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BRENDA BREWER: Good day, everyone. Welcome to the SSR2 plenary number 127 on the 5th of November 2020 at 15:00 UTC.

Members attending today's call include Boban, Danko, Denise, Laurin, Ram Krishna, Russ, and Zarko. Observer Dennis Tan.

Apologies from Kerry Ann.

Attending from ICANN Org is Jennifer, Steve, Brenda, and Heather Flanagan the technical writer. Today's meeting is being recorded. Please state your name before speaking for the record, and Russ, I'll turn the call over to you. Thank you.

RUSS HOUSLEY: Okay. The big things we're doing today are moving forward with the report from the abuse subteam and there was an e-mail discussion with an update on recommendation 28, so just want to confirm that that didn't raise any concerns, and then there was a discussion in a Google doc on the SSR1 appendix. We'll hear a little bit about that from Heather before we talk about it.

So let's jump in and first talk about the abuse subteam. I think Laurin's leading that. Is that right?

LAURIN WEISSINGER: I am not 100% sure. If Denise is on the call, she might be the better suited person, I believe, for that specific aspect because—

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RUSS HOUSLEY: She is on the call.

LAURIN WEISSINGER: Awesome, because she added most of the responses to Danko, and we wanted to kind of push that discussion to the plenary call so it can be kind of discussed with the whole team. So I will hand over, I think, that makes more sense.

DENISE MICHEL: I think the objective of this session today then is to address comments or questions people have on the abuse section. I think Danko raised comments in the text, which would be a good place to start. Is there a preference to have an overall discussion or to walk through the comments on each page of the abuse section in the Google doc?

RUSS HOUSLEY: I think the comments, because last week we got the overall flow of the section.

DENISE MICHEL: Okay. The first comment to discuss is on page four in the Google doc attached to a paragraph relating to the closed-door negotiations on the new gTLD memorandum. The comment is about the ... Is Danko on the call?

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RUSS HOUSLEY: He is.

DANKO JEVTOVIC: Yes. Thanks.

DENISE MICHEL: Great. So, was your comment suggesting additional context or background be added to this? I added some additional facts surrounding the registry agreement.

DANKO JEVTOVIC: Yes. Well, first, thank you, Denise, for responding so detailedly to my comments. I know it's morning for you now, so thank you for looking into that. I responded a bit but then decided there is no point in discussing too much into the document because I believed also that you would not have enough time to respond and it will create quite a long thread.

So in this particular point, your comments were very true, but my point was actually is if it is written by the team that it was only closed negotiation between ICANN Org and the registries, it will kind of give maybe wrong impression to readers of the report who are not familiar with the full history. So I would say that it's not entirely factual because the community was involved in the way how I commented and you described, but it's too much details.

So I would just propose—of course, I'm not assisting because I'm not part of the review team—that you clarify that a bit because from the

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comment that it was closed negotiation, then the narrative is a bit different than actually what happened might lead, because this is also the view how the current recommendations are recommending for the evaluation of the registry contract to proceed. So I don't know if I was clear enough. And there was also a question by KC, I believe, in the e-mails about that.

RUSS HOUSLEY:

Okay. I haven't seen any e-mails, but we can add some clarifying context there. I think the overarching point worth addressing is that there are several tools available to the Board to effect change, and contract negotiations do not require policy development processes in advance. For example, that was not the case when 2013 RAA was developed. It did not come out of a policy development process. There's several examples of ICANN Board and Org taking action that relates to contracted parties and their actions that that has not come from a policy development process. I think it would be useful to tackle this notion that the Board or staff is somehow restricted from initiating contract negotiations or issuing guidelines or clarifying DNS abuse definitions for the collection of data without a policy development process. That is not the way that ICANN is structured. It's not consistent with the bylaws and the history and actions of ICANN.

There are two ways, for example, that contracts can be negotiated, or changed. One is for a policy development process to be carried out and then approved by the Board. And if it sits in the picket fence, it needs to be included in the updated contracts and adopted by the contracted parties. That's one way, but that's not the only way. Contracts can also

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be changed through negotiation with ICANN, and that has occurred a number of times. So just to clarify that point.

DANKO JEVTOVIC:

Yeah. Actually, thank you for coming directly to the heart of the matter, because we exchanged kind of a few of my comments were related to that and you answered very detailedly. So I actually agree with you and I believe that's the point. But first of all, sometimes it's not easy to go back to the historic examples that happened in the ICANN because some of the examples are not very in line what current Board will do or what will be accepted by the community. For example, a TLD was taken away from me, .yu. So at the time when .rs was delegated, then Board requested that .yu be cleared out from the root zone in order to delegate .rs, and that was not any kind of policy or nothing, and that was something that will probably not work today.

But not going so far in the past in history, I absolutely agree there are different ways to change it. Only my point was that—I'm not a lawyer, but my understanding of the bylaws and the processes we have that there is a reason for existence of the PDP, and that reason is that by having a consensus PDP, there is a possibility to enforce the obligations on registries and contracted parties that are not result of the voluntary negotiations of the contracts.

So of course, ICANN Org can, under direction of the Board and in some cases in direct negotiations, more or less [inaudible] as you noted, can change the contracts and impose obligations on the registries. But because they don't have to accept anything that is suggested, it's a kind

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of negotiation. So that's why sometimes the term "voluntary negotiation" is used. And this is of course one way to do that, and I believe that recommendations by this review team are very good and should be accepted, but the question is, what if they're not?

So my understanding is that PDP process is a pretty unique way of setting up the things, because through the picket fence, contracted parties have accepted that through the PDP that is consensus PDP, new obligations can be directly put in as part of the contracted obligations. So my understanding is that's the difference. Is it voluntary, or is it consensus PDP that is in fact way to enforce it?

So I believe that all the recommendations [stand.] Of course, it's not my role to comment on that, but personally, I support them. But I believe that way to clarify the way how it's going to be could be more, [how to raise it, streamlined and aligned,] and also—sorry for speaking so long—there was example of the temporary specification that is actually a result of the law. So it had to be done. It was, in my understanding, the only time when the policy was created in that way as a temporary policy because expedited PDP was created to resolve that issue. And it's a different thing, because it's coming from the legal obligation created by the new law in European Union.

So I believe a bit of the clarifying way can be put in this section, but at the end, it's up to the team. Those are just my suggestions how I see the team's report can be better accepted and better implemented later. Thanks.

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DENISE MICHEL:

Thank you, Danko. And it's really helpful to hear your perspective. And we should definitely make sure that we give fulsome context to these recommendations. I think part of the issue here is there are multiple paths to these recommendations and to action within ICANN. It's pretty clear that the current policy development process has not been successful, particularly in addressing security, stability and abuse issues. I think evidence of that is abound, but most recently in the WHOIS access PDP. After two years, they don't even have an agreement that access in any form should be granted for widely recognized and experienced abuse in domains.

But to stay on topic, we should clarify that policy development process is one path, but there are other paths, and I think it's incumbent on this review team to make sure that we clarify that expanding the new gTLD space, for example, and bringing significant revenue to ICANN was deemed a priority by ICANN and its Board, and many actions were taken to move that program forward, not waiting for additional PDPs but taking other actions. I think it's incumbent on the review team to clarify that the state of abuse in the DNS and the responsibility of ICANN in the security, stability and resiliency area requires a higher priority from the ICANN Board and more action, and using more tools at its disposal rather than, for example, waiting for an unbounded, unstructured, timeless community discussion of the theory of what could be included in the DNS abuse definition or waiting for the GNSO and contracted parties to launch another long policy development process that is not structured to arrive at a result that supports the public interest.

But I think making sure that SSR and abuse is a priority that's addressed and driven by the Board and that there are more efficient paths to

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making progress than policy development processes would be good to clarify in this text.

DANKO JEVTOVIC:

Well, thank you. I believe it is very clearly put. First, as you said, WHOIS or the GDPR is not very good example because there is sufficient legal priority and the current understanding by European Union Commission and the privacy Board points to that the registrars are controllers and they have to make the balancing test for each and every request. So of course, that was a problem for the PDP and one of the reasons why the expedited PDP is so complicated. But it's another matter.

I would say the question is the SSR2 challenges we're seeing are priority enough to approach the policymaking process in different way than is structured in ICANN is something that is for the review team to say.

I personally don't see a possibility for going around PDP process, because the Board doesn't want to trick community or something, of course. But I believe that community wants PDP process to remain bottom-up multi-stakeholder, and then it's the question what can be done, and the recommendations by this team should lead us in the way how we all are going to work on that. So this is, I believe, coming to the right of the matter, and one of your comments actually was, I believe, going to that direction, that PDP cannot do that. And probably, in my personal opinion, the team should be clear in that, maybe ask what should be done and what are the importance, and not go into details how historical examples show that things have been done in this and that way. But in the end, it's up to you. I believe that we very much



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understand each other, and that's kind of the [end of] my comments here.

DENISE MICHEL:

Yeah. So again, I think this is helpful. I think the notion that we're somehow circumventing the community without doing anything, without a policy development process, is a misunderstanding and a misuse of the bylaws. And I think in proposing things like a cross-community working group, there is another way to ensure that broad community interests and recommendations are brought to bear in this space. But I think you certainly raised some issues for us to clarify.

DANKO JEVTOVIC:

Okay. Thank you. Sorry for speaking so long and taking so much of today's call, but I believe it was important to clarify some of these items. Denise, really, thank you very much.

DENISE MICHEL:

No, thank you. It's a really important perspective that you're giving us. And I think it'll make the report stronger by ensuring that we provide the context and more fulsome explanation in these areas. Do you feel it would continue to be helpful to walk through each comment, or to address the higher level issues?

KC CLAFFY:

Can I interrupt with a question first?

DENISE MICHEL: [Yes.]

LAURIN WEISSINGER: [Yes. Sure.]

KC CLAFFY: So this has been really helpful for me too, to hear this conversation, but I'm still confused. I would like to know from Danko, is it the case that you believe a PDP would be effective in this area? Because my understanding is that there have been PDPs that tried to address this issue, and indeed, the whole new gTLD program had this very long and detailed discussion and things were written down about how to put in safeguards for the new gTLDs and the CCT report more or less concluded that these were not effective.

So what I'm wondering, what would Danko be advising the Board, were he advising, and why he thinks a PDP would be successful in what we're trying to get at with these recommendations. That's my first question.

DANKO JEVTOVIC: It's a very good question. I'm not sure. Probably maybe even my experience sitting in the Board two years now is not long enough to give you the full answer. And I as the Board liaison trying to help the team, I'm not officially speaking for the Board. But in my opinion, the abuse discussion is so much in the focus for the last more than a year, and we are getting inputs from all sides of the community. And first of all, I

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believe that a strong input from this team would very much contribute to the ongoing discussion.

Second, there was a lot of discussion and the questions, and Denise had very good comments here in this document about the definition of the DNS abuse or security challenges on DNS, whatever name we were using. But in my understanding, it is more about what's inside the ICANN's remit, because some parts of DNS abuse are clearly inside, some are not, but it's not very well-defined. And I think we need common understanding of that.

The mentioning of the PDP, at least from my side, is because this is the way that is bottom-up way that the community can force something into the contracts as obligations by the contracted parties. And we see that also contracted parties, registries and registrars, are seeing the importance of DNS abuse and we had all this COVID situation and everything, and we had this voluntary framework coming from their side. But the question remains, what would happen if some misbehave? How we can identify them better, what we can do about it, how we can enforce things? And this is the key issue, and the PDP is mentioned because, again, in my understanding, it's the proper way to enforce something in the contracts that will give the power to the Compliance to act strongly upon that.

So probably, the answer is yes, but is this the right time for the GNSO to initiate the PDP? I'm not sure. I believe we kind of, after this long discussion with the whole community, we kind of need a bit more focus in doing that, and I'm really hoping that this report from the review

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team would kind of be the factor that is moving us into that focus and ability to act.

KC CLAFFY:

I hear you, but I find the reasoning problematic. And the reason is that where you started with was the definitional issue that this team has gnashed its teeth on for three years about, oh, there's no definition, and I just saw the Board say this again in the context of the CCT recommendations, that we need to wait for the community to come up with a definition.

This makes me think it's not going to work, because the community is just going to do that again for five years. It's in their interest to do that. I mean the commercial community, the DNS supply chain community.

DANKO JEVTOVIC:

Yeah.

KC CLAFFY:

Indeed, I think a lot of where the EPDP gets hooked on with WHOIS data, I totally accept your point about the law not being clear and I really appreciated ICANN's letter to the EU saying we've got to get clarity on this if you want any of this to work. I agree with that. However, I also think there's going to be a problem with the whole definitional issue of what defines abuse is tied into and therefore who gets to have the data. Like what's the equivalent of due process? How do you say, "Well, I need the data because I suspect this is happening?" "Well, that doesn't count as abuse in our region."

So I think that the same issue that ties up the EPDP—part of it, not just the controller issue but the definitional issue—will tie up this kind of thing and then will tie up a PDP on abuse. And what also rips my confidence out of the process is the SubPro working group’s recent announcement this year that they don’t believe that abuse should be tied in with the next round as any sort of criteria.

They think despite that abuse was very much tied into the first round of gTLDs back in ’13, they don’t think it should be tied in anymore, which is a complete 180 from the community. And their reasoning is abuse is everywhere, so it shouldn’t mean that you stop letting us have new gTLDs just because we failed to fix abuse, even though we said we’re really going to take it seriously in this new round of gTLDs.

So I'm just wondering what gives you confidence that—you said “probably yes,” but I'm wondering what evidence you have for your “probably yes” conclusion and how you would write that into a recommendation, a justification for a recommendation, besides the ideology that, well, PDP is the way that we do it here and the community won't accept otherwise, therefore we should keep doing it that way even though frankly we have evidence that it fails on this type of security issue.

DANKO JEVTOVIC:

Well, [that’s the point.] I agree with most of what you said. Only the last sentence is challenging because I don’t see that as ideology, I see that as the bylaws. And that’s a problem. But if you open the question, should the bylaws and the remit of ICANN be changed, that’s not going to fly.

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So we have to do something about that, and then we're kind of moving there. Some things are happening, there is discussion in the community, but with ICANN, things are moving slowly.

I would be very happy if I could give you a better answer how I see the way forward, but I'm sorry, you're kind of, at the moment, stuck with me as the Board liaison to the group and I'm not up to the task to see the way forward in this. So as I said, I'm kind of hoping that this report and statements that show the importance of that would work.

I wasn't part of any review teams beforehand, but I would more insist on the problem statement and what are the challenges that have to be solved than how to do it. Send it to the Board, and the Board has to find a way to do some things because they're important. And of course, the Board cannot do it against the community because a bottom-up PDP is written there. But I don't actually have the solution.

KC CLAFFY:

Okay. My understanding is the ATRT—we explicitly have not gone near changes in bylaws. I personally think probably changes in bylaws will be required, if not something even stronger than that. But my understanding is the ATRT recommendations did essentially imply changes in bylaws, and what I'm hearing you say is those are nonstarters, so that means those recommendations would not be accepted.

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DANKO JEVTOVIC: Sorry, maybe I meant changes that will fundamentally change the mandate and the mission of ICANN. And that was not changed in that way. We are changing the bylaws all the time. We have the process. There are small changes, there are fundamental changes. The ATRT3 recommendations are currently discussed. I don't see any problems in accepting them. The truth is that some of those have significant minority statements, but these are important changes and most of the minority statements I read were about worry of possibly reduced accountability. And this is something I take very seriously. But the bylaws changes are a viable way forward in general. The changes of the ICANN mandate in general are something that is on a level above that, and I don't see for example—let's take a theoretical example—possibility that ICANN will go into content. Well, this isn't part of this SSR2 discussion, but just to give you an example. So not in that way.

KC CLAFFY: But you explicitly think recommending CCWG rather than a PDP would be a violation of the mission statement because you don't count CWG as bottom-up? Or what is it about a CCWG that you think violates the bylaws?

DANKO JEVTOVIC: I don't believe that any creation of a working group could violate the bylaws, but the question is, what are the results of the work of the CCWG? If this is policy, then this policy is automatically implemented in the contracts. If it is not policy, then the policy is very well defined in the bylaws. If the result of the work is not policy, then what is it? So we are

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coming back to square one. So of course, the CCWG can do some work, but is it policy or not? That's the question that is very important in the way how bylaws are structured. It's not violation of that, but the result of the policy development process is very defined procedure.

DENISE MICHEL:

I think perhaps part of the confusion here is that the bylaws don't require a policy development process as the only way to have changes to contracts, for example, with registrars and registries, or that it should be thought of as one path, not the only path. You could have a CCWG that advances the definition of DNS abuse and have public comment on it and community discussion, and then carry that definition into the work of ICANN in different ways, incorporating it in data collected by the DAAR program, for example, or using it as input for new negotiations on the RAA.

DANKO JEVTOVIC:

Yeah, true.

DENISE MICHEL:

Having negotiations on the RAA, of course, do not require a policy development process.

DANKO JEVTOVIC:

True.



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DENISE MICHEL:

For example, they just negotiated contractual changes in the RAA around RDAP. That was not driven by a policy development process. I think what we're missing is the will of the Board to seriously address security, stability and DNS abuse. So suggesting that anything that could be done in this space has to wait for a policy development process that likely will never come because neither the GNSO nor its policy development process is actually structured to address critical public interest issues like this. So we're caught in a catch 22, this merry go round of, sorry, we're not going to do anything until a policy development process provides the answer and you have a policy development process that is not structured to yield answers that support the public interest in this area.

It seems like you're outlining a lose-lose proposition. What the team is striving to do is to give the Board—to illuminate different paths and tools that can be used that allow for robust community input and engagement, but also don't rely on a failed policy development process. Allow that to stop any action in this area. We're trying to highlight additional paths the Board can take and make a case that this is a serious enough issue for the Board to show leadership and take action in this area.

LAURIN WEISSINGER:

Sorry, I just want to jump in. I've had my hand up for like 25 minutes. I was one of the people on the subteam who said we should go kind of more general, and this is what I will bring up in this discussion as well. Definitely, there are issues with the PDP-executive summary when it comes to this type of topic, that that is, I think, clear.

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At the same time, I kind of cautioned the subteam saying, well, not including kind of the path that also the public comment clearly underlined as what they believe is necessary, it's a strong statement. I'm still not sure if we cannot kind of make the points that Denise makes more clear, and essentially add a little bit to say, look, Board, you need to kind of take charge here, but at the same time, leave the door a bit more open for a community agreed policy so that we're kind of saying, look, there are many ways you can fix this, and the starting point is you take this seriously and you push it along, but at the same time, this is what you can do.

And I do see in theory that having a community agreed policy as a very good one. It couldn't really be questioned, either by process, nor by who was involved. Everyone could talk about it. At the same time, there are the limitations that we identify and that Denise has talked to. So this is how the last recommendation essentially came to be, with us trying to resolve this where we said, okay, Board, do a temporary specification and then create an EPDP to create policy. Should you hit snags and you feel some things that we want you to do, you cannot do, the general counsel I guess will be, I guess, kind of a key element here saying, "Yeah, you can do this, no, you can't do that."

So I'm still wondering if we can find a kind of approach in this report that covers all these avenues. And that's what I was kind of trying to get at. And as I said, the result was the kind of recommendation that includes the line on the EPDP.

So I just want to throw that in. We tried to resolve that. It seems it's not resolved sufficiently. I'm not quite sure at the moment if further work

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can be done that would really help here, or if there is just a fundamental disagreement between those two positions that essentially we cannot resolve no matter what we're writing. Doesn't mean we shouldn't try.

DENISE MICHEL:

Yeah. Thank you, Laurin. I think that there's a recognition that in a theoretical world, the best case would be a very clear, very strong, very timely policy development process- that had all of these issues addressed effectively, and then it was implemented. But we don't live in that theoretical world, and what the team is trying to do—and I think we can bring more clarity to the text here—is to impress upon the Board the urgency of this arena and really encourage it to use multiple tools, take multiple approaches to have both short-term and long-term impacts on security and abuse mitigation and to step outside this well worn groove of an idea that only a policy development process can be used. It's not an either-or proposition. the bylaws allow a number of different activities and we're really urging the Board to be more open and creative in how it addresses this issue. And I think Danko's given us some really good insight into additional information and context to be presented in the report.

DANKO JEVTOVIC:

if I may add briefly, just thank you, Laurin and Denise about this. I have to admit that I'm a bit of a believer in the multi-stakeholder process, so please don't hold that too strongly against me. And in my understanding, we have focused this discussion a bit too much on the question of the PDP, because in my view, this is only important in the

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parts that cannot be negotiated into contracts, so in the parts that kind of have to be forced. The other recommendations are—all of the recommendations together, but also the other parts not related to forcing it into PDP are very good steps that I believe will create more recognition of the problem, bigger visibility of the problem, and also more incentive to all parts of the community to kind of solve that.

So I believe the team is on a good track here. Thank you.

RUSS HOUSLEY: Well, if we take 45 minutes on every comment, we'll be done sometime a year from now. I hope the rest of them go smoother.

DANKO JEVTOVIC: We discussed for most of them already.

RUSS HOUSLEY: Yes, the overlap is a good observation.

DENISE MICHEL: Yeah, I think we've addressed many of the comments through the broader discussions and the acknowledgement that some additional context and explanation will be useful to incorporate in the report, was my takeaway. Laurin, KC, others on the abuse subteam? Any other comments on that? And I think similarly, clarifying Compliance's role [inaudible]

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KC CLAFFY: I did find Danko's comment on Compliance interesting, that you don't have an understanding of what Compliance's role, whether it's to enforce or help evolve contracts, I would think that's something a Board member would actually have a position on or understanding of. But you posed it as a question in your comment.

DANKO JEVTOVIC: Which one?

DENISE MICHEL: I think on page six, is it the role of Compliance to enforce contracts or to improve them, and toward what community-agreed goal? And so I think the ...

DANKO JEVTOVIC: Sorry to interrupt. I stated it as a question, but it was ... Well, sorry about my English, but it was that actually that I was wondering—my understanding—maybe we can discuss it, maybe it's not fully there, but the Compliance is part of the Org and the Org is the organization that is enforcing decisions made by the board but policies developed by the community, and Compliance receives, has the contracts with contracted parties and Compliance is reading what's in the contract. Of course, we can, and the team has done, and it's very good, ask Compliance team what are their views what would they need to do this and this?

But I was a bit surprised that in the characterization that Compliance—sorry, I'm reading the document at the same time. There's a statement that no indication was there that Compliance publicly requested

changes to the agreements. But I would not expect, given my understanding of the role of Compliance, that to happen, because I believe that Compliance has contracts and has to enforce them. That's their role. So I don't know if I'm a bit more clear now, but it was not a question of how I should understand it.

DENISE MICHEL:

Yes, I understand. I think we're trying to help ICANN get out of this apparent catch 22 where Compliance indicates that they had a very narrow, very limiting definition of what particular words in the contract mean, they say they don't have the tools to address the abuse and SSR challenges that they're presented with and that additional language is needed in the contract to empower them to address these matters. And yet Compliance also indicates that they do not have a record of the problems or barriers that they have experienced in dealing with complaints and with the contracted parties and the contracts. They do not provide or are participating in contract negotiations or efforts to strengthen the contract. So the recommendation goes to the very practical matter that Compliance doesn't have the tools and clarity in the contracts that should articulate what tools and clarity is needed in the contracts, and that should be part of negotiations, to improve the contract.

Apparently, that approach hasn't been taken in the past, but it seems like a pretty common sense approach that should be embraced, which is why this subgroup included it in the recommendation.

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DANKO JEVTOVIC:                   Okay.

KC CLAFFY:                           Well, I was asking a different, but I guess related, question, which is it seems that Danko in his role on the board has not seen this, has not been aware that Compliance is publicly saying we don't have the tools that we need for enforcement. And it seems to me that is a board-level problem since that's their job. And I wonder if the board has ever discussed that or, again, what your advice to the board would be if you were told that, which is basically what we were told.

DANKO JEVTOVIC:                   Well, I cannot speak of the board, but I'm of course allowing that I don't understand things well enough. But first, the board has discussed the role of Compliance and reports by the Compliance a lot when we receive the report. My understanding, I don't challenge this sentence, I just read it in a different way. Maybe wrong way. But I'm reading that ICANN Compliance in the current contracts doesn't have the tools to do what the team would expect them to do, and this is, I'm understanding, because it's not in the contracts. But the Compliance has the tools to enforce the contracts how they're written. Then the question is, what is in the contracts? Or we can restate that to say, what is the goal of this DNS abuse part of the contract and what Compliance is well, overseeing the contracted parties to do?

My understanding is the role of the Compliance team is to do it by the contract. It's not their role to do it by some theoretical standard that we'd like to have.

RUSS HOUSLEY: Okay, at this point I think we need to talk about how we get ready for something to resolve these or to balance these issues for the report for next week to put the two points of view that either one can lead to a solution to going forward. I understand that we're not totally resolved here, but I would like to spend a few minutes on the SSR1 thing so that we can get some action items assigned.

KC CLAFFY: Well, I just want to make sure Danko has responded to—because he said he didn't put things in the document because we were having this call, and I want to make sure he's said everything that he's ...

RUSS HOUSLEY: Okay. Fair.

KC CLAFFY: I found your comments very helpful, Danko, so I'd welcome any other thoughts on Denise's responses to you in the document.

DENISE MICHEL: Yeah, this has been very helpful, Danko, and thank you for being put on the spot here as a proxy for the board, but your insight and perspective has been very valuable. Thank you.



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DANKO JEVTOVIC: Thank you. All the errors are on my side, and if I was helpful, that's great.

DENISE MICHEL: Very helpful. So we'll follow up with some additional suggestions, I think, on text and explanation, and then we connect with Danko to make sure that [inaudible] addressed any outstanding questions that he has. Russ, should I turn it over to you for SSR1?

RUSS HOUSLEY: Okay. Actually, I'm going to turn it over to Heather. There were a bunch of comments put into the Google doc. We realized after looking at them that some of them, because we moved the recommendations, basically we found something we were recommending elsewhere and that recommendation text disappeared, and it kind of created a situation where some of them did not complete the thought, so it was just like a finding, and then the recommendations disappeared, which left a half-finished thought.

So Heather went through and looked at the text that was removed and saw whether that—if some portion of it came back, would have answered the question. And so I'm going to turn it over to her to clarify that part, and then if there are any that she feels she needs help on, I want to go back to the people who did the original SSR1 evaluation to help resolve whatever the remaining issue is. So that's where the action item part comes. Over to you, Heather.

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HEATHER FLANAGAN:

Great. I have been working through this. It's been a character-building experience. There's a lot of comments in here from KC that I'm not able to resolve directly, but what I have done is, where possible, I've gone through and—I'll give you an example. At the top of page three, I added a sentence which I derived from looking at the original text that was in the public comment and trying to guess what did SSR2 think the intended effect was supposed to be, and added a statement to that effect to try and be clear as to whether each of these recommendations were relevant, implemented, and had they achieved the intended effect. Those were our three big questions that we needed to answer for every SSR1 recommendation.

This is a bit beyond editorial changes, so I definitely need the review team to come back and tell me if the words that I threw here are accurate. Am I making accurate statements? My plan is to finish going through each of these recommendations to do that and then reaching out to the original author from SSR2 who focused on this particular SSR1 recommendation and ask them specifically, did I get it right?

RUSS HOUSLEY:

Okay. Are you saying that the action for next week is to have everybody look through the ones that they worked on more than a year ago now to make sure that it captures from their notes what we did?

HEATHER FLANAGAN:

Yes. I don't actually expect everyone to remember which ones they were assigned over a year ago. Goodness knows I wouldn't. So I will be reaching out to every person directly and then for those that I don't

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hear back from by our Thursday call, then I think we need to take it to the group and say, okay, not hearing from the original author, did we get it right, yes or no?

RUSS HOUSLEY: Okay.

KC CLAFFY: I will say in the ATRT—and I don't know what other review teams have actually had to go back for previous review teams, but certainly ATT did, and they had a table where there was a column, fully implemented, partial or not, and then effective, partially, not effective, and then you could see how many were implemented and how many were partially implemented and how many were effective. And even if I go pencil and try to make a table, I cannot make a table out of the text that's there.

DENISE MICHEL: We have a table.

KC CLAFFY: Oh, great.

DENISE MICHEL: It wasn't put in the appendix, it was in the ... if you look at the public comment document, that was in the very beginning of that document, a table that had 27, yes, no, was it implemented. That exactly was there.

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But what we didn't have in that table, of course, was any rationale for why were those our choices.

KC CLAFFY: Right.

DENISE MICHEL: So that's what Appendix D is all about. We've made this claim, it's going to be in the forefront of the document, the table will be right up there very close to the front matter, but the justification is in the appendix.

KC CLAFFY: Okay. And what I would say is the justification is not always in the appendix, especially for its effectiveness. And I will also say the expedient route that the ATRT took, because it's impossible for a volunteer review team to go really assess effectiveness in my view, and that was their view also, especially with the information that was provided or even available, is there was a special category of insufficient information to evaluate the effectiveness. So we can go back and look at how the ATRT did it—unless Danko tells us that was totally useless to the board—and then just use that mode, because I think in a lot of these cases, I personally would not say that I have enough information to say whether the recommendation was—whether what was done when they were partially implemented was effective. So that's one option.

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HEATHER FLANAGAN: Yeah, and that was a point made, I think, in some of the rationale where we say we weren't able to acquire enough information to make a determination one way or the other.

KC CLAFFY: And we say that in the top of Appendix D, number one and two say basically we don't have enough information. I have a comment on number three. I think if we're going to make a claim about number three, we need to substantiate the claim about lack of community review and accountability. And if we substantiate it later, it's fine, we can put a forward pointer in, but I don't think we can just put this comment in without pointing to where we substantiate the claim. That's all I have right now.

RUSS HOUSLEY: Okay. We're already overtime. The actions are Heather's going to reach out to the people who worked on each of these to make sure we get that, and I'm sure KC will make sure that forward pointer happens. And then the abuse team is going to incorporate the updates based on the 45-minute discussion.

Thank you very much. I'm hopeful that a week from now, we will have at least something that we could turn over to Heather to get put into one doc. Please keep at it. We need to get this work done. Is there Any Other Business that we need to talk about today?

All right. Thank you. Have a good week.

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[END OF TRANSCRIPTION]