ANDREA GLANDON: Good morning, good afternoon, and good evening, and welcome to the Registration Data Policy Implementation IRT call being held on Wednesday, the 26th of February, 2020, at 1700 UTC. In the interest of time, there will be no rollcall. Attendance will be taken by The Zoom Room. If you are only on the audio bridge, could you please let yourself be known now. Thank you.

Hearing no names, I would like to remind all participants to please state your name before speaking for transcription purposes. And so 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, let's get started. On the agenda today we wanted to get some feedback on the webinar we had on Monday from the IRT.

Now let's talk about what's going to happen in ICANN67 and rationale doc was due for your review, so wanted to see if you had comments on that and then we'll get into the one doc, starting with a scope section 2.2 and 2.3, we have an interesting proposal for you. And then the definition section and then so on down the line.

Appendix, URS changes and transfer policy and, as far as we can go until we run out of time. That's our agenda. Any comments on the agenda?

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Anything that you have in a way of priority for the IRT discussion? Please speak up now. Hearing none, let's continue with the meeting.

So IRT webinar we held on Monday. And these were the slides that we presented. This is nothing that IRT does not know already, it's presenting what we had been doing. And the interesting thing is that after the whole presentation where we had GDD step. Karen Lentz and myself presenting and also Diane, Sébastien, and Beth from the IRT presented, they did most of the presentation, actually.

And at the end of the day we opened it up for questions and we received none. I think we had about 100 people in attendance, not sure of the exact number. So, I wanted to hear from you. What did you think about the webinar? Do you have any comments? Marc Anderson, go ahead.

MARC ANDERSON: Yes, Marc Anderson. I noted that you were really surprised there were no questions and Sarah was also saying that she was surprised there were no questions. And so I've been thinking about that a little bit and so I wanted to share maybe some thoughts on that. I thought the presentation itself was excellent and very well done, kudos to everybody that presented, and the slides were good.

What I think was missing that could have helped drive some questions was I noticed there was no real call to action from the presentation. There was nothing about how to get involved, why this is important. This is the implementation of consensus policy that is impactful to registries and registrars. There wasn't clearly called out delineation of

when and where this would require action by contracted parties to make changes.

So, while I think the information that was presented was factual and very well done, I think what was missing to have generated some questions was maybe a call to action and calling out you know why this IRT is so important and why the implementation policy is so critical to everything ICANN does with the multistakeholder model. So, those are sort of my armchair quarterback, after the fact thoughts, maybe that's helpful, maybe it isn't, but I thought I'd throw that out there.

DENNIS CHANG: Thank you, Marc. It is helpful. Yeah, my mind is spinning now on what type of call to action we could have done, but it is helpful. I feel like maybe we benefited the audience with the status and overview, that IRT, the implementation team, didn't get anything out of the webinar and I was sort of disappointed on that respect. So if we had made a call to action, maybe we would have gotten something to benefit the implementation team. Any other comments?

So, if there are no other comments on the webinar, let's talk about ICANN67. Andrea, maybe you can give us the latest. She is in close communication with the events planning team and she can probably give us the latest and what we may expect, but as I wrote to you on Monday, I think, or maybe it was, I can’t remember, I wrote to the IRT the request that I made, that we made, meaning that I know it’s going to be, I mean, I already know the events team is having a hard time trying to schedule and reschedule and rearrange all of the meetings.

So, what I did was I tried to help them out. I made our IRT session, reduced it from two meetings to one meeting and left it as a typical 90 minute session, and put that in as our request. And now I'm waiting for any directions. So, we are supposed to hear back before the ICANN67 sessions open, but I do want us to sort of prepare in our mind what to expect and how we should react.

So I think the one thing that I can only tell you right now is please watch for announcements, both from ICANN in general for ICANN67, and then from me on the IRT direction. Andrea, do you want to share anything more?

ANDREA GLANDON: Hi everyone this is Andrea. They are in the in the process of scheduling everything literally as we speak. So we did request. Just the one session, which was very helpful. And of course they will make sure that it's not conflicting with ePDP or anything that may be important to the people in this group. So I have heard that we should have this information by Friday.

So as soon as I have this information, I'll pass it along to Dennis and he will send it out to everybody, but we are still looking at one session, they have said that the time zone will be the Cancun time zone, still, so we'll keep it in the same time zone that we would have if we were at face to face meeting. So hopefully that'll help everybody at least do some planning. But as soon as we find out, I'll pass the information to Dennis.

DENNIS CHANG: Thank you. Okay, so stay tuned. But it could be Wednesday or Thursday or maybe other day, but I'm expecting that it will fall into one of those days and maybe the same time slot, which would make it easier for us. The thing that will be different is that if we do proceed with this session, it will be a public session and we will be using a different Zoom Room. So that will be included in Andrea's refresh of the meeting invite.

ANDREA GLANDON: Yes. And also, Dennis, just to also add to that, they will be updating the ICANN67 website just like they would for a normal face-to-face meeting, so all the information will be available out there as well.

DENNIS CHANG: Good. Thank you very much. Next on the agenda is a rationale doc, so that was Action Item 89, and let's look at that now. This is the first one that we've done so I'm very interested in the content, of course, but also the process how this would work.

And I see that we have some comments from Alex and then we have some more common from Sarah in the Box below. So we have two comments. Let's look at this. So for Alex, it says I do not think I was involved in the IRT when this was, so, a lengthy comment. Alex, do you want to talk to this? You're here.

ALEX DEACON: I am here.

DENNIS CHANG: Yeah. Go ahead.

ALEX DEACON: Yeah, I don't think I was fully involved with the IRT for that discussion [AUDIO BREAK].

DENNIS CHANG: Alex, you're coming in really choppy, very low quality sound. Is there something you can do to improve that? It's very hard to hear you. While Alex is switching his mic, maybe we can give the floor to Brian. Brian, go ahead.

BRIAN KING: Thanks, Dennis. This is Brian. Alex and I were talking about this one yesterday, so don't substitute my comment for everything that he might be able to contribute here, but I can help while we're waiting for him to get reconnected.

If we remember correctly, the intention in the first phase was to adopt these types of requirements from the temp spec and the fact that we didn't include this was not intentional and was most likely an oversight and for consistency in the RDS output, we think this should be a "should" or probably a "must" here, and really just in practical terms, I know we need to be very careful that we're not making things up out of thin air, but I can tell you that was the intent, is that these types of

things from the temp spec would be involved in the interim policy and then the final policy.

The concept that I think we should embrace here is that during the policy development, the language substantially similar was at least in my mind, intended to let the IRT develop what the exact language should be.

I can tell you if I put on my contracted party hat here, we would want to know what language to put in the field and I think you're looking at a disaster scenario if contracted parties around the world are using different language potentially in different languages in that field redacted for privacy and you're also going to run into issues where the language that some registrar uses looks similar to privacy proxy output and you're going to have a bunch of potential compliance issues with data being redacted different ways.

So I think the path forward for the IRT is to say that substantially similar is for us to decide and then to have language that registrars need to put in that field and my registrar tech engineers at least would be much happier to be told what language to use and just use the same language consistently across the industry, rather than have to guess about later whether the language is substantially similar because what is compliance going to figure out what is or isn't and then have that consistent. So that's what we're talking about yesterday. Thanks.

DENNIS CHANG: Thank you. Understood. Are you connected back, Alex?

ALEX DEACON: Yes, I am.

DENNIS CHANG: Go ahead.

ALEX DEACON: When I think about this in the discussions we had at Phase 1, it seems to me that this was, I'd be curious as to Marc and others who were on the ePDP Phase 1, but it seems to me that this was an error, not an error, but we missed adding this language in the Phase 1 report. I think Brian is right, it was in the temp spec. But it seems to me that if we could go back in time to the Phase 1 IRT and someone said hey, you know what we missed, we missed putting this language about exactly what should be put when data is redacted.

Most people I would think it would not have been objectionable, would have said, oh, you're right, let's, add a requirement here that says exactly what needs to be put in there, which is why I think this is important for the reasons that that Brian said, the compliance reasons, and for clarity's sake, that this needs to be a must. If it's a should, for all the reasons I list in my comment, which I won't repeat here, it really means nothing. And so that's kind of my thought. Thanks.

DENNIS CHANG: Thank you. Marc Anderson next.

MARC ANDERSON: Hey Dennis, Marc Anderson. So I was just looking at this one and thinking in terms of what the implementation means for the RDAP profile that currently exists. And just giving a quick shout out to Sarah who found the text from the RDAP profile.

So Sarah pulled that text and it says in the RDAP profile it says the contact entity must include a remarks element containing a title member and the value is substantially similar to redacted for privacy. Yes, so Sarah pasted that into chat, so thank you, Sarah.

So with that in mind, I have a couple thoughts. I think Alex and Brian are saying this was a miss in Phase 1, I suspect that what we actually intended was to leave the exact details of this to implementation. And I do agree that we don't want everybody having different language here and that the intent of this was that we would leave it up to the implementation to define exactly how this would be displayed, particularly noting that that RDAP is different than what we're used to in WHOIS.

And so what I'm wondering is where the policy and the RDAP profile intersect. I'm not sure I have an exact answer here, but I think there's some policy language that's needed here but the profile provides the exact language for how to implement RDAP in compliance with the policy itself. So I think we need to make sure the two are in sync.

But I think the intent is not to have different language among different implementations. I think we do want the same the same language. And that should be reflected in the policy document and the profile as well.

So I guess my point is generally agreeing, but I want to make sure that we're not putting policy language that makes implementation of the RDAP profile difficult.

DENNIS CHANG: Good point. Susan, next.

SUSAN KAWAGUCHI: My concern with this is, and again, rhanks Sarah for putting this language in here, is that it's really clear that this is a redacted record and not a proxy service or privacy service registration, and right now if you look at registration data across many registrars you will see some confusion. You'll see everything, it'll say redacted, redacted, redacted, redacted, but the email address might indicate that it's really a proxy service.

So I think if we have something that's very clear that this is GDPR or whatever law redacted for privacy and is not a proxy service, and there's no confusion there, so they look substantially different, which is why we need the PPS AI implemented, because that was one of the requirements and the PPS AI was to clearly mark it as a proxy or privacy registration and redacted is different. So I think we need to keep that in mind that whatever we decide on is substantially different than anything used for a proxy registration.

DENNIS CHANG: Thank you, Susan. Roger, go ahead, you’re next.

ROGER CARNEY: Thanks Dennis, this is Roger. To Susan's point, I think that's handled in 9.3.4, it talks about the proxy and that the proxy has to be the information of the proxy, not redacted. But getting back to something that Marc said that kind of interests me was the language, it says "display." So again, one of my pet peeves, I guess, is RDAP does not display anything, RDAP only provides the data.

So either this is meant for those people that are displaying the data or it's meant for those that are providing the data. So I think that we need to be clear on that. I assume this is meant to say that the people that are providing the data is returned, yeah, good one in chat, is saying redacted for privacy and as everybody said, I'm not sure that I see any issues with the rest of it. So thanks.

DENNIS CHANG: Theo, go ahead.

THEO GEURTS: Thanks, Dennis, this is Theo for the record. So to Susan's point, I'm good with that. I think it's a good suggestion there. I also encounter a lot of people who assume that redacted for privacy is a privacy service, that is confusing, and actually we changed it in our back end, [inaudible] what kind of privacy law they have to adhere to, but we basically said redacted for whatever country's privacy law they have. So we just mentioned which privacy law is applicable to whatever registrar is on

our platform, that makes it less confusing for the lawyers out there were contacts for our clients.

DENNIS CHANG: Thank you. Good to know what you're already doing in practice. Thank you for that. Marc Anderson?

MARC ANDERSON: Hey Dennis, Marc Anderson. Theo, Susan, and Roger made some pretty interesting points that are causing me to stop and think. I guess I'm going to put my hand down for now, I think they've given us some food for thought as far as how to thread this particular needle.

DENNIS CHANG: Okay. So there are a couple of things that I'm gathering here, one, should versus must, it was a question. And right now the baseline language is what you see here. So if you're agreeing with “must” then there shouldn't be an issue here.

The other thing that I got was substantially similar. There is a request that we instead of this, we work out the exact language to put there and there's good and bad for that solution too, and I'm reading the chat and the IRT is split on that issue, too. And the word “display” is bothersome. We’ll see if we can come up with something else, so that will require some further consideration.

So thank you for your comments. It seems like this, rationale doc is a process that seemed to work well. Any comment on the process?

Thank you, Sarah. She's cleaning up after, so helpful. Okay, Sarah. Your turn.

SARAH WYLD: Thank you. Yes, I wanted to thank you and your team for putting together the rationale document. I think it was very helpful just to review the issue and document how we arrived at a conclusion which is slightly different although still in the spirit of the recommendation. Thank you.

DENNIS CHANG: Thank you very much. So any further comments on this? Otherwise we will move on to our next topic. And that is, we're going to go to one doc to Section 2 and 3. We've been pondering about this and I think Alex is the one who sparked the thought and discussion. You know, these are requirements, why is it here, right? And I think we ended up agreeing with Alex.

And then next we thought, okay, well, if they are to be in the requirements section which is down here where we talk about collection as a requirement or not, then what should we say? It didn't seem to be sufficient and then we started talking about how we should add the words and then we had a thought, we have a new proposal for you, and that is do we really need these two?

So before you comment, think about the fact that if we had this requirement, yeah, you may differentiate, that's fine, but if you did not have this as a requirement that was written out, is that harmful or does

that take away from the policy? There is always a two sided whenever you are putting in a requirement, you're adding clarity or adding confusion.

Right now, we wanted the IRT to comment on an option that we can maybe delete these 2.2 and 2.3 which may be objectionable to some, as we have two recommendations, 16 and 17, that we need to address. And when we don't have any languages in the policy, then it may come across as not having addressed these two recommendations. So, I'll open it up for discussion, starting with Theo, go ahead.

THEO GEURTS: Yeah, I guess I don't follow this, but maybe you can clear that up. I mean, we have two recommendations that stipulate this we created the language and this is going to be the language that's going to be followed by all the registrars and is replacing any other previous work. So from my logical thinking you may, but I'm open to suggestion, I guess I don't follow it.

DENNIS CHANG: Okay, so let's listen to some of the other people. Roger, go ahead.

ROGER CARNEY: Thanks Dennis, this is Roger. Yeah, I think I agree with Theo, and to answer your question, Dennis, I don't think it adds confusion, but it may add clarity to some. I just don't find it confusing since it is basically directly from two recommendations, I think it should stay. I would

suggest as I did in my comments there that we actually make it word for word what the recommendations say, but I think it should stay. Thanks.

DENNIS CHANG: Thank you. Alex, what say you? Does this help in policy, does it tell the implementer what to do, what to expect? Or if you didn't have these two languages 2.2. and 2.3, would you still know what to do and would you be doing something differently? Alex, go ahead.

ALEX DEACON: Yeah, so you know my input on these two sections wasn't that we should change them or delete them or modify them from the Phase 1 policy, my suggestion only was that it's really not appropriate for scope and it should probably be moved down to what I called the body of the of the implementation language, which I guess is currently Section 4 below.

So, even if you just created two new sections or subsections and put that text, and I agree with Roger I think it would be more clear if it was closer or mirrored the text of the Phase 1 policy, it would just be two sections with those two sentences, one in each, and all would be fine. I'm not going to die on this hill for sure, but it was just to make it clear and to kind of remove normative language from informative text up top.

DENNIS CHANG: Yeah, yeah, yeah, I am very clear on what your comment was, So it's not that you suggested removal. I am suggesting removal. Because when I started looking at it and looking at requirements and I was trying to find

a home for it below, I'm struck with the requirements saying you may do this and you may do this. That's what the requirement is. And if I did not have a requirement that says I may do this, I may do this, would I be able to do it anyway?

So if I'm able to do that anyway then I don't need a requirement that tells me I may do that. And this is the basis of my question, because does the rest of the policy language provide you with this option of "may already?" If that's the case, then it would be redundant, but for clarity, maybe we should put it in. And then if we do put it in, then I think we may have to do a little more work than just move the language below. Go ahead, Marc.

MARC ANDERSON: Hi guys, Marc Anderson. It's an interesting question you raise, if we don't have those words in there, what changes? Does having that language in there, without that language, does that mean we may not differentiate between legal and natural persons? Does it mean we may not differentiate between registrants on a geographic basis?

It is a very interesting question, and I'm not sure I have the answer to that, but I think I'm uncomfortable, this is Rec 16, Rec 17, both approved policy recommendations. I'm comfortable with the idea that we just wouldn't address them in the final policy language at all. And so I think my preference is that we include the language, I think Rogers is right, it should match what's in the policy, so I think it makes sense to sync up that language.

But I think my preference is to keep it in there, it's an approved policy recommendation. So I think it's better to capture that in the policy itself and I don't feel strongly on the location, where it is in the document

I know these two recommendations have moved around a little bit, as the one doc evolves that's maybe natural that the location has to evolve, as well. But I don't think it's a great idea to remove them altogether, considering these are approved policy recommendations. Thanks.

DENNIS CHANG: A couple of things. One, Marc Anderson is correct that throughout the process these two scope items were at one time below where the requirements were. And then we move them up here because we wanted to try to address it at a macro level. That was the concept. So, two, we were getting the questions, what does it really mean, who really has to do what, and what does differentiate mean, what does legal and natural persons mean?

So we really need to now address that, if it's a requirement. So that got us to think that this may be really difficult to continue to unpack and try to write them down. That's why we were thinking about this option of maybe deleting them.

Now, to address the deletion and not having language, and you'll note that we've been keeping track of these recommendations that do not have policy language. So I don't see them as a problem as long as during the public comment we make it clear that there is no policy language, and this is the reason why. And we can get the comments

back from the public to see if that makes sense. So those are the rationale. Let me hear from Theo. Go ahead.

THEO GEURTS: Thanks, Dennis, and like Roger and Marc, I don't really care where this ends up, it should not be deleted and in your answer for your question regarding more clear language, we could clean this up a little bit and make it more clear for engineers who need to implement this and just state registry operators or registrars may differentiate between domain name registrations or legal and entry persons, depending on if their applicable law allows that, something along those lines, and then it would be clear for any implementation, engineering team like, okay, we need to check our local laws here if we actually are allowed to differentiate, or not. That would be very handy for my people back at home. Thanks.

DENNIS CHANG: Thanking you all for your comments, and taking the action that we will try and find a new home for these two requirements and we are going to move them down, that's one decision that I think it's clear. And we're going to beef up the language and adding the language that perhaps Roger suggested, and we just heard from Theo, so we'll do that and next time when I ask to review, it will be down here somewhere, maybe a new 6.0, just before collection.

Next item is the definition section. So let's go to the definition section, 3.9. Okay, so this came from the work that we were doing and we were working on a rationale doc on 24 hours response time which was

assigned to as Task #90, and while we were looking at this language, we were reading some of the other comments and found that somebody made an input that this really is a definition, not a requirement, and we took that as a valid argument, so we created a couple of definitions now.

So, one is reasonable request for lawful disclosure, it's basically copy and paste of what we had below and moved up, and we created 3.9.1. Urgent Reasonable Request For Lawful Disclosure, and we embedded as a subsection of 3.9, because we thought that would make it easier and made more sense logically.

What do you think about adding definitions for Reasonable Request For Lawful Disclosure and Urgent Reasonable Request? We're not talking about the requirements here, but definitions. Let me hear from you. Alex, go ahead.

ALEX DEACON: Thanks, Dennis. Yeah, I think adding these definitions is good. I do have a comment on the definition of urgent requests, if I may. For those of you following Phase 2 and for those of you who have read the Phase 2 initial report, we spent a lot of time defining these for Phase 2 and ended up in a slightly different place.

And I'd like to suggest for consistency that we use the language in Phase 2, which I could copy into the chat and replace the definition in 3.9.1 with something like that. I think that would be better, not from not only from a consistency point of view, but it also clarifies that urgent

requests aren't limited to law enforcement and also apply to critical infrastructure issues offline and online. Thanks.

DENNIS CHANG: Marc?

MARC ANDERSON: This is Marc. My first thought was similar to Alex's, if we're going to have definitions, it makes sense to sync up with the definitions we have in the Phase 2 initial report. So, plus one to Alex's suggestion, let's sync them up. If we're going to have definitions, though, I'm not sure having them in line in the policy is the right approach.

I think maybe we should have a definitions section or have defined terms in a dedicated section and refer to them there, rather than have them sort of in line the policy. And one last thought here. Defining terms in a policy, I think that sort of raises the question, what's the intended scope of those definitions.

I would want to have them in their own section, and I would like to make it clear that the scope of those terms are intended only within this policy. So it's not policy defining terms that are intended to be applicable anywhere outside of this policy itself, is what I'm getting at. Hopefully that made sense. But those are my sort of quick brush thoughts on this one.

DENNIS CHANG: Thank you, Marc. Theo?

THEO GEURTS: Yea, thanks Dennis, Theo for the record. So the definition is actually pretty self explanatory, it explains itself. I mean, if I read this, I know what to do. But then it comes to critical infrastructure. I have no idea what that is. What is that? Thanks.

DENNIS CHANG: Roger, I'll give you the floor. Maybe you can answer that. Otherwise, I'm going to Alex and Marc to see if they had a discussion.

ROGER CARNEY: Okay, yeah. And actually, this is Roger, I had the same question as Theo because I see that critical infrastructure is part of the initial draft from Phase 2, but that's not mentioned in the temp spec or the Phase 1 recommendation, so I'm not sure why it's in here.

And I would just caution using the exact terms from an initial report of Phase 2 that hasn't even been finished going through public comment or approved yet, so I'm not sure how much you can depend on that pure definition. I agree, it would be nice to sync up, but without that being policy or even approved, I'm not sure how we would say that that is the word. Thanks.

DENNIS CHANG: Thank you, Roger. Alex, have you discussed critical infrastructure, what that means, with the other team? If not, that's okay.

ALEX DEACON: Yeah, this is Alex. I think it was intended to mean things like power grids, that type of kind of physical infrastructure, but also online infrastructure, networking and the like. It's pretty clear that if these questions haven't come up yet, they will come up in the comments that we will be getting in the initial report for Phase 2 and no doubt we will have to clarify what that means, just based on discussion that we're having here.

So maybe a footnote, as someone mentioned in the chat, would make sense, and I don't know if Laureen is on the call, if she has a thought about critical infrastructure. I think she was also involved in this discussion in the Phase 2 report.

DENNIS CHANG: I remember this discussion going back to security framework where I was working with Theo back then and the FBI folks. And we were thinking what you just said. So we talked about that back then, that this would be basically our internet DNS operational infrastructure that somebody's going to turn off the internet or something. And Theo you have your hand up, did you want to speak again on this? Do you remember?

THEO GEURTS: I do remember and also now that Alex explained it a little bit, if we are talking about ICS, that is indeed a very critical piece of infrastructure, it is also a very specific type of infrastructure. We are talking about power

grids here and that kind of stuff. It isn't directly related to domain names, but could be happening at some point.

So if we want to mention something like ICS, I don't mind having that language there, critical infrastructure is too broad for me, too general, that could be anything, depending on the requestor or anybody who shoots in an issue, for these kind of people, everything is critical infrastructure and most of the people have no idea what critical infrastructure is; if their email isn't working, that is critical to them already.

To ICS, yes, that is a very well defined term, and I don't see it happening too much that the registrar would be dealing with it, but it could. And if people feel confident to have this language in there, I don't object to it, but then it needs to be specifically tied to ICS, not just critical infrastructure, that is a broad term, ICS is a very well defined term in security. Thanks.

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

LAUREEN KAPIN: Okay. Just for context, I wanted to point out that in the Phase 2 initial report in our implementation guidance for this definition there actually are some examples provided and those are, I'll read the language verbatim, "An example of online critical infrastructure includes, amongst others, root servers. Examples of offline critical infrastructure includes, amongst others, utilities, transportation and banking."

This was subject to discussion I think along similar lines to what we're having, which is, well, what is critical, so that's why there was agreement on trying to give some illustrative but not comprehensive examples. So, just for people's reference, that's on page 31 of the initial phase 2 report that was released on February 07, 2020, and this is all in the context of Preliminary Recommendation 8, Response Requirements.

DENNIS CHANG: Thank you Laureen, I see that Caitlin has copied that language.

LAUREEN KAPIN: Thank you, Caitlin, you are so efficient.

DENNIS CHANG: Aren't we lucky to have her on both teams?

LAUREEN KAPIN: Yes, absolutely.

DENNIS CHANG: Next is Roger. Go ahead.

ROGER CARNEY: Thanks, Dennis, this is Roger. Again, I think from our standpoint as an IoT, we should remove critical infrastructure from this sentence because right now, Phase 2, we can't even define it yet and it hasn't even gone through public comment or final recommendation or approved. So I

think from our standpoint we would need to remove critical infrastructure, because it's not referenced anywhere currently. Thanks. The

DENNIS CHANG: Diane, did you want to speak? Go ahead, Diane.

DIANE PLAUT: I wanted to just ask the question of the people on Phase 2. So, first I appreciate and get that the most important step is to first have the definitions and putting them in a footnote is really essential, but then the question is, has there been discussion on the burden of proof?

To place the submission of the request is being made, and it's being processed based upon this urgent request, either in imminent threat to life, serious bodily injury, critical infrastructure, et cetera, what needs to be submitted to be able to show that? Because that's a difficult position to place the processing of that in the position of that, I'd like to better understand that.

DENNIS CHANG: Alex I think has his hand up.

ALEX DEACON: Yeah, thanks. Diane, I don't want to spend a lot of time deep diving into the Phase 2 report, everyone can read that, but we spend a lot of time putting a framework around how this works. So there's accreditation,

there's accreditation of law enforcement. And there's the way to identify them and for them to assert certain things.

And when you're making these requests in Phase 2, you're asserting that you're following the law and all kinds of other items that are important to allow whoever is disclosing this data to determine the validity of the request and the truthfulness of the request and the like. Most of what's defined in Phase 2 was defined to ensure and to enable exactly that.

DIANE PLAUT: So, it seems to me that basically by putting up once it's made final public comment has come back, to be able to put the footnotes, the exact section referencing here are the qualifications, here is the definition and the qualifications of the steps to have the relevant proof to be able to meet these definitions. So the footnote could just be to the section.

DENNIS CHANG: I’m not sure Diane, whether you're proposing a suggestion?

DIANE PLAUT: Yes, I'm proposing the fact that the footnote should just be to the section as per the definitions and burden of proof instructions in section, whatever the section is.

DENNIS CHANG: I see. Okay, thank you. Laureen, your turn. Go ahead.

LAUREEN KAPIN: Thank you. I just wanted to build on what Alex was saying. I think when I hear burden of proof it causes a little bit of concern for me because I don't think that this system as it's been discussed and contemplated, anticipates that requesters are basically going to have to submit a lot of other evidence and documents to establish that it is an urgent request.

I think as Alex rightly points out, the whole system of accreditation means that there is a certain level of validation that has already taken place that these are, at least for law enforcement, for example, that these are requesters who are what they purport to be and are acting consistent with their roles as government employees tasked with protecting the public.

And therefore, I think they need to be specific in their assertions about why it's an urgent request and certainly describe that. But when I hear burden of proof, to me that that opens the door to something that I think is much more elaborate and burdensome, than I think is either reasonable or contemplated. So, I wanted to flag that, because I think that may be bringing us to a place we really don't want to go to.

DENNIS CHANG: Thank you.

DIANE PLAUT: I think that's a really important point, Laureen, I agree with that.

DENNIS CHANG: Thank you. Marc, did you want to speak? Oh, Diane, I'm sorry, did you want to speak again Diane?

DIANE PLAUT: I was just saying I agree with Laureen's point.

DENNIS CHANG: Okay, yeah, so you may lower your hand now, Marc Anderson is next.

MARC ANDERSON: Thanks, Dennis. I think Diane raised a really good question. What is the bar for an urgent request, what has to be included to show it's an urgent request. And I think one of the questions we always struggled with is if it's just a checkbox, is this an urgent request, yes, no, then everything becomes an urgent request and things that are actually urgent requests get lost in the mix. So there has to be some burden of proof.

I know Laureen isn't comfortable with that word, but there needs to be some bar for requests. Just responding to a little bit of Laureen said, the Phase 1 implementation, these are for one off requests going directly to the data controller, the registry or registrar. So we don't have the benefit of accredited requesters coming through the SSAT system, this is for urgent request coming directly to the contracted parties asking for data.

And certainly it can't be just a checkbox, there has to be some way for the requester to identify why this is an urgent request and there has to be a way for the controller to be able to confirm that this is an urgent request and should be treated as such, or to say, no, this is not an urgent request and will be handled as a regular request.

DENNIS CHANG: Thank you, Marc. Sarah next.

SARAH WYLD: Thank you. Hi. Gosh, Marc said a lot of what I was going to say. I also want to support or thank Diane, this is a good question, I'm really glad we're talking about it. I definitely agree that we do not want to overly burden the requester with providing evidence but I do think that the contracted parties should have some ability to indicate that a request which was submitted as urgent, actually is not.

I think there needs to be some sort of process for that maybe something, I'm also having trouble keeping separate in my mind, this implementation versus the Phase 2 work, so there needs to be something where if a requester submits a bunch of requests marked as urgent and they are not urgent, there should be some kind of consequences to the requester. And I've lost track of whether that's in here.

Also, just one other point, I want to go back to the suggestion that was made a bit ago about putting into the definition something about who can make an urgent request. I do not think that belongs there, I think if

it belongs anywhere, it would be in the section below, but not up in the definition of what is urgent. Thank you.

DENNIS CHANG: Thank you. Theo, you're on again.

THEO GEURTS: Yes, I'm on again. So, Marc raises a couple of good points there, Diana also. But when I'm reading the language it's already sort of defining what those circumstances are, an imminent threat to the life, that is pretty specific. So it could be that a requester elaborates on what that actually is in his or situation, what is going on. But if there is an imminent threat to life I can pretty much go with that.

There is, however, a little bit of what is not covered in this language. And I think that is something for a different discussion, but I want to throw it out here anyways, is the expectation of an urgent request.

Because if you report something like child abuse to me, don't expect a really quick resolution there because I'm going to check that with other parties to see that I'm not going to disrupt an ongoing investigation, because this has happened before, I would shut down a website for child exploitation and an hour later, I have an FBI agent on the phone telling me what the hell I was doing because I just ruined their entire investigation.

I was not aware that there was an FBI investigation there. So nowadays I check with a couple of different organizations who coordinate such kind of stuff, but for the requester, they don't always understand it, why

I'm not taking it down within a minute and so when it comes to the expectation there is also a little bit of management work to be done there, but it is not part of this group, but I thought I wanted to point it out anyway. Thank you.

DENNIS CHANG: Thank you, Theo, you're bringing back memories of us working together in this security threats framework. And I know that registry operators are very familiar with this and now I'm realizing that registrars may not be. But this concept of what is urgent, what is high priority, we were using the same words that this team labored over for a very long time.

And when I say this team, it is the team of registries, registrars and TSWG from the GAC, we worked together and spent many hours to define these words, trying to get on the same understanding of what an urgent request may be, but that's where this language actually comes from.

So I think what Phase 2 team is adopting that existing language, and leveraging that, and we're all doing the same thing. So it's not that this team has invented these words. And to be clear, the implementation team was asked to define the criteria, by the recommendations, we must do that. Laureen, go ahead, your turn.

LAUREEN KAPIN: Oh, that's fine, did I jump over Chris? Because I didn't want to.

DENNIS CHANG: Okay, Chris, you can go first.

CHRIS LEWIS-EVANS: Yeah, thank you very much. And thank Laureen, I think you were first, but since you've been so kind, I'll take the opportunity while I get it. So just going back to what was said about removing this tool critical infrastructure, I think, Dennis, you just showed where we've taken that language from and I think it's really important in there, because it does cover something in particular.

So maybe myself or Laureen can take that away and have a look at some language, but I do accept that maybe we don't mirror Phase 2 at the moment, since it's still not gone through public comment period, or maybe we come up with a different bar considering this is Phase 1, so a direct request scenario. So maybe that's a bit of homework for us to help with what critical infrastructure actually means.

And then on the other point raised by Diane, as Marc said, this is a single request going to one of the contracted parties for disclosure of WHOIS data. The requester has to give enough information to be able to justify why they need the data, first off, and also in that, why it is urgent.

And again, I agree with Laureen that we would like the burden of proof, but they need to be able to provide that and if there's not enough data there for a contracted party to make a decision, there's nothing stopping a two way communication to say, we believe you need to provide more information about the threat to life, to enable us to make a correct decision.

And some of that may even be, can you prove who you are or do you have a second form of identification. Most police agencies around the world have a number you can call or something like that. So there are mechanisms to do that. I think that would probably cover it, but burden of proof, we just want enough for a contract party to make a justified decision. Thank you.

DENNIS CHANG: Thank you, Chris. Laureen, did you want to speak?

LAUREEN KAPIN: Yes, just briefly. Chris made many of the important points I wanted to, and I wanted to thank everyone for their thoughtful input, because Marc is absolutely correct, that it should be more than just checking a box and of course, Chris notes that it would be reasonable to make sure that these requests on their face contain enough specificity, so that they're perceived as fitting within the right category.

So I would support Chris's approach here, because it's in law enforcement's interests also to make sure that the requests that are prioritized as urgent, those law enforcement requests, I know there may be other requests that are urgent also, but we want to make sure that this is a true fast lane and if everyone gets access to the fast lane you end up in a lot of traffic.

So I very much hear the concerns that are expressed here and I think we actually have a lot of common ground here on how to move forward. So I'm optimistic about that.

DENNIS CHANG: Thank you, Laureen. It would be interesting to hear from registry operators on their experience of how many level one priority requests they have been getting under this security framework. But maybe we'll table that, but that would be interesting. I don't have any statistics for you. If we're done with this section we can move on to the next. We have 20 minutes left.

So the next one is Section 6.5. Key Requirements. This one, okay, The registrar must provide, the must is a requirement here, an opportunity for – so this is as we understand it, is a clear requirement of must. Now I think Sarah proposes changing it to "may," which is a big difference. So I wanted to open this up for a discussion because I promised Sarah that I would do that.

So let's talk about this. Go ahead, who wants to speak. Does the registrar have the option to do this or not, or do they have to do this? Is there a question here of why, is there a case where they don't have to do this or they cannot do this? Let me hear from you. Go ahead, Alex.

ALEX DEACON: Thanks, Dennis. You know, several months ago, it may have been even been last year, I think either Caitlin or Berry kind of put their thoughts on this issue, if I'm not mistaken. So it may be interesting to hear from them on that, unless hopefully I'm not confusing this issue with something else.

DENNIS CHANG: Okay. Anyone else? Laureen you're up next, go ahead.

LAUREEN KAPIN: Thanks, and I'll let people chime in if I'm misunderstanding, but regarding registrant organization this at least to me raises the issue of how you identify a legal entity.

And again, I'm not sure if this is in the right place in the policy, but to the extent that there is going to be a way to identify legal entities, it strikes me that there has to be an opportunity for registrants to identify as an organization, and if you don't make that mandatory, then I don't know how are you ever get to the ability to make any distinction. So that is the reason why I would want this to continue to be a must.

DENNIS CHANG: Thank you. Roger, did you want to speak?

ROGER CARNEY: Thanks, this is Roger. Actually, I don't know if I've brought this up before, I think it's interesting that requiring these or not, I'm not going to debate too heavily on, but this seems more of a business decision that registrars should be allowed to have. If they don't want to do business with other businesses, then organization wouldn't make sense. If they want to only house their own DNS, then name servers and DNS SEC wouldn't make sense.

So it seems like we're getting into commercial or business processes here and I would suggest that these are “may,” but I'm not going to die on a hill for them, Dennis. Thanks.

DENNIS CHANG: Thank you. Sarah, are you next?

SARAH WYLD: I can be.

DENNIS CHANG: Yes, please. I know Laureen's hand is still up but I'm going to give you the floor.

SARAH WYLD: Okay, thank you. So I will say, I disagree pretty strongly with using the presence of data in the organization field in an automated manner to identify a legal person. I think that is both technically and commercially not feasible. So I wouldn't go there with it.

But that said, I do agree, as I think Alex brought up that this is the same thing that Caitlin had sent an email about although I'm having trouble finding that email right now. If that is the same issue then I am at this time ready to withdraw my proposal and we can leave it as a “must.” Thank you.

DENNIS CHANG: Thank you, Sarah. Betty, did you want to speak? Go ahead, you're next.

BETTY FAUSTA: I suppose we can have a better comprehension for this part of the paragraph.

DENNIS CHANG: I'm sorry, Betty, what did you say? Can you repeat? I'm not sure what I am to understand.

BETTY FAUSTA: Yeah, I'm just talking about the paragraph 7.1.

DENNIS CHANG: Oh, I'm sorry Betty, we're still on 6.5, so let's finish this conversation.

BETTY FAUSTA: Okay, sorry.

DENNIS CHANG: So this one we'll resolve. Okay, so now 6.5.1, there is a different comment, still not in agreement it should be up in 6.2. Sarah, did you want to move this? Oh, 6.2 is "may," I don't think that can be done, I think it should be "must." Do you agree? Okay, thank you. I'm typing this because Isabelle is our official resolver and we're trying to keep some numbers of order.

So, next item, did we have this on the agenda, I can't remember now. Oh, Alex, I was asking you for a suggestion, so I won't do anything with it, Alex, but note that you had a comment, and I wasn't sure if you had a suggestion or not. So that's homework for you.

Okay, now, next item is Section 7.0, but let me just make sure that we did not have the 7.0 transfer on the agenda, and the reason that I didn't put it on the agenda is because we're working on a rationale doc that we wanted to provide so that you can review that and have a more constructive and productive discussion then.

Let's see, next item then is we had Appendix A.1 URS, we had a comment on URS. I think this the work that we did because after our conversation, oh yeah, we had some suggested new language, I think this first one to Section 1.1, I think I'm okay with deleting that, but rest of it, I'm not sure whether we received any more comments, but this is the proposed language.

I'm not sure if Laureen is communicating with me on the chat or not, but, yeah, it is. So the agenda is here, that's what I'm going through and we're using the IRT Wiki. Brian, you have your hand up. Go ahead.

BRIAN KING: Hey Dennis, thanks. My comment on this one was very simple and I hope uncontroversial. It's just to clarify, the SLAs here for Phase 1 request to the registrar are in the 30-day timeframe, if I remember correctly.

Just wanted to note that the URS or I think it extends to the URS also, I know it's at least for the UDRP has a 2-day turnaround that the registrar needs to review the complaint and then provide the WHOIS data to the UDRP provider. I just want to make sure that we didn't risk superseding that requirement in the UDRP with a different timeline requirement here. So that's a pretty specific requirement and a much shorter timeline.

DENNIS CHANG: There's no timeline change with this policy. I don't think there was, the recommendation was meant for us to deal with timeline at all.

BRIAN KING: Got it. It doesn't say that, though. So that was the point of my comment, I don't want a cheeky somebody to read this later and say, oh, the timeline is URS is here, a footnote is necessary or something just to note that this does not impact any timelines or requirements in the URS. I put that language in the side there, so we can use that.

DENNIS CHANG: Okay, thank you. Marc Anderson, you're next.

MARC ANDERSON: This language looks much better. So thanks for taking our feedback into account from the last meeting. I agree with dropping the pursuant language or maybe just flag in brackets the appointed bureau. I'm not sure bureau, I'm not sure if that's a defined term somewhere in this

document and if not, then it should probably be defined. Otherwise I think this new language is much better. Thank you.

DENNIS CHANG: I am thinking that this came from the existing URS language, we may have copy, but I have to go back and check. Okay, point taken. Thank you, Marc. Roger, your turn.

ROGER CARNEY: Thanks Dennis, this is Roger. I still think 1.2 creates registrar requirements that the recommendation does not. According to the recommendation, the registrar is only responsible for providing data if it's a thin registration.

DENNIS CHANG: So are you suggesting that 1.2 goes away completely? The registrars do not have a requirement, or are you suggesting that we use the word “thin registry” in this requirement?

ROGER CARNEY: I'm not suggesting to get rid of it because there is a requirement in the recommendations, but this makes it a bigger requirement than what the recommendation is saying. I know you've been trying to avoid “thin registry,” but the fact is the recommendation does say it and this new requirement is still more work for a registrar than what's required by the recommendation.

So either use thin registration or come up with different language that says the same thing. Because right now, if the registry doesn't provide it, then the registrar is on the hook for providing it, but that's not how it's supposed to be. Thanks.

DENNIS CHANG: If the registry is not providing it, they're not being compliant, I guess. Okay anyway so we can't use “thin” because otherwise we'll get into the whole thin/thick discussion in this policy implementation and that is completely out of scope for us. We shouldn't go there.

So, some other language to define it, describe what the thin is, and that will be challenging, but I guess that's what we'll try to do. So, let us think about that some more. Marc Anderson, you have a hand up. Go ahead.

MARC ANDERSON: Thanks, Dennis, Marc Anderson. Roger makes a good point. The new language “is unable to obtain” is unconstrained, it doesn't provide any guardrails on why the URS provider would be unable to obtain it. So that's really conditional on is unable to obtain before registration data from the registry operator, because the registry operator doesn't have the data, that might be middle ground you could use without using the words thin or thick. It’s really only if the registry operator doesn't have the data.

DENNIS CHANG: Yeah, thank you Marc, I like your suggestion. I like it, but I completely see Roger's point. Okay, so that will be a good addition to this language. We'll take that suggestion, thank you. Theo, you're next.

THEO GEURTS: Well, Marc just addressed it, I think that's a pretty good suggestion, there could be a situation that the registry doesn't have the information. I'm not very familiar with URS, I think I've only dealt once with URS.

DENNIS CHANG: Thank you. I think that's good input from you and we appreciate that. I want to move us to the next topic, which is Transfer Policy Appendix 6. We have one comment from Jody. This is his request to see if we have a best practice list somewhere. And I don't know of any and I haven't seen anybody reply to that. But if you do have a suggestion, please reply to Jody, that would be appreciated. Brian, you have a suggestion? Go ahead.

BRIAN KING: I wish. I just had a question. I didn't hear any objections to the footnote concept up above about URS and UDRP and before we move on I just wanted to confirm that we're okay with that.

DENNIS CHANG: Thanks, I have taken your input and I'll have to figure out how I implement that. So far, we have gotten this far without footnotes and I

was kind of resisting the footnotes, and we were using implementation notes. This may be me, but I really would like the policy language to be upfront, plainly presented, without having the fine print, that's what I prefer.

But if we have to do a footnote, and there's something that we can't get away from, then we'll do it. We've done footnotes before on policy language. So it's not like it's not done. I just prefer not to do it for my own style's sake and the feedback that I got, because I tend to observe that people don't read the footnotes and somehow that seems to be a practice that sometimes people use to perhaps not highlight things intentionally, that's where I am.

So, understood, and I'm glad you asked the question, so I'll come back to you with our decision and how we are going to adopt your comment somehow. But we're not agreeing or disagreeing with a footnote at this time.

BRIAN KING: Thanks Dennis.

DENNIS CHANG: Sarah, you're next.

SARAH WYLD: Yep, thanks. I just want to weigh in on that real quick. I think since the appendix about URS and UDRP is clear that it only changes the aspects of those policies which it specifically talks about, I don't think we need

to start adding in changes that don't need to be included. So personally I don't think that's necessary, but I will hold off until I see proposed language before making a final decision. Thank you.

DENNIS CHANG: Thank you, Sarah. Yeah, I know that there is sensitivity about these things and we want to try to anticipate that and maybe deal with them up front, but we could end up with a what if scenario that never ends. So that is another trap that we need to avoid.

We're out of time, oh my goodness. So I think we did very well today actually, I've heard some really good comments from the IRT, and I really appreciate it. And I think the only thing I can tell you is the next meeting is heavily dependent on how the ICANN67 team arranges our schedule, but we'll try to do the best we can. And I'll let you know. Any other comments, questions before we conclude?

Thank you so much. I want to thank Diane, Sébastien, and Beth one more time for their excellent job at the webinar and I really take to heart, they didn't have to but they made several comments about how well this team is working together in a collaborative fashion. And I'm very, very pleased to be working with you. Until next time, we'll see you online. 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]