00:29:35   J's iPhone: +1
00:37:03   Stephanie Perrin (NCSG):   my apologies for being late
00:37:26   caitlin.tubergen: I did want to clarify that ALAC's comments do not yet appear in the Staff document, as those comments were received after the deadline.
00:38:07   Thomas Rickert (ISPCP):   Hi all, just joined. Sorry for being late.
00:38:11   Hadia Elminiawi (ALAC):   Hello all - sorry for being late
00:43:58   Brian King (IPC):   I didn't see this on the agenda
00:47:27   Stephanie Perrin (NCSG):   Could we pull up the Belgian letter please
00:48:47   Milton Mueller (NCSG):   Are you saying Mark it is unclear whether CP's control their subscribers' data?
00:50:14   Mark Svancarek (BC) (marksv):   @Milton: No, that isn't what I am claiming
00:50:31   Milton Mueller (NCSG):   ok but then i don't understand what you are saying
00:53:56   Volker Greimann (RrSG):   We prefer not to refer only to elements of advice, but rather on the whole picture
00:54:48   Stephanie Perrin (NCSG):   ICANN sets policy, enforces it, and manages the relationship with contracted parties.
00:56:18   Stephanie Perrin (NCSG):   I just did in the chat
00:56:44   Stephanie Perrin (NCSG):   we have already heard from the DPAs, that controllership is a matter of fact.
00:57:39   Milton Mueller (NCSG):   +1 James.
00:57:49   Matt Serlin (RrSG):   +1 James if our work is to be done by the middle of the year, we need to push forward with one model that is the safest route
00:59:06   Volker Greimann (RrSG):   control != physical control
01:00:06   Stephanie Perrin (NCSG):   Setting policy for the management of an industry is also a form of control
01:03:58   Thomas Rickert (ISPCP):   You get clarity if you present our concept as a draft code of conduct according to GDPR. Once approved, everyone has legal certainty.
01:05:13   Alan Greenberg (ALAC):   Moreover, you cannot force all contracted parties to implement some complex algorithm associated with automation.
01:05:37   Becky Burr (ICANN Board Liaison):   I would like to caution people about the assumption that it is responsible to spend a lot of money to build an intake system that does not produce more predictable output.
01:05:52   James Bladel (RrSG):   If we reject the CPH proposal to chase the Hybrid model now, then perhaps it would be helpful for other groups to articulate their concerns and why they want to continue examining the Centralized model. So when we meet at ICANN 99 somewhere to debate this, it will be clear why we didn't take the fork in the road back in now
01:05:58   Chris Disspain (ICANN Board Liaison):   Becky + 1
01:07:00   Stephanie Perrin (NCSG):   Becky, that is certainly not an assumption we hold. We have been going on about the costs of this system vis a vis the benefits for some time.
01:07:14   Chris Disspain (ICANN Board Liaison):   his had is up
01:07:37   Chris Disspain (ICANN Board Liaison):   sorry, I mean you had said that Stephanie
01:08:03   Stephanie Perrin (NCSG):   we needed a proper risk assessment on this whole controllership issue, to clarify the facts, the risks, and the attendant liability.

01:09:36   Milton Mueller (NCSG):   Becky, I find your comment disingenuous. We are setting policies and standardizing processes for making disclosure decisions. To say that a hybrid model is not predictable and a centralized model is, has no logic behind it.

01:10:44   Becky Burr (ICANN Board Liaison):   You are welcome to disagree with me Milton, not sure why it is necessary to suggest I am dissembling

01:10:56   Milton Mueller (NCSG):   And in response to Disspain, it's becoming increasingly obvious that our board liaisons are here to try to tilt the policy outcome in a way they prefer, not to serve as liaisons

01:11:24   Hadia Elminiawi (ALAC):   Thank you Georgios for the clarification -

01:11:26   Chris Disspain (ICANN Board Liaison):   Wow..I wasn't aware that agreeing with becky was so powerful

01:13:48   Brian King (IPC):   Milton, decentralized decisionmaking across thousands of different CPs is going to be far less standardized than centralized decisionmaking.

01:14:12   Hadia Elminiawi (ALAC):   +1 Georgios we should not abandon the centralized model. Lets try to work on it to make it succeed

01:14:20   Becky Burr (ICANN Board Liaison):   I actually have no idea at this point about the differential costs associated with any of the models. The Board has been clear about its desired outcome - a bottom up policy that results in a consistent and predictable user experiece.

01:14:41   Becky Burr (ICANN Board Liaison):   experience

01:15:36   Milton Mueller (NCSG):   @Becky Now you're at least trying to make an argument. As such, I think it's straightforward to answer it. But the policy will be uniform, the procedures will be uniform and ICANN will be in a position to sanction CP's who don't comply with it. I think that's predictable and consistent

01:16:31   Milton Mueller (NCSG):   What we fear is that a "uniform and consistent" policy means "ICANN decides to disclose to anyone who asks" which is what we all know some people want, and it's the policy ICANN actually enforced for its first 20 years

01:18:17   Mark Svancarek (BC) (marksv):   Volker, liability cannot be reduced for processing under your control. The goal is to reduce the amount of processing under your control. This isn't a purely academic issue, it has real policy impacts.

01:18:28   Brian King (IPC):   +1 MarkSv

01:18:44   Brian King (IPC):   it boils down to "under its control"

01:18:45   James Bladel (RrSG):   That's a good point, Stephanie. And not just Contracted Parties, but Registrars. Most customers have no idea who/what ICANN or the Registry is

01:18:54   Franck Journoud (IPC):   Milton: that's not a reasonable argument. A cursory look at the dozens of pages of the draft shows we're not developing an automatic disclosure policy.

01:19:14   Chris Disspain (ICANN Board Liaison):   Milton, there are many ways of guarding against that perfectly reasonable concern. Dealing with the concern by having the answers provided by over 2000 different entities is only one way.

01:19:27   Milton Mueller (NCSG):   in practical terms, Franck, 90% of the policy hinges on who makes the disclosure decision

01:19:39   Hadia Elminiawi (ALAC):   Moving toward an effective, consistent and predictable model while taking a bit more time is better than moving quickly with a system that does not work.

01:19:49   Franck Journoud (IPC):   +1 Hadia

01:20:11   Milton Mueller (NCSG):   works for who, Hadia?

01:20:30   James Bladel (RrSG):   When this EPDP dies, remember why we killed it.

01:20:44   Hadia Elminiawi (ALAC):   @Nilton for the users of the system

01:20:51   Hadia Elminiawi (ALAC):   sorry Milton

01:21:01   Milton Mueller (NCSG):   We (NCSG) and most CP's are not going to accept a centralized model, so it's not like we are going to achieve consensus on it eventually

01:21:35   Mark Svancarek (BC) (marksv):   BC isn't going to accept 30-day SLAs

01:21:42   Hadia Elminiawi (ALAC):   What about a centralized model in which the CPs take a role

01:21:57   Milton Mueller (NCSG):   @Hadia, so yeah, you are only concerned with the "users of the SSAD" which means those seeking disclosure - not registrants. It's too bad ALAC is no longer interested in representing individual internet users

01:22:10   Becky Burr (ICANN Board Liaison):   I do agree with @Stephanie re registrant experience - I thought that was the point about developing bottom up policy regarding how the balancing is undertaken

01:22:32   James Bladel (RrSG):   @Hadia "What about a centralized model in which the CPs take a role". That's a Hybrid model.

01:22:34   Brian King (IPC):   The chat has gotten quite inflammatory. Let's bring this back to more productive discourse.

01:22:44   Milton Mueller (NCSG):   We are trying to develop bottom up policy here, Bevky, but we keep getting nudges from the top

01:23:01   Hadia Elminiawi (ALAC):   @Milton In any of the models all registrants rights are 100% taken care of

01:23:31   Franck Journoud (IPC):   @Milton: plz dial down the personal attacks.

01:23:49   Chris Disspain (ICANN Board Liaison):   @ Milton, I have lost count of the number of times that as a liaison to different community groups I have been told how important it is for us to say if we have any possible concerns about what is being discussed…I'm sorry you don't like it but I view it as an essential part of our role as liasons

01:24:13   Milton Mueller (NCSG):   It's not a personal attack to point out that Board members are intervening on policy. That's a process point, Franck.

01:25:00   Hadia Elminiawi (ALAC):   @Milton what we are trying to do - is finding what would work best and reduce the liability of the CPs

01:25:24   Milton Mueller (NCSG):   And it's not "personal" to ask why ALAC reps are taking a position that does not seem to be in the interests of who they are supposed to represent. At a personal level, Hadia is very nice

01:25:57   Milton Mueller (NCSG):   So I don't like it when serious policy disagreements are dismissed as "personal attacks."

01:31:34   Franck Journoud (IPC):   "Unreasonable burden on smaller operators": it's unclear whether this refers to ongoing costs or startup costs

01:31:41   Mark Svancarek (BC) (marksv):   Good points as always, Stephanie

01:31:58   Mark Svancarek (BC) (marksv):   @Franck, I was assuming reference was to operational costs

01:32:20   Becky Burr (ICANN Board Liaison):   @Milton, my statement - that the costs and benefits of any approach must be considered, and that the costs and benefit of each of the options are likely to be different - strikes me as a statement of fact, not a policy nudge. I certainly have reached no judgment about those costs and benefits at this point.

01:33:03   Brian King (IPC):   disproportionately high

01:33:29   Brian King (IPC):   to be fair, disappointingly high is also not good :-)

01:34:24   Georgios Tselentis :   disproportionately high with regards to the available resources to treat such a request"

01:34:48   Brian King (IPC):   fine by me, Georgios

01:36:13   Hadia Elminiawi (ALAC):   @Milton the ALAC position is aligned 100% with the interests of the Internet end users, the loss of the registration data has minor benefits to privacy and major benefits to those harming the network and leading to its insecurity. Most importantly you cannot have true privacy without having a secure network. The ALAC is trying to ensure a network that provides both privacy and security and this is obviously in the best interest of all, Internet users and registrants

01:39:24   Franck Journoud (IPC):   To Janis' answer about whether we're talking startup or ongoing costs: following paragraph refers to "the subsequent running of the system." The clear implication is that this paragraph is about startup. If we mean ongoing, let's say ongoing - and then not have different paragraphs deal with the same thing in unclearly overlapping ways.

01:42:36   Alan Greenberg (ALAC):   To be clear, as the other ALAC representative on the EPDP, I support what Hadia has said and would appreciate others not mischaracterizing our motivations and actions.

01:44:35   Mark Svancarek (BC) (marksv):   we hear you

01:44:53   Lauree Kapin (GAC):   +1 Brian re: "under no circumstances" language.

01:45:41   Brian King (IPC):   That's just wrong, Milton. Data will not be disclosed unless the request is necessary.

01:47:53   Mark Svancarek (BC) (marksv):   lol

01:47:59   Brian King (IPC):   IPC is happy for SSAD users to contribute to the cost of running the system.

01:48:13   Brian King (IPC):   The objection is to the characterization here as a formal policy position.

01:50:16   Becky Burr (ICANN Board Liaison):   but @Brian, isn't this choice a policy decision?

01:50:23   Volker Greimann (RrSG):   TANSTAAFL

01:51:02   James Bladel (RrSG):   How about "Free to use". Like the old WHOIS system.

01:51:24   Brian King (IPC):   The choice of who pays for it is a policy position we're happy to discuss, and I think we agree that users should contribute.

01:52:00   Brian King (IPC):   My objection is to characterizing SSAD as only benefitting the requestors.

01:52:08   Becky Burr (ICANN Board Liaison):   Ah, got it

01:52:13   Milton Mueller (NCSG):   Where is that statement, Marc?

01:52:42   James Bladel (RrSG):   Direct Beneficiaries = Recipients of SSAD data
01:52:55   Milton Mueller (NCSG):   There is and will be tragedy of commons if usage is detached from cost
01:55:03   Mark Svancarek (BC) (marksv):   I think if I have a monthly request quota, as opposed to a per-request pricing, would be a better attachment of cost to reimbursement
01:55:18   Mark Svancarek (BC) (marksv):   some people would have better data plans than others
01:55:34   Mark Svancarek (BC) (marksv):   so not disagreeing with Milton, just pointing out that we have options
01:57:14   Milton Mueller (NCSG):   I have a specific comment that can advance things
02:01:41   Brian King (IPC):   How would we dump the cost on data subjects, even if we wanted to? (we don't want to)
02:02:45   Milton Mueller (NCSG):   The way it's done now, Brian, data subjects have to pay to avoid open whois
02:03:44   Milton Mueller (NCSG):   Also, a general increase in the price of domain name registration could essentially tax users to support the system, especially if there are no usage-sensitive fees
02:03:56   Thomas Rickert (ISPCP):   Stephanie, is your dog tearing the house down?
02:03:58   Becky Burr (ICANN Board Liaison):   love the bone drop - dogs and kids make noise when mom is on the phone
02:04:30   Thomas Rickert (ISPCP):   :-)
02:05:13   Stephanie Perrin (NCSG):   Big Christmas bone, tile floor….and it is about 30 below out there, he keeps scratching and going to the patio door, then refuses to go outside…(naked weimaraners, what can I say….)
02:06:07   Franck Journoud (IPC):   Meanwhile, at Stephanie's house: https://www.youtube.com/watch?v=Mh4f9AYRCZY
02:09:15   Brian King (IPC):   "Under no circumstances" is bad policy language
02:09:47   Brian King (IPC):   Being constructive/productive, we're nearly there by removing the second part of the sentence.
02:10:10   Brian King (IPC):   Thanks, let's revisit
02:10:13   Brian King (IPC):   and move along
02:12:10   Lauree Kapin (GAC):   I agree with deleting the "neither should operational costs. . . " language.
02:14:11   Brian King (IPC):   We could add "for ICANN" before the semicolon
02:14:16   Margie Milam (BC):   we should add " for ICANN"
02:14:20   Brian King (IPC):   jinx!
02:15:02   Brian King (IPC):   owe me a Coke®
02:16:13   Milton Mueller (NCSG):   Why does it mean you can't outsource it?
02:16:17   Margie Milam (BC):   that's a problem - ICANN should be able to outsource
02:16:55   Milton Mueller (NCSG):   I think the current wording does address the issue
02:17:06   Stephanie Perrin (NCSG):   yes, I like Alan's suggestion
02:17:18   Lauree Kapin (GAC):   +1 Stephanie -- I think the language is vague and may lead to unintended restrictions on how to implement this. Why not say something affirmative about how we view the SSAD rather what the system won't be.

02:17:32   Brian King (IPC):   +1 Laureen and Stephanie
02:17:33   Milton Mueller (NCSG):   "outrageous amounts of money" not a very precise term/
02:17:45   Milton Mueller (NCSG):   I like JAnis' suggestion. Delete business opportunity
02:19:04   Thomas Rickert (ISPCP):   Funding should be sufficient to cover cost, including for subcontractors at market cost and to establish a legal risk fund.
02:19:48   Volker Greimann (RrSG):   Mark is absolutely right here
02:19:52   Volker Greimann (RrSG):   that was the intent.
02:20:06   Volker Greimann (RrSG):   And I agree with the concept
02:26:20   Milton Mueller (NCSG):   I think replacing "will" with "may" solves the problem
02:26:31   Mark Svancarek (BC) (marksv):   +1 Milton
02:26:36   Marc Anderson (Verisign / RySG):   +1 Milton
02:26:51   Brian King (IPC):   I'm happy to change to may
02:27:14   Milton Mueller (NCSG):   don't think that "discretion of the provider" language is necessary
02:27:38   Milton Mueller (NCSG):   wow. agreement! :-)
02:27:56   Mark Svancarek (BC) (marksv):   <fireworks emoji>
02:28:05   Brian King (IPC):   woohoo!
02:28:15   Milton Mueller (NCSG):   on that note, end the call! quick!
02:28:33   Julf Helsingius (NCSG):   Thanks!
02:28:37   Marc Anderson (Verisign / RySG):   thanks all