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ANDREA GLANDON: Good morning, good afternoon, good evening. Welcome to the Registration Data Policy Implementation IRT call held on Wednesday the 20th of May 2020 at 17:00 UTC:

In the interest of time, there will be no roll call. Attendance will be taken by the Zoom room. I would like to remind all participants to please state your name before speaking for transcription purposes and to please keep your phones and microphones on mute when not speaking to avoid any background noise.

As a reminder, those who take part in ICANN multi-stakeholder process are to comply with the expected standards of behavior. With this, I will turn it over to Dennis Chang. Please begin.

DENNIS CHANG: Thank you, Andrea. I just read Srarah's chat and it made me laugh. Thanks everyone. Andrea, looks like Sebastien is waiting in the waiting room. Could you let him in too?

This is our agenda. We have ten items for today for the IRT discussion. And let me just read them quickly. First one is the CPH IRT letter to the GNSO council on the 18th of May, and we're going to talk about the rationale doc for tech contact, and in OneDoc, we'll talk about tech e-mail and 12.2 included but limited clause, and 10.3.2.1, idea about removing a section there and 10.3.3, and it has a "must not identify" with an IRT comment we want to address. 10.1.7 and 10.1.8, we want to try to simplify that language and we want to show you that today. And

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9.4.13 prompted us to think about combining two sections, and I think that would work, and furthermore, we want to maybe talk about combining 9.1. and 9.2 also. And the 11 comment about eventual abuse action obligation. Let's talk about that.

So those are our agenda items. Any comments or questions on this? Okay, then let's get started. First item on the agenda is the CPH IRT letter to GNSO council on the 18th of May. And as you know, the GNSO correspondence is published here and is the first item you'll find. And this is a letter, and I wanted IRT to be aware that there is a letter drafted for the GNSO council's meeting to be held tomorrow, actually, and I wanted to provide space here for you to ask questions or discuss. Maybe perhaps one of the CPH IRT members who participated in creation of letter can tell us what this is and what it was meant for, very briefly, if you will. Any volunteers?

Sarah, go ahead.

SARAH WYLD:

Thank you. I would certainly encourage everybody in this team to read the letter if you haven't had a chance already. I think it just leaves out the CPH understanding of the potential conflict between the EPDP recommendation and the Thick WHOIS policy and just sort of lays out why we think that we need to be sure to implement the EPDP policy here and now.

It's pretty self-explanatory. I'm happy to answer any questions, but I don't really have a lot of background info to go with it. I think it matches

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what we have said on previous calls. Nothing in here should be a surprise.

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

MARC ANDERSON: Yeah, nothing else to add to what Sarah said. I think the letter is pretty self-explanatory, and thanks for bringing it up here. As Sarah said, I encourage you to read it. And as Dennis said, this is on the council agenda for tomorrow, so it might be worth us having an agenda item for the next IRT meeting, depending what happens in the council deliberations tomorrow. But otherwise, just plus one to what Sarah said.

DENNIS CHANG: Thank you. Any questions? Sebastien, go ahead.

SEBASTIEN DUCOS: I just wanted to make a quick statement here. Technically, I'm part of the CPH and [I was definitely—approved] the letter the other day in our call before it was sent. [That said,] specifically, it wasn't sent by me. This is not an IRT letter to the GNSO, it's a CPH letter to the GNSO, and as your liaison to the GNSO, I'm also more than happy to pass on whatever message the IRT globally wants to send to the GNSO. This is just a CPH version and that's why I didn't send it. Thank you.

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DENNIS CHANG: Thank you. Any further comments? If not, I encourage you to go ahead and read it. You can find it again because we linked it to these agenda items here. So if you click on it, it'll take you right to the letter. And those of you—is the [CPH] council—that meeting is open for all IRT members to listen to? Is it? I can't remember now.

BETH BACON: GNSO meetings are usually public.

DENNIS CHANG: Okay. So you can go ahead and listen to the call if you'd like, and Andrea has the information there. Go ahead.

BETH BACON: And they're scintillating, just FYI.

DENNIS CHANG: Okay. Especially the one that pertains to our IRT. Thank you very much. So we'll move on to our next topic. It's called rationale doc. This is the tech contact doc, and here it is. It basically gives you background information and goes through the inputs for the IRT and provide a rationale for why we have our baseline language the way it was.

And we do have CPH comment. It's written into the bottom of the document. Any CPH IRT member would like to maybe tell us about this comment? Volunteers?

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SARAH WYLD: Hi Dennis.

DENNIS CHANG: Hi Sarah.

SARAH WYLD: Again, I'd say we said what we—it's just all right there. So thank you for laying out the rationale. We appreciate that. I don't really think it's necessary to have an implementation note [inaudible] but it also doesn't cause problems, so we will support that, certainly.

I did note that the text in the rationale document does not match the OneDoc, and the rationale document version is better because the OneDoc version refers specifically to consent as the appropriate lawful basis and it should be more general. Consent might not be the correct lawful basis. So in the rationale doc where it says "As long as it has a lawful basis to do so," That would be preferable. So we'd ask that you make that change in the OneDoc.

The second point is that this other memo was interesting and helpful, but I don't think it's appropriate to include it in the IRT work product because it is an external thing and we have our own internal documents and advice. So I think our work should stand on its own.

DENNIS CHANG: Okay. Thank you. Anyone else? Marc.

MARC ANDERSON: Thanks Dennis. I feel like I'm playing second fiddle to Sarah here. She's said everything I was going to say. I'll maybe just add—I think we've struggled—I'll make a general comment, maybe not just on this one. We've struggled a little bit over the course of the IRT how to handle “may” items, and sometimes opting not to include them at all because it's not enforceable. Sometimes, deciding to include them, sometimes deciding it's not necessary because if it's not forbidden, then a “may” or otherwise already allowed.

So I know this is something we've struggled with and gone back and forth with a little bit, not just on this issue but where it's come up with. Maybe moving it to the implementation section is a good compromise there, so maybe I want to point that out as we consider when we're discussing “mays” on other topics as well.

DENNIS CHANG: Thank you for your comment, and thank you, Betty, for your input there too. Mark SV, go ahead. Good to see you here. Thanks for joining.

MARK SVANCAREK: Well, usually there's a UASG meeting that is on top of this, so I can only attend half of the time. I apologize. But this week I blew them off. So yeah, just the last comment about the [Hensley] memo, it was intended as a clarification of the legal advice received from Bird & Bird because there was a disagreement on how to interpret that. So in that regard, it is a valuable addition to the Bird & Bird memo. So while I would not die

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in order to get it included, I do think that it provides additional information that might not be derived from someone just reading the Bird & Bird memo based on our historic disagreement on what that memo actually meant. So thanks.

DENNIS CHANG: Thank you, Mark. And I agree with Roger's chat here, this is better. So I'm glad you're here. Alex, go ahead.

ALEX DEACON: Thanks Dennis. Two comments on here. One is just a high-level one. I'm still confused about the need or the reason for having an implementation section in an implementation doc. It doesn't make any sense to me. It's either—sorry, an implementation notes section of an implementation doc. I don't understand the distinction, and if there's any import to that distinction, it seems to me that it would be better if this language was in the body of the document. That's the first thing.

DENNIS CHANG: I see.

ALEX DEACON: The second thing is I noticed that Rec 5—and I won't read it, but at the end of Rec 5, there's a bunch of policy language that was agreed to in phase one that talks about obligations. Registrars are to advise the RNH at the time of registration that RNH is free to do two things—and I won't read them.

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And we seem to have lost that language in our deliberations and the various edits here. So it's concerning to me that policy that was set to, agreed and approved via ICANN process is not ending up in implementation doc. So I just wanted to raise that as an issue we should look at.

If we are going to not include this, then I think we need to really understand that better. If it's just an oversight, then I think it's important to find a spot somewhere, unless I've missed it, to include that policy language in the IRT. Thanks.

DENNIS CHANG: Can you point me to repeat which—this is a recommendation, Rec 5, right?

ALEX DEACON: Yeah, recommendation 5, scroll down.

DENNIS CHANG: Are you talking about these footnotes?

ALEX DEACON: No, keep on going.

DENNIS CHANG: [inaudible] score card. So this is not the—



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ALEX DEACON: Sorry, what doc is this?

SARAH WYLD: I think you went past it, Dennis. It's right there. For the purpose of the technical contact, which is [inaudible].

DENNIS CHANG: Are you talking about this?

ALEX DEACON: That's it. Yes. It's not a footnote.

DENNIS CHANG: Okay.

ALEX DEACON: And you see it says the registered name holder is free to do two things, designate the same person or provide contact information which does not directly identify. That seems to have disappeared, so I just wanted to raise that.

DENNIS CHANG: I see.

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SARAH WYLD: Yeah, if I could jump in, Alex makes a very good point here. This is something that was important in EPDP, and yet doesn't seem to be in our policy. This is probably exactly the type of thing that implementation notes are for, maybe.

DENNIS CHANG: Okay. Thank you. Anyone else? Beth, go ahead.

BETH BACON: Just to agree. Why don't we try and put in some text there to capture that in implementation notes? We can all take a look to see if it [inaudible].

DENNIS CHANG: Thank you. Okay, thank you. So this was the tech contact discussion, and I think we can continue that discussion by looking at the OneDoc. In our agenda, we had tech e-mail, which is 12.1.1. Let's go to 12.1.1 and continue to talk about that.

Was specifically regarding a log file, log file including tech e-mails, and there was discussion whether we should or should not include the tech e-mail in the log files. And there's of course different inputs from the IRT and I wanted to hear about it—I think Mark SV is who we're waiting for, and now that he's here, I want you to maybe provide your input why you believe this tech e-mail address should be included, and if there's a strong objection from the IRT to not include it, why that is. Could I hear from you?

MARK SVANCAREK:

Sure. Actually, I thought I had spoken about this in a previous meeting, but I'm happy to speak about it again. There were really two aspects of it. One is that it doesn't really cost anything to also log the tech contact. You're already logging communications to the other contact. Your code will be essentially the same. The storage will be—you will never notice—the incremental cost of any additional storage will be negligible and you'll never notice it. It's like I have more storage in my gaming computer than it would take you.

The second point is it just seems like it's a better form of data hygiene. And Sarah says, "I'm worried about processing personal data." You're already processing personal data because you're contacting—you have set up a system that contacts that technical contact. So it seems to me that processing is already occurring, and if you're logging some of that processing, you might as well log all of it. It just seems like a better practice. That's my opinion on that topic.

DENNIS CHANG:

Yes. Thank you. We had a discussion on this before, and at that time, you were not on the call, so we didn't want to go ahead and delete this section. It seemed like the rest of the IRT was agreeing that we didn't need—we shouldn't have the tech e-mail. But we'll hear from Roger right now. Go ahead.

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ROGER CARNEY: Thanks Dennis. And I don't disagree with Mark. I don't think that this takes much effort or storage or anything like that up front, but the fact is it's not in the recommendation. So I don't know how we're making requirements that don't exist from the recommendation. So I don't think it belongs here for that reason. I suspect that some may actually do this, but it's not a requirement of the recommendation, so it shouldn't be in our policy document. Thanks.

MARK SVANCAREK: If I may, there's another part of the policy, and actually, Alex had made a note of it somewhere else—I've already forgotten it—that does seem to imply that this would be done. It's not in the same place. So if Alex can't find it, then I withdraw that comment. But it feels to me like there's another place in the policy recommendations that together with this one did imply that this logging should be done. Just a last data point on that. Thanks.

DENNIS CHANG: Thank you. Next, Jody.

JODY KOLKER: Hi. Yes. I guess I'm looking at 12.1, and we have a comment that says registrant e-mail or tech e-mail. And I thought tech e-mail wasn't included in this at all. If tech e-mail is not included, then logging is not needed. But I guess I wanted to call attention to 12.1. I thought tech e-mail was supposed to be deleted out of there because it's not

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mentioned in the document, in the recommendations in the first place.  
Thanks.

DENNIS CHANG: Thank you. Beth.

BETH BACON: Thanks. I've put some of this in the chat, but quite frankly, I think just because you're processing one thing doesn't mean you should add to— just because it's easy doesn't mean you should add another data element. That certainly is not captured in the text. Certainly not from a minimization standpoint where you process only what you need or what was required, and in this case, it's not a requirement. So I think that this is kind of an extra step. Thanks.

DENNIS CHANG: Thank you, Beth. I see your chat too, and I see Sarah's suggestion, if this is important enough, we may separate it to allow registrar to have this as another suggestion. Thank you. Alex.

ALEX DEACON: Thanks, Dennis. Yeah, a few thoughts on this. It was my recollection in the phase one EPDP that logging for both the registrant e-mail and tech e-mail would occur. I think it's important for an accountability and a compliance point of view that this happened. You could argue that ensuring that relay of this e-mail to the tech contact is sometimes more important than the relaying of e-mail to the registered name holder,

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especially when there's a true technical problem that needs to be addressed.

And then lastly, in terms of trying to determine exactly what the phase one conversations were, if you look at the policy language, basically this recommendation has two numbered bullets. The first says the EPDP team recommends that the registrar must provide an e-mail address or a webform to facilitate e-mail communications with the relevant contact. This is kind of a generic term.

And then the second one, whether this was done on purpose or not, my recollection indicates otherwise, but the second bullet says the EPDP team recommends that registrars must retain log files which shall not contain any personal information and which shall contain confirmation that the relay of the communications between the requestor and the RNH has occurred.

So yes, the language there is specific to RNH. I think based on the previous bullet, it indicates to me that my recollection—again, it's just my recollection that this logging needs to happen for the tech contact also.

And then lastly, remember the collection of tech contact is completely optional. I think everyone agrees on that. So if you don't want to log, if there's a concern that logging of this relay of tech contact e-mail is risky for some reason—and I think the way forward is to not collect that tech contact information—again, that's at the option of the registrar. If you don't collect it, you don't need to track it.

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And there's another topic here in the agenda which kind of touches upon a similar situation. Anyway, so that's my thought. Thanks.

DENNIS CHANG: Thank you. Interesting. Mark, you're next.

MARK SVANCAREK: Thanks. I just wanted to clarify something that Beth said about data minimization. I agree, you wouldn't process these logs just because you're processing other logs. Your purpose for processing them would be to demonstrate, one, the correct functioning of the system, and two, as Alex said, the fact that the message was in fact transferred from you to the tech contact. Those are the actual purposes for processing the data, not just simply inertia because you're doing it somewhere else. Thank you.

DENNIS CHANG: Thank you. Any other inputs on this e-mail, tech e-mail? If you're tracking the chat, Amanda has provided that 7.3 of the document we have already considered. We haven't looked at seven in a while. We have the language here. This was an earlier question, suggestion that we should capture that. I don't know if that was not very apparent. Marc Anderson, go ahead.

MARC ANDERSON: Thanks. I guess I'm just curious where you are on this, Dennis. You've heard arguments that I guess the policy doesn't say "must" on this and

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we should stick with policy, and you've heard other arguments on why it should be there on the policy. I don't know. I feel like I should rehash things that have already been said, but I'm just curious, having heard all that, what is your thinking?

DENNIS CHANG:

Well, yeah, that's what I'm trying to decide. And after we collect the IRT input, we're going to go back and consider all the inputs that we receive and try to decide if we're going to stick with the tech e-mail address, or I heard another suggestion today, maybe carve it out as a "may" requirement. But it's something that we're going to work on after we collect your inputs here.

Roger, go ahead.

ROGER CARNEY:

Thanks, Dennis. And I want to thank Alex for bringing that up, but again, it's good that we have some of the EPDP phase one-ers here. But I think that it's interesting that if you look at this recommendation, the first bullet that Alex read was kind of a general bullet. But the second one got very specific. It specifically calls out the registered name holder and doesn't say anything about tech.

So it's odd to me that bullet one is general and bullet two is specific without that being intentional. So again, I think the recommendation doesn't say anything about tech logging, so we shouldn't do it. Thanks.



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DENNIS CHANG: Yes. I certainly understand that input. Thank you. Anything else on this item? And if not, we'll move on to the next agenda item, which is 12.2, and this was the phrase, "including but not limited to." It was a suggestion made by Sarah and then I said let's discuss it, and tech, Alex thinks that it should be there. So [inaudible] language that we proposed was with this included, obviously, because we thought it was important. But I want to hear from the IRT on this one too. Thank you. Alex, go ahead.

ALEX DEACON: Yeah. Thanks. The reason why I think this needs to stay in is because it's basically a copy and paste of the language that's in the policy. So I wouldn't want it removed because it's in the policy for a reason.

DENNIS CHANG: Yes, that's what I was thinking too. And I would keep it without a rationale of why it needs to be deleted. So, do you want to provide me with some rationale now? Sarah, go ahead.

SARAH WYLD: Thank you. I do see the point that that is in the recommendation, but this concerns me. Maintaining these logs which can include—these are different than the logs of the communications being transmitted. So these logs have personal data in them, and it's fine to provide them for audit purposes to ICANN Org. My concern is by saying "included but not limited to," it means that these logs could be required to be provided to any number of other recipients that we haven't considered here, we

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haven't disclosed those potential recipients to the data subjects, we haven't discussed whether that's an appropriate processing activity. So it just opens up a whole lot of opportunity for inappropriate data processing that is a real concern. Thank you.

DENNIS CHANG: Thank you for that input. Laureen, go ahead.

LAUREEN KAPIN: I hear and understands Sarah's concerns, but I think in the absence of some sort of misunderstanding of what we concluded as to the policy here, we have to stick with the policy recommendations. And regrettably, the time to have raised concerns on the substance of it has passed in my humble opinion.

DENNIS CHANG: Thank you, Laureen. Good to hear from you. Always good to hear your voices every other week. Diane, hey, welcome. How are you?

DIANE PLAUT: How are you, Dennis? I agree with Laureen because this is an important point that the whole reason for this as far as I understand it is for evidentiary purposes, and should there be a court order, should there be things in the future that this would be needed for.

So that "including but not limited to" is definitely important language.

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DENNIS CHANG: Thank you for that input. Let's see. I think Sarah wants to speak again. Go ahead.

SARAH WYLD: Thank you. I want to thank Laureen and Diane because I do understand your point and I agree that this is what the recommendation says, and probably, we did raise it at that point but it's such a long time ago I have no idea. I wonder if we could just include something about—and I haven't discussed this with anybody else in the CPH side, but if we keep this “Including but not limited to,” and then add in something about “within the bounds of applicable law,” just so that we have that protection stated right here.

Because I know that we all expect that we will operate within the bounds of applicable law, but I think I would feel more comfortable not having this or keeping this “including but not limited” if we can add that in as well. Thank you.

DENNIS CHANG: Theo, go ahead.

THEO GEURTS: Yeah, thanks, Dennis, and thanks, Sarah. I think that is a valid point, Sarah, but I think we also agreed—but everybody can kick me under the table here if I'm wrong—in one of the first sessions of this IRT that whatever comes out of this policy must be compliant with applicable law. And I thought that we were going to include this in the final doc, one of the first opening sentences that says basically what I just said,

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that whatever is in this policy must comply with applicable law. That is the basis of this entire document.

And I'm 100% sure that we discussed this already, but maybe we need to go back to that. Thanks.

DENNIS CHANG:

Yeah. You know ICANN as an organization cannot force people to do things that are not in the law. So thank you for that input. Anybody else on this topic? Okay, next item is 10.3.2.1, so we'll go to 10.3.2.1.

Yeah, this was suggested for deletion, and I'm ready to delete it. It was suggested by Jody, and there were some discussions and we wanted to give you a chance to talk about it right now if you had any comments on removal of 10.3.2.1. Alex, go ahead.

ALEX DEACON:

Thanks, Dennis. Yeah, I think my concern with removing this is that it may remove—and I need to read maybe the rest of the policy once again from top to bottom to make sure I'm not missing something, but the concern I have with removing this is that it may remove the policy that says the registry may collect the contact information from the registrant. And if the registrar decides to offer this option to their customers, they must provide the opportunity to allow the registrant to consent that this be published.

So I just wanted to kind of put a marker down and express my concern that there may be implications of deleting this. So I could take an action

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to do this. I think we just need to make sure deleting this doesn't cause other kind of policy obligations to disappear. Thanks.

DENNIS CHANG: Thank you. Please do review it. It's important. I don't think it does, but certainly deserves a careful look. But any other comments? Roger.

ROGER CARNEY: Thanks, Dennis. Thanks, Alex, because I thought the exact same thing as Sarah in chat, that we were replacing this section basically with the implementation note that we talked about at the beginning of this meeting.

DENNIS CHANG: Yeah, and that probably has ...

ROGER CARNEY: And I think ICANN mentioned something about collection of tech contact—this isn't about collection, this is about disclosure, section 10. So the collection is still optional and can be done by the registrar, but this is publication. And again, I was under the understanding that we were replacing this with the other one, but hopefully Alex can take a read of it and get back to us. Thanks.

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DENNIS CHANG: Yes, please. Any other inputs? Okay, let's move to the next agenda, is 10.3.3, "must not identify" comment, 10.3.3. So, this phrase, Brian added this comment. Brian, do you want to talk about this?

BRIAN KING: Thanks Dennis. I apologize, I showed up a little late, but I'm here. I've been following along. I think Sarah's point in the chat made sense to me. I think that eliminates my concern. If I can have a re-read with the fresh eyes. Let me just double check that. Thanks.

DENNIS CHANG: Yes. Thank you, Brian and Sarah. Unless other IRT has comments on this, we're going to move on to the next topic. It's 10.1.7 and 10.1.8. So we went back and we tried something here. We think this is better. It is the same requirement. We're not changing any of the requirements. And if you recall this particular item, we agree that it was a drafting error and we are going to correct it here and we're going to highlight it during the public comment so it's very visible, and we want everybody's attention to it.

But we're talking about representing the requirement in slightly different way, and I didn't see any comments from the IRT about—Marc has a comment. Go ahead.

MARC ANDERSON: Thanks, Dennis. I read through this. Personally, I like the original way better, but I think they both accomplish the same thing. And if you like the new way better, I'm not going to object to it.

DENNIS CHANG: Thank you. I like it better. Let's see what Alex thinks.

ALEX DEACON: I think it took me a while to wrap my head around this, I agree, I think it works. I don't know whether it's better, but I do think it works. I'll just note that a few of us discussed this on the call a few days ago. I forget when we did that. Just an internal call. It did take a little bit of time to kind of figure it out. But I think at the end, after some analysis and some thinking, we all agreed that the updates would be fine. But I think the fact that it took a while to wrap our minds around it is a little bit concerning. But otherwise, we're happy with the updates.

DENNIS CHANG: Yeah. So this came about because we bring in fresh eyes to the IPT to have a reading and try to get their opinion. And when they came to this part the way we presented it before, it was confusing to them. So when we presented it this way, it was nice in order and they just had to read one thing at a time. It seemed easier.

So thank you for your input. That helps us. Let's go to the next one, it's 9.4.13. 9.4.13 is registry registrant ID, and Jody brought this up and we had some chat. We had a lot of chat on this idea. But finally, where I am with this one is that I agree ultimately with Jody's suggestion and we're going to move it to—he says 7.5, but right now because of the section change, it's 9.5.

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So observe the requirements difference between “must” and “must if.” That’s the difference between 9.4 and 9.5. And I read in one of the chats the comment that since it’s “must if,” if the “if” condition is valid, then the requirement still stands. So we wouldn’t lose anything in terms of requirement if we move registry/registrant ID to section 9.5.

Then we got to thinking, well, what about the rest of 9.4? If we had moved all the 9.4 to 9.5, would it not work exactly the same way? And therefore, maybe we should combine it and make them all “must/if,” and this would simplify the language and to a new reader, it’s a lot easier. So I take your comments now. Thank you, Brian. Want to think about it? Yeah, definitely think about it. Alex, go ahead.

ALEX DEACON:

Yeah, I think I was going to suggest before I say either way, can you make the changes that you’re suggesting here? I think I’d like to see it so I could kind of undersntad it better. Thanks.

DENNIS CHANG:

Yeah. Exactly. I have a way of doing that and I call it the alternative language box. I’ll create a box for you to show you exactly what it would look like if it was to be adapted. Marc, I’d like to hear your comment. Go ahead.

MARC ANDERSON:

Thanks. I’m having trouble wrapping my head around it. I think being able to see the language would be very helpful. So that makes sense.



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DENNIS CHANG:                      Okay. Chris.

CHRIS LEWIS-EVANS:                Thanks, Dennis. Like the others, I think I'd like to see it. My only comment would be that if someone goes to a registries service looking for some of the data, realistically, the point of contact we're trying to push them towards is the registrar. So returning at least the domain name and the registrar, so some of the details might be helpful, but without seeing it, I can't make a full comment. That's where my mind is going at the moment anyway.

DENNIS CHANG:                      Yeah. It's actually a lot simpler than I think what you are all imagining it to be. But definitely, it's easy for me to present to you the alternative language. It would basically be 9.9.5 combined together, all the data elements in one list instead of two lists and make them all "must if" requirement like this. This requirement would apply right here.

and because it's "must if," they are all "must" requirements, and if the data element is collected or generated, they have to do it anyway, so we don't have to separate it here, was the concept. But I'd be happy to present to you the alternative language. Any other comments?

Okay, sounds good. Okay, let's go. Our next item is 9.1 and 9.2. So 9.1 and 9.2 is right now we have "registrar must submit an electronic copy," and this is another "if must." So it's a similar concept. Here's what I'm suggesting. I didn't get any comment, but it's the same concept I want

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to apply by combining the 9.1 and 9.2 into one requirement under here.  
This would be the requirement.

So I don't see that I have any comment. Marc wants to say something.  
Go ahead, Marc.

MARC ANDERSON: Roger beat me to it in chat. Like you said, this is the same concept. If  
you could take the same approach and just—

DENNIS CHANG: Will do.

MARC ANDERSON: Okay. Thank you.

DENNIS CHANG: Perfect. Will do. Chris, go ahead.

CHRIS LEWIS-EVANS: Thanks. It may be a question for the registrars and registries here. If  
there was an abusive registrar and they decided not to send it to ICANN  
for data escrow purposes, would it/could it create any problems? That's  
probably one for those with more knowledge than me on this. Thanks.

DENNIS CHANG: Okay. Theo.

THEO GEURTS: Yeah, I'm not sure what Chris is asking, but when he says if it creates problems if an abusive registrar is not sending escrow data, yeah, that's going to be automatically flagged and Compliance will be notified.

DENNIS CHANG: Yeah. Thank you, Theo. Marc, do you want to say something on this?

MARC ANDERSON: Yeah, just going to respond sort of the same way. I think if you have a registrar that's not following the policy, then it doesn't really matter what we have in there; they're not following it. So I don't think it helps or hurts either way.

DENNIS CHANG: Yeah. Chris.

CHRIS LEWIS-EVANS: Sorry, it's just as if a registrar collects it, then it sort of suggests that they might not have to collect those fields. That's my reading of it, is obviously the tech one, we've already said we don't necessarily have to, but if we're putting that "if" onto all of those, it suggests that it's a "maybe."

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DENNIS CHANG: No, o, so collection requirement is in section 7, so there's a different section for the requirement that makes it mandatory to collect. It's right here. So maybe that's the part that wasn't obvious. Okay, let's see. Roger said the same thing that I just said.

If nothing else, I will do what you guys have asked for and provide you an alternate language box for this one too. And it'll be pretty easy to read, I think when I present it back to you.

Last item OneDoc 11. . There was an IRT comment, "eventual abuse action obligation." Sorry, I was trying to [tee up] somebody's comment that says "eventual."

MARC ANDERSON: Dennis, it's Roger's, and if you click on the title, 11, I pasted it in chat.

DENNIS CHANG: Okay. Roger's comment on the title. Yes. So I wanted to talk about this with the IRT and what Roger meant and what the IRT would like to say about it. Roger, go ahead.

ROGER CARNEY: Thanks Dennis. I think we talked about this on a couple of the calls, and maybe some of the EPDP-ers, phase two-ers can talk about this as well. I think that in phase two, they had a whole several recommendations or maybe it's just one recommendation about how to handle abusive requestors and things like that, and I wonder if we just need to throw in

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a line here that allows the data controllers a way to control bad actors. So that was my idea here. Thanks. Alex, go ahead.

ALEX DEACON: I appreciate that. I think, again, I'm concerned that we'd be adding policy that doesn't exist in the final report, again unless I missed something. Again, Roger's suggestion is just a "may." But I'm not too sure it's necessary and I'm not too sure—and I would be concerned that if we did add it, we'd be setting policy that wasn't expressly set in phase one. Thanks.

DENNIS CHANG: Yeah. Point well taken. Any other comments? Roger, did you want to speak again? Go ahead.

ROGER CARNEY: Thanks Dennis. Yeah, I appreciate that, Alex. And again, I think that this comment came up when we started talking about how we're defining urgent. And again, I believe the phase two was in the same spot at the time. But when we were trying to define urgent and adding items that weren't necessarily in the recommendation but we were able to define them, this was tagged along with that concept that, okay, if someone was going to mark something as urgent and they kept marking everything as urgent, by our new definition of urgent, then there needs to be a way for the data controllers to control that. Thanks.

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DENNIS CHANG: Alex, go ahead.

ALEX DEACON: Yeah. Thanks. Roger. I do remember that. Again, I think I appreciate why you want to add this, but if we were to add this, we'd have to then dive down into actually defining what corrective actions may be appropriate. We'd have to define identified abuses of the system, what does that mean. It's not a simple addition here, and I think it would put the IRT on a course of setting policy, which I think is not within our scope. Thanks.

DENNIS CHANG: Thank you, Alex. They're good comments. Thank you for your input. Rubens, are you on the phase two team? Please do take it there. Okay, let's look at our agenda. I think that's all I have for you.

ROGER CARNEY: I just wanted to respond to that. And again, I think that we have to be careful here because we've expanded our original definition of urgent and I think that by doing that, we do have to have some controls of how that works. So I don't think this is creating any new policy, I think it's helping us to define what urgent is without making it burdensome for the data controllers. So I don't think this is new policy, I think this is actually implementation of policy, not new policy. Thanks.

DENNIS CHANG: Thank you, Roger, for that input, and thank you, Alex, for your input on the chat too. So that brings me to the end of the agenda that I had

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prepared for the IRT today. And I'll just open it up to anything that you'd like to discuss. Otherwise, we can wrap up the call and look forward to our next meeting in a couple of weeks. And I think Andrea has already announced to you our plans for ICANN 68. I think she actually put it in the—last time, right? Yeah, so you know about this, and we'll talk a little bit more about that ICANN 68 before we get there, try to coordinate how we would run that session.

Other than that, our next meeting is on June 3rd, and we will go ahead and start preparing our agenda. I think a couple of things came up today that we will go ahead and add to from today's call. Last chance to make final remarks, otherwise I'll say goodbye and see you again in a couple of weeks. Bye, my dear IRT.

ANDREA GLANDON:

Thank you. This concludes today's conference. Please remember to disconnect all lines and have a wonderful rest of your day.

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