACON: And Dennis, I don't mean like on the next call, give me like 10 minutes.

DENNIS CHANG: Oh, you wanted 10 minutes. Okay.

BETH BACON: Oh, sorry, you only budgeted me five? Only five.

DENNIS CHANG: Okay, that's fine. While you think about that [AUDIO BREAK]

BETH BACON: Did everyone else just lose Dennis's audio?

DENNIS CHANG: I'm here, I'm here. I just went on mute for a minute there.

BETH BACON: You can't do that to us, Dennis, we can't function without you.

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DENNIS CHANG:

Thank you. Okay, you get busy looking at that, let me set up Recommendation 14 and 15 for us to talk about. I'd like to make some progress on these, and continue, especially those ones that are not resulting in policy language, I think will be easier. So, let me draw your attention to Recommendation 14. Here we have proposed that we add a language on privacy and proxy with this following section and we received a couple of comments and I'm not sure whether we have an agreement or this is still personal data, practically speaking. "We should not add an obligation to use the contact form for nonfunctional data."

Now, is there a disagreement here? "That which may also include existing privacy or proxy, anonymized email." I don't know why there is disagreement with that phrase. It's a "may," so it's not a firm requirement. You may choose to do this. So is there an objection? That you are saying that, are you proposing that this needs to be a "must?" Whenever I see a "may," I see that you have the flexibility to implement or not. So it should give you freedom. So can I get some discussion on this. Beth? Are you back?

BETH BACON:

Yeah, hi. For this one, Dennis, I think the concern around having a "may" in there, kind of presupposes that's the preferred route. There was a discussion of several different options, and you can see in Sarah's comment to the side, a form URL could be acceptable as well, but I think that if there's a way that we could genericize this, and by the way, I know that's not a word. To say that you may publish an alternate contact mechanism or something, that might be more acceptable to folks. If that's not people's concern, then I apologize, but that's where

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my mind went when I saw the "may," I just felt that it was perhaps presupposing that that's the best option.

DENNIS CHANG: Yeah, I wasn't meaning that at all, but I see how you can read it that way.

BETH BACON: I totally get that's not what you meant, I totally get that.

DENNIS CHANG: Is there a suggestion here? Is there a suggestion to change this language from someone else? Because, unless we come with a suggested change to the language, we're going to go ahead and take this and put it in its place, so that it will show up in the portal total language part. If not, we are going to continue to move then.

Okay, let's talk about retention. So here is a big item, retention. I think in terms of retention, Sarah has pointed out, and accurately, that the recommendation language addresses TDP, TDRP only and then therefore we must implement, and the language right now is written such that it addresses all data that registrars collect. So let's talk about that first. Language says and or at least language suggests that the TDRP is the only thing that should be addressed, but you know, stepping back and looking at it, did the EPDP team really mean that they don't want to address all data, but only the TDRP? So, that seemed odd to us. So this is written this way on purpose, but I'll let Sarah speak to it first.

SARAH WYLD:

Thank you. I actually have a question that is just a bit more operational. On the IRT workbook Rec analysis sheet, the row where this recommendation is listed is like hidden or tiny or something and I can't get to it, which means that I can't get the link to get to the document that holds the text. So, can somebody please either put that link into the Zoom chat or fix the sheet? I'm so sorry. Yeah, and then the recommendation was very specifically narrowed to the transfer dispute policy, as I recall it was the only policy - thank you Marc - It was the only policy that the team could identify at the time that had a specific reason to retain data beyond, I guess, the life of the domain. So I'm not sure that we should try to accommodate other policies that the EPDP couldn't think of. Thank you.

DENNIS CHANG:

Thanks, Sarah. Marc?

MARC ANDERSON:

Thanks, Dennis, this is Marc. Sarah's right, but Rec 15 was a two part recommendation and actually there are four different parts, but my point was that the first part of that recommendation is in order to inform its Phase 2 deliberations, the EPDP team recommends that ICANN undertake a review to identify any other instances that would require personal data to be maintained beyond the life of the registration, I'm paraphrasing a little bit, but you get the idea.

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But Sarah is essentially correct in Phase 1, the EPDP team was only able to identify the transfer dispute resolution policy TDRP as providing a GDPR compliant justification for retaining or requiring, I should say, registration data beyond the life of the registration. I think we took pains to make it clear that the data controllers were free to identify their own reasons to retain the data longer. So this is trying to set the minimum required and Sarah's right, the GDPR was the only reason that in Phase 1 we were able to identify for maintaining the data beyond the life of the registration.

DENNIS CHANG:

Thank you, Marc and Sarah. I hear you. And now, if there's no other objection from the IRT, we're going to go back and interpret to the letter of the recommendation and know now that we are only going to do the retention for the TVRP-related data and that was the intention and that's the language, and that's what we will implement. So, we're going to change direction and I appreciate your feedback, very clear. Before I move on, I'll give you a moment, is there any other comment? Thank you, Sarah for pointing it out. I was kind of looking for some feedback from the IRT here, so I wasn't sure, but this meeting confirms it, so we're going to move on.

Let's talk about Rec 17, this is another redaction. Let me see, we're going to add it under the redactions and it is in the application of the requirement for the redaction of the registration data section and this is to differentiate between the domain name registration of legal and natural persons. I see some suggested changes. Let's see, Sarah deleted "redaction of" and then furthermore, oh, I copied over, I think,

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Sarah's comment from another document. So the first comment is whether this idea of differentiate between domain name registration of legal or natural person applies to redaction only or in general. I think the answer from the IRT is that it applies to everything.

So that's the same question that Jodi is asking, why is it a redaction only? And Sarah says it's not limited to redaction. So, let's see, if it's not under redaction, where would it go? This applies to collection too? Is that what we're saying? For example, publication differentiate between domain name, if we are applying it to differentiate between domain registration or legal or natural persons, where would it go? Does it apply to the whole policy? Question from Marc. Go ahead.

MARC ANDERSON:

Yeah, I think I just agree with what you said there, Dennis. It really applies to the whole policy.

DENNIS CHANG:

Okay, that's good. It applies to the whole policy. So, what I'm going to do is I'm going to accept some of these changes, so it doesn't apply to the redaction only, and we need to figure out where it goes. And how about this part? Redaction requirements, so we agreed to accept this change too, I think, do we? Where are we right now, hold on. Sarah is asking where we are now. Okay, I'm looking at the chat. You want to fix Row 15 in the IRT workbook, let's see, Row 15.

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SARAH WYLD: Dennis, that was related to the Rec Analysis tab, that was my comment from our previous discussion.

DENNIS CHANG: Oh, sorry.

SARAH WYLD: Thank you.

DENNIS CHANG: Okay, so we are now looking at Rec 17, and we were talking about whether this applied with action only or the entire policy, and what I've heard is that some IRT members agreed too with Sarah, that it applies to the whole policy and we need to figure out where this phrasing goes. Where are we, where is the differentiation between the bigger and natural fit. Okay, Toronto? Why are we talking about Toronto?

SARAH WYLD: Because that's where I said, "where are we?" Because I didn't know what part of the document you were looking at. And then, Luke knows I'm in Toronto.

DENNIS CHANG: Alrighty. Okay, you know what, I think it's getting close to our end time, and I want to go back to Beth. Hey Beth, did you try to figure something out here for us.

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BETH BACON: We all know that's never happened, Dennis. I'm gonna jump on the train, we got three minutes, let's marinate, hit the ground running.

DENNIS CHANG: Okay, fine. Okay, so why don't we, we are up to number 17, we're going to have to talk about number 17 a little bit, or think about it. Think about where the differentiation really applies. Does it apply to the entire policy or a section of the processing and it's an important decision. Looking forward on the 19th we have some comments on the 19th, this is good, a healthy number of comments that we should go through, and then 20, there's comments on 20, it always worries me when there is no comments, I'm not sure whether you are in complete agreement or you haven't looked at it yet. So I would appreciate at least one comment from an IRT that says, yes, we agree with your approach. Okay?

And so on down the line, right? We should be up to Recommendation 26, and 27 and 28 have been issued, also. So the next time we meet everything that you see on this list is due, and you're free to comment and hopefully we can close out some of these recommendations. So, before I say goodbye, any comments? Anymore from the IRT?

If not, thank you for supporting and then I just remind you one more time please do look at our IRT data elements through matrix because this is what remains of our work product, the recommendation language on all the workbooks, and the work that recommendation EPDP team has done in the past, they remain as recommendations.

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What remains as policy is this document that we are looking at together. So this is very important that we get this right. So, thank you very much and good bye. Andrea, you may end the recording now.

ANDREA GLANDON:

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

**[END OF TRANSCRIPTION]**