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ANDREA GLANDON: Good morning, good afternoon, and good evening. Welcome to the Registration Data Policy IRT meeting being held on Wednesday, the 18<sup>th</sup> of November 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 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. Welcome, everyone, to our November 18th IRT call. We are going to talk about today, we'll check our timeline quickly and we'll talk about the RDDS-related definition that we had started at our last call and then we'll tell you about the title changes to the policy and procedures, what we decided to do. And I'll show you an example.

And then we'll review the redline documents as much we can in the time allowed, unless there is a reason that we have to stop.

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

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So, first thing, let me show you the timeline and tell you that I have not changed anything on this today or in the couple of weeks since the last time you saw this. I probably will not make any changes in the near future, so we're keeping as is and I'll let you know when we do make changes. So, that's the timeline, so make sure that all IRT members are aware that we have a draft timeline that we're working with. But it is a draft to facilitate our discussions and it's not published because of factors that are external factors that's driving the timeline that are not within our purview yet. So we'll keep talking about it, too.

Next is the RDDS-related definition discussion or terminology updates. So, internally, we looked at this definition that we have in our OneDoc and this is the only place that we have, and I see a couple of people on this document right now.

Then we looked at the SAC51 report and anything else that we had available and we did some research. And what we think is that our definition is pretty good. I have to tell you that we did make a small change here to see if this would be more accurate. We think it is. So, 3.6 and 3.8 are the two definitions we're going to maintain in our OneDoc. And of course there is a reason to change.

Now, I will tell you honestly that there are probably other places—and there will be places—that same terms are going to be used and it would be nice if they were all consistent in definitions. But the way the contracts and legal documents work, it may necessitate that definition deferred based on the need for the document.

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So, at this point, I am not going to promise that we will have consistent definition all over but we'll be looking for any inconsistency and try and make sure that we review and be able to explain if inconsistencies will happen. Sarah, you have a comment. Go ahead.

SARAH WYLD: Yes. Thank you. Hello, everybody. I hope you're all having a good Wednesday. And I hope you can hear me.

DENNIS CHANG: Mm-hmm.

SARAH WYLD: Thank you. I do agree, Dennis, these definitions are pretty good. I have a couple of comments, though. I understand here what you're showing 3.6 and 3.8 are pretty close to final. They will remain as they are here. So, just with that in mind, I wanted to understand your thoughts as to what will happen on that open comment about the terms "to enable access" which I do really not believe that the RDDS services necessarily involve access, so I don't think that needs to be part of the definition. So I'm just wondering if that's final. And I can pause here but I do have another thing to say after. Thank you.

DENNIS CHANG: Yeah. I'll address that. If you notice my last suggestion, I deleted "to enable access". Those three words are deleted. And added "are for publication of". That's what this suggestion is meant to do.

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SARAH WYLD: Thank you. I had not noticed that. So, I guess I might want to take some time to think about that but—

DENNIS CHANG: Oh yeah, please.

SARAH WYLD: like, RDDS services also include redaction of registration data, so that's not necessarily the same as publication. But if the definition is specific to this document. Then maybe that does make more sense in this context, so I would want to just take some time to think about that.

DENNIS CHANG: Yeah. Just note ... Let's not forget that this whole document we're creating is a draft for public comment also. So, we'll have plenty of time for public feedback [inaudible].

Now, you said that you had another comment, Sarah.

SARAH WYLD: I did. Thank you. Yes. So, the other thing was just in terms of which definitions we are choosing to use in the redline document. And again, I do agree that the definitions here are good, but ... Sorry. I'm just distracted by Alex's comment in the chat and I think that's a really important question to make sure that we're all aligned on is how far do

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these definitions go? Because I thought Dennis just said that they're just for these documents but ... Sorry, but if I can just ...

In terms of how the definitions are used on the redline documents, I think what we're finding is they're not always being ... The terms are not always being replaced with what I would expect, and so I have just a couple of examples that I'll just drop into the chat.

DENNIS CHANG: Yeah. So, let's see. So, these are documents that we will review together, so I appreciate the chat. Those are good. Maybe we'll look at those first. But I had intended to go through those documents and look at them with you.

SARAH WYLD: Super. Yeah. So then we can—

DENNIS CHANG: So, let's do that. There was somebody else who had ... But they're gone.

CHRIS LEWIS-EVANS: It was me. Sorry.

DENNIS CHANG: Go ahead, Chris.

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CHRIS LEWIS-EVANS: Yeah, just listened to Sarah's point there and I think I might need a bit of time. Where you've put "for publication of" I just wonder whether we want to add relevant data or the other possibilities, [inaudible] publication to disclosure. But I think I might just need a bit more time, which is why I took my hand down. Thanks.

DENNIS CHANG: Yeah. Okay. I'm noting a comment from Mary that in the [inaudible] refers to publication [inaudible]. EPDP Phase 1 also noted process activity [inaudible] publication. So, those were the things that we were thinking about when we were coming up with this slight revision, and I think it's getting closer and closer. It's getting better, I think, so appreciate your help. Roger, you have a comment.

ROGER CARNEY: Thanks, Dennis. Yeah. Just going off of what Sarah was talking about earlier—and once we get into one of our redlines, we can probably get a little more detailed into this. When I was looking at the redlines, obviously there was some I think misplaced concepts. I don't want to call them definitions because I'm not so worried about the definition—the exact definition—as I am about the concept of a system versus data versus person. It's one of those things where you can't go into a document and replace WHOIS with RDDS because that just doesn't work because WHOIS meant 10,000 different things to different people. And I think that that's probably maybe not as specific as getting down to the definition level but more at a higher concept level of, okay, this is a system so we don't say it's a person alert. We're talking about exact

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data, so we don't talk about the RDDS. We talk about the registration data. And those kinds of things.

Again, I think maybe this gets a little easier when we take an example and look at it and go through it. But just wanted to seed that for everybody to think about is not replacing WHOIS in every document with RDDS because that doesn't work. We have to look at what that actually meant. Was it talking about the data? Was it talking about the system? We need to look at those things differently and update it that way. Thanks.

DENNIS CHANG:

That's a good point. You're thinking like me. You're thinking [inaudible] system. But when we say services, I think it's probably meant to be more than the systems. Go ahead, Alex, you have a comment.

ALEX DEACON:

Yeah. Hi, it's Alex. Assuming that we are defining these terms not only for use in the OneDoc but in all the rest of the policies, it's important that ... My concern here is that with this 3.6 definition of registration data, we have now eliminated any concept of any system that has the ability for requestors to access data, access non-public data.

We seem to be only now defining RDDS to be the protocol RDAP for WHOIS, for example, but that will only return data that is public or redacted. And we no longer have the concept of the ability for third parties or anyone to access this data.

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If you think about the history of the term WHOIS, back in the day it was assumed that access to all data was available. So, my concern is now is that if we're going to go and start replacing terms and other policies with assumption that this define simply restricts access to public and redacted data, then I think we're going to find ourselves in a bind and I think it's a mistake. It's a pretty big concern I have here. I'd love to hear from others.

But going through existing policies and making these updates without really understanding what's being changed, what the impact is, I think is not a great idea. So I'm a little bit concerned with this definition because it is so narrow.

DENNIS CHANG:

Anyone else? So, the way I'm thinking about it is I'm thinking about when we say registration data, we're talking about data and Registration Data Directory Services, thinking about services [inaudible] definition [inaudible]. I think I hear you. Because of the word "publication" you're thinking that it may be too limiting and there are things that are not considered publication that also applies. I think that's how I hear you. Alex, did you want to say something again? Is that a new hand? Shall we move on?

ALEX DEACON:

Yeah.



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DENNIS CHANG: So, with that in mind, the other thing that I wanted to talk to you about was the title change. At one time on the last call, we went into this discussion—

MARC ANDERSON: Dennis, this is Marc. Sorry. Can I interrupt?

DENNIS CHANG: Hi, Marc. Yeah. Go ahead.

MARC ANDERSON: Sorry, I put my hand up late but I'd like to ask a clarifying question of Alex before you get into the title change discussion.

DENNIS CHANG: Yeah, go ahead.

MARC ANDERSON: All right. Sorry about that. Alex, if I could ask, I'm not sure I followed the point you were making. So let me just see if I got it right. Maybe you could help me out if I don't understand what you're saying.

So, I think the RDDS system covers ... In the definition that we're talking about here covers the delivery of public data, what registries and registrars through the RDDS service are expected to provide publicly.

In phase two, we identified the SSAD system as the system for requesting non-public data and I think your point was that we need to

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make sure that we're not overly restricting the RDAP term because RDAP may be used of delivering both public and non-public data. I think that's what I understood you to be saying but I'm not exactly sure. Did I get that right?

ALEX DEACON:

To be honest, Marc, I don't know what we're doing anymore. If again we're making definitions that will be used to update existing policies by this redline or [RedDoc] process that we're doing, then I think it's important that the definitions encompass all aspects of registration data—the publication, the access, the disclosure, the collection and so on.

I'm concerned that—and put aside the protocol whether it's WHOIS over Port 43 or RDAP. I'm concerned that these definitions completely ignore or leave out an important aspect of registration data which is the ability to access data which is now no longer public. So that's the main concern here. it's not really specific to RDAP or WHOIS. It's just a higher level concern that what we're using and defining terms and are going to start walking down the path to make updates to various existing consensus policies that may result in actually changing those policies because the definitions that we have or have not agreed on. That's my concern. I don't know if I've explained that correctly but I think we're diving into this without much thought and it's concerning.

Or perhaps we're diving into this with—each of us going into this with different views about what these mean. And without being very explicit as to these definitions and ensuring that we're all on the same page on

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exactly what they mean, what they encompass, what they don't encompass and I think we're going to get in trouble later.

MARC ANDERSON:

Thanks, Alex. That's very helpful. That made a lot of sense. I understand where you're coming from now. Yeah. I see the point you're raising. And this is maybe just my quick reaction to what you're saying but we may just need to take that on a case-by-case basis because your point is right. The points Roger and Sarah were making earlier, it's used—the term, especially WHOIS, is used very differently in different places. It's I think going to be impossible to come up work with a global definition without, to your point, maybe inadvertently changing the meaning of some policies in some places.

DENNIS CHANG:

Sarah, go ahead.

SARAH WYLD:

Hi, guys. Maybe we don't have to decide if the definition includes access and disclosure or not. I feel that is actually not necessary here. So, 3.6, what if it just says, "Online services, registrars, registry operators are required to provide ... related to domain name registration data pursuant to applicable ..."

so, that way, if we have a different ... Any requirement that we have about the data either to redact it or to disclose it or whatever, it's all under that definition.

DENNIS CHANG: Thank you, Sarah. Any comments on that?

ALEX DEACON: I agree, as long as it's explicit and not assumed in the definition, because if it's not explicit, then people will read this now and into the future and make assumptions either way that I think will cause issues down the road. So I think we need to be ... In these definitions, we need to be pretty explicit about what they include and what they don't include in it.

If we have a definition that doesn't make it explicit that an RDDS system covers things like publication access and disclosure, then I think we're going to get bitten down the road.

DENNIS CHANG: Do you equate RDDS system as you said it to RDDS? In a services to the system to the protocol? Do you think they all mean the same?

ALEX DEACON: Do I equate the Registration Data Directory Services to a protocol? No, I don't. And I think that's why in some respects the taxonomy from the SSAC is better because it doesn't [inaudible] RDDS or it doesn't bind explicitly RDDS with a specific protocol or set of protocols. It separates them, which I thought was useful. But I think ...

So, to answer your question, I think the answer to your question is no.

DENNIS CHANG: Yeah. So, we'll note that to see if we should create another definition for the protocol and we decided not to because we didn't feel a need for it along the way. So that is one thing to consider. So, thank you for the suggestion, Sarah. Did you capture it or did I capture it?

SARAH WYLD: Yeah. I put it as a comment on your comment.

DENNIS CHANG: Thank you very much. This is a very complex thing, as you all mentioned. We thought this was a simple catch and replace, but I think as Roger pointed out, the concept may vary quite a bit, so I think that's why we have to look at it case-by-case. Berry, do you have a comment?

BERRY COBB: Thanks, Dennis. Just maybe a suggestion. I agree it is complex and I think I agree with just about all of the comments that the members have made here. So, what I might suggest is let's keep what we have here in addition to Sarah's suggestion, and as we go through the red docs, we're constantly referring back to our draft definition that we have to continually see if it works. And if where we land does make it work, then I think that provides more credibility for it to exist here and apply across the other red docs. And if it doesn't, then maybe we do need to revise it.

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DENNIS CHANG:

Yeah. That was my thought. Okay. So let's look at one example. The example that I wanted to look at was actually the one that had a title change because this is something that I wanted to tell you.

Upon consideration on whether or not to make the change to the title, we talked about what Marc actually said. I think when Marc addressed this, he wasn't ... He didn't make up his mind which way and he kind of addressed both [sides]. But upon considering further, we think that the title needs to change because, in the future, when there is no more WHOIS, in trying to do this terminology update to make things more clear, if we don't change the title, I think that may actually make it a little more confusing.

So, I think that's what we are going to do. So if you look at our task list, there is this one ... There's like three titles that have WHOIS in it, so we're going to have to look at each one and change it with the appropriate words and it may not be ... And listening to you right now, you may not be ... The registration data or even RDDS, that we may have to change it with some other work.

But the important point is that we are going to make the change to the title. And one more thing. When we do that, we are going to go ahead and insert these [inaudible] change with the dates to make it clear that this policy was updated for the registration data policy, to be consistent with that. But also mention that this was known as a WHOIS marketing reaction policy, if in the future someone was looking for a title, then that could be found.

Reactions, please. Your input? Sarah, go ahead.

SARAH WYLD: Thank you. Yes. I mean, I haven't consulted with anybody else. I am fine with changing the title. I think it makes sense, but I would suggest that this is an example of choosing the wrong change.

If you look at the second paragraph, it says the Registration Data Marketing Restriction Policy. That makes sense. The title, RDDS Marketing Reaction, that does not make sense. So, the title change should be "Registration Data Marketing Reaction Policy." Thank you.

DENNIS CHANG: [inaudible], Sarah. Yeah. I think that's right. I think this is the one that we should use for registration data. Okay. I'll make a note here so Isabelle can catch it up later or follow up. Any reactions to using registration data? I'm sure that data is what's valuable to market, [inaudible] or the system.

So, this is a good example and I don't purposely pick that. I don't know if this was one of the ones that Sarah had mentioned before but we can go back and take a look at others. I noticed Sarah making comments on several of them so I'm sure we'll get to them. Oh, it was not one of your examples. Okay. So, there is the one title change.

So, the concept of title change is that discussion is over, so we're going to go ahead and look at the actual OneDoc—I mean RedDoc so that we can test it out. So, this is additional WHOIS information. This is one of your examples. This is another one that has a title change. Let's see.

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This is a title change that is correct. I think that's what Sarah is saying.  
This one is an example of correct title change.

SARAH WYLD: Dennis, I would say this is correct because it's a policy that relates to information being displayed in the Registration Data Directory Services, like the WHOIS output and the RDAP output. So, I thought it was okay.

DENNIS CHANG: I agree. Anyone else? Let's look at an incorrect one. This one is called [inaudible] restored name accuracy policy. So, let's see. Is this the comment?

SARAH WYLD: I mean, that was [inaudible] comment but I'm talking, so I'll keep talking.

DENNIS CHANG: Yeah, please.

SARAH WYLD: In this case, it's about the registered name holder providing correct registration data. They're not providing registration data directory services. They're providing registration data. So that's what it should say.



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DENNIS CHANG:                    Yeah.

SARAH WYLD:                    Thank you.

DENNIS CHANG:                    Yeah. Any objections to that? I agree with you, so I think we can go ahead and have the author refresh this and we'll accept your comments. Did you have other examples that you wanted to discuss first?

SARAH WYLD:                    I did not have specific examples. We could probably just go in the order that you wanted to.

DENNIS CHANG:                    Yeah. Then let's do that. I want to go back and just pick off ... Let me see. The other thing is that there was ... We had WHOIS. There's three ... This one. Did we just ... This one we just looked at. Okay.

I'm seeing if there is ... Oh, just to let you know, Amr, we agree with your changes, so that was done. This one did not have any WHOIS, so this one was okay [RRDDS]. This one, if you made any comments, please let us know. I don't see your comments on this one and I didn't think that this one has WHOIS. That's okay. High-level technical requirement.

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ALEX DEACON: Hey, Dennis. It's Alex.

DENNIS CHANG: Yeah, go ahead.

ALEX DEACON: Again, I think ... I mean, we could continue to go through this exercise. I'm struggling to find the value in it, though, because we haven't decided. There has been no agreement whether RDDS includes the concept of disclosure or not. This is pretty important. If it doesn't, then we're going to have to go back and review all of these docs closely to make sure we're not cutting off access to data inadvertently by simply replacing terms with RDDS, which doesn't ... Again, we don't know if RDDS includes a term, the concept of disclosure or not.

DENNIS CHANG: Yeah. So this is what we are looking for. So, if we did use this definition ... So, we're assuming that we're using this definition right now as is.

ALEX DEACON: Right, which does not include the concept of disclosure, right? Is that our assumption? Again, if that's the case, then that's fine. Well, I don't know if it's fine. But I think it changes the tasks that we have in front of us to ensure that we update existing consensus policies that may require disclosure correctly. So, again, I don't want to delay this. I don't want to be a pain in the you know what, but I feel like we're rushing

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into this without an agreement as to exactly what the term RDDS contains.

If it doesn't contain the concept of or it doesn't cover the concept of disclosure, then let's just make that explicit. If it does, then let's make that explicit also. I don't think we could go into the ... For me, it's a binary choice. I don't think we could go into this saying, "Hey, it does or it doesn't," like in some type of ... Not to get nerdy on you, but some type of quantum value which has yet a third non-binary choice here.

Again, if I'm overreacting, I'm happy to be talked off this ledge here, but I think until we determine if RDDS includes a concept of disclosure or not, we really can't make much progress forward here.

DENNIS CHANG:

Amr, you have a comment, please.

AMR ELSADR:

Yeah, thanks, Dennis. And thanks, Alex. This is just a quick response from my perspective on what Alex has been saying. If the definition of RDDS does include the bit about pursuance to ICANN consensus policies and there are ICANN consensus policies, or at least one, specifically when we're done dealing with recommend 18, for example, from phase one, then doesn't that cover disclosure in the way it was intended to be covered when we developed the recommendation?

So, this is kind of what I really like about Sarah's proposed definition in the chat, because then the definition will not require multiple revisions every time a new consensus policy is developed. If an ICANN consensus

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policy mandates contracted parties to provide a disclosure service separate from the SSAD, then this indeed included in that definition. So I'm just trying to understand where you feel it isn't covered. And if you'd help me with that, I'd appreciate it. Thanks, Alex.

ALEX DEACON:

My concern, Amr, came from a discussion we had several weeks, several meetings ago, which basically you said ... Which I thought you mentioned that you didn't believe that the concept of publication or access actually was covered by the term RDDS.

If now what you're saying to me is, "No, that's not the case," that you now believe and would state emphatically that RDDS does cover the concept of access and publication and disclosure and we all on this team agree emphatically that the concept of RDDS includes the concepts of publication and access and disclosure, then I would feel better about that.

What I don't want to happen is that this potentially vague language be used in the future by those who haven't been deeply involved in this discussion for years and years to say, "No, RDDS is just a publication mechanism. There's nothing here about giving access to data and the like." That just seems to be a sub-optimal outcome to me. Again, I may be being overly sensitive here.

And again, if we all agree that RDDS covers all of the concept publication access and disclosure, I would rather that we say it. But if that's an issue, then perhaps there's another path forward here. Again, it's about definition. It's about if we're going to start doing a search and

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replace using these definitions that we all know exactly what they mean and there's no gray area.

DENNIS CHANG:

Susan. Yeah, Susan.

SUSAN KAWAGUCHI:

Thanks, Dennis. Obviously, I agree with Alex. I have the same concerns. And I probably should know this, but have we ever defined publication access and disclosure anywhere in our work? I simply cannot remember. So, if we haven't, then we may need to spend some time on that.

I completely agree with Alex because I've sat in so many PDPs and RTs that we were discussing the language, not even the full sentence of policy but pieces of a sentence to determine what does this really mean? And I can envision sitting in a PDP or a charter drafting session and people say, "No, no, no. Look at it. Read it on its face." It doesn't mention anything about publication, access, or disclosure. And I don't think that's what this IRT is intending. So, confusion could reign.

I also just finished reading the transfer policy scoping report and it made me really actually afraid and concerned that each of these policies that are impacted will be changed at some point and a simple find and replace isn't going to do that. It's the community has to agree and so many different elements of just the transfer of a domain, let alone somebody trying to enforce rights or just simply get a hold of a registrant. But just transferring from one registrar to another is pretty difficult right now for being assured that it is being transferred correctly

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and there's no double checking anywhere. You're going on a lot of assumptions.

Now, some registrars have put in some really good additional security measures, which I appreciate, but that's volunteer. So, just in that simple transfer scoping report, this definition, if I was using that to deal with the issues outlined in that scoping report on a PDP, I would be very concerned.

So, we need to either ... I'm not sure what we need to do but we need to agree on the definition completely and maybe having some sort of rationale document. People are going to throw that out the window. So, if it's not in the language of the definition, which sometimes can make things overly broad—if you don't mention, highlight everything in that language, in the definition, it tends to ... It may appear to be overly broad, but when you're in actual discussions and negotiations on issues, then it becomes overly narrow.

DENNIS CHANG: Amr, go ahead.

AMR ELSADR: Thanks, Dennis. I just wanted to reiterate something I said in the chat. Personally, I don't see this definition to be overly narrow. I think it's ... I'm kind of [inaudible] earlier. I think it covers things rather reasonably, and if I may say so, also elegantly.

The definition includes pursuant to applicable RAs, RAAs, and ICANN consensus policies. And when we were developing the

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recommendations in Phase 1, we agreed that things like collection, retention, disclosure, transfer, all of these were processing activities involving registration data.

Now, if we try to develop definitions that includes or stress every single one of those processing activities, then we're going to have a rather lengthy definition. Sure, disclosure or access might be a priority for some right now but other processing activities might be priorities for others and then every time an ICANN consensus policy is developed that affects registration data, is every single IRT meant to go through every single one of these previous consensus policies and perform another redline exercise like the one we're performing now? I would hope not.

I think, again, you don't have to take my word for it, but if the definition is dependent on what's in ICANN's agreements with contracted parties and what's in ICANN consensus policies, then that's all you really need to point at.

Like I said, we have recommendation 18 on disclosure of ... I don't recall what it was. It was a reasonable or reasonable request for access. So we have a recommendation on that. We're going to have a consensus policy on that, so disclosure or access through the RDDS, not through the SSAD, is going to be included in the consensus policies which are mentioned in the definition.

So, again, I'm just failing to see what the issue is but I would like to have the IRT not make the definition overly complex and not problematic for future use as well. Thank you.

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DENNIS CHANG: Thank you, Amr. Anyone else want to comment? So, unfortunately—or maybe fortunately—this is the [inaudible] and we are going through every document in detail and every case to see if we should even use RDDS in this case, for example. Maybe we need to use entirely different word, like Roger had suggested. That if it's something different, let's name it something different. Roger, go ahead. I think you have a comment. Go ahead.

ROGER CARNEY: Thanks, Dennis. Yeah. I think it's fortunate that we're going through this. It may be painful but it's at least fortunate we're doing it.

And I think Alex probably is ... I'm going to agree with him here that RDDS is a high-level concept, and if the policy is being specific about something, we shouldn't be using RDDS. If it's being specific about data, we need to say registration data. If it's specific about transmission, we need to say RDAP or protocol, whatever we want to use there, but we can't say RDDS.

So, I think Alex is right. With that definition as is, we do have to be specific when we make these or look at these updates to any of the other policies. Thanks.

DENNIS CHANG: Agree with you. Any other comments? So, with that in mind, is this an appropriate use of RDDS here when we say we're talking about conflicts with privacy law? Services, right? [Reply] service. Services or procedure



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for handling the Registration Data Directory Services. Conflict with privacy law. Does that make sense?

Berry, do you want to maybe raise your hand and talk? Because you're chatting away here and not able to follow you. I think it's important. Right after Amr. Go ahead, Amr.

AMR ELSADR: Thanks, Dennis. I'm happy to go after Berry if he wants to go.

DENNIS CHANG: Berry, do you want to go first?

BERRY COBB: Thanks. I'm just pointing out that, in the phase one report, in the introduction for the workbooks that defined a lot of this, we did define the processing activities. I think it was Susan that mentioned whether there was definitions to these or not. At least in purposes of the policy development, we did define them. But they weren't part of an actual recommendation. That's really all I was putting in the chat. Thanks.

DENNIS CHANG: Okay.

BERRY COBB: Well, I should note that the use of publication, at least in terms of the working group deliberations or EPDP deliberations, publication is the

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processing action whereby data is disclosed to third parties by being made publicly available for public interest purpose.

And then, as Amr noted, in terms of whether the other processing activities of access ... I don't know that access is processing sac, but whether disclosure and/or access is really anything geared towards recommendation 18 which was reasonable access.

And then finally, even though it's not Board-adopted recommendations in terms of access and disclosure as I noted in the chat earlier, that's what all of phase two was about—the SSAD—which specifically has access and disclosure in it. So, it's that system whereby those types of access and disclosure occur, unless of course there is a request outside of the SSAD made directly to the contracted parties for data to be disclosed, and if it's approved by the contracted party, then of course it would be disclosed. Thanks.

DENNIS CHANG:

Amr, go ahead.

AMR ELSADR:

Thanks, Dennis. I was just going to say—and maybe this was an apology—but I think I would need to take a closer look at this policy once more before deciding on your question of whether RDDS is the appropriate term in the title or not.

What I would specifically want to look at is whether the procedure for handling conflicts with privacy law only applies to the RDDS or to other topics as well. For example, if we discover further down the road that

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there was a conflict with, for example, SSAD-related issues, would this policy or this procedure cover those as well?

So, this isn't so much an issue of the definition of Registration Data Directory Services but whether the procedure covers more than just the RDDS. So, if it would be okay, could we defer this and maybe take a closer look at it and come back and make a decision? Thanks.

DENNIS CHANG:

Of course. Yeah. It's perfectly okay to defer anything that is questionable, that's hard to pinpoint or hard to decide. Like I said, I think we are free to choose different words and we don't necessarily have to use RDDS. Alex, did you want to speak?

ALEX DEACON:

Yeah. I guess I'm now confused by Amr's request. RDDS either includes the concept of disclosure or it doesn't, right? So, I think, Amr, what you were saying if we were going to use RDDS and if RDDS includes the concept of the SSAD, then that may impact how or if or when we use this term or if we should use a separate term.

So again, I think this is an example of why we need to be very clear as to what RDDS includes. Does RDDS include the ability, as defined in the temp spec, to request access to data? Does RDDS include the Phase 1 Rec 18 reasonable access process? Does RDDS or will RDDS include the concept of an SSAD if and when we ever see that in the future?

Again, I think, without being very explicit as to what this means, we're going to have a really hard time with determining which term to use.

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And without a concrete definition, we may make mistakes and that concerns me.

DENNIS CHANG:

Marc?

MARC ANDERSON:

Thanks, Dennis. Alex, I'm not quite tracking what your concern is and I apologize for not understanding it here. Clearly, something is bothering you about this and I'm just not understanding it, so I'll just mention that I guess.

I raised my hand in response to what Amr said. As he noted in chat, Alex seems to think that was about disclosure but it was not. There's other processing activities that we're concerned about. For example, the collection of data. I have no problem with Amr's request to defer, to look at this further. But having looked at this a little bit, the WHOIS conflicts procedure clearly applies not just to publication. It applies to any processing activity.

So, looking at the document, it applies to any processing activity dealing with collection, display, or distribution of personally identifiable data. So, that's clearly broader than Registration Data Directory Services. So, just using Registration Data Directory Services here would not be appropriate. That's my take.

I think if we want more time for people to look at that and come to their own conclusions, that's fine.

DENNIS CHANG:                    Anyone else? I think I track what you are saying about what other things do we have conflicts with and I'm trying to see if there was anything that I'm missing in terms of comments that you had already made. This one we're going to hold off on. This one has comments from you. This is not about WHOIS, right? Owen, do you want to speak to this? Did we talk about this already? Is Owen here? Oh no, he is not.

OWEN SMIGELSKI:                This is Owen. I'm here.

DENNIS CHANG:                    Oh, hi. Do you want to talk about this? You don't think that we should be looking at this.

OWEN SMIGELSKI:                Yes, that's correct, because the ICANN Board has deferred enforcement of this in response to a request from the GNSO Council and also it's not an issue that's been highlighted significantly repeatedly by registrars as impossible to do. So, I think our time could be spent better elsewhere working on things and leave any modifications to this up to the transfer team that's eventually going to come out of the issues report.

DENNIS CHANG:                    That will be quite a while, right?

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OWEN SMIGELSKI: I'm not sure of the timing of it. I do know that the public comment for the issues report closes end of this month. But again, no registrar is required to use this form right now. It's kind of pointless for us to do anything with it.

DENNIS CHANG: I see your point. Now, in terms of our time, I agree with you. If this is not going to be used, why bother reviewing? But at the same time, we are asked to do this and we're trying to dutifully carry out our job here. Any others want to comment on this? Again, I thought it was one of your simple things.

By the way, I liked Sarah's comment and I was going to agree with this. Anybody else?

So, it's a simple change, I guess, and I thought since we're done, we'll go ahead and just do it. But I understand if you are limited on time this is not something that you probably want to pay attention to. But thank you for reviewing it, Sarah. That does help. We agree with your suggestion here.

Next item. Is this in the same boat or is it different? Same comment. Yeah. I like this. Speak up if you don't agree, but I like Sarah's comment here. Thank you. And this is another simple form, probably, not [inaudible].

Did we already look at the marketing? I think we did, yeah. This one we looked at already and it was already published.

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On this point, I will just ... Yeah. This is one of the changes that we used as an example. That one is done.

And then this is a UDRP [rules]. Was that ...? Did we have comments on this one? So, let's look at this a little more closely. [inaudible] use of our services. [inaudible]. Seems to make sense or would you rather say registration database? Any comments on this? This was here earlier in October, so I think you had a chance to look at this. That was [inaudible] we already looked at. And we looked at this one already.

Transfer policy. Let's look at transfer policy. If you remember making comments on [inaudible], please alert me, so I can stop and take a closer look. Okay, should be removed.

Oh, we were talking about administrative contact. I think Sarah is correct here. I think we should remove this. Any comments on this? Any support?

MARC ANDERSON: Hey, Dennis, I have my hand up.

DENNIS CHANG: Yeah. Go ahead.

MARC ANDERSON: I think Sarah is right. I raised my hand back on the URS document earlier.

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DENNIS CHANG: Okay. Let me go back. This one?

MARC ANDERSON: Yeah. You were asking about if it made sense to use Registration Data Directory Services here and I wonder if Registration Data Directory Services shouldn't replace WHOIS database. So, I think services and database are redundant in this context. So maybe it should read "of the domain in registrar's Registration Data Directory Services at the time the complaint is submitted to the provider."

DENNIS CHANG: Okay. So, instead of Registration Data Directory Services, just say registration data?

MARC ANDERSON: No, no, it would be replace WHOIS database with Registration Data Directory Services.

DENNIS CHANG: Oh, I see. You mean delete this as well?

MARC ANDERSON: Yes. I see there's a bunch of plus-ones in the chat, so I probably have not [inaudible], at least not on this.



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DENNIS CHANG: Yeah, that one is kind of bothering me. I was thinking maybe we should just say registration data database, but then RDDS is probably better because [inaudible] service.

Okay, so proposal is to delete this. Thanks. That helps.

Now, let's look at this one. I think Sarah cut this. Thank you, Sarah, for taking a closer look. So, [inaudible] that. This looks like a change that wasn't marked properly. Is it because [inaudible] space?

SARAH WYLD: Dennis, I think that the words "transfer contact" are being replaced by "registered name holder" but it's not replaced. It's just pasted in there. If you go back to the original, I think it says transfer contact.

DENNIS CHANG: Oh yeah, you're probably right. They probably missed that. And that was section 3.7.4. Transfer contact [inaudible]. Yeah, you're right. So, this should be deleted like that, right? Thank you.

And then, next one. Same thing. Same thing. Yeah. Sorry about that. Oh, we keep going, keep going. Okay. We'll catch those later. Thank you for doing that, Sarah. And here's another one. Just let me do it in terms of suggestion mode. It's probably better. This is a long one.

Okay, let's talk about this one. [inaudible] authentication based on information that cannot be learned from within, [inaudible] registrar [inaudible] publicly available resources such as RDDS. It's kind of talking about resources. Okay. Such as ... I think that's a safe one.

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Here's another one. Here's another one in the footnotes. Okay. Just look at the expired registration data.

What I'm doing is looking for comments from IRT first, and if I don't see it, I'm thinking it's okay. This one is getting simpler. And as you see that we're taking this kind of thing out that is sort of an obsolete information. We don't need anymore cleaning it up as we go as well.

This one is okay, right? Here is RDS. Let's look at this. Principle ...

So, hey, Marc, would you delete the database here as we did on the other one?

MARC ANDERSON:

I think so. Yeah. I think Registration Data Directory Service in this context is appropriate to replace WHOIS database. I think the service and database in this context is analogous.

DENNIS CHANG:

Yeah. Thanks for that. Appreciate it. So, [inaudible] do that. We looked at our IGO/INGO policy. That's probably ... This font is a little big. I don't know what happened there, but it's okay. We'll worry about that later.

I don't remember talking about RDDS ... This is a new one and I don't think we used WHOIS here. We did use WHOIS here. Ah, I know what it is. This is the INGO notice to the protected organization. Yeah. This is a messaging that we were supposed to send and we did use WHOIS. Okay. it's probably okay. No comments?

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We'll go to [inaudible]. This should be registration data. Did I miss anything? Let's see. It should be registration data. [inaudible]. Yeah. People agree with this? I think Beth and Sarah agree. I think this could be registration data. Yeah.

So, in this case, let me try this. I think this is what we're doing. Did I do it? No? Okay. Let me [come in] through here. Okay. Thank you. Thank you, Beth and Sarah. Okay, Marc made the same comment.

"We would like to discuss the proposal to change the title of the existing ..." Oh yeah, this is where we started the whole discussion. Is Beth here? No? Okay. She'll probably catch up listening to the recording. But we're going to have to go back and make sure that ... Now that we agree to change the title, we'll make sure the appropriate words are used. Thank you for that.

Next one is [inaudible].

MARC ANDERSON: I raised my hand on that one. Can you go back to that table?

DENNIS CHANG: Yeah. Please.

MARC ANDERSON: So, this one is a little tricky in my mind.

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DENNIS CHANG: Yeah. I know.

MARC ANDERSON: Because this is referring to historical documents. “For background, please refer to these documents.” And they’re dated, as well.

DENNIS CHANG: 2003, [vintage], yeah.

MARC ANDERSON: So, you can’t really change the historical record. So, if you’re changing ... If these previous documents are being updated, then they’re new documents that have new dates and you can refer to the new titles with the new dates and the new documents. But if you’re referring to the documents as a historical records, like the WHOIS data reminder policy—if you’re referring to that document as of 16 June 2003, it wasn’t the Registration Data Directory Services, data reminder policy.

DENNIS CHANG: Good point.

MARC ANDERSON: Yeah. I think you can either refer to the historical document as it was written and posted as of that time or you can update the document and refer to that new updated document with the new updated document date. I hope that made sense.

DENNIS CHANG:

Yeah, you made sense. I am tracking you. What do other people think? Sarah just made a suggestion. “Keep the old title here and [inaudible] a new title.” I think that’s nice. I like ... New policy name. Originally known as old policy name. Yeah, that was the scheme that we were using. Maybe ... Rubens. Yeah, I think I like what Rubens is suggesting.

So, for example, if this is a link and they click on it, and they end up here, if this title is now updated but there’s a new version updated, then it should refer to that new version. But if this is not updated then we should just have it [inaudible].

We just decided that we were going to ... WHOIS data reminder policy. That’s one of the policies we went over. Anyway ... Yeah. This one. This is the document we were going to update. When this gets updated ... They should be here. They should be able to click on it and then click on the old version.

Let’s see. This should have the old version noted. Did we handle this one by putting in this? And as well, we should have a link to the old version.

I like Rubens’ idea. Anybody else? So, [inaudible]. Okay, we’ll go with the new policy name (originally known as old policy name). Okay with that? Okay.

So, this being the old policy—go ahead.

ROGER CARNEY:

This is Roger.

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DENNIS CHANG: Hi, Roger.

ROGER CARNEY: I guess—

DENNIS CHANG: [inaudible] this one?

ROGER CARNEY: Yeah. What's the intent of this table? I mean, is it to comply with old policy or is it to comply with the current policy? I mean, I assume it's meant to comply with the ongoing current policy, so I don't know why we would refer to the old information anyway. I know Marc said that it's dated [inaudible]. This policy doesn't really make that much sense, does it? You're holding us compliant to old policies that have already been updated? I mean, to me the chart is kind of probably ...

DENNIS CHANG: Obsolete?

ROGER CARNEY: Well, yeah, not just obsolete. I mean maybe misaligned in the fact that you don't ever really want to be specific about, hey, look at this past historical document. You always want to say the current version of whatever it is. Just my thoughts. Thanks.

DENNIS CHANG: Yeah. Well, it's to help you, and it's presented as additional background. [inaudible]. Sounds like [inaudible]. We want to make this update useful. That's our aim. So if somebody is looking at this restored name accuracy policy, and if you come here ...

ROGER CARNEY: This is Roger again.

DENNIS CHANG: Yeah, go ahead.

ROGER CARNEY: If you want to make it useful, you don't refer to old documentation that's obsolete. I would [take] the new names and remove the dates and all that kind of stuff. Thanks.

DENNIS CHANG: Just clean it out to make it useful. I think that's what I'm hearing. Like we did on the other document where we just deleted a whole bunch of obsolete. Okay, now [inaudible].

Let me think about that. It's a judgment call how much to keep it and just remove. Historical information should never be gone, but there are other ways we can get to that information. So maybe we'll take a closer look at this one. And as I said, we want to make it useful. Thank you.

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This is where we deleted some stuff. Registration data. Any comments from anyone here? Let me see. Sarah? Yes. We will have to look at those section numbers. Thank you for reminding us.

A lot of [inaudible] dates. It's a [inaudible]. We're trying to update in a minimum way, minimalistic update on what is useful. Okay.

Did we do this? Transfer resolution. Any comments on this? Yeah. [inaudible] RDDS output. RDDS modification. [inaudible] administrative contact. I'm not seeing any comments. Maybe you haven't gotten to this yet.

Oh, that's the last one. Yeah. Maybe you didn't get to that.

So, here's what [we will] do. We've just gone through everything that was assigned to [you]. I think there are a couple that we have not assigned yet but they are all available. Whatever we've done is available on this chart.

We will continue to update this column to note what we did and what we agreed to do, so [they] can track our progress.

What we'll do then is we will go back and look at all of this again and make the necessary changes to the redline that we had already made. Then on the definition ... Well, think about it. This is [inaudible] enough, but I certainly understand and hear concerns from Alex, especially. Let me think about that.

Maybe we can do something different. [inaudible] between making the definition narrow and too broad, what is the optimum we should be looking for here for our policy implementation.



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ALEX DEACON: Hey, Dennis?

DENNIS CHANG: Mm-hmm?

ALEX DEACON: It's Alex.

DENNIS CHANG: Yeah, go ahead.

ALEX DEACON: I need to just synch with my folks on this. I'm going to assume going into this that this term, RDDS, does not include the concepts—disclosure concepts—as defined in the temp spec, the disclosure concepts as defined in Phase 1 rec 18. And if that's the case, it's going to have implications to how we use the term RDDS in these other policies. So, I think we just need to ... I need some time to digest that and to review all of these docs again with that in mind, that this term does not include these disclosure processes and make sure we're not inadvertently changing existing consensus policy by simply doing a copy and replace of a definition which could change things. So I need some time there.

DENNIS CHANG: Yeah. I hear you. Anyone else?

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Okay. Well, thank you, everyone, for going through this in detail. Something that we, as Roger said, we have to do and I think it's better that we do now than later on after we publish something. So, I really appreciate everybody's patience.

I'm, as I said, open to more suggestions and more discussion, but thought that we should use the time together as best we can and at least come through and capture all of your comments and address them.

So, point it out if you think that we got it wrong and we can change it one more time. We don't have to stick with RDDS. We can find better terms if it describes the intent of the policy better.

That's all I have for today. Anybody else? Anything else?

Sarah is dropping off. And we will all drop off if everybody is okay.

Okay, Amr says goodbye. I'll say goodbye, too. Andrea, you may close the recording. Thank you, everyone.

**[END OF TRANSCRIPTION]**