
BRENDA BREWER:

Good day everyone. This is Brenda speaking. Welcome to SSR2 Plenary number 86 on the 9th of October, 2019. The call begins at 14:04 UTC. Attending the call today is Ram, Kaveh, Naveed, Laurin, Kerry-Ann, Norm and Russ. Apologies from Danko and Boban. Attending ICANN Org is Jennifer, Negar, Steve and Brenda. Technical writer, Heather has joined. Today's call is being recorded. Please state your name before speaking for the record. And Russ, I'll turn the call over to you. Thank you.

RUSS HOUSLEY:

Okay. Sorry for the late change to the agenda. I got word yesterday that Eric and Casey were not able to connect to sort out the issues that were raised on the previous call. So we pushed that one agenda item to next week. The first thing on the agenda this week is the request for information that ICANN sent out last week regarding getting audit services.

Since we have some recommendations regarding audit, we thought it would be important to highlight that this is going on. The RFI is out on the website. If you click the link in the agenda [inaudible] the announcement, and in the announcement includes a link to the RFI itself. So, I hope people had a chance to take a look at that. Is there any way that we'd need to filter this in other than including it in the findings as something that's going on related to audit?

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

LAURIN WEISSINGER: I had a quick look through this and I think what is interesting with this is if you look at the tables -- which are 0.4, that is page five of eight according to my PDF reader -- there is very little, if anything, in there that is directly related to security. Nevertheless, it might be interesting to get some information while doing this, what their plans are, et cetera, et cetera, so that our recommendations that go into this direction can be informed by the kind of process they're doing. But I don't think this would be an insanely complicated thing to do. More along the lines of, okay, can we have a 20-minute chat to understand what you're doing here and how this process works. I mean, at least these are my two cents.

RUSS HOUSLEY: Does anyone else think that we need to have a chat to understand where they're going, to understand whether we should just point it out in the findings versus make a recommendation about a slight change in course?

NORM RITCHIE: Yeah. I think this is pretty standard process for ICANN. They do a RFI then an RFP. I don't see anything particularly special about this other than they're looking for the source of some of the functions. I mean, that's fairly obvious.

LAURIN WEISSINGER: Yeah. I can agree. And again, like if you look at pages five to eight there is nothing really security related in this call. It just came up and I

thought it would be useful to at least have a look and see what the others think. As I said, the only thing I can see with the [inaudible] conversation about their process, but I'm not sure how necessary it is.

RUSS HOUSLEY:

Well, the one thing that jumped out at me is in section 4.2. The audit will cover the data escrow requirements, which does have a continuity of operations implication.

KERRY-ANN BARRETT:

The only thing -- I've noted a point you made just now, Russ. I was thinking about the -- it's just a good opportunity with them doing the audit now. But if it is that any of our recommendations requires a secondary audit, we would have to just ensure that whatever we're recommending our audit to be, if it's a matter of more along the lines of security -- because it says that the audit is in relation to compliance obligations specific to the ICANN agreements, so it's whatever is outlined in their agreements -- what we're recommending is for their agreements to be updated and have more security considerations in them. So for me, it's not amount of needing to be -- to get as much -- get more information about it, it's just to look out for the audit results when it comes out. I think that's the crux for us.

NORM RITCHIE:

My one concern in this process would be that they proceed with the RFP and then sign a contract with someone externally and then not be able to modify that contract. So that then we'd be stuck, once again,

with contracts. So I guess what I'm saying, it might be worthwhile to say is there enough flexibility in this process to allow for changes or updates to the auditing requirements?

RUSS HOUSLEY: Well, it seems to me that it must be in my reading of the auditing against consensus policies. And so, obviously those can change.

NORM RITCHIE: They do change, albeit, painfully slowly.

RUSS HOUSLEY: Slowly. Yes, indeed.

NORM RITCHIE: Yeah. I think that the way our discussions have been going, there seems to be some sense of urgency to start addressing some of the security and the abuse steps.

KERRY-ANN BARRETT: In terms of agreements changing and stuff, the only question we could probably ask is what period are they auditing from? If it is that it's something that is going to be an ongoing thing when they finally select the person or if it's just going to be a one-off audit for a specific period with those parameters that they have outlined in the RFP, then I think it wouldn't affect us that much because what we're recommending is for future changes, not for what -- so, it would be that the next audit they

do after this would have to take into account whatever recommendations we make now. So if it's a [inaudible] audit, it wouldn't really affect us.

RUSS HOUSLEY:

So, I happen to know that IANA picked an audit firm, used it for five years then went through a RFP process to pick another audit firm that they intend to use for five years. Then they will go through an RFP process and so on. So I'm assuming they have a similar model in mind, although it doesn't quite tell us that.

KERRY-ANN BARRETT:

Well I think that's the only question I would ask for us would be that. Because then Norm's concern could be taken up, where if it is that this is an audit firm that's going to be around for a longer period and not us - - like if they're not coming in to audit a specific period, but there's going to be an auditor on call to do their audit, then Norm's concern will become relevant, just to ensure that any future reports that comes out from review teams such as ours or any other after us within that period, that they could take into account some of the specific considerations that relate to the ICANN agreements. So it's just to make sure that we, at least, just flag to them to see whenever they do contract, what that contract end period would look like.

KC CLAFFY:

I'm a little concerned about -- we're talking about mechanisms rather than results. So, we have some recommendations and [inaudible]

recommendations are already about compliance and auditing and trying to mitigate the inherent conflict issue by having an external party audit or deal or even -- yeah, audit the contractual compliance aspect. So by that measure, this is a responsive recommendation, even before we get the report out. But the concern I have is when SSR3 comes along and has to decide whether this audit was effective at achieving its goals.

So, I'm hoping that what we take out of this exercise is that we make sure that that recommendation has something in it that is measurable, that allows SSR3 to decide whether the execution was effective. And I'm not sure it matters -- maybe the flexibility in the contract that norm is talking about is a means to that end, but I think we need to focus on the end. How does SSR3 know that whatever was done in this space was effective? And how does the community know that it was effective? Which kind of should be the same thing.

KERRY-ANN BARRETT:

Hi Casey, this is Kerry. I agree -- I understand where you're coming from, but remember that this audit is not like a kickoff of our recommendations. They couldn't be used as a measurement to whatever we recommend for the audit, even though it's related. Because the specific terms that they would have for this wouldn't take into account our recommendations, any at all. So I think the agreement we'll have it's like regarding Norm's concern that at least whatever they do now, at least it will be flexible enough to take into account any additional audit requirements or recommendations coming out of any other team.

RUSS HOUSLEY: That makes sense to me. But if you look at the link that's in the RFI regarding the contractual compliance audit program, you'll see that they've had a plan that was put forward in 2009 and another plan that was put forward in 2013 and then the new registry agreement audit plan and the legacy registry agreement audit plan. So this is something that they're building on that's been going on for a long time.

KC CLAFFY: Gotcha. Then I think it behooves us to explicitly say that in our report, and say what we want that is not that. Like, why that is not achieving the goal that we are talking about in the recommendations about audit.

RUSS HOUSLEY: That is exactly what I was going to say. If there's something that these audits aren't fulfilling, we need to say what that is. Because then the community and SSR3 can say, "Oh, now that they've updated the audit is it providing that?" That visibility, that assurance, that, you know, whatever. Laurin, we've taken this a long way from a short phone call to really being careful about what we want out of audit.

KC CLAFFY: Well it seems to me -- somebody has to go look at all those links that you just mentioned, which ICANN -- maybe you want to throw this to the sub team and we have a call about it and do some research, because I'm not in a position to answer that question right now.

RUSS HOUSLEY:

Okay. I will send the link that I was just talking about to the list. Okay. Let's move to the next topic since I'm not hearing anyone else trying to speak.

Last week we had a proposed text for some comments to the CCT implementation plan. And then during the week we got an email from Zarko saying we shouldn't send them at all, rather we should each, as individuals, send whatever part of that we personally agree with and send it forward on our own title, rather than as the review team. So, given that we have two different views here, I would like to, today, come to an agreement of what we're going to do. Whether we're going to send something as a team or whether we're going to do this as individuals. So obviously, we know that Denise is on one side of that, because she wrote it for the team and Zarko's on the other side of that, because of his email. I'd like to hear from others.

ERIC OSTERWEIL:

I'm not in the zoom room so I can't put my hand up, but I put my hand up.

RUSS HOUSLEY:

Go ahead and talk.

ERIC OSTERWEIL:

I would be curious -- I'm not in the room, so I don't know who's on the call exactly -- but I'd be curious to hear more from Zarko and anyone else who thinks we shouldn't make a comment, just a little more about why. I want to be receptive and resonate with the perspective. But I do

recall we had some conversations back before -- actually before the pause -- and it was a sort of, I thought, a different spirit back then and [inaudible] understanding and I certainly think things can change, but maybe if the opposition to making a comment as a team could sort of kick off a sort of explanation why it feels like that's a bit of a reversal in my recollection. Thanks.

NORM RITCHIE:

I'm just chiming in because I don't feel strongly one way or the other on this, hence my silence. But I think we had talked about before, saying the SSR2 group could comment on process-type issues, as a team. But anything specific should be done on an individual basis. But we seem to be departing from that. We seem to be back to -- we're commenting on everything as a team.

RUSS HOUSLEY:

So Norm, just to make sure I'm understanding your comment, is there anything in the proposed letter you think steps outside of what you just said?

NORM RITCHIE:

No, but I think Zarko's point was that it's perhaps outside of our scope to do that.

RUSS HOUSLEY:

Yeah. His word, I think, was remit. But, okay. All right. Somebody else was about to speak?

KC CLAFFY: I wrote my comments to the list. I didn't think that the current draft really addressed the question that ICANN was asking, which wasn't about the CCT report in general, but just about the six recommendations that have been processed. So, I don't know what -- I got the sense from the folks that post it to the list that part of the issue with making a group comment was going to be the challenge of getting consensus on what was actually in the text.

And my concern about what's in the text is it's not responsive to the request from ICANN, which doesn't mean we couldn't make a group comment that is the text that's there now, but it doesn't seem like it should be in response to this public comment. It should be some -- to this call for public comment, it should be some separate communication.

RUSS HOUSLEY: So, just a letter to the Board, as opposed to a response to this?

KC CLAFFY: Yes.

RUSS HOUSLEY: Because what it's really about is what about the other recommendations?

KC CLAFFY: Well, that is certainly my view. And indeed, that would be fine with me to mention that. As I said about my comments on recommendation one, if I were writing to comment on recommendation one it would say, there's no way to really comment on recommendation one right now because it's meaningless without the other recommendations that are about the specific data that's going to be collected that's going to make some impact. Recommendation one by itself is an empty shell. You'd probably have to decide what's the most effective way to get the message across that we want to get across. And it feels a little bit like this public comment process is not the right way to get that particular message across.

RUSS HOUSLEY: I think responding to the public comment or something in a note to the Board, that's the thing. But your concern is when they try and do the comment resolution, they'll go, "This is the non-sequitur. This document doesn't talk about that." So there's nothing -- so it gets put in the bin.

KC CLAFFY: And there's a bit of that we didn't take the time to actually comment on the six recommendations that was asked about, because ICANN is trying to move this process forward. And instead of trying to support that process, we're just still over here on the left side of the field complaining about the rest of it. Which again, I'm not denying that there's an issue there. I'm just wondering if this is the high road to dealing with it.

RUSS HOUSLEY: Right. I think the subtext to this is: "Hey, what we're really saying is how we want to see our recommendations and the recommendations of any other review team, dealt with. And we don't think CCC is the model, is kind of the way I read the letter.

KC CLAFFY: We should make it more explicit [inaudible].

DENISE MICHEL: Hi, this is Denise. Could you put me in the queue? Sorry to be late.

RUSS HOUSLEY: Welcome. Go ahead.

DENISE MICHEL: The last time the team talked about this, at least I got the sense that people were interested in addressing process. It sounds like -- just picking up on the last five minutes of conversation and do correct me if I'm wrong -- that people are interested in sending a note to the Board on process and then making some more sensitive comments about the implementation plan. Is that right?

RUSS HOUSLEY: That is the proposal that we have worked ourselves into without getting quite formal about it yet.

DENISE MICHEL: Sure. Well, I'm happy to take comments in red lines and work with others who are interested in crafting an updated draft to both for people to look at.

JENNIFER BRYCE: I'm just reading Naveed's comment that he typed in the chat. He says, "I believe we should not post a public comment as a team." Naveed, I don't know if you have audio, if you're able to talk. I don't see your hand raised, but please go ahead. Sounds like Naveed doesn't have audio.

RUSS HOUSLEY: He's in the Zarko side of this -- the team should not send a comment on the implementation report -- is how I interpret what you read.

JENNIFER BRYCE: He just typed into chat, "A letter to the Board might serve better."

KC CLAFFY: Naveed, can you type one sentence of what's driving that recommendation? Do you think that we can get consensus along the lines of the texts that's been proposed and the comments that have been proposed in the email and the Google doc now, if it's a letter to the Board? So the issue isn't consensus on the message, but it's

whether it's appropriate for public comment? Or is there an issue you have with consensus on the text?

NAVEED BIN RAIS:

We are actually trying to handle this issue of what the Board would think our recommendations might be, in a proactive manner. And that might be too ahead of time by commenting on something about the implementation report of a previous review that might not have a direct relation with how the Board might think or might see our recommendations. So I just typed two other issues that are relevant, because I see some of the team members still are not on the same page about what our remit should be. And this is too late to discuss what mandate or remit we have and what we should do and what not we should do. I don't know how to solve this problem.

The second is I also see that we are trying to be too bothered about how the Board is going to be seeing our recommendations. And some of the team members are suggesting to cut short the recommendation just because the Board would not accept that. I don't agree with this approach because I think we have the remit to comment within our remit and to make a recommendation about whatever we think is necessary without thinking about how many of them are going to be accepted. And just cutting short because they are too many is not going to be a good idea.

DENISE MICHEL:

So, I think part of the input for -- I'm recalling previous discussions about this -- is that there are a number of -- in a pretty process, if you will,

operational issues in how the board handled the CCT review. It was of utmost concern of our two review team members, particularly those on the ground in Kobe. We raised a number of issues about how the board interacts with and does due diligence on and responds to the community reviews and their recommendations. This took up a substantial amount of the team's time, particularly around the Kobe period.

Consequently, and then for those who weren't there, we even had a meeting with several board members for an hour or so and talked about this. How the board handles the CCT review is, for better or worse, directly related to how they're expected to handle the SSR2 review. I don't know about you, but I'm not up for spending three years then having the Board largely ignore the work that this team does. So, that's where I come down on this issue.

I think of particular concern is that all the issues that we raised and the discussions that we had, board members and TCP review team members and others in Kobe and subsequently, resulted in really no clear commitments or directions from the Board or staff. So, my concern is that really nothing has changed and that we are indeed working hard to finish a report that may be largely ignored. Now, if we don't agree with that approach and we feel some specific things should be done by the Board in how it treats our review or all the reviews, I think now's the time to talk about that and whether we do it in the form of a public comment or in the form of a note to the Board. I'm neutral about that. But, that's where I come down on the issue. Thanks.

RUSS HOUSLEY:

So what I'm hearing is that some people are concerned that the comment to the implementation plan is a problem, but I'm not hearing anyone say that a communication of these concerns in a letter is a problem. Does it mean that we have a bunch of silent people who are thinking something else, or that we should be working on a letter to the Board?

KERRY-ANN BARRETT:

I think I would lean more towards a letter to the Board, only because the -- taking into account all the concerns raised by Zarko. I think the bottom line is, as a team, us signaling to the Board that the fiduciary responsibility we see in them, we anticipate that whenever ours come to them they would respect what is coming. I think it's just more a signaling.

I do support Naveed, I don't think it should be a public comment because it's not about stirring up the community to start this feeling of mistrust of the Board's ability or its willingness to do this. I think that's not what we should be preempting before our report comes out. Not to set a stage before we see what happens, actually. So, I support a letter to the Board.

With regards to what goes in and even Denise's concern about the time we spent writing the report, I do lean towards Naveed, I think shifting the focus of not being worried about what will be implemented by the Board, but making sure that what we've recommended is implementable so that whichever team comes after can hold them accountable, and then the team after that can hold them accountable

again, I think should be the focus. I think Casey said it again that the more and more we write is to just make sure whatever is in the report is measurable.

And I think once we've done that without concern as to whether or not they have a million to implement or not, it just shows them that they do have a lot of problems, more than anything else. It's not a matter that persons are seeing it -- it would be remiss of us having done all this research and all these findings to not include it as an appendix or include it somewhere.

If it is that we say, okay, we found a hundred things but given what's on your plate, we recommend that you focus on these 10 areas because these 10 areas are critical areas. If that's the approach we take, I'm fine as well. But I think it would be a remiss to remove just out of fear of non implementation more than, "Hi, you have an issue, deal with this strategically and make our recommendations measurable so that it can be held accountable."

ERIC OSTERWEIL:

I agree with what Kerry-Ann said. And I'd actually add, my two cents on top of that is I think we've already had a little bit of discussion, and I think next week we're poised to have follow-on discussion, potentially, about what can happen to recommendations if we try and lump them all together. In some cases I think it can wind up making what we do say a little bit harder to understand. Whereas, if there was multiple recommendations around a certain topic but they were separate for a

good reason, it could look daunting. Like, oh my gosh, there's a lot more recommendations.

But we keep bringing up this notion of the difference between a recommendation and an implementation. It could be that there's like 'n' really specific recommendations that can illustrate what they're talking about because they're separate. Whereby the implementation is, I can do all those things with one [inaudible]. It doesn't mean that there should have been just one recommendation. So I think potentially, someone's saying, "There's too many recommendations. How could I ever possibly do them all?"

And any of us that have dealt with task lists know that when you sit down and you look at all the tasks you realize you can knock a bunch of them out at the same time. So, maybe we really do need to be very careful about coalescing recommendations because of the general pros of, you know, lots of recommendations are hard. I think that isn't necessarily the case, but I think if we make recommendations that don't make sense because we're trying to reduce that number, the root of all evil is early optimization.

RUSS HOUSLEY:

Anyone else want to share a point of view? [AUDIO BREAK]

ERIC OSTERWEIL:

Hey Russ, can I just make sure I'm not just kind of lost on things by maybe backing us up a minute? I feel like we're hitting on a couple of different topics, but before we move on from whether we should write

a letter or how we should or shouldn't communicate, I think that -- I'm not sure if I heard how we actually resolved that, or if we did. I think the last thing we were on about with that was -- I think it's a valid concern that the result of our work won't necessarily get ingested or that we will have to protect our tenure until we can actually do something that fits in whatever mold that we don't even necessarily have a clear view of.

Can we just circle back to -- I think I heard, or at least my perspective was, that we were writing a letter that was going to underscore for everyone that we want to produce results that we think will be ingested, and there's data points about what happened to CCT, which doesn't mean we have to be CCT experts, we just use as a data point for -- we do want our work to be productive and useful. Do people on the team object to that general direction, that we want to try and underscore that via public statement that we want our work to actually be meaningful and then we're just trying to find the right words for that? Or are some people thinking we shouldn't even say that as a team?

RUSS HOUSLEY:

I think we've come to the point where we're going to write a letter to the Board instead of a public comment to the CCT implementation plan. And I think we're trying to make two points. We want our work to be ingested, but also that we think that the way the CCT report was handled is not appropriate, and we're hoping that our report and the reports of other review teams will be handled in a different manner.

JENNIFER BRYCE: Just reading Naveed's comment in the chat. He says, "Why don't we schedule a meeting with the Board in Montreal instead?" Ram Krishna said plus one. I'm not sure if that was in relation to Naveed's comment, but Danko has said, "I believe that Montreal calendar is full or almost completely full."

RUSS HOUSLEY: Sounds like we need to do a letter then.

DENISE MICHEL: I'm sorry, I'm in transit. So I'm not in the zoom room. Dialogue, as always, can be useful. Since we did meet with the Board on these points and there was no followup and no action, I think it's important to put this in writing and seek a written response as well. Of course, I would also support meeting with the Board if people feel that would be useful, but I think we also need to put this in writing.

RUSS HOUSLEY: So what I think we should do is turn the proposed text into a letter, making the points we've talked about today. I think Denise volunteered to do that, but she also asked for others to help. Are there others that want to be on that sub-team?

DENISE MICHEL: I think Mr. Matagoro volunteered to help.

RUSS HOUSLEY: Ah, good point. Thank you.

DENISE MICHEL: If I could propose that we get any comments or red lines by Friday and then we'll work with Mr. Matagoro to turn around a new draft for consideration and [inaudible] next week, if that sounds good.

RUSS HOUSLEY: That sounds great. Okay. So everybody, please send comments to the existing text by the end of the week, and we'll talk about the letter next week. We will also talk about the recommendations that got bumped off of today's call. My hope is that coming out of that discussion we will have the final list of recommendations that we're going to work into the report.

JENNIFER BRYCE: Just reading some comments in the chat again. Naveed -- just on the Board meeting. He said, "It's a long meeting. We should be able to find a short spot. I remember we agreed in Kobe to have periodic meetings with the Board." And Danko said, "I'm all for the meeting." And we will see him for sure. I guess I'll bring that back for you all to discuss again and let us know how you want to move forward. Thanks.

RUSS HOUSLEY: If we're able to meet with the Board caucus group, that would be a good thing to get onto the schedule. So, if you could make the request, then hopefully we'll have a letter and we'll be able to talk about the contents of it to make sure there's no misunderstandings.

JENNIFER BRYCE: Okay. Thank you.

RUSS HOUSLEY: Okay. I think we're to the Any Other Business part of the agenda. Is there any?

JENNIFER BRYCE: No hands raised and no comments in the chat.

RUSS HOUSLEY: Then I think we're done. Thank you.

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