
ANDREA GLANDON: Good morning, good afternoon, and good evening, welcome to the Registration Data Policy IRT call held on Thursday, the 12th of December, 2019 at 1830 UTC. In the interest of time, there will be no roll call. Attendance will be taken by the Zoom Room. I would like to remind all participants to please state your name before speaking for transcription purposes, and to please keep your phones and microphones on mute when not speaking, to avoid any background noise. With this, I will turn it back over to Dennis Chang. Please begin.

DENNIS CHANG: Thank you, Andrea. Welcome everyone. This is a special meeting that we have added per the request from our last session, because I gather that we need more time for the call and also I'm feeling that you may feel that we're moving maybe a bit too fast and you want to slow down a little bit, so I want to get a sense of our pace from you, also, in this meeting. The agenda for the meeting is this; first on the agenda is Focusing on Alignment. This is a document that I created for us to maybe think in terms of the same way about how we make comments and how we deal with comments and such.

And 1.2 is Sarah's List, I called it, because she gave me a nice list of the email and I asked the IRT members to continue to flag any items that you may wish for us to discuss. So we're going to get started with Sarah's List, but then we have other items that you flagged on the document that we're going to go ahead and discuss. And then, should we actually get through with all the comments, we are going to ask you,

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.

kind of open it up to see if you have any anything else that you would like to talk about.

With that, let me go to the Alignment. So, this is our workbook, and let me find the Alignment, this is the IRT task, and this is what we call the IRT Comment Guide, and I think you can see my screen, but I noticed that Roger made a comment I replied to and he has not responded to me, but let's just continue and he can tell me here what he meant. So, the purpose of the document is for us to really narrow and highlight our time and our focus and our energy together to do what must be done.

So, in other words, we can go on and on about how to better word things and how we organize things but the thing that we have to do is in principle, what is the Requirement, do we agree or do we not agree. Did we interpret it correctly or did we not. So this is why I created this document and I've already gotten some positive feedback that's also very helpful. So I would like you to start thinking about the Requirement as must, must if, and may.

For me, this is the easiest way to think about it. It gives me clarity whether it is a requirement or it is an information so that you know that you could do something. With a "may" there are some assumptions that a lot of people make and based on assumption that we want to clarify we do want to use the "may," especially when you weren't allowed to do it before, but now you are allowed to do it. This is a very powerful key term that we use.

So, I have basically broken down the comments and the way we think about this in four categories. Category 1 is agree, align. This is obvious,

this is where all the implementation members are in line and we also agree with the language that we have on the baseline. So, this is good, no problem there. Agree, misalign, this is a unique case, maybe not so unique, but this does happen. This happens when there is what we call a drafting error in the recommendation language.

So, it's fortunate that we have the EPDP Phase 1 Working Group team on our IRT, and if all of the IRT members including the policy support staff, they are all saying that you know what, I know it says this in the recommendation but this is something that was overlooked and it was not meant to actually change the requirement on how we do things, and specific example is the expiration date.

I think everybody agreed, including the implementers who are currently implementing and it is basically technically impossible or we would have to restructure the DNS to achieve something like this and all that, so we all agree that this is not the policy language is not in alignment with the recommendation language and this is okay, we know about this, and this is intentional, and also from here IRT can make a decision to propose that as a baseline and go forward to the public comment and then in the public comment forum we will definitely highlight this as a misalignment with intention, and see if there's any objections that we can receive from the public.

But in this case I think that the main message to you is that I don't think it warrants, and I have not done this in the past either, that we need to go ask the GNSO Council. Because you know how GNSO Council works, right? They turn around and ask the EPDP Phase 1 again, so you are all

here. There is no sense in doing this. I feel pretty comfortable that we can proceed with this.

Number 3 is where we have a disagreement, so I call it Conflicting Inputs. When we lay down some initial language we receive input and the inputs are interpreting the recommendations in a different way, and sometimes in the opposite way. This is what I call Conflicting Inputs. So when this happens what we're doing is now, this. We're continuing to discuss to get better understanding, maybe reach a compromise, but work is out within the IRT. That's where we are today, that's what we're doing with everything.

But there's going to be a time where we say you know what, that's enough discussion, we can't continue to just go meeting after meeting and repeat ourselves because this is what I listen for very carefully. If I hear arguments that are repeated then I know that it's not going any further. So we need to hear something new, a different thought, new information, or new members who come in and enlighten things for us all.

So when that point comes we move to this phase, where we discontinue the discussion and say that's enough discussion, and we have a choice. We're going to say we understand there's disagreement and we have conflicting inputs but we're going to go forward to the public comment and from the public comment, when we receive those comments, maybe he will enlighten us and then we can maybe come together. We can do that, or 2B, we can escalate it to GNSO Council.

So, in that case I want you to all understand, that means IRT has sort of resigned to the fact that we can't continue and we're sort of on a stalemate or something, and we need help with the GNSO Council. So, that's fine In many ways but when you're doing an expedited implementation you really need to avoid things like that because escalation process takes a long time.

First the IRT has to agree that we have to escalate, then we have to wait for the GNSO Council to come together, they have their own meeting, they have their own processes and they have way of deliberating and they may reach out to other people for information. So it's a long time.

So, as I mentioned in our last meeting, we are going to see if we can make our public comment here in February. And I set a date of 1 March, so February we have to be ready, so accounting for processing time, we need to really have our document cleaned up by middle of February, along with the other documents that we are all going to be delivering.

So we don't have a lot of time, is basically my point, and if we are to try to hit that date, that is something that we still need to talk about. So while I have asked you to comment on the six month default policy duration and I see that there are some comments coming in, what I really need is these time estimates, meaning the duration, and durations stacking up, and to see what the sum is.

So this time estimate if it's smaller than six months we go with the default, that's easy. But if it's longer than six months then we have to

go ahead and show it here and debate about it. Oh, Roger, you have a comment? Go ahead, Roger.

ROGER CARNEY:

Thanks, Dennis. Thanks for the explanation on this page, because now it makes a lot more sense to me, so you can probably resolve my comment there. One thing I would say is maybe rename it, just to say that it's a recommendation drafting error on #2, instead Agree Misalign. It just seemed a little confusing to me, but also maybe add in that the misalignment is on purpose, it doesn't say that we're doing it on purpose, just two thoughts. Thanks, Dennis.

DENNIS CHANG:

Sarah, go ahead.

SARAH WYLD:

Thank you, hi, this is Sarah. I just want to speak to the timing thing a little bit. So regarding the time estimates for how long each piece of work could take, I think it's really important to keep in mind that different contracted parties have very different platforms and systems and I'm not sure that we can come up with realistic detailed estimates of how long it would take to implement things.

So, for example, the org disclosure, so updating some content on your website to explain how the org field works or is used. For some registrars that could be a really simple task, like one person sits down, writes it, maybe they have a WordPress site or something, they put it up and they're done, it takes two hours.

But, for another registrar, that could be a very complicated process which involves marketing, legal, development to make changes to the website, it's going to have to go through your standard sprint cycle process, it's going to end up taking six weeks or even longer. So, my point is just that there can be so much variability in how long it takes to implement things that I think we need to be really careful not to leave anyone behind and to accommodate with enough changes.

So, with that in mind, I will also say that some of the CPH team members got together in the last couple days and started going through the OneDoc to look at what -- yes, Jody, absolutely correct -- so also we have to remember that there are resellers down the chain and other providers like maybe data escrow providers that will need to make changes. So these are really widespread changes.

So, we got together and started going through the OneDoc and pulling out every item that requires work to be done and then think about who needs to do the work, is it registrar or registry, is it reseller, is it a third party, and then how, does it just seem like a small job, medium, large, or extra large?

So general like the tee shirt sizing, and so I hope to be able to share something with this whole team soon, but I'm not quite sure how to fit that into this format. So I just want to kind of give a heads up that we might share some information and then try to deal with it as a team. Okay, thank you.

DENNIS CHANG:

Thank you, Sarah. That's good to hear that you guys are doing that. That's exactly what I'm looking for. Please do that, continue that work, and of course how you share it, my recommendation is let's make another doc and we can collaborate, too. The IRT is a team, right?

That's why we have a team and the team is composed of different perspectives on the implementation. We are an implementation team including the staff here, it's up to us to put together the most realistic schedule that we can and provide it for comments, and the comment forum is public comment. During the public comment we will say this is how long we believe it takes and it's out there for the world to see and then have them come back.

If they think it's enough time we won't get comments, but if they think that this is not enough time, then we will definitely see that, also. So, we are trying to set a baseline and this is our job, and what you're doing is exactly what I was looking for you to do. So, go ahead and continue.

There are many different ways to share the information that you have. You can simply write an email or add comments, or just write down the task, I think these four things, I think somebody else wrote, I don't know, but please be more descriptive than just say consent, because when you say consent I don't know if you mean that you're going to need three months to build a system to handle the consent transaction or you need three months to go out there and gather the consent so you have the approval to publish something. I don't know that, so one word is a little too short for me.

So, please be as descriptive as you can so I can understand what you mean, because as the project lead for this project it's up to me to understand and communicate to other people, as well as all the IRT members.

You should also know when we say six months, nine months, or 12 months, why that is, because you are part of the implementation team and this is owned by all of us, this is not just one party or one person. So, excellent work, I'd love to see that as soon as you can share it with us, but of course your homework is not due until I think next week, so you got a few more days and that's good. Now let's get back to this document. So, thank you for that. Roger, go ahead.

ROGER CARNEY:

Thanks Dennis, this is Roger. Just a comment on #3, as well, that #2 under #3, I assume when we go to public comment we'll be detailing the conflict that we have as well. not just whatever's in there?

DENNIS CHANG:

Oh, yeah, exactly. So, you haven't done this with me but when I go to public comment I explain as much as I can why this baseline and we have questions about the baseline, so I highlight those things, actually, for public comment. So, I invite people to focus on those because that's where we need the help.

If everybody agree then it's obvious we don't really need their comments, but we do need public comment on things like the

implementation duration, whatever we come up with, I'm nervous about that.

Ask for a realistic schedule from the IRT so we will try to provide it, but that's again contained within the IRT this implementation team that's working it now, and like Sarah says, we don't know what we don't know, but we are fortunate to have representatives of many different people from different backgrounds including we have a lot of staff here who have come from the industry with their background from the policy world and also technical background.

So, we can reach out to them and we will definitely get consultation from anyone who can help us. But when we gather those information I want a document so we can all see it. This is why I emphasize we do work on shared doc. Emails are nice, but boy, I can't keep track of hundreds of emails, that's like you will see me pull things out of the emails and put it in for documentation because that's a lot easier for us to work with. Does that make sense?

ROGER CARNEY: Okay thanks, Dennis, yes.

DENNIS CHANG: Okay, so I added category #4 on purpose. I debated, but I thought I would be comprehensive because I want you to know this, I value all of your comments and I look at every single one of them. I mean when I say "I," I mean the ITT here, we have a team that reviews and considers every single comment and we take actions.

We either accept your change, accept your suggestion or reject your suggestion, but when we reject your suggestion and you see that coming back to you, don't assume that we did not incorporate your suggestion. Sometimes I have to reject your changes so that we can, it does not get into the baseline but we are rewarding or replacing those languages in a different place. So that's what I want to emphasize.

And then the other thing is there may be a thing that I resolve and I don't put reply. Usually I try to add a reply to your comments so you know what I'm thinking, but some of them I don't and it's because when I accept your suggested changes that's obvious, I don't think I need to really say I accept, because you see that I accept it and you can see it on the baseline language.

And other things are like I may have made a spelling mistake or you know the font is not right, or section numbers have changed, and you are helping me keep track of the correct section numbers, those I just accept, and I don't bother, I try to do that in the most efficient way possible. So I call that Non-objection Comments.

So what I'm looking for is as we clean up the OneDoc and we will continue to go through it, clean it up, clean it up, clean it up, go from the top from the bottom we go over and over again, if you have different conflicting inputs like this conflicting input please make sure that that gets highlighted, and it needs to come in a form of key words.

The requirement says must and you do not accept must, you are accepting that it has to be "may." That kind of different input is what I need to highlight so we can focus on those requirements. We have a

limited amount of time and I know that having repeated meeting is one way to solve it but I also know the demand of meeting times on some of the members here because I see them online 6:00 in the morning today on the EPDP team, and they're here again.

It's kind of getting blurry with the conversation, it seems like the same conversation going on in two different forms. I need to really be careful that I focus on implementation here, also. So we're on the implementation team, let's focus on implementing our recommendation language. So, any questions about this comment guide? Is it helpful? No comments?

Okay, then let's go to our OneDoc. I'm going to rely on Isabelle to tell me where to go. So we said that we were going to do Sarah's list first. Okay which one is number one, 6.5, okay, 6.5. Okay, propose changing to "may." Thank you Sarah, this is exactly what I was looking for. You made it clear that we have conflicting input here. Okay, should be optional for registrar to offer the collection.

Now, is it optional for registrar to provide the opportunity for RNH because when I read the recommendation I didn't think that was optional, I thought it was very clear that it was firmly required. Wasn't the intention of the recommendation that this was a firm requirement, that this is not up to the registrar to offer it. If it was an option, then, well, let me hear from the other IRT. Anybody, hands up? Beth, go ahead.

BETH BACON: Hi team, so, I support the change, but if there's a possibility, Dennis, do we have the recommendation we can just cue up the final report, scroll down to this recommendation language and look at it all together and decide? Because I think we need to make decisions, but I support the change as Sarah noted. Thanks.

DENNIS CHANG: I think I heard that you want us to look at the recommendation language for this?

BETH BACON: Well, I mean if the dispute is how we're reading it and understanding it, then maybe we just all take a quick look at it. But I think from my read that I support Sarah. Thanks.

DENNIS CHANG: This is Rec 5, right? Okay, let's go to Rec 5. When we say optional, who is it optional for, right? So we may have to go into a different deeper table like this, is this what you mean?

BETH BACON: Dennis, what I meant was I'm sitting here with my copy of the final report printed out and I'm reading it and I think I agree with Sarah, but if folks don't agree with that, then maybe we need to look at the language. But if there's no disagreement, then let's just move on.

DENNIS CHANG: Susan?

SUSAN KAWAGUCHI: This is where I was popping that footnote 7 in, because I think it really clarifies the intent of this language by the EPDP team, and it says for those data elements marked as optional, these are either optional for the registrar to offer or optional for the RNH to provide. In both cases if data is provided it must be processed.

So, the way I'm reading this Recommendation 5 with that footnote is if the registered name holder provides that additional information it must be processed. So it's not a "may" for the registrar's decide to accept and collect that information and therefore they must process it. So something has to be done with it. So I don't think this is a clear "may," I think it's a "must."

DENNIS CHANG: Go ahead, Roger.

ROGER CARNEY: Thanks, Dennis, it's Roger. Susan, you read that first part but it seemed like you skip the first part, it's optional for the registrar to offer. Can you explain that part to me?

SUSAN KAWAGUCHI: I only read the footnote.

ROGER CARNEY: That's what the footnote says.

SUSAN KAWAGUCHI: Page 7. For those data elements marked as optional, these are either optional for the registrar to offer.

ROGER CARNEY: Okay, stop there. So, what's the first part say? Optional for the registrar to collect, right?

SUSAN KAWAGUCHI: It says to offer.

ROGER CARNEY: Right.

SUSAN KAWAGUCHI: Or optional for the registered name holder.

ROGER CARNEY: Right, but if the registrar doesn't offer it then there's no way that RNH can provide it.

SUSAN KAWAGUCHI: I understand what you're saying, but I don't read it that way.

ROGER CARNEY: Okay, that's how I read it, so I'll leave it up to the EPDP team that wrote it, but that's how I read it. Thanks.

SUSAN KAWAGUCHI: Because if you also read the recommendation, the last part of it said in some cases it is optional for the registered name holder to provide those data elements. So if you read those two in connection, to me I've always interpreted that as the registered name holder gets to make the decision and then the registrar has to process the data if the registered name holder provides it.

BETH BACON: So this is Beth, can I get in the queue?

DENNIS CHANG: Beth?

BETH BACON: Susan, can I get in the question? I felt like you were finished, were you finished? I didn't want to cut Susan off.

SUSAN KAWAGUCHI: No, no, I'm good.

BETH BACON: My hand wasn't showing and I didn't want to talk over you, so I apologize. Okay, for this one, Susan, I see what you're saying. So,

here's my thought. Because the end of the footnote is in both cases if the data is provided it must be processed, which I think is pretty rational in that if you have it you're going to process it because you asked for it, But I think that, Dennis, can we go back to the language please, for a second, can we look at the OneDoc?

The number of tabs on your screen is giving me anxiety, just FYI. So it says I think in this one if we're reading it in conjunction with the footnote, the registrar must provide, we must not provide, we may provide the opportunity because they may, they are optional for the registrar to offer. So if we change that to a may and we say the registrar may provide the opportunity for the RNH to provide the values. If provided the RNH the registrar must then process it, is what it says.

So I think that's a may, it's a hard may on the registrar because the front half of that is the registrar may provide the opportunity. If the registered name holder provides it because the registrar has chosen to give them that opportunity, then they will process that data. But if you say you must then you're taking away the option of the registrar and I don't think that is in line with the recommendation.

So I think may is more true to the footnote as well as the recommendation, but I think there's an understanding that if they do provide it and it's also written in the rest of 6.5, if that opportunity is provided and the registered name holder does provide that information, the registrar will process it.

DENNIS CHANG:

Thank you, Beth. Next is Mark.

MARK SVANCAREK: I'm looking at the, what's it called the data elements chart. Is the data elements charts still controlling for this discussion? So the data elements chart that is linked off of the final report? Because the data elements chart makes a distinction between things that are optional for the registrar to offer and things that are optional for the registrant to submit.

And the way I'm reading this is that the organizational field is an ORNH, so it's optional for the registered name holder to submit, but that's not the same as ORR which is optional for the registrar to offer. So, like, reseller is optional for the registrar to offer. So that was my understanding of how this worked. Maybe look at what's it called, the data elements chart that's linked from the Rec and see if everybody agrees with my interpretation of that or not. Thanks.

DENNIS CHANG: So one clarification, Mark. This is another drafting error. The final report had an attachment that was incorrect. The Final Report had a link that was erroneously pointing to an older version, so it's very important that everybody is looking at the right version which can be found on the wiki. Can somebody chat the wiki page to the group? So the one that I'm showing you, and it's called version 1.8.

MARK SVANCAREK: So, yeah, it's the same thing that I'm saying, though, so different versions and I understand that that the language of the Rec is

controlling more than the data elements, but if you've got a debate about what the actual language of the Rec means and we are having a debate on what was the intent of the group and what is the wording, I think you can look to this data elements thing and derive some insight into the original intent of the EPDP team, which was, as I recall, you have to let people submit org fields if they want to.

DENNIS CHANG: Correct, Mark you're correct. We were asked to look at this table as a clarification for the language if it was language. Next is Beth.

BETH BACON: Hi guys, I do want to note, Dennis, I have to disagree with when you say we were asked to look at the chart as a clarification when the language was confusing. I don't know who asked that particular question, because I very clearly remember on many, many occasions in the phase 1 work when we said yes, we are putting these charts in here. They are informational, they are not controlling. We made very clear that all the attachments aren't controlling. It's really only the first 20 or so pages of this document that are the final report. Those are recommendations. The rest of it is just informational as to methodology and conversation and things like that.

My question here is I don't think that we are actually having a disagreement on what the language says. It's optional for the registrar to offer, and if you put in there a may, then it will be optional for the registrar to offer. And then it says optional for the registrant to provide.

If the registrar offers the ability to provide it the registrant provides it, we will then process that data.

I'm not sure how many more ways we can read this because there's five of us and we've all read it a different way. It's the same words. So I would be very open to a suggestion on this, however, all of us just rereading all of this is clearly not going to work.

DENNIS CHANG: Go ahead, Mark.

MARK SVANCAREK: I'm back reading Rec 5 again, so, I don't know, if the wording is not clear then the wording is not clear and then these informational things I think are useful. So we have people debating about what the exact wording in the rec is, but we do have these informational things and the informational thing supports a particular line of argument and so I don't follow the argument that the language is very clear. We're saying it is not, and in fact the informational document strongly implies a particular interpretation. So, Beth is confused, but I'm confused too. So I don't know where that leaves us.

BETH BACON: Dennis, can I respond?

DENNIS CHANG: Yes, please.

BETH BACON: Thank you. Well, Mark, I'm not necessarily confused. I am thinking that we're at an impasse here for something and I want to find a way forward because I understand everyone's concerns and I'm trying to figure out a way that we can make some progress as opposed to going to #4 we're on our first question and we already need to refer to Dennis' chart. Dennis, I think that we all also in the beginning of this we went through and we have the chart that is on the wiki for this workspace, is that this one, Dennis, that you're showing right now?

DENNIS CHANG: It is.

BETH BACON: Or is that the EPDP one that's attached to it?

DENNIS CHANG: No, this is the correct version that was meant to be linked, you can tell by looking at the version number V1.8. That is the correct one, the latest version that was meant to be linked.

BETH BACON: Yes, but we also went through and did a data matrix, Staff did, you guys did at the beginning of this the IPG. What's that role in this discussion?

DENNIS CHANG:

That is something that we are creating but we are referring to something that came to us as a recommendation and all the information came to us to help us with the requirements building. So what governs us is the recommendation language, and if the recommendation language was clear we would not be having this discussion.

Because recommendation language is not clear as to when they say optional, then we have to get into the interpretation of optional for whom, right? Then we start searching for the information that was provided to the implementation team by the EPDP team and we were asked to look at this.

This was part of the final comment, so that's why we are looking at this for reference. So there's clearly a lot of work been done notating R versus ORH. So, if we're asked to ignore this table, then we will, but I don't think that was the direction that we received. Besides those of you who are registrars, can you please comment on the requirements by the RAA? How does RAA treat this requirement right now? Susan, next.

SUSAN KAWAGUCHI:

Thank you, so, I don't want to read the language again, but when I do read that language, I don't see that one precludes the other. The registrar can offer, say here's the fields, you can fill these in if you want to, but they don't have to do that, but they do have to accept the data if the RNH decides to provide it.

Now, how that actually happens practically, I don't have that experience. So I'm just not seeing this is an either/or. If the registrar accepts it or provides an option to do this, then the registrant can provide that data. That's where I'm getting stuck and I don't want to take up too much of your time on this but what do you think the registrars will do?

What are your registrars planning on doing, if it's not at all going to be a possibility to provide this additional data and have it processed, then I think we're losing on a very critical point that the EPDP team discussed, took a lot of time to discuss.

DENNIS CHANG: Jody?

JODY KOLKER: Thanks, this is Jody. I was just going to speak to Mark's discussion of the O-RNH from the matrix. There are a lot of fields that are O-RNH in there, that if we're requiring that the registrar has to offer it, then there are a lot of other fields that also need to be offered which I think we specifically saying in here that their mark is optional in the rec. So I just can't see how registrars are required to do this one I read the footnote and look at the table. Thanks.

DENNIS CHANG: Beth, go ahead.

BETH BACON:

Guys, to be honest, my mom just texted me a question about Christmas presents and I lost my train of thought for a second, hold on. This is why you shouldn't have your phone in front of you during conference calls. So here's my question. Susan, I appreciate very much the conversation and is this an opportunity, do we look back in this document at the minimum data set that we define and see is the registrant organization required?

Because I think if the registrant organization is required to be offered, that changes quite a bit, and I also think it just has other repercussions for the document. And I know that it's just been hotly contested and we talked about it a lot, as you said, Susan, we all went back and forth on this a lot. Let's look at the minimum data set, see what it requires. I don't know that if we have a minimum data set that doesn't require this then we can make this a must. We would make it a may, but I think we can then add to make everyone more comfortable, if we make this a may we can say the registrar may provide the opportunity for the RNH.

A registrar may also choose not to provide this option. If the RNH does provide this data then it must be processed. Then it doesn't require the registrar to provide it in kind of outside of the required minimum data set and it gives everyone the option but then it also says that in the case that it is offered and is provided by the RNH, it will be processed. Does that sound reasonable?

I mean at least somebody can go look at that and we can move on to something else and maybe come back to this. But I just think let's look at the data set, because I don't want to have one section requiring a

data element where the data set has already said it's not required.
Thanks, folks.

DENNIS CHANG: Beth is proposing that we go look at other information and then come back to the discussion and maybe that's what we should do. I don't see this discussion progressing, is converging right now.

BETH BACON: So, Dennis, I don't want to shoot myself and ask for opposition if there is any, but Susan and Mark, does that make sense, my comment, in that we have a minimum data set of what we're supposed to collect and then if this is kind of outside of it, that's a concern? So again, maybe let's move on and we'll come back to it, but thank you guys very much.

SUSAN KAWAGUCHI: Dennis, can I respond?

DENNIS CHANG: Yeah, go ahead, Susan.

SUSAN KAWAGUCHI: Beth, let me think about that a little bit more and look at the minimum data set but in some ways I think that's what this is all about, it's just adding to that minimum data set, but I agree, I'm not sure that we're going to agree and so maybe this is where public comment really weighs

in on this, is where we get more guidance. But let me come back to you on it.

BETH BACON: Alright, thank you, I appreciate it.

SUSAN KAWAGUCHI: Well, I do appreciate you trying to bring something to the table that we could agree on, that's helpful. Thanks

DENNIS CHANG: Okay. So then let's move on to the next one. Next one on Sarah's list is 9.35. So everybody go there with me, 9.35, here. Okay. Maybe I should turn it over to Sarah so she can start the conversation here.

SARAH WYLD: Yeah, thank you, this is really just a wording change to make the wording aligned so that it is more clear. So the registrant is confirming accuracy and agreeing to publication. So if the registrant does not, I think this should say agree to the publication, because they're not confirming publication, they're confirming accuracy and agreeing to publication, so if they don't agree to publication then registrar must redact. So, just suggesting a simple wording change.

DENNIS CHANG: Any other comments? Thanks for the input, Sarah. Let's go to the next point, 10.5. Sarah, you want to go ahead?

SARAH WYLD: Okay, I don't remember which one was on my list, but they're probably both were talking about. I think we talked already about the local jurisdiction law enforcement and then Beth had a really good suggestion which we can see in the comment just right there for December 4th, courts and law enforcement of competent jurisdiction, I would be very happy to go with that change instead. Thank you.

DENNIS CHANG: Anybody else want to comment on this? Okay, if not, we'll continue. Which one is the next one, this one? Yes, I think this one, did you want to talk about this, Sarah?

SARAH WYLD: Thank you, yes, I appreciate that. So, this comes back to the response timeframe that I know we've discussed many times or at least several in this conversation, and I just have to say again, 24 hours is not sufficient time to respond to an urgent request. Thank you.

DENNIS CHANG: Understood your input. Anybody else want to have a comment on this? Anybody want to talk about the recommendation what the recommendation team may have thought when they said urgent request? We're not trying to, as we all know, we're not trying to develop policy here, we're trying to implement the intention of the policy development team and they left it up to us, so 24 hours response

time for urgent request is something that's pretty typical, so that's why we wrote that as a baseline. Lauren?

LAUREEN KAPIN:

I was saying in keeping with your earlier comments I think we're going around and around and repeating ourselves on this topic. You've heard views based on language in the security framework about this narrow scenario of urgent requests, how that's defined and why we think 24 hours is reasonable, and you've also heard the responses about why there is resistance to 24 hours, and to me it's clear there's just not agreement on this. I'm not sure there's anything else I can say to bridge the gap here. This is one of those areas where there is just disagreement.

DENNIS CHANG:

Yeah, I know, and this is expected to happen. Anytime we have a new requirement there are going to be parties that object to that or disagree or find it unacceptable, but the consensus policy is to create those new requirements for the benefit of all, so our job is to go ahead and see if we can implement the best we can. And let me just hear more, I want to hear from everyone, so if there are hands up? Susan has her hand up, I want to hear from Susan, too.

SUSAN KAWAGUCHI:

Thank you, Dennis. I just have a question., I'm wondering if the hesitancy here to agree to 24 hours is that in cases where it is very difficult to respond in 24 hours, sometimes you can respond in 24 hours

and that works for your business model, but in cases where you can't or you know more of the exception, I think I proposed this or somebody proposed it, an SLA where it was like at 95% or something, 95% of the time you respond quickly and in that 24 hour range, but we're not putting the registrars in sort of a no-win situation with compliance if it's not 100% of the time that there's 24 hours. I was wondering if we could come to an agreement on something like that, or is it just do the registrars feel it is completely unreasonable to ever respond within 24 hours? I mean, having never been on that side of this I don't know how that works for them.

DENNIS CHANG: Any one care to respond.

BETH BACON: Dennis, my hand is up.

DENNIS CHANG: Go ahead.

BETH BACON: Thanks. Thanks, Susan, I really appreciate that. So I have a question and then a comment. My first question is, and I apologize, I know that we've talked about this, but quite frankly it's all smushing together in my brain, when we say respond, is it an acknowledgement or are we taking an action, and by we I mean registrars in this case, not registries.

So I think clarifying for us what the expected response action is would be very helpful because that does impact how long it will take.

I mean if it's just an automated response, we have received this and we will forward it on, that's one thing. If it's we have acknowledged this and taken action, that's another. Because Susan, as you say, depending on the business model or the number of people, even in even larger registries and registrars there is often only one, maybe two people who are monitoring that inbox because some of it is automated and some of it is just manual because if you don't get a huge volume.

And frankly people have weekends, if something happens on a Friday night at 7:30, you might not see it until Sunday morning when you just happen to check your email before you get your work done. That's why I appreciate your comments, Susan, so maybe we can work around that. But also what's the expectation? So that was a lot of words, sorry.

DENNIS CHANG:

Anybody want to comment?

SUSAN KAWAGUCHI:

Laureen would be better suited to provide that, but when it is a dire emergency when somebody's life is in danger, obviously, it seems that it's critical to get a response. But if it's just investigation of a case or something, maybe it could wait longer, and that's why I was suggesting the SLA because then the registrars aren't held to some sort of audit and compliance action due to their inability to actually perform at that level.

But I don't know, I guess, again, I'm adding too many words, but I can't answer your question, Beth, because I don't have that experience, but I'm not sure that in other parts of this we've agreed to 30 days of a response for registrant data, that seems very long to me. So it makes this very critical to balance out the critical needs of law enforcement, to have this be a much shorter time period than the 30 days.

DENNIS CHANG: Marc Anderson, are you on?

MARC ANDERSON: Hey, Dennis, Marc Anderson. I raised my hand because Roger put me on the spot a little bit in chat. Earlier on I had suggested language along the lines of I think it was as soon as commercially reasonable. When it comes to requests of a critical nature, I hate having our focus be on how long the responses could be. I think our focus should be on the best case scenarios.

I think most responsible registries and registrars are going to respond in cases where clearly it's a critical nature, I think most registries and registrars are going to respond as soon as they can. And so I hate seeing us focusing our conversations on how long they could take in critical instances. And so I had suggested language as soon as commercially reasonable, or something to that effect. But that was just my response, Roger put me on the spot in chat.

DENNIS CHANG: Thank you. Lauren?

LAUREEN KAPIN: Thanks. Thanks, Dennis. And let me affirm that I assume good intent, and I know that the folks on this call probably exceed this deadline in these circumstances most, if not all of the time. That said, and I'm looking at the final report, in terms of answering Beth's question about what is meant by response, it seems to me, on page 19, and this may be subject to my printer, the last bullet point where it says, "A separate timeline of less than x business days will be considered for the response to urgent reasonable disclosure requests, those requests for which evidence is supplied to show an immediate need for disclosure."

So, I think, fairly, that doesn't mean a response that says, "We're working on it and we'll get it to you at some indeterminate time." I really do think that that word response means the time needed to disclose, and I did want to answer Beth's question about what is meant by that term.

DENNIS CHANG: Thank you, Laureen. That's all.

BETH BACON: Okay, so I'm going to throw out a possibility. People can marinate on it. Laureen, thank you. I was reading that last bullet, and I just wanted to make sure we have a shared understanding because otherwise solutioning is not helpful if we don't know what we're trying to solve. Is there something we could do -- Dennis, can we go back to the one doc? I like to pretend that I have mine open, but I'm just using your screen.

So, could we think about, instead of saying, "Must respond in 24 hours", could we massage this in a way that says, "Endeavor to respond in 24 hours, but no more than two business days," or something? And I understand that you're then concerned that people will race to the bottom on the 48 hours. I don't think that's going to be the case.

I mean, most registries and registrars have a dedicated WHOIS request, mostly because it's required by the temporary specification, a WHOIS request for law enforcement, which is a separate, dedicated email address, so it's not going to be lost in the morass of all of the other requests one might get. So, at least it's distinguishable.

But I'm not sure how we massage this, but is there a way, as Susan talked about, to work in some flexibility? Understanding that this is important, but is this going to require a registry or registrar to hire one person to sit on the computer and check this all day long?

I don't think that's the intent, but sometimes, I think it might end up feeling like the reality. So I think that we've actually made progress, in that there's an understanding that maybe we need a little flexibility, and that every single person on this call will endeavor to respond to law enforcement as soon as humanly possible. Because we understand your needs and we appreciate them because you're protecting us, not just random, faceless people on the internet. And I think that's something that we all respect as important. So, maybe there's a way that we could massage this language a little bit for some flexibility.

DENNIS CHANG:

Thank you. Thank you for that. Alex, you're on.

ALEX DEACON: I am here. Hi. I'm here, sorry.

DENNIS CHANG: Okay, I can hear you now.

ALEX DEACON: Double muted. You know, I think the question that Beth asked earlier is a good one. Are we talking about an acknowledgement or the actual response, you know? In phase two, we've made that distinction. I like that distinction, and we may want to consider doing that here. Given the number of requests that my clients have sent that simply just get ignored with no response, it would be super helpful from a predictability and an accountability purpose to receive a response that says, "Thanks, we've received your request and we're working on it," versus just things going into the black hole.

I also think Beth's "endeavor to respond as soon as possible" language is good. I think you mentioned within 24 hours, if not two days. That may be a good way of resolving this also, because I agree that everyone here is trying to do the right thing. And for these urgent requests, it's better to respond sooner rather than later.

And then finally, I just want to say, the concept of the SLA that Susan mentioned is an interesting one that we may want to noodle on because this gives us more flexibility and less burden. Some compliance issues. If we have an SLA that says, "Some percentage of these requests must be answered within 24 hours and some other percentage can take

longer," I think that would be helpful also from a compliance point of view. So, just my thoughts on this. I think we're on the right path here to come to an agreement. Thanks.

DENNIS CHANG: Mark SV?

MARK SVANCAREK: Hi, Mark SV. Yeah, I do think we're making progress here. Alex said almost everything I wanted to say. I like Beth's language. I note that, in page 19, we use the phrase "without undue delay." I know that people like that language, so we might want to lean on that again. I especially like the SLA concept because the SLA assumes that you have a target. Occasionally, you don't meet it. But there's a threshold for failure to meet SLA that can be negotiated, so that's good.

And then, I just wanted to make one final comment, which I know will sound pedantic, but urgent requests are not always related to law enforcement for lots of cases. The first responders are actually other sorts of investigators, and I don't think we ever ruled out the idea that non-law enforcement could have an urgent request. So, I just want to make sure we're not losing track of that point. Thank you.

DENNIS CHANG: Beth next.

BETH BACON:

I just wanted to appreciate Alex and Susan Those are helpful comments, and I think maybe, if we do think about this little bit, we can find something that works because I don't think anyone on this call wants to go have a consensus policy go out where we have so many areas of contention. Especially when we have 188-page document trying to explain what we did for nine months.

Also, and this is an aside, and please ignore it as part of this conversation. But I think, as an aside, Alex and some others, I know in the past Marjorie has mentioned it, maybe it was in Montreal. Folks getting requests ignored, and then it's usually followed up with, "Not everyone on this call, or anyone in this group," which I appreciate, We try not to ignore things.

Is there a way that you guys can let us know who was ignoring you? Because then, and I'm not asking you to name and shame, but can we work with you guys on that? Figure something out? So, that's not in this conversation. That's just something else. Lobbing that out there. Let's try and make it better.

DENNIS CHANG:

Thank you, Beth. Just personally, I really like that idea that the community work that out. And let's see, I think -- do we have any more comments on this 24 hours? If not -- oh Laureen, you had a comment. Go ahead.

LAUREEN KAPIN:

I do appreciate the creative thinking going on. I have to emphasize, in terms of my coordination with with my law enforcement colleagues, I predict that it will be highly unlikely that I will get agreement to concede this point. Especially for what I'll term are life and death imminent harm scenarios. And I know that that could be a narrower categories and all the urgent requests, perhaps, because as Mark points out, that there certainly are many more entities other than law enforcement that may have these requests.

But I am looking at it through this particular lens, and also thinking about the most urgent of the urgent requests. And in those scenarios, I'm just predicting that I will not be given authority to concede the point there. So, just in terms of expectation setting, I want to put that out there. Because while I appreciate the endeavor language, that won't suffice.

DENNIS CHANG:

Thank you, Laureen. Got your input. Beth next.

BETH BACON:

I was just gonna say, I think that we could mark this as considerable progress made and that we are going to think about this. I 100% appreciate having to go back to our constituencies and talk it out. I think that we're all going to have to do this.

But I also want to note, Laureen, I'm happy to reach out and we could probably find a way to talk to law enforcement altogether, have them come on. We could talk to them. I don't know. Just so we don't have

to do the back and forth, but I do understand the need to consult. But also, we're given a little bit here. We're not sure how we're going to make this happen if it's 24 and 48 hours. We're going to do our absolute best.

So, if you could just be -- also, when you talk to your folks, we're trying to be flexible. We're trying to make this work. We're trying to get you what you need in all cases, with a little bit of language, but there's only so much we can do in this language. I do think that when we talk to law enforcement, we have those relationships. So, I don't think they're going to suffer under this language because I know that, and again, I understand, you guys are legislating to the folks not on this call.

Because, I mean, you're on the call. You care. We have important things going on. We understand the importance. But we are trying to be flexible, and we're trying to meet everyone's needs because there is a spectrum. So, if we can get some sort of options, or one or two things that would work. That would be really helpful, as opposed to just being like, "It doesn't work."

DENNIS CHANG:

Thank you, Beth. I think we've had enough discussion on this particular topic. So, let's move on to the next topic. And just so that you know the process, the idea is that we'll discuss it, right? This is maybe the first time we had a substantive discussion on this topic, and we'll have it again next week.

So, in between time, maybe all of us can think about some creative solutions. And we're going to try to cover as many as we can, but those

things that are being highlighted right now is all the ones that we have conflicting interests that we do want to focus our energy on. Next topic is 12-7. 12.7, retention. Yeah, retention This is another... Sarah? Sarah?

SARAH WYLD: Thank you.

DENNIS CHANG: You want to go ahead?

SARAH WYLD: Yeah. So, as it says in the comment, when we process data, we have to have a specific processing purpose up front, as we all know. Sorry. So here, when we consider why we're retaining data and what we would use it for, I think that we had talked about the transfer dispute resolution policy as being the only policy that requires retention, and as such, it's the only thing that we should use to retain data for.

So, my concern here would be around data that is retained for the purpose of dealing with the transfer dispute resolution policy, and is then used not for dealing with that policy, but instead used for other reasons, which I don't think is in keeping with the recommendation. Thank you. [AUDIO BREAK]

DENNIS CHANG: Anyone else want to provide input on this? [AUDIO BREAK] Go ahead, Marc.

MARC ANDERSON: Hey, Dennis. Marc Anderson. My topic's a little bit different from Sarah's, till on retention, though. I also have a comment in there on where it says "registrars and registry operators." I suggested deleting registry operators. And you had commented that this may be an IRT split item, and there, I disagree. The language in the report, pages 16 and 17, reads very, very specifically. It recommends that registrars are required to retain the data. It does not say registry operators. I think the report is very clear on that point.

And it goes on later to say that registrars and registries may retain the data for a longer period of time, but the only obligation for retaining the data that was discussed during EPP phase one was on on registrars in relation to the transfer dispute policy, as Sarah pointed out. So this is an obligation that was intended only for registrars, sorry, registrars.

And also, just note that this isn't a change. This is consistent with existing contracts. Registrars and the RAA have retention obligations, registry operators do not. So, this was never intended to be a registry operator application, and that's reflected in the policy language.

DENNIS CHANG: Thank you for that, Mark. Anyone else? Comment? This is a very, very important requirement because what it does say, like I question does say. I picked up the registry operator language in some other language

and, yeah, it does say "registrar must" and then it talks about registry, then registrar.

So, I was thinking, maybe this was a recommendation that tried to build a requirement in a consistent manner for registry and registrars to retain data for the same period of time, which would be convenient, but if the intention of the recommendation was that data is retained by registrars only and registry operators would never retain the data, then we need to be very clear that's what we implement. Beth has a hand up. Go ahead.

BETH BACON:

So, can I request that we keep this one as open? Simply because I want to check back with a few folks. Sarah put in the chat Allen was unable to make it because he's in Ireland and it's dinner time. So, I think he's home and he just wasn't able to make it today, and I knew that he had some particular feelings about this one. And I also would just request that maybe we keep this one open for a little bit because I want to see -- we had some discussions internally to the CPH and I just wanted to loop this back with them and check with our group, if that's okay.

DENNIS CHANG:

Yeah, that's fine. So, that's about the requirement for registry operator to retain data. Can we talk about the 18 months? Because I think we need to close this one. It was very clear to me that the requirement was meant to be 18 months. Period.

And I added this extra language because I was trying to mimic the recommendations language, but if you add up the numbers, it's simply "retain data for 18 months." Period. That's the requirement. So, can we talk about this a little bit? Is there anyone or, let's see, who is objecting? Oh, Luc. Maybe Luc. Is Luc on? Maybe Jody? Beth, are you open again?

BETH BACON:

Luc is listening, but I don't know if he can talk. He might be able to chat. So, your question is, why do we have 15 and 18? Shouldn't just be 18? Is that the question?

DENNIS CHANG:

My question is, is it 15 or is it 18? Let's make sure that we are clear and we agree on one number. How long is a retention?

BETH BACON:

Okay. And this is only for the data in section six. I'm going to ask folks on the call, because I don't have my registry agreement right in front of me and the registrar agreement. At this point, we're required to hold it for the life of the domain, and I'm not sure if that's consistent. I apologize. I have to dig around. I think we need a few more minutes. Just trying to dig through some things on the side. I have like four reference papers in front me. I apologize.

DENNIS CHANG: Okay, so I'm hearing that you need to look into things, so if there's no one else who -- oh Jody, go ahead, Jody.

JODY KOLKER: Yeah, I guess my question is -- this is Jody, and thanks, Dennis -- my question is, why is there three months for the deletion of the data? I mean, deletion of the data can happen very quickly. I don't understand why it needs to be retained for 18 months instead of just 15 months.

DENNIS CHANG: Yeah, that question is for those hierarchy members that work on the policy development phase. I don't know, but can someone answer that question when they crafted this recommendation?

ALEX DEACON: This is Alex. I'm not an expert in data retention or the TDRP, but I think what's important is if you read Rec 15 number 2, and that references footnote 12, which I think is interesting, it says, "Even though the TDRP provides for a 12 month period to file a complaint, the data is to be retained for an additional three months to ensure that TDRP complaints that are filed at the end of the 12 month period can be addressed." So that's why I think there's that additional three months, if I'm not mistaken. Not too sure if that helps, but there you go. [AUDIO BREAK]

DENNIS CHANG: Roger.

ROGER CARNEY: Obviously, I think the recommendation is just saying 18 months, I'm not sure that the math was maybe done right in the recommendation, because it seems like really what they're looking for is 15 months, the 12 months plus three months of processing, and then whatever time it takes their registry to delete.

But I think that whatever it comes down to, if we're going to say 15 months or 18 months, we should say one number because someone's going to read that and think, "Well, is that three months part of that? Or what is that three months for?" So I think whatever we agree on, which I think should be 15 months, but whatever we agree on, I think we should just say one number. Thanks.

DENNIS CHANG: I agree with you, Roger, on that; it should be one number. So we are going to go out to public comment with one number. So we'll have to settle on which one it is, 15 or 18, is debatable right now. Okay, Mark SV.

MARK SVANCAREK: Thanks, Mark SV. Yeah, I have to speculate on this as well. What I think probably happened here is that the requirement is 15 months, and then you are able to delete the data, and so you're deleting the data on 15 months and one day, presumably, so there's already a delta after the 15 months when you're deleting it, and I think as a courtesy or a convenience, that delta after the 15 months was defined as three

months. Again, I'm just speculating, but that's the way it reads to me. So, for what it's worth.

DENNIS CHANG: Yeah, that's how I read it too, Mark. Anyone else? Roger?

ROGER CARNEY: Yeah, hi, this is Roger. Mark, so are you saying that the requirement is between 15 and 18 months?

MARK SVANCAREK: I do not remember how we got to this language, I apologize, but yes, that is the way I'm reading it right now.

ROGER CARNEY: So you're basically saying after 12 months, but no -- or after 15 months, but no later than 18 months?

MARK SVANCAREK: That is the way I'm interpreting it, yes.

ROGER CARNEY: Okay, thanks for that.

DENNIS CHANG: Thank you for that input, but like I said, I'm going to out with a baseline with one number for clarity.

BETH BACON: Dennis, can you go back to the OneDoc for a second, please? I just want to say you did accept the deletion of the Registry Operator. I think that was another question. That was agreed that it doesn't apply, right?

DENNIS CHANG: I did not accept that. I thought that we were going to think about this and come back to it.

BETH BACON: I'm sorry. I thought we were talking about the 15 and 18 months the whole time. I apologize. I do agree with the Registry Operator. It doesn't apply, sorry.

DENNIS CHANG: Thank you, Beth, for your input on that. What do you say about the 15 months or 18 months? Where are you coming down to; 15 or 18? But this is a registrar from your point of view, so a registrar requirement, so I don't know whether you have an opinion anymore.

So yeah, I'm mainly interested in where the people are, which number, 15 or 18, but for a conservative perspective, I'm going to just let you know that the way I read the recommendation is 18, so I'm going to go

with an 18 as a baseline, and that's what I want to make sure that you know that.

Anymore on this or can we move on? We move on? Oh, Roger; go ahead, Roger.

ROGER CARNEY:

Hi Dennis, I think everybody on the call is saying 15 months though. You're required to hold it for 15 months, is what I think everybody is on the call saying and there's just a grace period after that. So I'm thinking everybody says you're only required to hold it for 15. Thanks.

DENNIS CHANG:

Yeah, this is where I need to be clear on the policy requirement when we talk about grace periods, right? If you're adding three months of grace periods and what really is the requirement, right? So, I'm trying to make it as simple as possible. So 15 months and with a grace period of three months, that gets very complicated and this is why I want to hear from you, you know, how big of a deal is that, right?

Because what I read in the recommendation language, I can justify and support the 18 months as the policy requirement based on the recommendation that I have received from the final report. So I hear that there's preference for 15 months, but I don't know whether I can report the 15 months, the requirement as a retention period because if you said that, yeah, you need to hold it 15 months plus one more day, then you're already over the 15 months. So that's what I'm thinking. Mark, go ahead.

MARC ANDERSON: Thanks, Dennis, Mark Anderson. I was really hoping not to weigh in on this one, honestly, but I'm looking at the language itself and yeah, I agree with everybody says the intent is 15 months following the life of the registration plus three months to implement the deletion. That doesn't mean it takes three months to delete the data and that you must delete it exactly, you know, at 18 months after.

The intent is exactly what you said previously, there's a three month window in order to get it deleted, and so, I have to put my hat in the ring here for 15 months is the requirement plus three months to implement the deletion. I mean, that's what the policy language says, so I think that's easily supportable in the final policy.

DENNIS CHANG: Thank you, that helps, Mark. Roger, go ahead.

ROGER CARNEY: Thanks, Dennis. Yeah, and I was just going to add on to that; I mean, that's why I think -- I don't think we can go with the policy saying 18 months because then you're requiring us to hold it 18 months and, you know, I would assume that the DPAs won't agree with that because we're only required to hold it 15 months. I mean, that's the thing is, if this policy states 18, we have no basis for it.

DENNIS CHANG:

I understand. Thank you for that, Roger. We only have one minute left, so I'm going to go ahead and stop the conversation, but I hear you; these are very good comments. So I'm going to get off of my desire or my purpose of going with one number; we may actually have to complicate the requirement with two numbers. So I'll work on that.

In the meanwhile, my goodness, 90 minutes gone, but we did get through the whole policy language, we were just about to get into our implementation notes. So let's do that next time we meet, but in the meantime, please continue your work on the document and don't forget your homework.

Any final remarks before we say goodbye? No? Then thank you, I'll see you next week on Wednesday. Bye-bye.

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]