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[ANDREA GLANDON]: Good morning, good afternoon, and good evening. Welcome to the Registration Data Policy Implementation IRT meeting being held on Wednesday, the 22<sup>nd</sup> of April, 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 name before speaking for transcription purposes and to please keep your phones and microphones on mute when not speaking to avoid any background noise.

Today, we do have three Board members as guests, and I will turn it over to Dennis so we can introduce them.

DENNIS CHANG: Welcome, everyone. Thank you for joining. I would actually like to ask the Board members themselves to introduce them individually. Let's start in alphabetic order, starting with Becky. Go ahead.

BECKY BURR: I guess alphabetical order by first name.

DENNIS CHANG: Yeah.

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

BECKY BURR: Hi. It's Becky Burr. I think most of you know me. It's a pleasure to join you today.

DENNIS CHANG: Next is Chris.

Hi, Chris. Say hi to the IRT.

CHRIS DISSPAIN: Sorry, guys. I'm standing away from my computer, so I couldn't unmute myself. Hello, everyone. This is Chris. I think I pretty much know all of you. Those that I don't I will soon. Thanks.

DENNIS CHANG: Excellent. Notice I didn't say you're on mute, but I—

CHRIS DISSPAIN: Well, no. That would [inaudible]. Thank you.

DENNIS CHANG: Maarten?

MAARTEN BOTTERMAN: Yeah, you just said it. [inaudible]. Good. I'm Maarten. I'm just joining the calls over the bigger interest that we make sure which policies we follow

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and that we don't implicitly overthrow former policies—hence my interest in joining. Thank you for having me.

DENNIS CHANG:

Thank you, everyone, and welcome, again. The reason for the Board members joining is because, when we introduced a letter that was written here ... It was signed by Maarten, and you went to the GNSO Council. We have shared this with the IRT, of course, and we discussed it at the last IRT meeting. We reported back and shared the transcript of the call with the Board. It seemed that there may have been a different interpretation, and it was the Board members here who are familiar with the EPDP especially, [who] volunteer and help us by sticking directly to the IRT about the intent and the meaning of this letter.

What I would like to do is maybe turn it over to one of the Board members to just very quickly make some remarks on the salient points of this letter—why was it written and what it really meant. Who would like to take that one?

BECKY BURR:

Chris, Maarten and I am happy to do that if you would—

CHRIS DISSPAIN:

I just typed that'd it be Becky in the chat.

DENNIS CHANG:

Yes, I saw that.

BECKY BURR:                    Okay.

DENNIS CHANG:                Go ahead, Becky. You're selected.

BECKY BURR:                    I think the Board attempted to make itself very clear in adopting the EPDP Phase 1 recommendations that it's view in adopting those recommendations was that the EPDP Phase 1 recommendations and the policy resulting from that did not in and of itself effect a change in any exiting consensus policy and that, if changes in consensus policy were intended, those had to be grouped together and discussed in a ... I think we asked for an EPDP on that.

So the view of the Board—I know the words are somewhat complex here—is that the thick WHOIS policy [inaudible] and that nothing that the EPDP Phase 1 report and the Board's adoption of it does not change the existence of the thick WHOIS policy. I'm just trying to be clear as I can possibly be on this.

I've read the considerable and very thoughtful papers that have been circulated on this point, but I think that the Board feels pretty strongly and attempted to make that clear both in its resolution adopting the EPDP Phase 1 recommendations and in its recent letter: it's view is that the thick WHOIS consensus policy remains in effect.

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DENNIS CHANG: Now I'll open it up to the IRT if somebody wants to ask questions about that fact.

Roger? Oh, Marc Anderson, I think, is first, right? Go ahead, Marc.

MARC ANDERSON: Can you hear me okay?

DENNIS CHANG: Yes, perfectly.

MARC ANDERSON: Great. Thank you. Thank you, Becky, for that. I don't disagree with anything you said. I think that's 100% correct. There's nothing in the Phase 1 EPDP recommendations that overturns or changes the existing thick WHOIS consensus policy.

I'm hoping you could expand a little bit. Obviously, you hear something from the transcript of the discussion at the previous IRT meeting that caused you to think there was some confusion, or you hear something that you disagreed with or felt the need to clarify. But, based on what you just described, I guess I'm not clear on where the confusion was. So could you maybe expand on that a little bit?

BECKY BURR: Well, maybe there's no disagreement, but what we understood was that some people had interpreted the Board's or Maarten's recent

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letter on behalf of the Board to say that we understood that the transfer of registrant data from registrars to registries was optional.

MARC ANDERSON:

If I could, I would say, under the EPDP Phase 1 recommendations, the contact information is defined as optional, unless—I don't have it right in front of me—required by registry policy and in terms and conditions. Apologies if I'm not—

BECKY BURR:

Let's just pursue that a little bit because what we would agree on is that that's fine, but registries are required by the thick WHOIS consensus policy to have a registry policy that requires transfer.

Now, if the community wants to amend the consensus policy with respect to the thick WHOIS, the community has the authority and entitlement to do that. what the Board was extremely uncomfortable about and, frankly, unwilling to go along with was a quiet repeal of the thick WHOIS policy by leaving it up to registries to decide whether or not they wanted to be thick.

So it's the Board's view that current consensus policy requires registries to be thick and to have a policy to be thick. I just reread the Bird & Bird memo on this, and I don't think that there's a reason not to read their analysis saying that there's some reason that, under GDPR, that should not be the case.

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MARC ANDERSON: I see there's a bunch of other people that want to take. It sounds like we're agreeing, Becky. I'm not sure that I'm disagreeing with anything you said. But I'll stop talking and let other people jump in.

DENNIS CHANG: Roger is next. Go ahead, Roger.

ROGER CARNEY: Thanks, Dennis. I think that it's interesting because I think what the letter states is not ... I don't think many disagree with. I think it's just interpreting it. So I don't think the recommendations repealed thick WHOIS, but obviously it did change it. The thick WHOIS says that registrars have to transfer admin contacts. We know that that's not true. So we know that the thick policy is changing. It's just not repealed. I think some of the confusing parts of the letter are that the Board says, yes, registrar contact is optional, and then it says that, just like thick WHOIS, all required fields are necessary to be transferred. I think the required fields is a clarity that's needed, as Rec 7, which is the transfer rec, is color-coded and that there's—I don't know—say, a dozen green items that are required to be transferred from registrar to registry. Then there are two dozen items that are optional.

Now, when you read the letter, it seems like the letter is stating that those green items had to be transferred. ICANN believes that there is a purpose in place and there's lawful basis for it, which I think everybody agrees with on those—again, I don't know how many—twelve items. They're agreeing, but I think the issue is on those other yellow items. The letter, again, goes to required items—“required minimum data set,”

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I think it said once as well—which implies the public data, which implies these twelve or however many—thank you for showing that—green items.

I think that’s probably where the clarity needs to come in: is the letter talking about these green items having to be transferred? I think that solves a lot of the issues. Thanks.

BECKY BURR:

I want to make sure that Chris and Maarten have an opportunity to speak to this. The Board’s intent—I apologize because I definitely understand the confusion—is that, of all of the data elements, including the green data elements, registries should have a policy that requires transfer, unless and until the thick WHOIS policy changes that.

ROGER CARNEY:

So, Becky, what you’re saying is that the green and yellow items the Board believes should be transferred.

BECKY BURR:

Yes.

ROGER CARNEY:

And they believe that there’s a purpose and legal reason for it.

BECKY BURR:

Correct.



ROGER CARNEY: Okay.

BECKY BARR: Just to be clear, the purpose and legal reason is all of the reasons that the thick WHOIS policy was developed through the bottom-up consensus policy development process, which, as the bylaws provide, is an articulation of policy based on stability and security requirements because, if it doesn't meet that, it's not in the [thick offense].

ROGER CARNEY: Right. The issue is that the thick policy didn't address the data privacy issues that have come up since. But I understand what you're saying, and we know that the council needs to address that. But again—

BECKY BARR: Well, yeah. I understand that the thick WHOIS policy wasn't necessarily focused on the data privacy, but the Bird & Bird memo was pretty clear that they view the transfer as having a [minimum] impact on privacy because it's not publication. It's transfer to the registry.

ROGER CARNEY: Yeah. I'm not sure what Bird & Bird letter that references, but that's okay. I just wanted to get the clarity on [it].

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BECKY BURR: [inaudible]. I'm just saying this because I just reread it to refresh myself in advance of this. There was a very, very specific legal memo from Bird & Bird on the privacy impacts of transferring the personal information about registrants from the registrar to the registry.

ROGER CARNEY: Okay. Again, I'm more concerned about the clarity on that the Board believes everything in Rec 7 has to be transferred if it exists, which, again, is not then same as the thick policy. The thick policy says more than that. So we know then thick policy is changing based on that recommendation.

DENNIS CHANG: Alex, you can go next. Go ahead.

ALEX DEACON: Thanks, everyone. Hi. Thanks, Becky and all, for the explanation. I agree, Becky, that the Board statement is very clear, but I think the thick WHOIS statement at a higher level is less clear. It's nuanced. It's vague. There's lots of moving parts.

I agree with Becky on the explanation that she put forth and also referencing the Bird & Bird memo. It seems that, if this is the case, then we need a Board resolution stating that and suggesting or requesting that implementation of the thick WHOIS policy should continue based on that understanding.

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The issue is—this is part of the moving parts—that we have this Board resolution from November 13<sup>th</sup>—I forget the exact date—that basically puts the ability to un-pause thick WHOIS into the hands of ICANN Org—I think it said the CEO or its designees—and it laid out three preconditions that must be met. If things have changed and the Board believes that there's legal basis for this transfer and that thick WHOIS implementation should continue and be un-paused, then I think it's important for the Board to make that exceedingly clear in a resolution or whatever the process is and then continue implementation or un-pause the implementation of thick WHOIS so this data does start to be transferred for all registries where this consensus policy applies.

So that's just my thought based on what Becky has said and where we are and what has been done in the past. It seems like the path forward to me is pretty simple. It's time to un-pause the thick WHOIS and get it done. Thanks.

DENNIS CHANG:

Thank you, Alex. Let me interject here that I was the project manager who did the thick WHOIS policy implementation here. It's my understanding—we should all agree—is that the Board resolution is to defer the enforcement. It was never intended to pause the effectiveness date or change the effectiveness date of the policy. It is community consensus policy. So the Org did not change the thick WHOIS or suggest that it should not be implemented at any time. That's my understanding.

I will turn it over to Susan right now. Go ahead, Susan.

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Susan, you're up.

SUSAN: Can you hear me now?

DENNIS CHANG: Yes, we can. Thank you.

SUSAN: Okay. Sorry about that. I had to plug in a code. So thank you very much. I really appreciate the Board coming to our IRT meeting and clearly expressing their point of view. Your point of view makes a lot of sense to me, so I appreciate that.

I guess what is outstanding with this is the fact that there is no enforcement/compliance to an existing policy. It's been around forever. I'm wondering what the Board's stance is on that. Will they remove that and expect the registries that have not transitioned to thick WHOIS to do so now?

BECKY BURR: I think we're trying to pull up the Board's most recent resolution on this, so bear with us for a moment here.

CHRIS DISSPAIN: While we're doing that, just to comment and go back to Alex's point, he's right to say there are two separate things. It's a valid point—to

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refer to the enforcement stuff—so, if we can find the resolution, let's have a look and see if we can thread a piece of cotton through the eye of the needle here.

BECKY BURR:

I think Alex has put it into the chat. I think that the resolution does create some ambiguity. I think that it would be appropriate for us to take this back to the Board and consider whether a clarifying resolution is needed here. I do understand the issue raised by that resolution, so we should take this back and discuss among the Board whether clarification is needed.

CHRIS DISSPAIN:

Yeah, I agree with that, Becky. I think that's probably the sensible thing to do to deal with that [difference].

MAARTEN BOTTERMAN:

Indeed—

DENNIS CHANG:

Thank you for that, Chris. What I'd like ... Theo, you had your hand up. Did you want to speak?

THEO GUERTS:

Yeah. Thanks, Dennis. Thank you, Board members, for attending the call. I'm hearing very interesting stuff here, so let me try to break that down a little bit from what I've been hearing and observing. What I've

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been hearing is that the ICANN Board wishes to continue with the thick WHOIS policy. That shouldn't be changed. It is not up a registry if a legal basis is required. From this moment on, that has been said by the Board: a transfer must be taken place. So that is, in terms of clarity, extremely welcome in my opinion because we were always wondering who is the data controller, who is the processor, and all that nasty stuff. But we have an answer there. It's the ICANN Board in combination with the ICANN community, if I paint that with a very broad brush there.

Yeah, that's very interesting. For me as a registrar it also provides more clarity in what I have to do. It seems that I have to put just everything on privacy-protect. That's going to solve all my issues because I don't [inaudible] I think I would still be liable at some point, even though the ICANN Board continues to push further with the thick WHOIS policy. But I still have all these issues with transferring data to other countries like China or Russia—those kinds of countries.

So thank you. Very good information. Thanks.

BECKY BURR: Can I just add one thing?

DENNIS CHANG: Go ahead.

BECKY BURR: I think it's very important to understand that the Board is absolutely not intending in any way to usurp the policy authority of the GNSO, as our

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resolution, I think, made clear. But the GNSO is entitled to revise and modify and change consensus policy. It just needs to do so in a clear way. So the point of the Board resolution was to give the GNSO an opportunity to determine whether it wanted to revisit the thick WHOIS policy. We stand by that. If the GNSO said, “We’re going to reconsider this,” that would be a [determinant.]

THEO GUERTS: That’s a good clarification there, Becky. Thank you for that. Next?

DENNIS CHANG: Next is Sarah. Go ahead.

SARAH WYLD: Hi, there. Thank you. And also thank you to the Board members for joining. I really appreciate your time and the opportunity to discuss this. I just have some early thoughts because it’s not quite what I expected. I do have to say I disagree that we should resume implementing the thick WHOIS policy. I think we should instead approach modifying that policy as part of the updates to a lot of policies that are being done to fulfill Recommendation 27, and this one is on that list for Wave 1. If the data was thought to be required when the thick WHOIS policy was created, that’s fine, but there’s been significant efforts within then Phase 1 EPDP to figure out what data is actually required. So, if doesn’t match up, then I think, as Becky said, we need to get the GNSO Council to resolve that conflict because it’s not clear to me that we should resume that thick WHOIS transition. Thank you.

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DENNIS CHANG: Thank you, Sarah.

CHRIS DISSPAIN: Sorry. I don't mean to interrupt, but just to respond to Sarah, I think the point of our resolution with respect to delaying was, if we get information back from the GNSO that say we are reconsidering this policy in light of Phase 1, in light of EPDP, or in light of whatever, then that does change the game, which is why we said we'll delay the enforcement of it and give the GNSO an opportunity to consider it. But saying we think the GNSO should do that is not the same thing as actually having the GNSO come back to us and saying, "We are in the process. That's what we want to do," and, in the meantime, the policy does stand. That's just the way it is, I think.

DENNIS CHANG: Thank you, Chris, for that clarification again. That's the way I understood.

Sarah, did you want to speak more, or are you okay?

SARAH WYLD: No. I just forgot to take my hand down.

DENNIS CHANG: Okay. Marc, you're up again. Go ahead.



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MARC ANDERSON:

Thanks, Dennis. Thank you, everyone, for the clarifications. I think I'm largely in agreement with what everyone has been saying so far. As has been pointed out, EPDP Phase 1 recommendations did not appeal or repeal or replace the thick WHOIS policy. I think, Becky, you said you were concerned that there's a shadow change or shadow repeal of that. Certainly, I don't think that's what any of us have meant to suggest or are trying to accomplish here. Certainly, we did know that the EPDP Phase 1 recommendations were not in sync with the thick WHOIS policy recommendations. We pointed that out in Rec 27. I think Sarah made reference to that. In Recommendation 27, you specifically referenced the thick WHOIS policy as one that will need to be looked at as a result of the recommendations from the EPDP Phase 1 report.

As Roger pointed out, for example, the recommendations to get rid of the administrative contact altogether is completely in conflict with not just the thick WHOIS policy but the consistent labeling and display policy. So, obviously, there's additional follow-up work that the GNSO Council has to do to resolve the conflict between this new policy and previous existing policies.

In the meantime, though, I think that, within the IRT, we have an obligation to implement this policy as this policy was written. What I hope we can agree to do is implement this policy as it was written. As the Board put in its scorecard and in its letter, we have an obligation to identify where this policy conflicts or is otherwise not in alignment with existing policies and report those discrepancies to the GNSO Council so the GNSO Council can do its job and resolve those differences.

DENNIS CHANG: Thank you, Marc. Roger?

ROGER CARNEY: Thanks, Dennis. I think this conversation has helped me understand how the letter introduced the thick WHOIS because I wasn't sure how that all played into this. It appears that the Board was tying Rec 7 directly to the thick WHOIS consensus policy.

My big issue is that the letter and the scorecard from the Board does not state that and actually confuses it because it says that registrant contact is optional and that the required minimum data said should be transferred. I think that the confusion part is that the Board thought it was everything in Rec 7, where [there is] specifically called out minimum things of Rec 7—I mean, they didn't say Rec 7, but minimum things—to be transferred.

So I think that maybe it would be good if we could get something that states that the Board says that all of the data in Rec 7 has to be transferred because, according to this letter and to the scorecard, I think that that it can be read different ways is a problems.

As far as the thick WHOIS, again, I thought that was a separate topic. That's why I was surprised that that tied in. It seemed like the Board's resolution seems appropriate. I think it's great that you guys will look at it again. It seems appropriate. I think the first two steps of getting the Compliance deferral release is done and it just sitting with the last one. The Council just needs to decide that. So I think that it'd be great if the

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Board looks at that, but it seems like it has progressed down the path that it looked like it needed to. So it sounds like it's just in the council's hands.

I think that the biggest clarifying thing we could do is get the Board to state that all of Rec 7 data elements need to be transferred because I think that the letter and the scorecard leave that up for interpretation. Thanks.

DENNIS CHANG: Thank you, Roger. Becky, did you want to address that?

BECKY BURR: I understand the confusion. As I said, we will take that back and think about the clarification. We want to be sure that we are not stepping on the policy authority of the GNSO. Our view is that, until the GNSO decides to act, you have to draft in a way that is consistent with thick WHOIS and all of the data elements that are still being [inaudible] example, is not a [among those] things. There are changes there. But we will [inaudible]. I think I put this in the chat: it's not so much [stealth] policy. It's just that the decision to modify consensus policy has to be [deliberate] and clear and transparent. That's what we hoped we were giving the GNSO Council: the opportunity to decide whether it wanted to modify that. But, until that's done and particularly based on the [inaudible], we think that registries have to act to effect the thick WHOIS policy, unless and until the GNSO decides that it wants to go a different way.

DENNIS CHANG: Thank you, Becky. Beth?

BETH BACON: Hi, everybody. Thank you so much to the Board for joining and the insight. I think it's been really helpful. Actually, this has been a great conversation.

I just want to make sure—it seems like we're winding down a little bit in the raised-hand environment—we just loop back and clarify for myself. What I'm hearing is that we should, as contrary to parties, go back and discuss this with our GNSO Council reps and see if we can get some movement there and allow the Board then to make their clarification on enforcement as well as the content of the letter, as Roger pointed out so clearly. I just want to make sure that we all had a common understanding of the next steps so that we can move forward and finish this and move onto the having a consensus policy because we've been doing this for a while.

I think Becky's hand is still up. If that's what you're understanding is, I just wanted to confirm so that we all have a common understanding. I think it's been really, really helpful, and I appreciate the [inaudible]. I really respect the Board's dedication to the GNSO process. So I really appreciate all of the conversation. Thanks.

And then Becky—

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BECKY BURR:

No, my hand was an old hand, but I think that's exactly right. The bottom line right now is that we think that the policy requires registries to be thick. The GNSO can change that. That is in the purview of the GNSO. It's not in the purview of the Board. From a policy perspective, respecting the process for a deliberate and transparent modification to consensus policy and avoiding modification of the consensus policy by implementation oversight teams who don't have policy authority is the kind of clarification discipline that we're trying to preserve and respect.

DENNIS CHANG:

Thank you, Becky, Chris, and Maarten.

Are there any further follow-up questions for clarification?

For this policy implementation, we will continue with the implementation as we have outlined in our process, with the clear understanding now that the thick WHOIS policy stands. We are not going to devise implementation language to somehow accommodate a potential change to that. So that's why I think we were having a disagreement within the IRT: that premise of thick WHOIS was in question, and people have different interpretations of what this meant. Clearly, it was meant to say [inaudible] for Compliance only. It did not say do not implement or hold the implementation or change the implementation. That was not the intent of the Board resolution.

So we will continue with our IRT meeting. At this point, Chris has a hand. I'll give him the floor.

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CHRIS DISSPAIN: Thanks, Dennis. I just wanted to say thank you to you guys, again—the implementation team—for asking or being prepared to have us come and chat and also just to plant a little seed and say that I think that these sorts of conversations to clear things up are good and that we should not shy away from them. Perhaps we can take the clarity that has come from this conversation away and remember that it’s okay to us—all members of the Board—to come and chat sometimes just to help get clarification and understand where the Board is coming from. Thanks.

DENNIS CHANG: Yeah. This has been a great clarification that we really thank you for because it saved a lot of IRT time to be more efficient, especially now when our time together is so precious. Thank you so much.

So, at this point, I will say thank you to our Board members as guests. You’re, of course, welcome to stay and watch us work on other things, but you may be excused.

MAARTEN BOTTERMAN: Thanks for your time and interest. Thank you for [inaudible]. Bye.

DENNIS CHANG: Thank you, Maarten.

BECKY BURR: Thanks, everybody.

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DENNIS CHANG:

Thanks, Becky.

Okay, so that was good. Very, very good. [inaudible] very efficient and so satisfying for our implementation team to talk directly with the authors of the letter so we don't have to guess or draw different interpretations.

Let's continue with Agenda Item 2. This is our One Doc. We have [inaudible] adoption, but I leave that for you to comment on later. We gave you a couple of weeks to act on that or review that.

My first item is a rewording. This was reworded based on some comments we had received from the IRT. It clarifies. I wanted to show you before we resolve this replacement. Unless you have any questions or objections, I'll ask Isabelle to go ahead and resolve and document it. Isabelle, would you mind resolving this and accept the changes?

Hello? Is Isabelle here?

There she is. So go ahead and do that, Isabelle. 1.1: accept replacement. There you go. Okay.

The next item is [One Doc's] differentiation. This was another interesting one: 6.0. With 6.0, we're proposing removing this whole thing and deleting it. We're proposing that we do away with this section and move it to the requirements on the redaction. This again was based on some comments that we received: that this differentiation was really under redaction.

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Let's look at the redaction section together. Okay. The redaction requirement is here. So we added 10.3 to handle the situation of differentiation. This make is simpler.

Any questions about this?

I have Roger raising his hand. Go ahead, Roger.

ROGER CARNEY: Hi, Dennis. Actually, I raised my hand back on the scope.

DENNIS CHANG: Oh, I'm sorry.

ROGER CARNEY: I was wondering why we removed the specificity of the registrations and, more globally, with operators.

DENNIS CHANG: I think it was with the recognition that this requirement scope applies to registry operators and the registrars. I think that was the intent of the clarity.

ROGER CARNEY: Okay. It just seems weird that we're removing something that's more specific and making it more general. I'll take a look at it and see if makes any real difference. Thanks.



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DENNIS CHANG:

Okay. Yeah, I didn't think it was a real substantive change.

Next, let's continue with 6.0. What I want to do is delete Section 6 but keep the number 6 and not change the section numbers anymore when we delete something and keep the section number in place so that our comments and references don't have to all change. I noticed that, as we are adding sections, we couldn't help that. But, if we're deleting sections, I think we can keep a vacant section number. Later on, we can, at the end, before we go to public comment, clean up the numbering. So that's the idea.

So that's the redaction change that we're suggesting here in 10.3 to handle the differentiation to make it fit under redaction, which is where the requirement should be. And it's a "may" statement.

Go ahead, Marc.

MARC ANDERSON:

Thanks, Dennis. I'm looking at 10.3 redactions and the language where you've put where you've put legal vs. natural and geographic differentiation in there. I support the general concept. This is actually moving closer to language that I had proposed earlier [inaudible] I proposed a rewrite of redactions. So I like the concept.

I've read this a couple times, though, and I'm not entirely sure that the rewrite is clear in its intent or meaning. I think we've been looking at this for so long. We've been talking about it for a while. We know what we mean here, but maybe somebody not familiar with our [inaudible]

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reading this for the first time might be confused as to exactly what we're intending to say here.

I don't have a suggestion for a rewrite at the moment. It might be worth maybe asking somebody with fresh eyes to read that and to explain back what they think it means, but I suspect that maybe it needs another pass. But I like the concept.

DENNIS CHANG: Thank you, Marc. Beth, go ahead.

BETH BACON: Thanks, Dennis. Thanks, Marc. I agree with Marc. I was going to say it seems less firmly in "may," even though I understand that "may" is in capital letters right there—I see it—just because of the placement of it. I was going to ask if we could just maybe have a couple days to look at it again and see if we can make a suggestion because it is a little confusing.

DENNIS CHANG: Yeah. Of course.

BETH BACON: Great.

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DENNIS CHANG:

For now, so that it's clear, let's clean this up by having Isabelle accept the deletion and not the addition. So Section 6, Isabelle. Did you—yeah. Can you remove this? Accept the deletion so it's clear? Yeah. And keep the section as [inaudible], something like—yeah—so it's intentionally left blank or something [inaudible] renumber later. Just put up some note there to remind us that we did that on purpose. All righty. We'll do that.

The next one was redacted per ICANN policy. We wanted to change the language to say, instead of “redacted per privacy,” “redacted per ICANN policy” here. So, if you could accept this, Isabelle.

I see Brian has made another comment, so let's look at that. Why don't you accept the changes first? Then we'll look at Brian's comment. Brian has his hand up. Go ahead, Brian.

BRIAN KING:

Hey, Dennis. Thank you. Just as a reminder, it was some time ago when we had this conversation and we came to an agreement that the text should say, if it's going to be in English, verbatim what we're deciding here to make it easy enough which fields were redacted according to this policy versus perhaps a privacy-proxy. So I just wanted to clarify. I gave an attempt at doing that in the comments [on] the One Doc about how we might do that so that the field is identical and in English but that, if it was another language, for example, it might differ from that. But that's the only reason why it might differ from the quoted language here: to add consistency. Thanks.

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DENNIS CHANG: I don't think that we have agreed to use exact language. We did want to give some flexibility. The IDN was part of that flexibility that we wanted to offer the contracted parties.

Do people recall that we agreed to redact if for ICANN policy verbatim? What do you think about that? Would you all agree to use exactly this language if it's in [good] English and maybe have the other suggested language that Brian made that said, for non-English, something to the other effect?

Yeah, that's what I thought, Sarah. [inaudible] Brian. Did you want to speak again, Brian?

BRIAN KING: Yeah. Thanks, Dennis. If I could clarify, I did not mean to imply that we agreed on this exact language. The agreement that I recall is that we would have a set text in English and that we would allow variations for other languages but that, in order to avoid the nightmare that could ensue if everybody contracted party did this differently or came up with their own wording in English, we would avoid that by having a set language to use if it was in English or that contracted parties could use a non-English translation. That was what I recall agreeing to. Thanks.

DENNIS CHANG: Okay. ["We're discussing that some people wanted it but did come to an agreement."] Yeah. So, at this point, requiring exact language is going to be a more strict requirement. I don't know what complications that would be. I wanted to be cautious on that.

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I want to give the floor to Beth.

BETH BACON:

Thanks, Dennis. I think, in this case, the “substantially similar to” has been a standard for the entire discussion of this throughout the recommendation. I think that, because this does say “redacted per ICANN policy,” the majority of registries and registrars are going to use that phrase because it’s there and it’s easy and it’s delivered. If they don’t, I’m not sure what the chaos that would ensue would be. I think redacted is redacted. I’m not sure that this is perhaps a chaos-inducer. So I’d be interested in hearing more about that from Brian if he’s super concerned. But “substantially similar to” is sufficiently strict, as well as the fact that I think people are just going to use what we have.

DENNIS CHANG:

Yeah. It doesn’t concern me, but, Brian, maybe you have some experience that causes you to be concerned. Brian, do you want to speak again?

BRIAN KING:

Yes, please, Dennis. Sorry to be the squeaky wheel on this, but I do have the experience that you’re talking about. I can tell you that what happens is that, when a corporate registrar [or] brand protection company or even just a trademark owner that’s identified a large number of potentially infringing domain names or a cyber security company that’s identified a large number of domain names that might be engaged in a botnet or a potential phishing attack, what typically

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happens is that it would do a WHOIS lookup and pull back the data and immediately look for trends and commonalities across registrars or registrants. The risk here is that, when doing that analysis, if registrars are using different words to mean the same thing, those trends are not available. You can't see those trends in the spreadsheet or however you're working with this data. That's been exacerbated by the use of different language for different privacy-proxy providers, which is not our problem here.

I think that the language of "substantially similar to," when we were thinking about this in Phase 1, [was that] the IRT will figure out what the language is. I don't think it was intended to be "Everybody, just come up with your own." So that is why we would push to have this be the same across registrars.

Beth, I hear you. We're going to ask our folks to put, in our WHOS output, whatever the policy says. If most contracted parties are doing that, then there shouldn't be much of an issue with having it be required to use that language. Thanks.

DENNIS CHANG:

Beth, did you want to speak again?

BETH BACON:

Susan had her hand up first, but I do need to hop off in two minutes. I apologize. I have an internal meeting and it's a conflict. So I'm going to budge right in and apologize to T-O-N—Susan. I'm sorry. Then I'm just going to bounce.

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I can understand how you would want to find those trends. If it's a redacted data element, then it's a redacted data element. This is an ignorance on my part: I'm not sure how that is helpful to a trend analysis if it's just redacted, other than to say that someone who is infringing generally uses a privacy-proxy or it's redacted. So I appreciate the extra input.

I do think that, when we said "substantially similar to," it was to give flexibility in the language that we choose, as well as to give the IRT to choose that language—the baseline. If that's not a correct recollection, then you guys can fight it out because I have another call and I ought to go. But I do appreciate the explanation, Brian. That's helpful.

DENNIS CHANG: Thanks, Beth. Susan, go ahead.

SUSAN: Thanks, Dennis. One of my concerns—I obviously agree with Brian—is, if a registrar decides to use privacy—"redacted per ICANN policy", could I interpret that as redacted and registration that adheres to the EPDP policy or temp spec? Or could you interpret that as, "Oh, this is a proxy registration. It's a privacy registration and it adheres to the PPSAI policy"? So that's why I think a little bit more clarity and standardization would be helpful: I think there are ways of using that same language, and it could mean different things to different registrars.

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I don't have any exact language I would like to propose beyond that. I just think that we need to be extremely careful because, right now, you look at 100 different WHOIS from 100 different registrars and it's done in so many different ways that it is confusing. And, if it's truly a proxy registration, then let's not waste the registrar's time by saying "Per the temp spec, give us this data. Please provide then data." We know that confusion is already going on. So just to be sure that we have less confusion than more.

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

THEO GUERTS: No, I'm going to withdraw. Thanks.

DENNIS CHANG: Okay. Hearing Brian, if we did have an exact text—this is text that we came up: "redacted per ICANN policy"; it seems clear enough and simple enough—what it would mean is really something like this with text. Right? Something like that would be the policy language. Then we can add the idea for non-English.

Does that cause a problem for registries and registrars [if] everybody agreed to use the same text, the same four words?

Sarah, go ahead.



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SARAH WYLD: Thanks. We just heard that this specific text is also not always as clear as we thought it might be. So I still think that it just makes more sense to stop putting time into this. “Substantially similar” is a normal thing. I think we should just leave it without the change that Dennis just made but how it was at the beginning of this call.

DENNIS CHANG: Thank you, Sarah. Anyone else?

Okay. Well, thank you for your input. We’ll take that into consideration for now. I’m not sure which is better—having the same text that we agreed on today or ... I think the idea is that the contracted parties are uncomfortable that these texts are going to be the permanent text and maybe later on want the flexibility to change the text for even more clarity. I think that’s what I’m hearing.

Susan, yeah, that’s what we’re talking about right now: should we just agree on the four or five words that we came up with? That seems like that is within the scope of this implementation team.

SARAH WYLD: Can I ask a question, Dennis?

DENNIS CHANG: Yeah. Go ahead, Sarah.

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SARAH WYLD: Okay. I'm sorry. I think we might have gone over this before, but what if it just says "redacted"? Then, if it has a privacy or proxy service, it would show the real privacy or proxy service information. And, if it doesn't have that, then it just says "redacted."

DENNIS CHANG: Brian likes it. "It's even more simple." What does everybody think of it as opposed to "not available," right? Something like that, Sarah?

SARAH WYLD: Yeah.

SUSAN: This stupid—can you hear me?

DENNIS CHANG: Yes, Susan. Go ahead.

SUSAN: I just put my hand up. The problem with that right now is that [there are] examples where everything is redacted—it says "redacted" in the WHOIS—and you request per the temp spec and it comes back with proxy. Again, that leads to wasting the registrar's time, and it also wastes the investigator's time, because now you have to do a second request for the proxy information, which is a different request. So, if you could guarantee that, if it's redacted it's not a proxy, then I'm fine with that.

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This is probably a stupid question on my part. Is this policy going to be called ... What exactly will this policy be named at the end? EPDP policy? I don't think [inaudible].

DENNIS CHANG: No. This is registration data policy. That's the name of the policy.

SUSAN: So, if we entered in there RDP policy or something—"redacted per RDP policy"—then I'd feel a little more comfortable with that.

DENNIS CHANG: You mean name the policy itself?

SUSAN: Yeah because then you're not confusing it with any other policy. ICANN has a lot of policies that pertain to WHOIS or registrant data.

DENNIS CHANG: Hmm. I see.

SUSAN: So why don't we just be very specific in it?

DENNIS CHANG: Go ahead, Theo. That's another suggestion. Go ahead, Theo.

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THEO GUERTS:                    Maybe I'm missing it, but I thought Cheryl mentioned that it shouldn't just have displayed "redacted" unless it's privacy provider; then it should have the privacy provider information in it. So I don't see how Susan's second request is coming in. It's either A or B. It cannot be A and B [underlying]. So it's either one of them. There is no mixing up or [underlying] stuff. So it's A or B. So that was clear in my mind, but perhaps [inaudible].

DENNIS CHANG:                Go ahead, Sarah.

SARAH WYLD:                    Thank you. Susan, I do see your point that we want to make sure it's clear not to be a privacy and proxy registration, but, if a registrar is displaying "redacted" instead of the privacy-proxy info, which is against policy, why do we think they would follow the policy for what text they should be displaying? Probably they won't follow that either. We should maybe fix the actual problem in that context, which is that they're displaying not what they should. They're not displaying the privacy-proxy info, which they should. I feel like just plain "redacted" is simple and clear. If I start saying "redacted for RDS policy," I'm going to get customers calling me, asking me what that policy is. "Redacted" is clear. Thank you.

SUSAN:                            Can I respond to Sarah?

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DENNIS CHANG: Yeah, please go ahead.

SUSAN: We have a lot of things that are not enforced or complied with. So I agree that shouldn't happen, but it does and is just one more tool in our toolkit to say, "Okay, this says "redacted RDS."" So we know this is the specific policy they're speaking about. I'm not going to die on the sword for this. "Redacted" probably works. But what I'm telling you is that, right now, when you look at 400 different registrars, which I've done, you get a wide a wide variety of use of "redacted" and mixing up of proxy-privacy registrations. If we had implemented PPSAI, where they have to say, "This is a proxy," then this becomes less important to me.

DENNIS CHANG: Ah, I see. Good point. I think that is good information. Thank you for your input. We'll take that under advisement and come back to you with our baseline language.

So that is 10.31. The other part that we had was here. It's the same concept. We're going to treat it the same way as whatever we do on 10.31.

The next item was 10.1: to add a sentence. Let's go look at that. [What is] this language here[?]

Sarah, did you want to speak on this?

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SARAH WYLD: Nope. Old hand. Sorry.

DENNIS CHANG: Okay. So go ahead, Isabelle. Accept this. I think this is an okay addition. Then we'll look at the next one: 7.1.

UNIDENTIFIED MALE: Dennis, can I just ask a question before we move on?

DENNIS CHANG: Sure.

UNIDENTIFIED MALE: One of the things that occurred to me when reviewing that update that you just accepted was that it seemed to assume that all fields were subject to redaction. But have this concept of a minimum public data set. That's things like domain name and registrar fields and so on. I just wanted to make sure that we're not accidentally applying redaction to fields that shouldn't be applied. But let me just read—

DENNIS CHANG: [inaudible], yeah.

UNIDENTIFIED MALE: Yeah. Sorry. Where did you make that update again?

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DENNIS CHANG: Right here: 10.1, bottom. I'm showing you right now. I've highlighted—

UNIDENTIFIED MALE: I see 10.31. I see registered domain ID. Okay. All right. I think that's fine.

DENNIS CHANG: Thank you.

UNIDENTIFIED MALE: Thank you.

DENNIS CHANG: The next item is 7.1 Oh, this change. There was some comments we received: "Can we make this postal code a little more clear?" Somebody suggested UPS postal addressing format [template S]42. So basically that's the change.

Is everybody okay with this? I don't think it's a substantive change but a more descriptive—Alex? Roger, do you have a comment?

ROGER CARNEY: Thanks, Dennis. I think it is quite a substantive change, actually. That means people have to know what that format is. It's weird because it says the S42 address template or other standards. So it's trying to be specific and not at the same time, so I'm not sure that it adds anything

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to this. I think it's going to cause confusion as to, if someone doesn't provide it, then you have to confirm that it's valid not to have it. It just seems backwards to me.

DENNIS CHANG: Hmm. I see. We were trying to be helpful.

ROGER CARNEY: Yeah. I understand that. It just seems like ... I know we've used this in other places, Dennis. I know we worked with this on other things. It just seems confusing in this spot for some reason.

DENNIS CHANG: Oh.

ROGER CARNEY: I'd prefer to have the old language. Thanks.

DENNIS CHANG: Okay I hear your input.

Let's see. Marc is asking, "How does the RDAP profile define addresses?"

I don't know. Anybody? How does it pertain to what we're talking about here?



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UNIDENTIFIED MALE: It's a JSON structure. I don't know if you want to get into those details, but I think that's being debated also. But the current profile defines a structure.

To my comments in the chat, I think this should be covered by the consistent labeling and display spec.

DENNIS CHANG: [inaudible]. Mm-hmm.

UNIDENTIFIED MALE: But I'm not an expert in that.

DENNIS CHANG: There are postal [address] format. They're a standard and people use that. I think the attempt here was that we're not creating something new and people can't just come up with their own way of providing a standard postal code.

So I have inputs that it doesn't really help and could be more confusing. Okay.

Roger, did you want to talk again?

No? Okay. Marc, you still have your hand up?

MARK SVACAREK: Yeah. I just recall that, in the RDAP Working Group, there was a lot of work on the address formats. As Alex said, the profile delivers data in

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JSON format and it was either V-Card or J-Card. That format didn't work very well within the profile. So, if I recall correctly, Scott Hollenbeck actually went back to IETF or something and tried to get a revision to the RFC related to this.

It just occurs to me that whatever format we are prescribing for RDAP needs to be reflected here if we're saying, "Go ahead and use a different format," and then, in another working group, saying, "Data needs to be returned by RDAP in another specific format." Then we've just made more work for ourselves. So we should probably have someone go and look at what that format is and see if it gives us any guidance as to what this language should be.

DENNIS CHANG: Okay. We'll take a look at the RDAP as a reference.

MARK SVANCAREK: If I'm confused, I apologize.

DENNIS CHANG: That's fine. But [Caitlin] points out that we do use this same language and the [format] information in the WHOIS accuracy program specification. So this is not something new here. I think Roger said that, too: [that] it seems out of place for some reason. There is flexibility that's built into the language because it says "or other standard format." I think the idea is here to just make sure we're all using some standard together. Thank you for that input.

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The next item is the rationale doc on retention. Let's talk about the rationale doc. That is retention ... where is it? This one here. So we have a rationale doc and we provided the logic for retention. Then we have a long response from the Contracted Party House. This is the CPH IRT team input. I wanted to talk about this and give you the floor to discuss it.

Roger, did you want to start?

ROGER CARNEY: Thanks, Dennis. I actually had my hand up from the previous one.

DENNIS CHANG: Okay.

ROGER CARNEY: Mark had mentioned the change that was made. Mark, I think that was on then country code because, if I remember right, one of them only allowed the name to be in place and we wanted to the code to be in there. So they added another field for that, as far as the V-Card, I believe.

MARK SVANCAREK: Yeah, you're probably right. Since it's JSON and [inaudible], there's probably—I don't know. Anyway, you're probably right, but, as Alex says, somebody should make a mapping between our various policies just so we don't make more work for ourselves later. Thanks.

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ROGER CARNEY: Yeah. And I want to thank [Caitlin] for putting that up. I think that being in the WHOIS accuracy will allow us to take it out of here so that we're not confusing people by saying it here. So, again, I think we should go back to the original wording, as it's already covered in another policy. Thanks. Bye.

DENNIS CHANG: That's a good point. Marc, did you want to speak?

MARC ANDERSON: Thanks, Dennis. I was going to just point out the time. We've got ten minutes left, and this retention topic is pretty meaty. So I was just doing a time check on that.

DENNIS CHANG: Oh, thank you. Yeah, you are right. It is meaty. Maybe let's switch. Let's [inaudible] clear answer on the tech phone extension. I think I wrote you an e-mail, and I was asking a question on the tech phone extension. I know that, in the past, we had some of what we called a [drafting] error, where we had things that are left off. We realized that it was an error and it was unintentional. So we all agreed that it would be corrected. I think it's this one: 53. Right? We—oh, we got some: “[inaudible]. This is omitted by design.” Oh, okay. We got some response from CPH here, I noticed, but this was the question. So there's a tech phone extension left off by design. Or was it an oversight? That was the question.

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Alex, go ahead.

ALEX DEACON:

On this extension, I'm too sure if it was left off by design. If you look up the registrant phone—there is a registrant phone extension and there's also a registrant fax extension, if I remember correctly—it would seem to be consistent that there would be a tech phone extension. Whether it's needed or used is a whole different story. But I think a consistency argument that could be made here that says there should be a tech phone extension and that it was not left off by design. It was an error.

DENNIS CHANG:

That was the question. That's what we were looking at: the consistency. It seems strange that you have one phone with fax extensions, and the tech phone extension was not listed. We were wondering, and we were being asked the same question: why was that? If it was deliberate, then we wanted to capture some rationale on why it was deliberately left off so that we are answering questions that are surely to come up again.

Let's see. Marc, I think you spoke. So let's go to – I mean, Alex just spoke—Marc.

MARC ANDERSON:

Thanks, Dennis. My recollection of this is that we defined under tech field ... The tech contact we changed substantially. My recollection that was that we identified the minimum data necessary for the tech contact: name, phone, and e-mail. And just drop the rest.

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It's hard to judge this—what change ... You don't have a change that you're proposing to make to this. So, certainly, we're not going to put this in as a "must" field. Almost nobody has an extension, and it's certainly [not] required for contactability. So what change are you proposing?

DENNIS CHANG:

Oh, yeah. So let's be specific. I think that, just like we have here—this is ... We are thinking about, if there was a change, that it would be something like this. When questioned on why we are asking [for data elements]—that was not in the recommendation—we would cite the rationale that was a drafting error. But we found a few other ones, so it would go on that list. So it's okay. We just want to make sure one way or the other because there was a difference in the IOT opinion or recollection.

Alex says, "Zero intention to fight for [inaudible]." That's pretty funny.

Thank you for your input. I think I am having pretty clear input and consistent input from the IRT. Well, we did our due diligence. We checked with the IRT. We got our answers, so we'll move on and capture that as a rationale. We will ... Thank you.

We can go into our retention, which is the meatier subject, but maybe not. We'll save that for our next meeting next week.

There was something that I wanted to really, really do. It was on my mind—oh, this one. I wanted to delete this and—oh. Before this one, let me go back to what I was anxious to do: 3.7. 3.7: I proposed deleting

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this definition altogether. Oh, thank you, Sarah, for agreeing that it should be deleted. Rather than trying to work with this definition, the redaction is a requirement and we have it in Section 10. We extensively talk about it.

So could we just delete it? Would there be an issue of not having it in the definition? It seems like it's a reasonable thing to do. How does IRT feel about that? What's your input?

Okay. Thank you for the silence. That's actually meaningful to me. We will delete it then and keep 3.7 as a vacant space. Let me just do that now. Oops, I can't do it. Anyway, that's what I'm going to do.

Let's see. We have one minute left, so I'm just going to go ahead and wrap it up right now. Thank you very much for supporting the call by showing up. Again, thank the Board members. We all know them. They didn't have to do it. They completely volunteered to come and do this to help the implementation team. We know one thing: the Board has full support of this implementation, and they view it as a very important part of our activities.

Thank you all. We'll say goodbye. Go ahead, Andrea. You can stop the recording.

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]**