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ANDREA GLANDON:	Good morning, good afternoon, and good evening. Welcome to the Registration Data Policy IRT Meeting being held on Wednesday, 25 March 2020 at 17:00 UTC.
	In the interest of time, there will be no roll call. Attendance will be taken by the Zoom room. If you are only on the audio bridge, could you please let yourselves be known now? Thank you. Hearing no names, I would like to remind all participants to please state your first and last 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 over to Dennis Chang. Please begin.
DENNIS CHANG:	Thank you, Andrea. Welcome, everyone. Just so that we're all aware of everybody else's situation, I want to let you know that if you don't know already, ICANN staff – all of us – ICANN org is directed to work from home because of the COVID-19. So I am calling in from my home and all the staff are as well, and I suspect all of you may be calling in from your home. So, first, I do appreciate you taking the time and supporting this policy implementation project.
	First thing I'd like to do before we get into our agenda items and – I actually added as a number one agenda – I would like to hear from the IRT a couple of things. One, your feedback on how you thought that ICANN67 session went, and what are you experiencing as a result of the COVID-19 either personally or professionally in terms of your work and

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supporting this policy implementation? And I will share with you what we are experiencing as we talk about the next step at the end and as we plan forward, but I would like to take a moment and listen what you have to tell us. So I will put it up and see if anybody has a comment on agenda item #1, ICANN67 and COVID-19 effect. I'll pause here.

Marc Anderson?

MARC ANDERSON: Can you hear me okay?

DENNIS CHANG: Yes, a little garbled but I can still make you out.

MARC ANDERSON: Apologies for the garbledness. I'm also working from home. I'd actually be surprised if anybody on the call is not working from home at this point. But like you, I'm connected from home, I'm working okay.

As far as the feedback on ICANN67 session goes, I want to say I thought you always did an excellent job running the session. I thought it was a lot like a regular biweekly call. As far as a biweekly call goes, it was well run and efficient and effective, and that's why I thought we did lose out on not having the face-to-face aspect. Obviously, that's not avoidable. That's just to say having the remote meeting was not the same as being face to face. I feel like groups are always more productive when they're meeting face to face, and that was definitely a loss going remote. So I think everybody did as well as we could, given the circumstances. And

the meeting itself was good, but I do [inaudible] losing out on having those two face-to-face meetings that we're planning on having.

DENNIS CHANG: Thank you, Marc. Anyone else? I see plus one from several IRT members.

Yeah, no doubt. I really missed seeing you all and getting into that two-day in-person session. I was expecting to make a lot of progress there but, you know, we all have to deal with the new word. I certainly have never experienced this in my life and I certainly did not expect this, so I'm coping with everything that's going on personally as well as professional.

Okay, Sarah said, "I would love if we can focus on the IRT work and stop talking about COVID for one and a half hours here." Yeah, you're right. So let's stop right now. Thank you for your input and let's get on with our agenda item on Section 3.9.1 Critical Infrastructure examples.

Critical infrastructure, it was the definition we wanted to talk about and there were some comments that we had. Alex had comments and Roger had comments. Mark Sv also had a really interesting comment here too, that's something I didn't know about. So I would like to open it up right now then give you a chance to speak. Who would like to go first?

Roger, you first.

ROGER CARNEY: Thanks, Dennis. I saw Alex's note/comment on there so I thought, "Yeah, this is very true." We were given the task of defining this so I think that it's important that if people want to talk about what critical infrastructure is, we give that time to critical infrastructure. I just think that because the IRT is not in agreement on it that when we go to public comment on this, it should be removed unless we already have an agreement on it. So I think we should talk about it. Obviously, Phase 2 is already talking about it or has talked about it, so I think it's worthwhile to talk about. But unless we have an agreement, I don't think it can go to public comment. Thanks.

DENNIS CHANG: Next is Alex.

ALEX DEACON: Yes. I don't want to be a broken record, but I think it's important that we try our best to be consistent with the Phase 2 report and keep the definitions the same and the examples the same. I think that this makes life easier for everyone. If there's strong disagreement then I think it's important to hear that on the call. I've heard from Roger and we've had this discussion but I think I'd like to understand what the issue is, especially if we are going to diverge from Phase 2, which would concern me. Thanks.

DENNIS CHANG: Marc Anderson?

MARC ANDERSON: Thanks, Dennis. I'm only just now thinking of the same. I know on the last call we talked about the challenge of relying on Phase 2 which is only out for public comment, and so that's like to trying to hit a moving target. Is there a way we could be clever here and put in a definition that is meant as a placeholder until the Phase 2 recommendations are finalized? Yeah, I'm thinking out loud here. Would that be an option or is that possible? What would people think about that?

DENNIS CHANG: Okay. Roger?

ROGER CARNEY: Thanks, Dennis. Yeah, I'm not sure. I had to think about what Marc suggested. I'm not sure how we would do that. I think it's something to think about.

To Alex's point about staying consistent as much as we can, I think that makes sense. I don't remember if it was Owen or Matt. Someone brought it up before that the problem with that is there's large pieces of Phase 2 that deal with abuse of urgent request, and we don't have any of that in here. So I think we had to be careful about staying with what Phase 2 says because we're leaving a bunch of what Phase 2 says out that makes staying a little easier. So I think that, yes, let's try that. Just try to stay true to Phase 2 but realize we're not staying true to Phase 2 because we're leaving a bunch out, so we have to be careful on what we do include and do not include. Thanks.

DENNIS CHANG: Thanks, Roger. Beth, you're next.

BETH BACON: Hi, everybody. What I think we should do here, simply because we're doing … this is the IRT for the Phase 1 report and we should stick with the Phase 1 report. It's very tempting to talk about Phase 2 and trying to take it into account, and while you could take it into account, I don't know that we can incorporate things that they're doing, (A) because they're not final recommendations and (B) because they'll have their own IRT. And in that IRT they will have to, just as we are, look at other existing consensus policies, which if luck is with us, this will be a consensus policy by then and say, "Hey, we think that these changes are going to impact your policy." That would then have to be an amendment through a conflict with another existing consensus policy, as much as we're requesting your views on other existing consensus policies with this IRT.

Marc, I understand your spitballing. I don't love the idea of putting in something temporary, if again the Phase 2's job is to do what we're doing also and it's to say, "Hey, you need to review this or these impacts and changes the implementation of this particular language," which I think is perfectly acceptable as we are also doing that to policies. But honestly, I think that what we need to find a way forward here that this IRT can source from the recommendations in this final report to make this work. If we're unable to do that, I think we say our best bet is to stay absolutely as true to the language as we can, and then with the knowledge that Phase 2 is going to fill out these holes for us. Thanks.

DENNIS CHANG: Alex, you're next.

ALEX DEACON: Thanks, it's Alex. So if we're concerned about relying on Phase 2 that may change then let's just agree within the IRT that we define urgent requests, as I suggested in the chat, the criteria to determine whether it concerns an urgent request are limited to circumstances that pose an imminent threat to life, serious bodily injury, critical infrastructure online and offline, or child exploitation. Then note that the use of urgent request is not limited to law enforcement. So we're not dependent on what Phase 2 does but we define it ourselves in that manner. And there's no dependency there and we can move forward.

DENNIS CHANG: Laureen?

LAUREEN KAPIN: Hi, folks. I do think it's important that we try and retain the concept of critical infrastructure and at least come up with something that we can agree on. I understand that currently we're not at that point, but I think conceptually it's a very useful concept and it would be good to include it for the precise reason of getting feedback on it to the extent we think it's a challenging concept.

I'm going to put in the chat just a definition that DHS uses, just for a thought balloon that my main point is I think it's important we include

this and if we need to come up with on our definition of what we think falls into this category, that would be fine but I very much oppose jettisoning it.

DENNIS CHANG: Roger?

ROGER CARNEY: Thanks, Dennis. Again, I'm all for keeping it as long as we can define it. We can't say critical infrastructure and leave it as that. Critical infrastructure is subjective to whoever is looking at it, but I don't think we can leave it there and feel good about that. So again, I'm not opposed to keeping it in there. I just think it needs to be defined. Thanks.

DENNIS CHANG: Thank you, Roger. Is Mark Sv on? I think not, but he did provide this document here. I don't know if anyone else can talk about it. But this is a document from a council directive from European Union.

BEN WALLIS: Dennis?

DENNIS CHANG: Go ahead.

BEN WALLIS: It's Mark's colleague, Ben.

DENNIS CHANG: Ben, go ahead.

BEN WALLIS: Mark is still on a UA Steering Group call so he's going to be late to this call. Yes, he found this definition and it's great. Laureen is also offering another US regulatory definition as well. I think the definition that Mark suggested coming from a European directive on critical infrastructure lists … it's on page 7 of the 8-page document. It's Annex 1 and it lists what is considered critical infrastructure in the energy and [inaudible]. There are examples there.

DENNIS CHANG: It says what I'm highlighting on the Zoom – is it what you're looking at too, or is there something else? Because this clearly spells out, "Critical infrastructure means an asset, system or part thereof located in Member States which is essential for the maintenance of vital societal functions, health, safety, security, economic or social well-being of people, and the disruption or destruction of which would have significant impact in a Member State as a result of the failure to maintain those functions."

I don't know if that's what you're looking at. Are you looking at something else or this?

BEN WALLIS: In Mark's comment he talked about Annex 1 of that. And what I'm saying Annex 1 is a list of European critical infrastructure sectors. So it's not so much … yeah, that table. It's not so much a definition. Maybe what you're reading out be actually more valuable. I'm not sure exactly what Mark is pointing to. He was talking to that table to provide examples of sectors. There might be other things that would be helpful from that. Again, it's helpful. Maybe you can add in to the document the text that Laureen has provided in the chat as another example that's used by the Department of Homeland Security, so people can reflect on those examples and that might be useful in the document.

DENNIS CHANG: Thank you. Beth, you're next.

BETH BACON: Thank you very much. Sorry, can we go back to the language?

DENNIS CHANG: OneDoc?

BETH BACON: Yeah, thanks. I want to go back to a basic concern here and it's all around the conversation we just had prior to this. I don't dispute that these are good definitions for the jurisdictions in which they are developed and for those which they govern. I don't dispute that critical infrastructure is very important.

I do dispute the fact that it does not appear in the language of the recommendation for EPDP Phase 1. It is a topic of discussion for Phase 2. So this hole may be quickly filled if it is envisioned as a whole with a need for more specificity, but it's not in the report in the recommendation. So I have a level of discomfort of adding things, certainly if we can't even define the thing we're adding. I again don't dispute the very valid concerns are there, I don't dispute their very valid definitions. I just am concerned that we are adding this to this language in a way to say what a reasonable, urgent request is. But if we're defining that and then we can't define the thing that's in the definition because we've added it, it seems like we're maybe going down our own path.

So perhaps my suggestion will be – I'm kind of thinking out loud – if we look at critical infrastructure as well as a couple of these, these are very much focused on law enforcement request. And law enforcement requests already have a priority level and they also already have a path. So if it's reasonable request is urgent, the law enforcement is generally urgent anyway, is there another way or another place we could address this? Is there a way that we could define this without listing things out? Because I think if we list things out then we're beholden to them, define those things that we list out, and we clearly are having a little challenge there. So maybe we can shift our thinking in a way to approach this differently because, clearly, we're at a little bit of roadblock. Thanks.

DENNIS CHANG: Chris, go ahead.

CHRIS LEWIS-EVANS: Thanks. Frankly, to agree with Beth there, I think listing out is never going to be helpful in those. We've seen that in Phase 1 and Phase 2 of EPDP. We try and generate a list and get upset but something is not in there. But I think a definition of critical infrastructure is quite – Mark's highlighted that I think the one I was talking about in the last call or the one before – but the definition from the EU there, which was the bit that you highlighted and also pasted in the chat, but I think that's a good job at defining that and it's very similar to what Laureen pasted. It's that disruption or destruction of something that would cause those sorts of harms that's been listed there.

So I think that's a good definition. I think if it went out for public comment, we'll probably find that this is supported by most of the governments, if not all. Of course I can't speak to all without having to talk to them first. But as Laureen states, this is very similar to US and it's obviously only accepted across all EU member states. So I think that may be a really good start for that and I think that is a good definition that we could carry forward.

And on the Phase 2 change in this work, I think Marc might agree that in Phase 2 we've had struggled over agreement over definition. I think the wording is just a placeholder waiting for public comment. So we may find that this language may be helpful for Phase 2 in advance anyway. Thank you.

DENNIS CHANG: Thank you, Chris. Alex?

ALEX DEACON: Thanks. Just one quick comment and hopefully something constructive to move forward. I think in terms of Beth's comment that this may be just law enforcement anyway, so it doesn't really apply or can apply to obligations that are specific to law enforcement. I think it's important that the ability to tag a request is urgent be not limited to law enforcement I think, as we've discussed often and I'm confusing where, whether it's been in the IRT or Phase 1 or Phase 2 or even early on in the RDS Working Group many, many years ago, private cybersecurity investigators work very closely with government entities and law enforcement. So it's important that they have the ability to request that or to tag their request is urgent. So I think we don't want to lose sight of that.

Then in terms of finding a path forward, I think what I'm hearing – and I'm trying to appreciate this, trying to understand the concern, and I think I'm slowly getting there – but I'm hearing that there's not an objection to the inclusion of critical infrastructure as long as we can define it, right? So I think our task now is to figure out a way to define it that assuages the concerns of, I guess, the registries and the registrars. How we go about doing that is going to be a challenge but I think it's important that we do. I wouldn't want to see us punts on including critical infrastructure because we can't come to some definition that everyone could live with. Thanks.

DENNIS CHANG: Thank you, Alex. Yes, clearly the implementation task is to define this urgent request per the recommendation and, Alex, you pointed that out. So that's our job.

Now I have seen at least two resources or sources of reference material that we could use to compose a definition, and we're going to try to do that. I think that's how we're going to do it. We're going to put together a definition. Laureen gave us something on the chat and that looks good too. Laureen, if you could give us the link to the source document that would help us in the future so when we put together how we got to this definition. We can reference that document and this document that Mark gave us too. Between those two, I think we're going to leverage what work has been done before.

The way I think about using the Phase 2 work is to, one, certainly we want to be consistent, but also we're here to leverage the work that other people have done. And if there is a team or group of people who have given a lot of thought and come up with some product, I think we should consider using it instead of us doing the same work here. That's what I was trying to do.

Matthew, I'll give you the floor here. Go ahead.

MATTHEW CROSSMAN: Hey, everyone. I just wanted to throw out maybe a middle ground here, just another suggestion to consider. I think looking at the different definitions of critical infrastructure that various governments have, I think that the key part of that definition is that you define these as

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critical infrastructure because the destruction of that infrastructure would have serious implications for the country.

So I'm wondering if maybe a potential middle ground is we raise the bar on the sort of critical infrastructure piece so that the definition becomes "Urgent requests are circumstances that pose an imminent threat to life, serious bodily injury, child exploitation, or the destruction, disruption of critical infrastructure," so that it's not just a threat to critical infrastructure but we're sort of raising the bar that it really has to be the potential destruction or disruption of critical infrastructure. Because I think that's what some of those definitions are getting at. So I think that might be a middle ground that maybe we could all coalesce around. So just throwing that out there for consideration.

DENNIS CHANG: Thank you, Matthew. Laureen, go ahead. Thanks for the link, by the way. It's nice to see it here.

LAUREEN KAPIN: No worries. I am a little uncomfortable with such a high bar, Matt, because I don't want to – from a law enforcement and public safety perspective, I would be concerned if infrastructure is wounded as well as dead. So destruction just seems like an awfully high bar to have to surmount, and I actually think that imminent threat concept is a very useful one. I do agree with your observation, which I think is a good one that these definitions from the EU and from the US Homeland Security do focus on what would happen if that infrastructure was impaired, so I do agree with that observation. But I would oppose having such a high

bar as to have it totally destroyed. You can have the water system in New York impaired and argue that it's not totally destroyed. It's just not useful for people in New York. That's still a critical problem that would require an immediate response. Or it could be you're requiring boiling water for 10 minutes. Again, not destroyed but impaired in us so that people could become severely ill. So, my two cents.

DENNIS CHANG: Thank you, Laureen. Matthew, go ahead.

MATTHEW CROSSMAN: Yeah, I put this in chat but I think maybe I wasn't clear. I was trying to pull in both the destruction or disruption language from the definition that Laureen then posted. I don't know if that helps assuage your concerns a bit, Laureen, but I agree. I don't think it's just destruction. I think that disruption element is important as well.

LAUREEN KAPIN: Even disruption. Again, it just doesn't seem to me to cover the range, the landscape that we would want. Again, if I go to specific examples just with the water supply, I don't want to have to have the water supply turned off before I can act if it's going to be a threat of poison or tainting. That should be enough because that will cause a significant harm to the public.

DENNIS CHANG:

I have a question for you. Beth, I'll let you just go ahead. Go ahead, Beth.

BETH BACON:

Sorry. I just wanted to respond. I think, Laureen, I understand that there's a concern like what if we language ourselves out of being able to use it for things and then we're like, "Oh, this is an edge case we can think of. We need this." But I do think that in your example, your water example, it's a disruption. If it's a disruption to the normal safe operation that would, in my mind, cover that. And again, we have to think about this. If we keep this definition simple then it's up to the person requesting to say, "Yes, I believe that this falls under the urgent reasonable request definition," and you can check the box. If there's any dispute, that will be on the recipient of that request to say, "Uh, I'm not sure," but you'll at least get the response or discussion on that different urgent timeline.

But I do think that the threat of disruption or destruction covers a lot. Disruption would be again in your water example I think it would be the disruption of the normal safe operation. If you're telling people you need to boil water then that's not the norm, so that's a disruption. Anyway, so I think that it's broader than we think and we have to know that we trust and understand that a lot of these, most of these, Alex, to your point, not all perhaps, but a lot of these urgent requests will come from law enforcement. And we trust law enforcement. We know you guys are not going to use this for every single thing. You're going to use it for things that are urgent and we trust your reasoning. So if you check that box then we understand the disruption. Thanks.

DENNIS CHANG:

Thank you, Beth. I think Alex read my mind because that was the question that I was going to ask the IRT. The way I read it, it clearly says, "Pose an imminent threat to the following including imminent threat to critical infrastructure." That's the way I read this language and I wanted to ask if all of you would be reading it that way, then I think our concerns are covered. Let me see.

Beth, did you want to speak again? Roger, it's yours.

ROGER CARNEY:

Thanks, Dennis. Yeah, I agree with Alex, I think, and to you, Dennis. I think that's how it reads to me as well. I would think imminent threat is to all those. One thing I want to say is everybody is making perfect sense in everything they're saying but they're talking about all of positive things that they can go through this. We're talking about everybody has mentioned something real, "Hey, the water supply and all this…" But to me the problem with critical infrastructure is the non-critical things that people are going to mark as urgent for critical infrastructure. Someone says, "Hey, my website is down. That's critical to my company." Well, that's not critical infrastructure. That's what people think when they read this. But that would be to them so they're going to mark it and we're going to get thousands of requests that are bogus and we have no way to remediate that. Phase 2 did put into place a way to remediate those bogus claims, but we don't have that here. So again I'm going back to the fact that I don't think we can use this without those ways to mitigate those issues. And again, everybody

brings up nice things that people say are going to happen. But I'm talking about when people have tried to abuse it, not when people are actually trying to use it correctly. Thanks.

DENNIS CHANG: Alex, next.

ALEX DEACON: Thanks. I don't disagree, Roger. I think this can be abused and if we need to talk about some safeguards here then we should. I think it's important to remember in Phase 1, flagging something as urgent because we don't have accreditation and attestations and all these great things that we have in Phase 2. But for Phase 1, requestors will tag their request as urgent, and ultimately it's up to the disclosure to determine whether it's urgent or not, and act accordingly. So there may be things we may want to add to address that.

But I think on the flipside, again for balance, what we want to make sure is that they're also, unfortunately, some registrars out there who – if it's not specifically defined or clearly defined in the policy – will always disallow even from law enforcement request that may be urgent and proven somehow to be urgent. So I think we need to make sure we're thinking about both sides of that coin. If – and this is just a general statement – we were creating policy for the registries and registrars who care, who are in the room, who participated in ICANN, our life will be a lot easier, but we're not. Same goes the other way. If we were creating policy for the requestors who are involved within the room, our life will be a lot easier, but we're not. We have to make sure the policy

works across the board for those who care and honestly for those who don't care. Thanks.

DENNIS CHANG: Thank you, Alex. My request to all of you is if you have thoughts about definition that we could use, please add it to the comment. What we'll do is we'll review all your inputs and try to come up with a proposed language for the definition, and then we can share that again. So that's what we're going to do next about this. That's what we'll do. We'll craft the definition.

The other thing that I wanted to get your input on, once we have the definition, where would it go? If you have thoughts about whether we should go right here at 3.9.1, the definition, or should we also have examples. That's another thing to consider. The reason that I thought about that is here in this document, you'll see the definition but in the Annex 1, you would have examples. And one thing that I saw in this example that I thought was missing was the water, I don't know why, but that's the kind of thing that we could have problems with if we had examples. You know, it's a balance between clarity providing more information and also causing more confusion. So that's our job to do the best we can.

Okay, I'm getting some input that we don't want to see examples. Okay. So we'll see. Go ahead and think about it and provide your statement. But try to do the best you can to provide complete sentences or paragraph as a definition if you're going to propose something. Thank

you very much. If there are no other comments or inputs to this, we are going to move on to the next agenda item. Let me see.

On the task list we have on our – this is our workbook. I just want to give you some process. This is our today's [inaudible]. As you know, we're keeping track of it. The reason that I'm looking at the workbook is trying to take a look at our task list, and what I would like to do is give you due date for that input. We're at a point where we're getting close to completing this one doc, so we're going to start closing down sections and be a little more firm with our due dates. So once we do our collaboration on the definition and you all provide an input and we have a language that we accept then we will close that as a topic for further discussion and comments.

In terms of process, just remember that we, as the policy implementation, will provide everything that we've done in a public comment here. We're going to talk about this a little later but this is not done. So when you talk about having a temporary language or whatnot, you can kind of view this as everything here is draft that we are going to provide to the community as a public comment, and then we will see the inputs from them. So it's actually after the public comment where we will finalize the language as well.

The other comment is there may be disagreements within the IRT and it's not as if every language and every word has to have unanimous consent. That's not our process. So we do the best we can and we'll have to make a judgment when we're ready to go the public comment.

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If there's other target and right now I want to gain a sense. If I gave you a due date of a week, is that sufficient for you to come up with crafted language that if you should want to provide that you could? So that would be something like April 2.

SARAH WYLD: Dennis, if I could just jump in.

DENNIS CHANG: Go ahead, Sarah.

SARAH WYLD: Due date of a week for what?

DENNIS CHANG: Oh, okay. Let me make that clear.

SARAH WYLD: Thank you.

DENNIS CHANG: Okay. We have been getting inputs like Roger, Alex, Marc. My request is I have received several inputs today with just the languages during this call, and there are people who are not on the call like Mark Sv, so I'm going to create a task to the IRT. So I'm looking for your final input where we will close the input at the state. Then after that, we will

[inaudible] which we will do for your other review. That's what I mean. Does that make sense, Sarah?

SARAH WYLD: Yes. Thank you.

DENNIS CHANG: Okay. We'll try that. I'll send this out via e-mail because, as you know, not everybody is here. This is a very interesting conversation, actually, for me, the critical infrastructure. I have never really thought a lot about critical infrastructure in terms of Internet, but these days it's on my mind that I'm thankful for everyone who's out there making our Internet work, and I think we are all in this business and the community supporting the Internet, what I would call Internet critical infrastructure in our own way. That's a good thing.

Yes, if you have provided prior input – thank you, Laureen – we will definitely take those into account. So you don't have to do it again. But if you have other thoughts, please provide it to us as an input and we will consider that to craft our language.

Roger, go ahead. You have your hand up.

ROGER CARNEY: Thanks, Dennis. So you're just specifically talking about 3.9.1 then?

DENNIS CHANG: Yes, exactly.

ROGER CARNEY: Okay. I think that's fair, give everybody a week. That seems fair to me. Thanks.

DENNIS CHANG: Let me try to make it as clear as possible for those who are receiving this task, make sure that they understand. It's very narrowly focused.

Yeah. Susan, thank you for that note. I'm just seeing incredible things going on.

Okay, let's go on to our next topic. This is the item of transfer, letter from the Board to GNSO. Now, let me tell you right away, this is a Board action and not IRT action or IPT action that letter was sent. I sent this to you with the link so you all are very clear on the letter and what we will be discussing here. I wanted to give you an opportunity to talk about this among the IRT. And IPT we'll just listen because there isn't really anything that we can do. We are obligated to follow the direction of our CEO and the Board. But it would be interesting to see/hear from you if you have any reaction to the letter. So I will put it up. Anybody want to speak?

Roger, you're next.

ROGER CARNEY: Thanks, Dennis. Yeah, it seems like the letter fits completely in line with what I think most of the IRT has been saying for Section – well, I think it's Section 8 now, it moved sections. But talking about Section 8 now, I

think the letter supports heavily what has been said, which Section 8 does not actually address currently. But the letter seems to support what the IRT was saying since specifically that the Board believes there's appropriate legal basis in the purposes for the minimum dataset to be sent, which is the public data. I mean, the letter specifically says, "The minimum dataset," which isn't everything. Then the letter also states that the transfer a registrant contact information is optional, which our Section 8 does not say that right now.

So I think that the letter really supports what the IRT has been saying and that the sections need to have the language in there that says legal basis and Data Processing Agreement in place. I think the Board is … I don't think. The Board said in its letter, "There is legal basis for the minimum dataset," and they drop it there. They don't talk about the other datasets except for that the registrant contact information is optional. So I think that putting that language back in which is what the recommendation says anyway, the Board letter completely agrees with this. Thanks.

DENNIS CHANG: Marc, you're next.

MARC ANDERSON: Thanks, Dennis. I have the same takeaway as Roger. Dennis, in introducing this topic, you said that you get your direction from the Board and your CEO. I think the Board has been very clear on this, and I think we're all expected to follow the Board's direction. As Roger pointed out, the Board in their resolution, in their scorecard, and then

now again in the letter point out very clearly that there is a conflict between Recommendation 7 and Thick WHOIS. They recognize, as Roger pointed out, that the transfer of contact information is optional. They said that three times now.

And their instruction, which they reiterate in this letter again, their instruction to staff is to transparently report on places where Rec 7 conflicts with the Thick WHOIS policy report that to Council. This letter is putting Council on notice that, "Hey, you have a problem because your EPDP Phase 1 recommendations conflict with your existing Thick WHOIS consensus policy which is still in effect." They're notifying Council that they have a problem that they need to reconcile. The Board is very clear in acknowledging that the Rec 7 language has the transfer of contact information as optional. I think that I want to know what staff is going to do with this direction. What do they see as their next steps based on this letter and what they're doing with the policy based on what Board has said?

DENNIS CHANG: Theo is next.

THEO GEURTS: Thanks, Dennis. I agree with what Roger distilled there from the Board recommendations. In my mind, that was only one of the possible outcomes that is correct if we want to move forward with this and end up in a place that we don't get axed down with that recommendation by the Data Protection Authorities. We need a legal basis, the Board recognizes that. It also understands that there's a minimal dataset,

which is, of course needs to go to a registry. I mean, that makes all the sense in the world to me, so that's a no-brainer there.

Basically, what the letter says is the final outcome that we need to be at. So I don't think we need to discuss this in depth anymore. I mean, it's pretty clear and cut. There might be people on the call that have a different point of view, but I think in the end, if you want to come up with something that is going to require a legal basis as any data protection laws, then we need to move forward with it and we can't come up with something that sort of conflicts with all these data protection laws.

I think the recommendation was clear already itself so I really appreciative that the Board fleshed it out a little bit more so that everybody can understand it. And I agree with Marc, it does signal the team to show that there is an issue. Thanks.

DENNIS CHANG: Sarah, go ahead.

SARAH WYLD: Thank you. Sorry, I think I'm buzzy when I talk. I guess I could have put my hand down. I just want to support what the others have already said. I think the letter acknowledges that we … I mean, of course it confirms that we should implement the recommendation, and so we need to modify those areas in Section 8 in our policy to indicate that the data is only sent to the registry provided that that appropriately basis exist and Data Processing Agreement is in place as the recommendation

said. I would just, I guess, echo Marc's question about the next steps staff will take to reconcile those since the recommendation language is clear and we need to make sure our policy says the same. Thank you.

DENNIS CHANG: Any other comment? Thank you for your input. That was an interesting, very valuable input from those who spoke. I wanted to ask if anybody else had any other view, but if there isn't, we will continue with our other agenda.

As far as the next action on this, IPT will have to consider. Obviously, the direction is make sure that we understand the direction clearly and we are going to confirm with the Board that we got the direction correctly and make the appropriate changes if we have to. Whatever it is that we're going to work on, we will share with the IRT for review. But until then, if you have not reviewed this letter, and this is a fairly important letter, and as you stated, as you saw by the title it says, "Potential Impasse Concerning Implementation of the EPDP Phase 1 Recommendation 7." So they were anticipating an impasse, and so that's why they wrote this. So the root cause of their concern for an impasse may not be clear or evident if everybody's in agreement. It will be interesting.

Okay. Anyway, we are going to Matt. Matthew has a comment so I'll give him the floor here. Go ahead, Matthew.

MATTHEW CROSSMAN: Hey, Dennis. Just to be clear, it sounded like you were going to put some thought into what the work product that you would be working on in response to this letter might be. But I think the ask from Sarah and Marc was maybe a more sort of immediate ask, which is can we maybe just decide on what those next steps would be and share that with the team before you all start working on what the substance is that you'd like to produce? Because I think if we had some agreement on what those next steps are, it might avoid maybe unnecessary work or you all spinning your wheels if it's not something that maybe the rest of us see as solving the problem. So maybe if we just set that as the immediate next step before working on any sort of substantive doc. Does that make sense?

DENNIS CHANG: Yeah. Makes sense. So the immediate next step for us at the IPT is to consider this letter and consider what we've heard today – and thank you for your input – and reconcile what we were thinking to make sure that we got it correctly and then circle back with the Board. So what the next step is for us to understand, and just like you were saying, get an agreement internally here that the IPT and the Board is in line and it is consistent with the way you're interpreting. If that's the case, then I think there is work to be done on the policy language that we have to adjust them. Many of the language changes, as you pointed out, you have provided as a comment. So we'll pick those up and see how far we can go with that.

So the next thing that you will see is probably the language, but I'm kind of thinking about this. The one thing that I did want to ask you, and

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maybe it's now an important thing, we were working on a Rationale doc and we have it almost ready to go. What I was just kind of thinking whether that was necessary or helpful. Let me think about that a little bit more in light of what you have provided in terms of how you interpreted the Board letter.

I don't know if that's clear to you. What I'm basically saying is I need some time to study it more carefully because I didn't quite understand it the way that you did. But I want to make sure that before I respond to you, that I have my head on straight. Thank you for your input.

Roger, you have more input for us? Go ahead.

ROGER CARNEY: Thanks, Dennis. I'm just reading Sarah's chat, actually. I was basically going to say the same thing I think. I would say definitely pause on the Rationale doc until you ... I mean, if you make these changes, I don't see a Rationale doc is being useful for this section. Sorry, I just noticed Sarah's comment, but thanks.

DENNIS CHANG: Okay. Let me pause on the Rationale doc. I have to consider what's on here and what I've heard before we produce something. [Inaudible] to help but I certainly don't want to do anything more work to cause further confusion. Thank you all for your input. Is there anything else on this document? I'm so glad that we had this on the agenda – very, very glad. It was very helpful to me and our team.

Next, business days, 11.4. Let me get there. Here. So last time when we met at the ICANN meeting, I had proposed calendar days instead of business days. The IRT feedback on that was that business days are acceptable to everyone and is commonly understood. So that you would like to stay with business days as the recommendation language had business days did not need to convert it, if you will, to calendar days. On the other hand, the reason that "calendar days" concept was originated is because the way the business days is interpreted differently around the world and differently by company to company, corporation to corporation, holidays and different type of industry have different kind of business days. Therefore, for our, if you will, compliance, I'm trying to see if we can determine universally what really is the requirement. I always like to see clear requirement that is understood by everyone in the same way. That's why I would like to see calendar days.

So here is sort of a compromised language where we do put into two business days but we also add to that to say no more than three calendar days from within. I like to get some feedback from the IRT on this requirement. What do you think? Sarah, go ahead

SARAH WYLD: Thank you, Dennis. I appreciate hearing more about the context for adding that in. That said, at the previous meeting, when we discussed this, it seemed to me that everybody was comfortable with it being just plain two business dates, end it there. That is also grounded in the recommendation. So my proposal is to just end it after two business days and take out everything about calendar days here. Thank you.

DENNIS CHANG: Thank you. Any other input? Roger says plus one. Laureen, go ahead.

LAUREEN KAPIN: At the risk of being a further pain, I do like the three calendar days just because I would love to avoid the scenario where those business days either because of differences or because of holidays and intervening weekends turns into something much longer than three business days. Three calendar days, rather. If you have your scenario where it's a Friday and then the Monday is a holiday, you can get into a prolonged situation. So I do like having that hard stop. I'm not willing to die on the hill for it, but again, that's my two cents.

DENNIS CHANG: Thank you, Laureen. Let's see. Sarah, Laureen, hands are both up. I think you've already spoken. I don't know if you want to speak again.

"Already failed to provide a response during Christmas, because of a clause specifying calendar days." Okay.

Precisely we are trying to produce a policy that would make the requirement as clear as possible. That's why it's easier for us to use calendar days because that is interpreted exactly the same way everywhere. So if there isn't any other input on this or comments, we will move.

Roger, do you have your hands up? I'll let you go ahead.

ROGER CARNEY: Thanks, Dennis. I said plus one, I say it on chat, but again, I think the reason business days exist is because of that flexibility. I know Laureen doesn't like that and it can be different, but that's the whole purpose of using business days, is to provide flexible language around jurisdictional things. Everybody has a different business day. I mean, the calendar really doesn't matter as much as when people are actually doing things.

Just to Alex's point, I know he was just ranting, but hopefully it's within two business days. Again, hopefully that's a much shorter and a quick response. Two business days, yes. Remember, there's within two business days so that most of the time it will be much quicker than that. Thanks.

DENNIS CHANG: Ask you to think about what it could actually mean in terms of calendar days if you did not have the three calendar day requirement. Let me give the floor to Brian.

BRIAN KING: Thanks, Dennis. I would like to highlight a potential benefit. I appreciate your suggestion here, Dennis, but no more than three calendar days. One point that we bring up from time to time in both the EPDP and in the IRT is that we're looking for a universal policy and not a policy that is different from jurisdiction to jurisdiction. Goodness knows, that argument has been used against what the IPC wants in a number of contexts. But I think if we're going to rely on that, then this no more

than three calendar days is a good backstop for maybe those wonky jurisdictions or those crazy times of the year when a holiday might back up against the weekend and two business days doesn't happen until God only knows when. I do like this as a kind of reasonable backstop for those outlier situations to help this be a more universal policy. Thanks.

DENNIS CHANG: Thank you. That's precisely the reason why I put it in from our own experience at ICANN. The first discussion of any investigation, we do not want to waste time talking about whether or not two business days, it really was four days in calendar days and that will be acceptable or not. I would give the floor to Chris next. You have your hands up.

CHRIS LEWIS-EVANS: Thanks, Dennis. Just looking at this, obviously I feel the same way as Alex. We are just talking about the acknowledge receipt within this section. I just wonder whether we can flip the wording around a little bit and put the "must respond without undue delay" before the "within business days." Because that just gives it a bit more importance that we are looking for an acknowledgement as soon as possible but understand that there may be circumstances such as holidays when certain businesses can't respond. I just wonder whether we can flip that around and just give some importance to that without undue delay. Thank you.

DENNIS CHANG: Thank you, Chris. That's it? Thank you, everyone.

Sarah has her hands up again. Go ahead, Sarah.

SARAH WYLD: Thank you. Sorry. Can we just use the recommendation language? It's so good: "Without undue delay, but not more than two business days from receipt, unless your own circumstance does not make this possible." I think it's great. I think a whole bunch of really smart people came up with that. Let's just do it. Thank you.

DENNIS CHANG: Obviously, it all depends on your perspective, I think. That's fine. I think we have enough input from the IRT. So we will continue with our work on crafting this language, but I get the general sense of the IRT here. Not everybody's in agreement but we'll see. We'll think about this a little more. We should probably move on to the next topic. I don't think there is anything more we could talk about here.

Public Comment Form. Let me show you this Public Comment Form. I believe everybody is familiar with public comment, therefore, you all know what the form looks like. The thing that I wanted to do with the IRT is collaborate really on what it is we want to share and how we want to share when we do the public comment. So the important part, obviously, Part A is just for announcement that's quick and easy. The proceeding detail is where we put in all the details, purpose, current status, next step.

I did not receive any comments on this document yet, but that's fine. This is the beginning of our thought process. I did see an e-mail from Beth on disagreement items, so we probably want to talk about that a

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little bit. The thing that I really wanted to focus on was this section, Section 3 and Section 4.

Section 3 and 4 are where we list documents or references that we want to produce in time for public comment. So timeline is critical because everything that we put on here will be a dependency for us to open the public comment. Everything that we put on here, obviously would need IRT review, it becomes your work. The way I think about Section 3 and Section 4 is this. Section 3 is where we say to the public comment reviewer that, "These are the documents that you really have to read. You have to read the OneDoc, the policy language, and DPA or DPT that we're going to be producing as a draft." That must be there. We already agreed to that. Then, RDAP profile what we believe is required for the public comment and the profile we have is 1.0. We would need a 2.0. We haven't talked about this yet, but it's something that came to our mind. Of course, they have to know about interim data policy, the Board resolution and the recommendation and whatnot.

So that's our first category of documents, was required reading for the comment. The other documents while important, but they may not have to read because we think of these as maybe not directly related to the policy language but additional information if they should choose to study them is what we want to list here. Does the concept of the two categories of Section 3 and 4 make sense? Yes? Okay.

I think, Beth, you made a comment here. So you think that we should be adding the letters, and that was a good catch, the letters that we just reviewed, right? We should read them. Like this letter here, it's very important. So we will add that and we will add that in here. Right now, I

have it here. We agreed. So I'm going to resolve this comment. Or maybe I should ask Isabelle to resolve this comment. So there's still to it. Another thing ... Go ahead

BETH BACON: With that comment ... Thank you very much. I agree wholeheartedly. Obviously, you agree with my comment. I think also we were talking about some of the rationales, like how do folks feel about having some of the Bird & Bird things in the additional information. Not the resource links, but in the additional information. I think some of that –

DENNIS CHANG: You mean these things?

BETH BACON: No. Those are the rationale documents but some of the input that went into the development of the actual EPDP report, but I suppose folks could just click through the draft report then also.

DENNIS CHANG: Yeah, once they get to the recommendation. This is the full resolution. This documentation has everything that's linked to that final report.

BETH BACON: In the comments, Sarah and Alex would think the B&B makes sense. So maybe we make it a little easier for them and explicitly link the Bird & Bird memos down in additional information. I mean, it's a somewhat

lengthy 188-page document scroll through until you get to the Bird & Bird [docs]. Thank you.

DENNIS CHANG: Okay. Go ahead and keep suggesting things that may be helpful. It would be nice to have it all listed here. So we'll add links as we go. This would be one convenient document for all of you as you study the issues.

Marc, you have your hands up. Beth, are you done? Okay, Marc, you're next. Go ahead.

MARC ANDERSON: I like Beth's idea, so plus one in that. I'm thinking a link to the Phase 1 wiki site to cover a lot of it. Then you probably don't have to link each Bird & Bird [inaudible] in the chat now, there's a single page there that has all the legal memo input. That's on the wiki page. You can find it [inaudible] to the Phase 1 EPDP wiki page but then you could provide that directly to the list of all legal memos [with inputs]. I think that would accomplish [inaudible].

DENNIS CHANG: That's much better. You're fading in and out, Marc, but I still caught you. Thanks for the link. Next is Alex.

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ALEX DEACON: I had a thought not directly related to this. I don't know if Beth wants to continue this topic, then I could go behind her or after her.

DENNIS CHANG: Beth doesn't have her hands up.

ALEX DEACON: Okay. I scared her away. In thinking about this document and then how I would go about reviewing or preparing to review this implementation language from top to bottom, I noticed at the top of the OneDoc, Dennis, there's still a note that says, "The following recommendations do not have language 1, 2, 3, 4, 9, 20, 21, etc." I'm not too sure if that's updated. Is there a plan and dates to craft language for that? If we haven't drafted language for these recommendations, it sounds like we have a lot of work still to do. Thanks.

DENNIS CHANG: You're catching on. I remember you came on in the middle of our implementation. What we've decided early on when we were dealing with each one of the recommendation individually, we agreed whether this recommendation had and resulted in the policy language. So if there is no policy language, then we would note that and we will discuss that and we'll make sure that people know about that in the public comment here. This is where we will list the recommendation. Item does not require language and we will list those recommendations and tell the audience/reader how we are treating those recommendations and what we've done about it.

For example, the Recommendation 27, there is ton of work to be done but it doesn't necessarily turn into any policy language. So we will address that here, for example. Although what you would call the studies, the study reports that we have produced like this study report, that was a policy recommendation that we were supposed to do that but it doesn't turn into a rec language.

IRT members suggested that up here, let's track up them so that we can address them here. I'm just doing it right now as we were talking. I'm just making a note that we have addressed these.

ALEX DEACON: That makes sense. I guess what I'll do is I'll go and I'll just refresh my memory of those recommendations. It seems that there's a lot of recommendations in that list that if they don't have policy language, it seems to be less concerned. I'll double check that and come up to speed there. But thanks for the explanation.

DENNIS CHANG: There's a convenient map for you that you can … For each recommendation, we have a document where we discuss what our task is, what our approach is. You should find in that document what we've agreed to do.

Okay, next item, "What is the expected plan release date for the public comment period? Sorry." You don't have to apologize. That is a really good question and we're struggling to answer those questions for ourselves. It's probably a good thing for the IRT to think about as well.

How ready are we? How do you see us being ready to publish this OneDoc and how fast can we get all the documents that we are proposing to share including the data processing terms, which we need and which you have not looked at. I know that there is a small team of contracted parties working with ICANN org on this. The progress there is difficult to measure as well.

There's many things that's going on to take the point of where we think that public comment can be released, in addition to what's happening right now with our COVID-19. I'm sorry, I have to bring this up again. This is a key question. The bandwidth for the community is one thing. I'm now specifically talking about the next step, the bandwidth for the ICANN org or IPT, including myself personally, I do want to talk to you about it openly. I have to tell you, there are ... before I say that, I would like to give Beth a chance to speak. Go ahead, Beth.

BETH BACON: Thanks, Dennis. I was just going to say on one point, maybe it's a good segue. Just to give a little context on the data processing terms. Look, you knew what I was going to do. I acknowledge that we are working in a smaller group on that really diligently and we're very aware that it impacts the timeline here and we're trying to pull it together. It's a challenge. But it's a really, really good boost and we're working really hard on it and we're continuing to see if anybody has questions or comments. I'm happy to talk about this maybe offline because we have a few minutes left. But I just wanted to note that I also want to talk about the bandwidth of the community, as you say, as well as ICANN. Dennis, I'm sure you're aware that a lot of the folks on the EPDP Phase 2

were advocating for more time for the comments and trying to be sensitive to limitations and impacts on it's not just a regular work from home for a lot of people. So I think that there's a lot of sensitivity there and we're open to definitely taking that into account. Thanks.

DENNIS CHANG: Thank you, Beth. Good segue. You should all know that in terms of the ICANN staff, ICANN organization, I and many of the ICANN employees feel very grateful that the leadership and the community were very supportive and understanding. We share a lot hopefully within the company, within our small team, but also ICANN org as a whole. We share a lot about what we're going through. It is having a big major impact on people's daily lives and we are all trying to be sensitive to that. So what I want to do is to let you know that dealing with the IPT has a lot of work to do, as you saw. We have much to do and we're trying to do it. But I think that we do need to maybe take a step back and look how we might do it in a more efficient way and more considered way. What I would like to propose is that we do not hold the next IRT meeting. Give us a break from the IRT meeting so that we can come together within the IPT and have more work product for you to review. We already owe you a couple of Rationale docs that we haven't been able to produce and give to you. I think we owe you the retention and tech data items. We're working on those. But also, we're considering many of the responses to your comments on the OneDoc, and we're working on that. We do need to consider them carefully before we bring it forward to you.

So my proposal, as you see here, our next meeting was going to be 4/08, where I'm beginning to work on the agenda. But I would like to cancel the April 8 IRT call, and then maybe pick up on the April 22nd. In the meantime, we'll be working online. I wanted to hear from the IRT if the IRT had any agenda items that they feel strongly about that need to be discussed on April 8. If so, we will go ahead and hold a meeting. That's a question to you. Sarah, thank you. You can't attend that anyway. Just for Sarah, we're good.

BETH BACON: Dennis, it's a holiday.

DENNIS CHANG: It is? April 8 is a holiday?

BETH BACON: It's Passover.

SARAH WYLD: Passover is [celebrated] in April 8. Technically, nothing prevents me from attending a meeting, but I'm taking that day off work so that I can do a bunch of preparatory things.

DENNIS CHANG: Of course. Got you.

SARAH WYLD:	Certainly, regardless of my circumstance, I think if the IPT needs a bit of my time ... Everything is so unprecedented right now, that's certainly understandable.
DENNIS CHANG:	Anyone else? Okay. Happy Passover. So let's do this. What we'll do is officially cancel the meeting as of today, but if you should have a need to meet, then we can always put it back on the calendar. Would that be okay?
BETH BACON:	I think that sounds great. Thanks, Dennis.
DENNIS CHANG:	Thank you everyone. It is the end of time so we will say goodbye. Take care, everyone.
BETH BACON:	Wash your hands.
ANDREA GLANDON:	Thank you. That concludes today's conference. Please remember to disconnect all lines. Have a wonderful rest of your day, and wash your hands.

[END OF TRANSCRIPTION]