
UNIDENTIFIED FEMALE: Good morning, good afternoon, and good evening. Welcome to the Registration Data Policy Implementation IRT Meeting being held on Wednesday, 8 July, 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.

As a reminder, those who take part in the ICANN multistakeholder process are to comply with the expected standards of behavior.

With this, I will turn it over to Dennis Chang. Please begin.

DENNIS CHANG: Hello, everyone. Welcome. This is our IRT session, July 8. Let's get started. Thank you for your participation, suggestion on the agenda. We have today the following agenda you can see on your IRT wiki page.

We'll talk about timeline very briefly. I'll probably show this every meeting now so that we are all on the same page as to what we're trying to do and how we're proceeding forward.

Then I'm going to introduce you to something I call the OneDoc Status Map. We're just beginning to use it, not to worry so much about the

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content, but a new process. Then we're right to the IRT comments on OneDoc and talk about that.

Now I had Number 4 AOB because I wasn't quite sure if Sebastien is going to be ready to discuss his work with us today. Let me hear from Sebastien. Do you want to or are you prepared to talk to us?

SEBASTIEN DUCOS:

I can always talk but, no, I don't have anything at this stage to share. I don't think it's worth wasting time on this. After our last call, I've gone back to the GNSO and given them a short brief. I discussed with Pam and Rafik to see if they could see any sort of step forward, and we haven't yet established that. As soon as I have that, I'll come back to you guys. But, no, I don't have anything today to present.

DENNIS CHANG:

Okay. Thank you for that. Go ahead.

SEBASTIEN DUCOS:

I did send a minute ago—you would have seen that on the list, I hope that I got the right list this time—but I did share a response from the Board to Rafik and Pam's letter that was just shared this afternoon on that topic. But I'll let you guys read it.

DENNIS CHANG:

Yeah, thank you.

SEBASTIEN DUCOS: Okay.

DENNIS CHANG: Yeah, we'll catch up with that. Thank you for sharing that with us.

SEBASTIEN DUCOS: Good.

DENNIS CHANG: Well, that was good, actually. I appreciate that. So let's get on with the rest of the agenda. First thing, a quick brief on our timeline. As we discussed, IRT is using a target timeline. It hasn't been shared outside of the IRT. It's our working schedule. So far, this is the best case scenario that I see. If we complete the OneDoc sometime time month and prepare for August for opening of the comment, we may open in September. A few weeks here and there could change, but in general terms.

That would suffice to accommodate the 40-plus days for minimum days of public comment open and produce a report and finalize the language and publish a policy in February 2021. Traditionally, to help the contracted parties we're trying to stay with two timelines, February and August, for policy events. It would fall nicely into that expectation also.

The thing that we are unclear about is this DPT or DPA. Whether or not we're going to get that draft DPA in time for the public comment and if it doesn't, then we may have to disconnect it and treat it in a parallel process. IPT was considering three options. One was in parallel with the

public comment with the OneDoc. Option 2 was a staggered fashion. We open up the public comment with OneDoc and then later on come back with a DPT. But then we thought that really doesn't make a lot of sense. So I think we're left with 1 or 2. We'll talk more about this later.

That's all I have to share with the timeline right now. We'll keep working on it and keep sharing. Do you have any questions, IRT? Seeing no hands or questions, let's move to the next topic: OneDoc Status Map.

We created this new page called OneDoc Status Map. What you will see is our OneDoc broken out into little blocks and status indicating different colors. Blue means we don't need anymore IRT input and IPT is considering and finalizing. Green is meant to say that we think this is a go. There is no IRT input needed or required, and we have not noticed any IRT objections. I mean there's no conflict in IRT. Yellow means we definitely note that some objections are noted and there is a split in the IRT. And, of course, things like the transfer data Section 8 is a prime example that Sebastien is addressing right now. And the orange means we do need additional IRT input.

So this is a color map of one quick view of where we think the OneDoc is. As I said, I'm just introducing you to the process for now. Then we'll talk about the colors later. This thing is called last call. So just to set your expectation going forward, once we think that the OneDoc is in good shape, I'm going to make a last call for the IRT. It may take one meeting or two meetings. We're not sure, but it really depends on the IRT.

The way we will conduct this is take a meeting and in 15-minute blocks within an IRT meeting we're going to dedicate the last IRT input

discussion for anything that any member of the IRT so chooses to discuss. So I'm going to in the future ask for a topic to be populated, and you will suggest topics. And then we'll go ahead and choose the topics that really do require one more talk, and that will conclude our IRT discussion on that topic.

So I'm not calling for the last call now, but just so that you know this is the kind of process that we will be using to conclude the OneDoc discussion for the public comment. Of course, after when the public comment is open, the whole public, all the stakeholders are going to be submitting comments and we'll have to review them together again. This should answer your question, how are we going to actually finish talking about or are we going to talk it forever? That is the question that I often receive.

Okay, thanks, Roger. I think there's one thing that I learned working with a project team. The model is you always have a plan. And that plan may change always, but we really should have our own implementation team plan and that's what we're trying to do. Okay, comments or questions on the process of OneDoc Status Map? Alex has a question. Go ahead.

ALEX DEACON:

Yeah, hi, Dennis. Just to remind everyone, as we've discussed in the past, it would be very challenging to really get to a last call unless we have this DPA available for review. There seems to be a dependency there, and I just wanted to remind everyone of our past discussions about the importance of this document to the IRT language as a whole.

And then in terms of the Status Map, I think that's a good way to move forward. I think before we get to the last call, we have to get to a point where we could see a clean version of the doc or at least section by section. Assuming that we'll do that before we start marching through the last call and allowing people to review the text, the "almost final text," I think will be helpful before we have that last call. Thanks.

DENNIS CHANG:

Yeah, I agree with you. We are going to do a real disservice if we produce a document that's incoherent for the public comment. The public comment is a huge deal for policy implementation like this, and you know that thousands of eyes are going to be on the language word-by-word. So it's incumbent upon us as a team to produce the best document for review as we can.

I do expect that we'll have a clean document and we'll get rid of all these table of contents and all these side notes and the keys, like this kind of thing, that we have in here to help us to work the document. Of course, we'll have to have this. Most important, this is the first thing that people look at from my experience. When they open up the policy language, that is the first thing.

It's critically important, of course, and there needs to be ample discussion on that timing too. I am initiating the timeline discussion by getting us familiar with looking at the timeline together in the same way so we all have the same expectations. So if this was the date that we will be using, I will probably use 1 February 2021, and 1 August 2022. I like using the first of the month. But we'll see. We'll get there.

Thanks for the comment. I recognize that the DPA available for opening TC approach one is our current plan, and that's what we have been discussing. But I'm also open to the idea that if the DPA is not ready, is there value in proceeding with public comment with OneDoc? Because OneDoc is the policy language, and we would like public input on that as soon as we can get it. If we have to wait for the DPA, I'm not quite sure how long it may take. So why don't we put the DPA on the agenda and maybe as Beth to talk about it next time. And then we'll probably talk about DPA as close to we get to public comment. So let's do that, and thank you for the question.

Let's continue with our OneDoc IRT comments. First one is the Note A. Let me go to Implementation Note A. This is one comment from CPH basically saying that these two are separate. Not having control contact data is really a separate topic or idea than the beyond the scope discussion. So I agree with that. I think what we want to do is just simply delete the mention of the admin control, admin contact data. We initially had this to make it clear because that is the major change. But I think we can easily handle that in the FAQ section and our educational material that we are going to be producing. So, Isabelle, please accept this deletion when you get to it. Oh, you did it already. Thank you. Thank you for being there.

And then this one, lawful basis to do so, this was something that, again, Sarah suggested. And I agree with it but let me see. Alex had further comments. This section references—oh, numbers. Okay, I agree with you also. Still not sure why we would have an implementation guidance section in the IRT doc.

[inaudible] compliance with the obligation normally [inaudible]. So, Alex, you're bringing up a question that has often been asked in the past, and we may need to capture this on an implementation or FAQ. The common question I guess, I've seen it now more than once so I don't know how frequent this is, is the implementation note or the language in here, is this something that needs to be adhered to? Is it a requirement? The answer is as long as the implementation note is consistent with the policy, then it is. Of course, but then there are other items in here like examples or something that are shown only as an example or sample. Then, of course, that is just for information. So I would say it's not a clear yes or no question.

I think that we do need to review the section numbers because we have been changing the section numbers. I said at the end when we clean up the document, we're going to go through the whole thing and make sure all the section numbers are consistent. But at this time, the thing that I want to do so is accept this change. So, Isabelle, if you could accept the replacement of the words, I think that is the substantive change that Sarah asked for and then we're agreeing. So you can reduce—oh, let's see. How should we handle this? Let's do this. Let's add a comment so I don't lose it. Okay, thank you.

Do we have hands up? Did I see a hand up? Yeah, Alex, go ahead.

ALEX DEACON:

Yeah, thanks, Dennis. I think I'm fine with accepting these changes, and the section number stuff is not really an issue. It's just an FYI. Thanks for clarifying that the—well, I'm not too sure you clarified it, but thanks for

your comment on what these implementation notes mean. I guess my concern is that you kind of qualified. So either these are things that will be enforced by Compliance or they're not. So I'd like to be able to assume that they are, especially if they're important. If that's the case, we may want to consider moving them up into the main body of the policy language. I noticed that Sarah mentions something similar for C.

DENNIS CHANG: She did, yeah.

ALEX DEACON: So I don't want to delay us or belabor us, but I just want to make sure that we're all on the same page about what these things mean and what they don't mean and what it means in terms of compliance and enforcement of these obligations by Compliance moving forward.

DENNIS CHANG: Yeah, so let me just catch up on the comments here. Rubens asks, "Will it be published [inaudible] omitted?" No, it is not going to be omitted in the consensus policy page along with all the appendices, introduction, background. So as best we can, what I'm trying to communicate is after this line is exactly the words that we will be publishing as the policy. Let me see if that comment makes sense, but that's the intent.

So you assume that the opposite implementation notes are not enforceable? So I don't want to put us in a position where that implementation note says one thing and the language says different

things and then get into a debate about implementation not being enforceable.

So if you know things that it's not enforceable or should not be enforceable and it's not worded as such as a clear requirement, please help us find those and we'll try to deal with it. But the reason that we have used implementation notes is because as we have been writing the language we noted that for the requirements to flow in a good, easily understandable way some notes should be made for more detailed clarification and it's better to have them underneath.

So let me give the floor to Sarah.

SARAH WYLD:

Hi. Thank you. I want to support Alex's comment and refer to the CPH team note on Implementation Note C. I agree with you, Dennis, that the policy and the notes must align. We shouldn't have discrepancies. But I think, as Alex said, if Compliance will be enforcing something, then it needs to be in the policy section and not in the implementation notes. As Rubens has been saying, I don't think the notes should be things that are enforceable. They should be helpful supplemental information. So I don't think we have discrepancies here that do not match, but we have some enforceable language in the notes which I would say should be instead in the policy. Thank you.

DENNIS CHANG: Okay. Yeah, help us find those and maybe what we need to do is then make it clearer by moving them up to the policy language section. Any other comments? Sarah, did you want to speak again?

SARAH WYLD: No. Sorry, old hand.

DENNIS CHANG: Okay, thank you. Okay, so where were we? We were talking about Implementation Note A, right? Did we get through it? This one? Okay, so this is the yes or no question. So this comment is resolved. So let's resolve this comment. Yeah, let's resolve this comment, and we understand that notes are—on implementation [inaudible] whatever the answer there needs to be a shared understanding by everyone. That's correct. It's clear that we don't all have the same understanding. Let's all have the same understanding so that we when we put it out for comment whether we agree or not, that's a different issue. We really do need to understand it the same way. So there's more work to be done as I see it now.

Let's continue with our agenda items. That was A. Note F is the next one. Note F. This one, Sarah's comment, [which is not used]. So we looked at this, and we agree with you. So my proposal is to delete instead of trying to do anything else. I don't think it is needed or warranted. So does anybody see any problem with deleting this? Sometime before we were trying to deal with a balancing test, but I don't think we need to do that anymore. So our suggestion is just remove it. So if I don't hear objection, I'm going to ask Isabelle to go

ahead and accept this deletion suggestion from the CPH, Sarah. Thank you, Sarah. That's one less thing to worry about.

Then we will go ahead and go to 11.3 and 11.6 combined. This is an interesting one. Not changing any requirement but just combining them for, I think, to improve simplicity. Let's read Sarah's comment here first. Okay, so basically 11.3 and 11.6, let's combine it into one requirement, one paragraph. She suggested a set of language which I adopted and replaced 11.3 and just deleted 11.6. That's what I did because I like the suggestion.

Then we have Alex saying Alex has no objection for combining, but I would suggest updating the language [inaudible] separate obligation exists in two separate sentences. So right now it's presented as one sentence with [inaudible], and Alex is suggesting it become two sentences.

Anyone care to discuss this, or is it fairly clear for everyone? Alex, go ahead. You have a suggestion on how we break that into two sentences?

ALEX DEACON:

Yeah. I think really what we want is just to have the original language from 11.3 period and then the original language from 11.6, one right after the other. So basically where you have highlighted now and you just say registries and registrars and registry operators must.

DENNIS CHANG:

Ah, okay. So let me try this then. I think this is—so we take this and do something like this, right? So first thing I'm doing is moving, so there should be no change to the language at all. So we just moved one section above. We changed the order.

Now that I'm looking at this, does it really matter one section or two sections? Are they the same concept of local disclosure? If it's not the same sentence and we're going to have two separate sentences—well, it's a matter of style, I guess.

ALEX DEACON:

Yeah, and I think in terms of best practices on when you use this normative language typically one does not have two obligations in a single sentence. Typically when these are used in more technical settings, you separate them for clarity and for ease of ensuring compliance and testing compliance and the like. Again, it's a nit. I'm not too sure combining them makes a big difference, but I think just stylistically and my opinion is that it's clearer if they are two separate, distinct and important obligations.

DENNIS CHANG:

Now that I'm looking at it, I agree with Alex. I like seeing it as separate sentences, two separate sections. Sarah, was there any [strong] need to combine them if it's going to be separate sentences anyway? If not, let's just keep it the way we see it today. Do you agree?

SARAH WYLD: Hi. I would just say this is a CPH team comment not me personally. So this actually didn't come from my head. It came from somebody else. But it seems fine to me. It seems fine, yeah.

DENNIS CHANG: Okay, let me hear from those CPH members who felt strongly. Or do you feel strongly? If I don't hear objections, I'm just going to leave it this way. Marc Anderson, it came from your head.

MARC ANDERSON: Hey, Dennis. It didn't come from me either specifically, but I just chimed in. I think probably the confusing part was having urgent requests in between the two. So I think moving it like this is fine. I don't think it really matters a lot where one sentence, two sentences, bringing 11.3 and 11.4. But I think the big [win] here is not having these two concepts separated by the urgent request. So as long as that's accomplished, I think this is fine.

DENNIS CHANG: Well, thank you, Marc, for that support. So why don't we go ahead and resolve this comment and keep it like this, 11.3. Isabelle, if you could resolve the comment. Thank you.

Next item is 12.1.3 to discuss words proposed by CPH. Let's see, 12.1.3, this one. Let's see. What is this about? This is about log. Okay, so this is a CPH comment. Add registrar log file related to the relay of communication to the registrant email must be made available to ICANN Org.

SARAH WYLD: Dennis, can I clarify something about this?

DENNIS CHANG: Yeah, please.

SARAH WYLD: Thank you. The proposal is to add the text “related to the relay of communication to the registrant email” because that will align 12.1.3 with .1 and .2 above.

DENNIS CHANG: Related to the relay of communication to the registrant email. So what is the [fact] there? It aligns better with....

SARAH WYLD: So, Dennis, in .3, the log files is very general. It doesn't really say what log files they are. But we know from the preceding sections that it's log files related to these communications.

DENNIS CHANG: Oh, I see what you're saying.

SARAH WYLD: So this makes it specific enough that it can be followed.

DENNIS CHANG: I see. So 11.1 and 11.2 specify the communication; 11.3 does not specify the communication with the—yeah, I think—anybody have any other comments on this? It seems okay but, Alex, maybe we are missing something. I do want you to chime in. Go ahead, Alex.

ALEX DEACON: Yeah, we've talked about this in the past. The issue is ensuring that this happens for both the registrant email and tech email address. So if I could borrow language from lawyer friends, the chapeaux language in 12.1 talks about registrant and tech. So that's why I think it's important to make sure that logging happens for both of those email processes.

DENNIS CHANG: I see. Now I see. Yeah, almost missed that point. Let's see. Tech email. Yeah, you're right. So if we say email to registrant only, then the obligation only applies to the registrant and not the tech email.

ALEX DEACON: Yeah, and just to Sarah's comment, we talked about this and I think this was, it's my view that this was just a drafting error. I don't think Sarah agrees, and that's fine. But having a policy allowing for a tech email relay and not ensuring that it's actually operational doesn't make a lot of sense to me in a policy unless the hope is that—not the hope—but unless the effectiveness of this, the ability to send to this optional tech email is [lessened] is the goal, which I don't think it should be.

DENNIS CHANG: Yeah, I understand. Yeah, that makes sense. Let's see. I'm trying to keep up with the chat here. Roger, you have a comment. Please do.

ROGER CARNEY: Thanks, Dennis. Again, it doesn't follow the rec but, as Alex mentioned, he thought that the intent was to include it. I thought that staff was going to identify those items and call them out during public comment where it does not meet the recommendation.

DENNIS CHANG: No, we are. Yeah, that is....

ROGER CARNEY: Okay, so this would be one of those then that would have to do that.

DENNIS CHANG: Yeah, we will highlight all the [misaligned] [inaudible] or there has been substantial split in the IRT or conflict of input from IRT. We will identify those in the public comment so that we can actually highlight and invite others to [comment] from the public [inaudible].

ROGER CARNEY: This would be one of those things, Dennis.

DENNIS CHANG: Yeah, I see.

ROGER CARNEY: But I still think Sarah's correct. We can add tech email, but 12.1.3 should be updated. Because as it reads now, it says any registrar log file can be checked and that's not what we intend. So we need to add something that Sarah's suggesting. And if Alex is okay with registrant and tech email, that's fine with me too. We just note that when we go to public comment that this is not aligned with the recommendation, but the IRT members thought it was the intent.

DENNIS CHANG: I see. I see. That's a good suggestion. Thank you.

ROGER CARNEY: Thanks.

DENNIS CHANG: Marc, do you want to speak?

MARC ANDERSON: Hey, Dennis. I think I was essentially going to say the same thing Roger said. There's two slightly different overlapping issues. There's the question of whether it's registrant and tech, and then there's also the point that 12.1.3 is kind of unbound. It just says registrar log files. So I think I'm essentially agreeing with what Roger just said.

DENNIS CHANG: [inaudible] file must be made by log file. Let me try the [inline] suggestion now that I have you. Something like that, right? Right? Did I get it?

SARAH WYLD: I would say “or” rather than “and” tech email. Just because—yeah.

DENNIS CHANG: Mm-hmm. I see. Alex, that’s the same thing, right? No, hold on. It seems different. Or seems different. I think it needs to be and.

SARAH WYLD: My concern was if it’s and, it suggests that it’s only a log if you’re communicating to both of them at the same time. This log could be to one or to the other.

DENNIS CHANG: Oh, I see.

SARAH WYLD: That’s why I would say or. But I don’t know. I mean, if everybody thinks it should be and, that’s fine too. I don’t know.

DENNIS CHANG: I think I see what you mean. That's how you can [inaudible]. This is interesting. Let me see.

ALEX DEACON: It's an "or" in 12.1, so I think or is fine.

DENNIS CHANG: Like this? Let's keep it like this. Let me have another look at it. Thank you for the suggestion.

Okay, let's move on. Let's see. What's the next item? What was it, 10.3 now? Is 10.3 next? Help me, 10.3? No, not 10.3?

ALEX DEACON: It's 12.2.

DENNIS CHANG: Oh, 12.2 is next. Sorry. Thank you. So 12.2, this one, included but not limited to. Yeah, we wanted to hear from you, Sarah, that this was a criteria that was set by the EPDP team. But then if we're changing that, maybe we need to think about it and have a good reason why. So maybe I can hear from—I don't know. Who wants to talk about this first? Sarah maybe? And tell us why you want to change and maybe hear from the EPDP team who have suggested this wording in the recommendation. Is that how you want to do this? No comment? Okay. Well, Marc Anderson has a comment. Go ahead, Marc.

MARC ANDERSON: Hey, Dennis. I'm sorry. I guess I was not particularly well prepared for this particular one, but I'm looking. This says it came from Rec 18, but I can't figure out where in Rec 18 this actually came from. So maybe that context of looking back at the original recommendation and understanding what we're trying to implement here would help. So I think that's maybe why you haven't gotten hands yet. I suspect other people are scrambling to understand the context of this.

DENNIS CHANG: Okay. Let's do this then. Let's move on and come back to it when we are ready. So let's move on to 10.3. This one came from Lauren. I hope she's on. Lauren had a comment on 10.3. Was it 10.3? Just 10.3. Lauren, the floor is yours.

LAUREEN KAPIN: Okay. It's actually in my comment. It's not exactly 10.3. Can you put on screen my comment? Because I think actually that's what's going to [help].

DENNIS CHANG: I'm trying to find it.

LAUREEN KAPIN: It's all the way down the chain, I think.

DENNIS CHANG: Oh, this right here?

LAUREEN KAPIN: Well, I think that's the chain.

DENNIS CHANG: Oh, here. I found you.

LAUREEN KAPIN: There you go. Okay, that's it. There I am.

DENNIS CHANG: There you are. Okay, so this is what you wanted to talk about with the IRT?

LAUREEN KAPIN: Exactly. This relates to the original recommendation that permitted differentiation of registrars and registry operators to differentiate between the registrations of legal and natural persons but are not obligated to do so. That was the recommendation, but here in the [implementation] language we have what I at least read as these additional and in my mind unclear requirements of confirming the accuracy of the value. I'm not sure I know what that means. And an obligation that if this confirmation takes place, they have to publish. But if the registered name holder doesn't confirm and agree, they must redact. That appears to me to go well beyond what the actual recommendation is. So that is where my concern is.

DENNIS CHANG:

Hmm. Sarah has her hand up. Let me hear from Sarah.

SARAH WYLD:

Thank you. Hi. I just have a question because, Laureen, I'm afraid I'm not following something here. And I hadn't noticed your comment earlier, so I'm sorry I didn't have a chance to sit down and think about it. But this section here relates to Recommendation 12 which is how the org field should be handled. And then your comment is related to legal versus natural which seems to be a kind of separate thing. So here I do agree that what it means to confirm the accuracy is not really defined here, but I think we have larger processes in place around WHOIS accuracy that are sufficient already and already well understood by registrars. So what we have here seems to me to match the recommendation, but I don't see the connection to legal versus natural. If you could just help me understand, thank you.

LAUREEN KAPIN:

Sure, and apologies if I'm not being clear. I always know there's room for improvement. As I'm understanding this—and if I'm misunderstanding, happy to be corrected—but as I'm understanding this relates to the publication of information related to a registrant that's an organization as opposed to a natural entity. Why don't we start there.

SARAH WYLD:

Yeah, let's pause there. Sorry, I didn't mean to interrupt, but I think that is a really good place to talk because I don't read it that same way at all.

LAUREEN KAPIN: Okay, then let's make sure we're all on the same page because I certainly could be misunderstanding, and then we could have a really short conversation.

SARAH WYLD: So Rec 12 talks about data in the organization field. Is it somewhere stated that if there is data in the organization field, then it is a legal person? I don't think that—I feel like we've talked about this so many times I've lost track of what the end result was.

LAUREEN KAPIN: Well, are we not talking here about publishing the registrant data related to an organization, i.e., if an entity is an organization, whether or not their registrant information should be published? Again, if I'm misunderstanding this, please correct me.

SARAH WYLD: I don't—do you have Rec 12 in front of you, or could we get that up on screen maybe? Because that might be—I don't see that Rec 12 is really related to the type of owner. I know that many domain owners put data into the organization field even if they are a natural person. There are many recommendations here that intersect, and it's definitely complicated. I'm just trying to look at 17. So 17 doesn't say data in the org field means you're an org. It just says we could differentiate. And then 12 says how to handle the org field. I don't know where that leaves

us, but I think the confirmation of accuracy and consent to publication in my head is unrelated to the legal type of the domain owner.

LAUREEN KAPIN: So I'm still not sure because we don't have the recommendations up. I will say that the language I quoted in my comment is from Recommendation 17.

SARAH WYLD: Yeah. So maybe we could approach it from what change would we make? What change would you suggest here if it's to clarify what it means to confirm the accuracy?

LAUREEN KAPIN: Well, I think I have a more fundamental problem here which is additional requirements that didn't flow from the recommendation. But I see Alex's hand is up, and maybe I'm wondering if I may not be getting all the hands in sequence. No, I think it's just Alex. Let me pass the baton to Alex, and maybe he could help provide some clarity here.

ALEX DEACON: Yeah, hi. Maybe I could provide some history at least as far as I remember it. It seems so long ago, but I remember in Phase 1 the issue was, putting aside Rec 17 for a moment, the issue with the org field was how do we deal with the existing set of org field data which has just been used kind of willy-nilly by registrants for the past, what, 20 years to signify lots of different things. I think one of the examples people

mentioned is that domainers used the org field to say, hey, if you're interested in this domain, let me know, and there were other examples.

So the issue that we were trying to solve in Rec 12, and especially the implementation advice in Rec 12, is how do we deal with this historic data. Some of it which is good and valid organizational data. Some of it is using that field for other purposes. Some of that data also containing personal information and the like. So how do we transition this data in a reasonable way that's in compliance with the GDPR? That's why that implementation advice section talks about, first, letting the registrant know that—well, I guess, asking them to confirm the correctness and accuracy of the org field data.

And then there's a whole set of steps there that are outlined in Rec 12 as to what to do and as to when. Although, we blew past the February 29th date long ago. I'm not even too sure what that means anymore. And then there's a second separate section for org data based on some date certain which who knows we'll ever hit—we haven't hit it yet—for new registrations. It describes how that data field will be collected and processed and perhaps displayed based on input from the registrant.

So I think that's what this—it's interesting. This 3.5 is just a little paragraph that I think is attempting to encompass all of the details that we have at the end of Recommendation 12. So that's the history without saying one way or another whether we have it right in the implementation or if there are some issues there that we've missed. But that's the history as I remember it. Thanks.

DENNIS CHANG: I lost you there for a minute. I'm back. I think I missed the history lesson from Alex. I'll listen to the recording. Next is Sara. Go ahead. We have five minutes left, so probably this is the last topic. But let's finish it as best we can. Sarah, you're next.

SARAH WYLD: Yeah, thank you, and welcome back, Dennis. Thank you, Alex. I guess I would just ask, is there something here in 10.3.5 that doesn't match Rec 12, or what changes would you suggest to make things more clear and understandable and in alignment with the rec? Thank you.

DENNIS CHANG: That's a good question. Thank you. Shall I? Okay, Alex, I think you're up again. Or is Laureen? Laureen, do you want to respond?

LAUREEN KAPIN: Yeah. First of all, I read this through the lens of the recommendation about I think it's Rec 17—I'm so flummoxed with all these numbers—and not through Rec 12. So I think I need to go back and see this through the lens of Rec 12 and I can then come back at the next meeting.

I would say at first blush one of the concerns that I had originally which I still have because I took a very quick look at Rec 12 while we were pausing is that there doesn't seem to be an obligation to have the registrar actually seek this confirmation. And it seems to me the intent of this could be flummoxed if the registrar simply chooses not to try and

contact the registrant for confirmation. And at the very least, we need to make sure that there is an obligation to try and get this confirmation.

So I'll start there, but I would like to take more time and look at it in conjunction not only with Rec 17 but Rec 12 also which seems to be more directly applicable.

DENNIS CHANG: Thank you, Laureen. Sarah?

SARAH WYLD: Thank you. Laureen, yes, for sure. I think what you're looking for about what the obligations are, are the Implementation Note C on publication of registrant organization. One of the reasons why the CPH members of this IRT have suggested that some of that implementation note should be moved into the policy is because that is where we find the registrar's obligations for how to handle this requirement. So I think you're right that it's kind of disconnected and confusing right now, and we might be able to address that by also putting it up into the policy. Thank you.

UNIDENTIFIED FEMALE: I think we lost Dennis again. One moment. Welcome back, Dennis.

DENNIS CHANG: Sorry. I'm not sure what's happening today. Let's see. Next agenda item was 3.9.1 on the OneDoc. Let me see if I can get there, 3.9.1.

UNIDENTIFIED FEMALE: You'll need to share your screen again too, Dennis.

DENNIS CHANG: Oh, yeah. Okay, 3.9.1. You're right. Okay, [launch] share screen. There you go. Am I with everyone now?

UNIDENTIFIED FEMALE: Yep, perfect. Thank you, Dennis. Go ahead.

DENNIS CHANG: Okay, thank you for checking up on me. Okay, this one was a comment made by CPH IRT team. I think Sarah wanted to discuss it or the CPH team wanted to discuss this. So this is the chance to discuss it. I'll open it up for discussion. Who would like to start? Alex would like to start. Go ahead, Alex.

ALEX DEACON: Hi. I'm just looking at what Sarah is suggesting in terms of changes here. But as long as the changes don't restrict the use of urgent or the tagging of requests as urgent to only law enforcement, I think we'd be okay with that. We believe that it should be available to others as necessary, especially those who are dealing with issues of cybersecurity and the like. Thanks.

SARAH WYLD: Did we lose Dennis again?

UNIDENTIFIED FEMALE: We did. One moment.

SARAH WYLD: Okay.

UNIDENTIFIED FEMALE: Welcome back, Dennis.

DENNIS CHANG: Oh, my goodness. I don't know what's going on today, but I have switched my Internet connection, so hopefully this will be more reliable. I have to share my screen again, and that is the IRT—this one. Are we okay?

UNIDENTIFIED FEMALE: Yes, we see it. Sounds good and looks good. Thank you.

DENNIS CHANG: Okay. So I'm sorry for that interruption, but please continue. I'll catch up later.

UNIDENTIFIED FEMALE: Dennis, Sarah has her hand up.

DENNIS CHANG: Hi, Sarah. Yeah, go ahead.

SARAH WYLD: Hi. Thank you. I do take the point that there might be non law enforcement who see something that is indeed urgent under this definition. Yeah, so I guess I would look for a balancing here. And as I said in the chat, I could get more comfortable with this if there's also some way to handle abuse of that urgent marker which is not, I think, currently accommodated in the text. Thank you.

DENNIS CHANG: Anyone else? Laureen, go ahead.

LAUREEN KAPIN: Yeah, I think there's a word missing, and I just wanted to get that corrected. In the third to last line, "the physically and cyber systems that are vital in that their capacity," the word "in" is missing after "vital."

DENNIS CHANG: Thank you. Alex?

ALEX DEACON: Yeah, hi. In terms of Sarah's comment there, maybe what we need from the CPH is some language that describes what that would look like in terms of abuse of the urgent tag, if you will. That may be the path forward.

DENNIS CHANG: Yeah, sounds like a good next step to look forward to. Laureen, did you want to speak again?

LAUREEN KAPIN: Yeah, I just wanted to further add support to Alex's suggestion. Particularly when we're talking about these vital, critical infrastructures, many times it's not just law enforcement that is going to be involved in detecting threats. You can easily see other types of agencies which aren't law enforcement wanting to make these requests and, certainly, there could be businesses on the front lines who are the first to detect some sort of threat to water or the electric grid. So I think as long as the requests fit within the substantive definition, it doesn't need to be just law enforcement who can make these requests. But I'm happy to also welcome language from Sarah and colleagues about how to make sure this isn't abused because that would defeat the very purpose of the [inaudible] for these requests, so to speak.

DENNIS CHANG: Thank you. Anyone else to comment? No, I don't see any other hands, so let's then move on. Sarah, you just raised your hand again.

SARAH WYLD: Thank you. Yeah, sorry. So it sounds like we have some overall agreement that we're okay not limiting the urgent requests to law enforcement as long as we are adding in some limitation or some ability of the registrar to downgrade improper requests and to flag abusive

users who are consistently making inappropriately urgent requests. So I guess I'd just like to ask what the next steps here would be, and perhaps staff could propose some language around that for us to review at the next call. Thank you.

DENNIS CHANG:

We can try, but this is the language that we came up on. What's happening today, let's just talk about what's happening today, how are you guys handling it right now? Urgent requests that you receive on a typical day when you know that you disagree. It's not an urgent request and somebody may have even mistakenly marked it as an urgent request. Beth has her hand up.

BETH BACON:

Dennis, I think what we're saying here is that right now 3.9.1 is okay. And to your question of what we do today is largely these requests come in from law enforcement, so we have those relationships and we know their legitimacy and we respond to them through court orders and that sort of thing. They have that path. I think the concern is that when this does—or this language has the potential to open this urgent tag up to more bodies that we don't necessarily have the relationship as contracted parties or the expertise to know every single cybersecurity firm or researcher. So that's going to be a challenge for us. And right now, we don't have that issue with an abusive and urgent tag because we respond to court orders and requests from known law enforcement bodies and things. So I think that's the concern is when you open it up to new categories.

DENNIS CHANG: Is there anyone who cares to share what's being done today? I know that when we were working on the security framework together, the similar concerns were addressed when we discussed it. I know that—I mean, I'm sure that there are cases where you receive urgent requests which are [inaudible] obviously not urgent and you disagree. And in the security framework, if I recall correctly, we did not try to do anything about that. Let me see if I remember this correctly. Beth, do you remember? What did we do? Yeah, Theo was there too. Okay, Beth, you go first.

BETH BACON: No, sorry, that was an old hand. I'll let Theo go ahead.

DENNIS CHANG: Okay. Yeah, go ahead, Theo. Yeah, why don't you go ahead first.

THEO GEURTS: Yeah, I think we never took care of that critical infrastructure part. I mean, most of the critical infrastructure like nuclear power plants, electricity plants, water, sewage systems, etc., which is very vital, of course, for any economy or town or whatever, that is basically dealt with. That information is already on file with most LEAs anyway. They can be contacted by other means. We don't need WHOIS for that, so we never really looked at the critical infrastructure. And if you look at the critical infrastructure when it comes to the DNS, most of that doesn't

apply anyway. So we never took care of it, Dennis. That is my recollection, but I could be wrong there because it's a long time ago.

DENNIS CHANG: [inaudible] Okay, Sarah, you have your hand up. I'll let you go.

SARAH WYLD: Thank you. Yeah, I just wanted to thank Alex for the suggestion to draft a new Section 11.8 that includes these concepts. I think that's a really good idea. So I would be happy to work with the CPH members of the team to do that and provide something.

DENNIS CHANG: Okay, thank you so much. Beth?

BETH BACON: Thank you, Alex. I agree. That's a good suggestion. I think to the point of how we do this in the security framework is that it's not that we didn't address it. It's that we noted that each contracted party has their own process in place and jurisdictional requirements. The agreement was that we would follow that. But quite frankly, it was a long time ago and I don't remember. But I don't know that it's necessary analogous here. I mean, the security framework is one thing, and then this is a different process for a different type of disclosure. So while it's a good guidepost, it's not necessarily apples to apples. We can always double check and come back to it once Alex and the rest of us draft something.

DENNIS CHANG:

Okay. I think that was all good discussion. So let's move on then to our final topic agenda item, 11.7.2. What was this? Oh, this one, if applicable. This was suggested. I added this because I got, I think, a suggestion from Sarah, and we want to talk about this. Let's see. I asked for examples where it would not be applicable.

Oh, long comment. I'm not sure if I saw this. Refers to specifically the analysis of how the fundamental rights and freedom of data subject were weighed against the legitimate interests of the requestor. Adding if applicable brings alignment with the recommendation and recognizes that we are not always balancing against the legitimate interests of the requestor. We may be instead processing a request from a law enforcement agency which makes a request under GDPR. Alternatively, we could just say this includes an analysis and explanation of how decisions are reached.

Oh, I see. You made a suggestion there. Okay, I'll open it up to IRT. Where did it go? So the words "if applicable" in [parentheses] [seems] strange. So we asked the question, the reason for this suggestion. And I think we have some answers. And let's consider Sarah's suggestion of adding "this includes an analysis and explanation of how the decisions were reached." If we include that....

SARAH WYLD:

Dennis, can I clarify something?

DENNIS CHANG: Yeah, please do. Help me.

SARAH WYLD: Thank you. I was not suggesting to add that text. I was suggesting to shorten the sentence and end it or to make that whole last sentence shorter. But it sounds like there is widespread agreement to just add the words “if applicable.” I don’t hear anybody disagreeing with that, so that seems like the simplest solution. Thank you.

ALEX DEACON: Yeah, so we agree. I think adding “if applicable” is fine for the reasons that Sarah lays out in that comment there.

DENNIS CHANG: Mm-hmm. Alex agrees. Thank you for that. [inaudible] Any other comments on this? Thank you for that input then. Yeah, thank you for clarifying. I am clear on, I think, how you interpret the other proposal. That was a confusing point for me. Roger—okay, that brings us to our last topic, 11.7.2. I think that was it.

So any other business? We already—oh, Alex, you have a comment?

ALEX DEACON: No, old hand.

DENNIS CHANG: Okay. that brings us to any other business. I'll open it up. We have ten minutes left to the IRT for any other things that you would like to discuss. You can tell me what you would like to discuss at our next meeting too in agenda items. We're going to be starting to build that agenda for our next meeting. Roger, go ahead.

ROGER CARNEY: Thanks, Dennis. Just to be clear on 11.7.2, we're going to keep that language in there and clear all those comments, right?

DENNIS CHANG: Well, let me take a look. I missed a lot of conversation because of my [break]. So let me just go back and listen to the whole thing. And, yes, we can come back with you on that decision. "If applicable" makes sense. We'll just keep it. If we see an issue, then we'll bring it up to you.

ROGER CARNEY: Okay, thanks.

DENNIS CHANG: Mm-hmm. "Go team." Is that a go team CPH, go team IRT, or go team all of us implementation team? Thank you, Beth, for your encourage. If there are no other comments, we can go ahead and conclude our meeting and resume. "Go team humanity." Especially now.

Thank you very much, everyone. I really appreciate your input and support for the implementation of this policy. I know it has been taking

a long time and it is a stressful time, so anything that you're doing to help us is greatly appreciated.

Hopefully, we can get to some sort of a state where we can go ahead and share our work with the public. They're really anxious to see our work product here. And they're patiently waiting for us to do our work because everyone involved, the GNSO Council and the Board, all agreed to support us and our process and our timeline.

So thank you, everyone. I'll see you in a couple of weeks. There is going to be a homework you can look forward to. I haven't quite sent it, but I will as soon as I am probably getting to it. I'm preparing it as a task [one of four]. We have this lovely document, and we would like your input on that too. But I will go ahead and send out an email so that you have it in your inbox as a reminder. Bye now.

[END OF TRANSCRIPTION]