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ANDREA GLANDON: Good morning, good afternoon, good evening. Welcome to the registration data policy IRT meeting held on Wednesday the 2nd of December at 17:00 UTC.

In the interest of time, there'll be no roll call. Attendance will be taken by the Zoom room. If you're 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 the 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's 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 December 2nd IRT meeting. It's already December, end of the year. Can you believe it? We are going to have a meeting really focused on, I think, one thing, and that is the terminology today.

As always, we'll look at our timeline quickly and then move right into the terminology discussion. It has been interesting that this terminology, we thought that we got it together, and then we were working on the update or the document and consensus policies and procedures, and realized that this is probably far more important. So we

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decided to give it more time as many of you have recommended and asked for.

So for our timeline, I haven't made any changes, and this is probably the only thing that I will do, letting you know that we're in December now, end of the year. And can we get this done by the end of the year, the RedDoc with definitions and the terminology being completed. I'm not sure, and I think that we're most likely going to move into January to finish that, and we'll see how that impacts everything. But I'll work on that and present it to you later.

So without anything else, this is what I had in the agenda today. We'll talk about the proposal that Alex made, as he has done work with some people apparently, and as you've seen throughout the e-mail, has provided an extensive documentation of the terminology. So we'll hear from him, and I think it requires an explanation. It is rather complex, probably the most complex definition that I've ever seen. And whether or not it fits our purpose, we'll talk about that.

And then just one redline document which is this one. This one, I want to talk about because I think Marc is right, I agree with him. If this is a case where we could come up with a different word and title to encompass the scope of this policy, but then if we do, RDDS is used throughout the document, and what do we do with that? Can we still implement something? So we would like your input on this one too and I'd like to take some time to talk about this particular case.

So to facilitate the discussion at the IRT, what I did was I copied and pasted the e-mail that Alex gave us here into this document, and I think

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it would be easier for us to be looking at the same thing when he presents. And this is the same document we started for recommendation 24 impacted policy procedure redline. RedDoc plan is what I called it, and I've been writing down the things that we could use, and that was important, and capturing in one document so we could refer to that quickly as a team.

So Alex, I see you. Go ahead. I'll turn it over to you, if you don't mind leading us through what you guys were thinking about and how you came to this set of documents, set of terminology. Go ahead, Alex.

ALEX DEACON:

Thanks, Dennis. Hi everyone. Yeah, if you remember, I think it was two calls ago, I think we were all in agreement that it was important for us to kind of agree on a definition of the terms that we were going to be using in this RedDoc exercise, but also in the OneDoc. And on the call last week, we had the discussion concerned me, it was pretty clear to me that there wasn't an agreement. We had narrowed the definition a bunch, there was a suggestion then to broaden it, which I also raised concerns about.

And again, the reason why I think we all agreed two weeks ago that it was important to agree on a definition of these terms is that it didn't make sense to start updating other policies, including our OneDoc, until we actually knew what these terms meant.

And so again, two weeks ago, we were discussing and looking at the definitions defined in SSAC 051, which is way back from 2012. And I think there was some useful text there. So what I did was I essentially

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merged the current definitions in the OneDoc and modernized them, if you will, because it's been eight years since those definitions were—sorry, merged them with the SAC 51 definitions which were a little old, so I modernized them a bit and ended up with the definitions that you see in the e-mail.

I won't read those, but I think as Laureen mentioned in a follow-up, I think it's important for many reasons that these definitions are specific and clear as possible. And I tried to do that in the suggested definitions in this e-mail. So I guess I'm curious to hear feedback to understand if these are close, to understand what improvements can be made, and hopefully to get an agreement that these terms are sufficient in our use of definitions moving forward for the concepts that are outlined here.

So I guess I'll open it up and would love to hear your thoughts here. Again, I'm not trying to be difficult here, I'm just trying to make sure that it's clear exactly what we're talking about moving forward and it's not left up to interpretation, it's not vague, and it encompasses the concepts in the policy that a lot of us worked on in phase one and then can be used in this RedRoc exercise when we're making the updates to other policies. Thanks.

DENNIS CHANG: Roger, go ahead.

ROGER CARNEY: Thanks. I agree with Alex. I don't even know if it was two or three or how many meetings ago that we all thought it was a good idea to come

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to a common understanding. And as Alex was working on this, I've been thinking about it as well. And I think the most difficult part that I've run into is, RDDS is already defined in the registry and registrar contracts.

So coming up with another definition for RDS, RDDS is very problematic because whatever we come up with, if it's not—honestly, the registry and registrar agreement are slightly different on RDDS, so we actually as contracted parties work slightly different just in those small little differences. And if we come up with another way, it's just going to work against what we are already required and obligated to enforce whatever RDDS is concerned.

We actually have in our registrar agreement a section or specification for registration data, RDDS. So I think that that's problematic, to come up with another definition because of that reason. I'm not saying it's impossible, and I agree with Alex, I think we need to come up with an understanding of what we're talking about, otherwise we really can't update these other policies. I think most of the policies can be updated without using the term RDDS. I think most of the policies are more specific than RDDS. Most of the policies refer specifically, okay, this is when you're collecting data or this is when you're publishing data. So I don't think that RDDS is needed. We can use those specific instances. But I think there needs to be a high-level definition. And again, I don't think it needs to be specific, as Alex and Laureen were kind of mentioning that they would like it to be specific, but I don't think it needs to be. When we need specifics, we should use the specifics. We shouldn't use a general term. Just my thoughts. Thanks.

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DENNIS CHANG: Thank you for that, Roger. I understood [inaudible]. Marc Anderson, you're next.

MARC ANDERSON: Hey Dennis. You're really hard to hear, but I think I heard you calling on me.

DENNIS CHANG: Yes. Sorry.

MARC ANDERSON: That's better. So a lot to unwrap here. And maybe I just want to start by saying something that Roger reminded me of earlier. Roger separately pointed out that there was previously a working group called the RDS working group. Many of us on this call are veterans of the RDS working group. And that wasn't the WHOIS working group but wasn't the RDDS working group. It was RDS, registration data services.

And that working group, that term, RDS, and that was chosen because that working group really had everything related to registration data as its scope. That group had a pretty broad scope to handle everything related to registration data services.

So that got me thinking, when I read Alex's e-mail, it looks like he's trying to create a definition for RDS, whereas I think the definition for registration data directory service, as Roger was just pointing out, is already well defined—I don't know if well is the right word, but it's already defined in our contracts. And it's clearly meant to apply just to

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the publication of data. And Alex in his e-mail seems to be looking for broader definition to handle sort of all things related to registration data services.

So maybe an option to help us unwind this would be to consider registration data directory services and registration data services as separate concepts.

I'll maybe draw a line in that thought and I want to respond to a couple of things in Alex's e-mail. Alex, when you talk about registration data, your definition seems to focus on contact information. Contact information is just some of the registration data. So I wouldn't narrowly define registration data to be focused on contact data, I would be looking for a broader definition there.

And then you go on to talk about RDAP, and when I read this, you seem to define RDAP to have meaning beyond just the RDAP protocol. You seem to be suggesting that RDAP as a term applies to both WHOIS and RDAP. And I disagree with that. I think WHOIS is a protocol and RDAP is a protocol, and we shouldn't use RDAP as a term to apply to both. So I don't like the way you've tried to define it there.

So I know there's a lot of thoughts there. Hopefully some of that is helpful.

DENNIS CHANG:

That was helpful. Thank you, Marc. I'm tracking what you're saying. That was good. Berry, if you want to contribute here, please do.

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BERRY COBB:

Thank you, Dennis. So the reason I raised my hand is picking up on what Marc mentioned about RDS and how it was ... I think its original nexus occurred on or around the expert working group time frame. And so I think after this call, we'll post to the list kind of the breadcrumbs starting back from SAC 051 all the way to the key events that have led us to where we're at today. And it's quite a mess, to be honest.

When the SAC 51 published their advice, the board resolved it shortly thereafter and accepted that advice. Essentially, a roadmap to implementing it was created and that's kind of part of what led into the expert working group being created. And I reviewed through the expert working group's final report, and interestingly enough, it doesn't define these terms. It uses the SAC 051 as an input but any of its recommendations don't touch on the terminology or acceptance of SAC 51, at least I couldn't find that from my initial research.

How RDS became what it was, I'm still not clear, but ultimately, the outputs from the EWG led into a document that was an EWG framework about the beginning of 2015 which ultimately led to the board resolving for the GNSO to create an issue report on the next generation registration data services.

So I went through the issue report, the charter that led to that group, and even within those documents, there is no reference to these definitions or that it's within scope to formally have them defined or more importantly to accept or amend SAC 051.

Then around that time frame is when RDAP came to be from the IETF through a series of RFCs. And then also, as part of what was going on at



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the time is the review team where one of the outputs of the review team was to launch a consolidated area for WHOIS or what used to be known as whois.icann.org or now lookup.icann.org which still contains a glossary of definitions that use the SAC 051 definitions.

And ultimately then with the next generation registration data services PDP that was later terminated due to the EPDP, even through all of that activity, there are no specific recommendations that say these are the definitions.

Now, what I will point to though is that the EPDP phase one report does include the definitions for RDDS, which is basically a replica from SAC 051, and it also includes a definition for domain name registration data. And so in reviewing through some of this analysis, what this group may want to consider is that first and foremost, RDS, registration data services, has never been, as far as I can tell, formally adopted. I think it became shorthand for the community's use.

Secondarily, the use of just registration data as how we're using it for the title of OneDoc as well as through some of the provisions of the draft language we have in OneDoc doesn't seem to be specific enough, and so I think overall, there's probably still some unfinished work in this area of thinking about how these definitions apply more broadly.

So ultimately, in terms of—and I think this is kind of what Roger was pointing to—what makes it even more complicated is we had different definitions within the current agreements. And so the scope for the IRT for sure is to obtain agreement on a pair of definitions in the purposes of OneDoc that are hopefully applicable to allow this group to continue

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the terminology updates for the impacted policies. And as noted in the overall procedure of how we're dealing with this, my instinct tells me that pretty much most of the terminology updates we can make, but if there is an instance or two where it's determined by this group that it is a significant policy change, then this group is going to need to make a decision—or, well, first is going to need to adequately document the rationale for why that terminology can't be changed, and then that will trigger this group to pass that issue back to the GNSO council for them to consider for further policy development, but recognizing that there are risks associated with not being able to complete the work here, because A, it may lead to further confusion which again kind of going back to Roger's point about what exists in agreements today versus what we're working with here, but then secondarily, that may also ... it will have downstream impacts, meaning that there is additional policy work to be done in addition to public comments and those kinds of things which we're already confronting a situation where there's little to no bandwidth for this additional work.

So again, we'll pass along some of these breadcrumbs or this historical timeline that has links to all of these references, just to help provide some context about how we're in this situation now, and hopefully some of my comments helped enlighten us. Thanks.

DENNIS CHANG:

Thank you, Berry. Beth.

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BETH BACON:

Hi folks. I apologize for being a few minutes late. So I just wanted to maybe level set. I'm not sure. I have real concern with the tone of the conversation that we're having. My understanding, and one that I thought we'd shared previously on our last IRT call, was that we were not developing definitions with a capital D. What we were doing was establishing a shared understanding contextually what these terms can mean so that we can mount this one specific terminology update task that we have. We have a very discrete task without changing the scope of those impacted policies as well as the contracts.

As we dig in and try and change the definitions or try and create definitions where other PDPs and other ... that have drafted these consensus policies, and quite frankly, where the EPDP has not weighed in and has not amended the definition but has created recommendations, I think that that would fundamentally shift the recommendations. And I think that that is far beyond our scope.

So previously, I thought we had all had a shared understanding that we were, again, just kind of contextually understanding what these terms mean so that we can go in and check off this discrete task of the terminology update, which is well within our scope. But I think if we are talking about defining these terms and creating some sort of living document that is going to go on in perpetuity and have some sort of weight, I don't think that's within the scope of this task or this group, so I just wanted to note that, simply because we are the IRT, the EPDP has done this. If we had wanted to change those definitions then, we would have done it then. So I just wanted to voice that because it was a concern that I'm hearing, and if I'm understanding everyone's approach

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in it correctly, then set me straight. But thanks very much. I just wanted to flag that as a concern.

DENNIS CHANG:

Thank you, Beth. Susan.

SUSAN KAWAGUCHI:

Thank you. I want to thank Barry for going through the history of all this, and SAC 51 came out in the middle of the first WHOIS review team, which I was a member of, and we discussed it in depth, we discussed the definitions, couldn't come to an agreement, community couldn't come to an agreement. There were a lot of discussions in the community at different ICANN meetings. So we pushed on without truly defining what we were all talking about.

And then I was a member of the EWG and we spent a lot of time sort of having discussions, not understanding what the other person meant at times, because we didn't have clear definitions. And everyone uses RDS or WHOIS. Especially, we were using more WHOIS, we were trying to push it to RDS.

Then I was vice chair of the RDS PDP in which we were trying to focus on new definitions and leaving the WHOIS term behind, vocabulary behind, and using new definitions, but none of those were agreed upon either. And then you fast forward to the [EPD—I can't even say it, which I was not on,] and it seems like now we're nine, almost ten years down the road, and I'm sure this started way before 2010, but that's when I really sort of started digging in on things.

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So in some ways, because we've never settled on the vocabulary and definitions of the vocabulary, our discussions are almost like ships passing in the night. So this needs to happen sometime, I think, to really deal with the issues. What I am concerned about in the current definition is it is so vague that we may be missing out on publication, which you obviously know. I come from the BC. That is one of my concerns. I use WHOIS daily.

And so we could push this down the road, we could make a new PDP, but if the community just won't come together and come up with a clear definition and take the responsibility for it, this is going to be going on for the next ten years, or until domain names are no longer used. I just don't see any future in sight to come to an agreement on this. But I would be hopeful we could.

DENNIS CHANG: Beth, you have your hand up.

BETH BACON: Thank you, Susan. I agree that this is a vague area and that these particular definitions are not defined in a way that's consistent across everything. However, saying that yes, it needs to be done, does not mean that this IRT is charged and scoped with implementing the phase one recommendations, has the ability or power to set definitions that impact every single contracted party and operator in this space. We're not a PDP right now, we are an Implementation Review Team implementing work that has already been done.

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So I don't disagree that the work is important or that the community doesn't need to come together, but I think that we just don't have that. I don't think that's our role, and I think that that's important. And I think that defining the roles of these groups, it's not just for giggles that we did this. I think it provides the appropriate structure and implementation to our policies and our process. so I think adherence to those scopes for each party of work is important.

And again, that's not saying that I disagree that these are important things, and it would be incredibly helpful if we all understood the same definition. But I don't think that it's our place to do that. And maybe that's a recommendation we make, that out of this work, we think that this needs to be revisited. But I don't think it's our role. Thanks.

DENNIS CHANG:

Alex, go ahead.

ALEX DEACON:

Thanks. So Beth, I appreciate that, and essentially, the concern you expressed was the concern I expressed two or three meetings ago, which is if we start making these changes willy nilly without really understanding what we're going to do, there's going to be an impact. But if it's not in scope for us to once and for all fix that, I'm not too sure how it gets done. And I'm even less sure how we complete the task at hand. These terms are used in the OneDoc and I'm not too sure how we move forward if there isn't a common understanding of what these terms are. It seems pretty foundational and fundamental to me.

DENNIS CHANG:

Are there other comments? What I've heard was really important things. Number one, it's a question of scope. Do we really have a scope? [How are we defining] these terms? I had heard that this may be an impossible task that we're taking on if we're trying to define it. So we could try, but we may not be successful. And then how do we move forward?

And I agree that we should have common understanding of the terms, but at the same time, I don't know whether we could try to redefine the term. If we redefine the RDDS from what it had meant all along until now, that does seem like we're exceeding our scope.

Then if we cannot agree on what RDDS had meant all these times, then we just have to agree to disagree and say that we will, from here, understand it this way and then move on. Otherwise, this implementation project is going to turn into what does RDDS really mean and what does RDS mean. We don't use the RDS at all in our policy language, and now I don't know whether we should be defining that term as our scope. And also, we do not use RDAP in our policy language. And I'm not sure whether we are going to start using the term that we don't use.

And we are going through an exercise of trying to replace and remove the existing consensus policy for WHOIS, the word WHOIS, for terminology, but then if we introduce it back into the definition, that seems like going backwards too. So these are some of my reactions

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after listening to you, but I would like to hear more from you, Chris. You're next. Go ahead.

CHRIS LEWIS-EVANS:

Thanks. So I'm a little bit lost, I think as I'm hearing everyone say we have a task here of updating some of the other documents that are impacted from this, and I think one of the first decisions we've made—and correct me if I'm wrong here because I missed the sort of first half of the IRT—was that we were going to replace WHOIS data with registration data and replace references to WHOIS protocol to RDDS.

So maybe if those definitions aren't precise or accurate enough, maybe we need to change that understanding and decide on what we want to replace WHOIS data and WHOIS protocol with. And I think Roger made the point earlier, is when it relates to a certain policy, do we just need to be precise about the language that we're replacing and not use RDDS and RDS instead of those?

So that's my only question here, is do we need to go back to the start and reassess that initial point that we've made? Thank you.

DENNIS CHANG:

Okay. Thank you. Beth, you're next.

BETH BACON:

Thanks, Dennis. Yeah, I think along the same lines as Chris, I think that we have strayed far from our discrete task. I think that we started this as how can we operationalize our recommendation to update the



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terminology in other documents. If we simply can't agree on the terminology to update the other documents, I'm going to say this—and I have not vetted this with anyone, I haven't talked to my contracted party friends, but do we think about not updating the terminology and just sticking to getting our policy done?

Because I think that you guys have confirmed in other chats that we do have ... There are terms in the document, the OneDoc, but those are a glossary, they're not part of the document, they're not part of the definitive terms, they're not part of the policy. So maybe we wiggle that somehow. But I think that we started this to update terminology and have just a little bit of intellectual consistency making sure that we're taking into consideration context. But now we've gone 180 degrees to let's define the RDDS and RDAP terms, technical terms that are impacted and implicated in every single contract in the ICANN space.

So I think that's a much different thing. So maybe I'm kind of with Chris, let's go back to the beginning and figure out what the heck we're doing.

DENNIS CHANG:

Thank you, Beth. It's always good to have members on the team that kind of remind you what our job is and should be. And if we can't agree on what our job is together, then it's difficult, and I must, again, remind you that it is really the ICANN Org's job to produce this policy language for your review.

So we are accountable, and I really appreciate your input here. Berry, go ahead. You have your hand up.

BERRY COBB:

Thank you, Dennis. I'm going to try once more, and hopefully I'll be a bit more clear this time. And I'll start with where we came from to where we're at. And indeed, this kind of resurfaced as an issue. Within OneDoc, we had the two definitions. And yes, indeed there was one comment about the term "access" and RDDS that had yet to be resolved or finalized or concluded on as it relates to OneDoc.

Then we started down the exercise of beginning to redline the impacted policies and then there were questions about, well, what do these terms mean in the context of those policies? And then of course, that opened up other doors of what do the definitions mean in the larger context of everything else going on with the conclusion of phase two and everything else?

So what I might offer up for this group to consider is I think Beth is right, it is not the scope of this IRT to create capital D definitions, and certainly not within this group's scope to imply or change the definitions that are in the agreements. It is within this group's scope to create small D definitions in terms of the purposes of implementing OneDoc or what we're now calling the registration data policy. Personally now I think we need to change the title to the domain name registration data policy. And I say this because it's much more specific in terms of just using registration data policy. It seems much more broad.

But that said, because this group does not have an exact agreement on what these two definitions should be, and as I noted in the chat, the most authoritative anchor that we have is the final report, and that is

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the consensus recommendations that are defining this implementation. So I might suggest that at least in terms of an interim exercise, that we only revert to the definitions that are in the final report for DNRD and RDDS and we use those as the baseline to continue forward with the terminology updates and the impacted policies. And as I believe it was Mark suggested or maybe it was Roger, but some of those changes may not need to include registration data or DNRD or RDDS at all. and we can make the redline change and sidebar the comment with the rationale for why we don't think it needs to be exchanged.

Conversely, there may be several places where we do need to use DNRD or RDDS and if we get agreement on those, then we make that redline change and sidebar the comment with the rationale on why we think RDDS is the acceptable replacement for WHOIS, so on and so forth. And then there may be one or two fringe instances where this group can't agree that our previous two options available to us will change the intent or be considered a meaningful change to the intent of that policy. And if we can't do that, then as noted, we reject the redline change, so to speak, sidebar the comment with the rationale for why it won't work or why this group or to document the disagreement why this group doesn't think it will work, and we highlight those again to send back to the council for it to be considered from a policy perspective.

And then all of us here will have to live with the consequence of that and that that particular impacted policy may or may not—or will likely not—change in the course of implementing this particular policy. That means that we'll have to further document why it's not changed in terms of contracted parties implementing this new policy as to mitigate confusion, and then as I noted earlier, the last part of it is recognizing

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that because we can't get to this final conclusion on the terminology update, recognizing that this does mean additional work not only from a policy perspective but that this is something that the council will need to consider in terms of prioritizing the work that is ahead of it or that's on its plate now and ahead of it. So I hope I made it more clear this time around. Thank you.

DENNIS CHANG: Thank you, Berry. Alex, you're next.

ALEX DEACON: Thank you. I think that's a good suggestion, Berry. If we stick with the definitions in the phase one policy for RDDS and domain name registration data, I think we can make that work, but we will now, with that understanding, need to go through both the OneDoc and the RedDoc as I think Berry alluded to, with these definitions in mind to make sure they make sense and determine whether more specificity may be needed.

But I think I'm okay with sticking with those definitions from the phase one final report. Hopefully my other colleagues on this call won't object to that. I haven't had a chance to sync with them. But if that's the way forward, then I think that could work. Thank you.

DENNIS CHANG: Thank you, Alex. Roger, go ahead.

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ROGER CARNEY:

Thanks, Dennis. Thanks, Berry and Alex. I think the trip up here is the definitions in the final report are not recommendations. It's just a glossary at the end. And as written, that does not line up with the definitions that the contracted parties are obligated by contract to go along with.

So I'm not sure that RDDS as in the glossary of the final report—again, not in the recommendations—I think RDDS only was specified under certain areas of the transfer policy in the recommendations themselves. And again, the definition in the glossary does not match with the definitions the contracted parties are held to by contract. So I don't know how we could go forward updating policies with the definition and the glossary of the final one without at least considering the fact that that definition is different and we'll probably have to object to a lot of uses of RDDS in the updated policies because of our contract doesn't allow us to. Thanks.

DENNIS CHANG:

Thank you for bringing that up, Roger. When we were thinking about this originally, this is the precise reason why we added the first one to the applicable registry agreement and RAA and [inaudible]. This is why we added that phrase, because we wanted to make sure whatever is defined here will still work with our contracts.

I think the only difference between what's stated here in 3.6 now and the final report recommendation or the glossary, the term that the EPDP team use in developing the recommendation—recognizing we had a huge effort and a large team that was very well represented by all

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parties—work on these set of recommendations, and as they were working, this definition worked for them.

That’s what I want to recognize. I look at the two—and this is where we started from, actually, in the beginning. When I look at this, the only difference I see is the word “access.” And I recall a strong objection from the IRT for having the word “access,” and that’s why we tried the word “publication,” because we thought that was technically more accurate, actually, but then that became a huge problem, I think. And from hearing from Alex now, I think he is more satisfied with “access” than the “publication.”

So with that in mind, can I hear from people who had a huge problem with the original definition that included the word “access?” Is this still your feeling, or do you feel like having talked about this and discussed this to now, maybe the word “access” in the original definition can serve us better? I feel like it would, and more.

Okay, yeah, I understand, want to consider it further. And one thing that I did agree and promise Alex and Sarah, both of you, is that we wanted to go ahead and give this to your consideration and review, and that’s what I’m doing, that’s what we’re doing. But at the same time, I have to cut it off and move on. And I hope you understand that is just my role here as a project director.

So certainly, you can free to make your further consideration and comment, but I’m asking you right now to consider access as a baseline if we changed it to that, what problem you would have with it. And Marc Anderson, I see your hand. Go ahead.

MARC ANDERSON:

Thanks, Dennis. A lot of conversations flying by, a lot to think about. And Sarah's comment about not being comfortable with publication but maybe okay with access is sort of giving me pause. I've always thought of RDDS as a publication service. It's the service that registries and registrars are required to provide to provide access to the public domain registration-data.

So I think I'm curious why some people are uncomfortable with publication and why some people think access works. I'm aware that as I spoke, I used both the terms "publication" and "access." And so like Sarah, maybe those work. But I'm also wondering what other people think about it.

I do agree with what Roger said earlier though. I think my concern is that we have contractual obligations on what we're obligated to do around RDDS services, and those are defined in our contracts, and as Roger pointed out, a little bit different in our contracts. And the policy recommendations don't change that.

So I think we have to be careful about making unintended changes to our contracts that aren't called for by the policy recommendations. So that's given me pause a little bit. But I know we've discussed a lot today and maybe we need to absorb some of it.

DENNIS CHANG:

Thank you, Marc. Yeah, precisely the reason why we're bringing it to the IRT, so that you can review it and advise us so we don't inadvertently

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put requirements that were not intended by the recommendation at all. So we're trying to be very careful. And you mentioned why publication is a better word than access, and I felt that way, that's why we tried it. But apparently, it's being viewed as unacceptable here.

And just to remind you, at one point we do have to decide and move on. So if we're trying to wait for everyone to agree, we may not get there. Roger, go ahead.

ROGER CARNEY:

Thanks, Dennis. I guess I just want to clarify a few things here so that we all understand what we're reading and trying to agree to. Dennis, you mentioned the only difference here was access and then obviously the part that I think is what you're trying to say ties into our contracts is the last part of that. Is that correct?

DENNIS CHANG:

Correct. That's what I was trying to do, yeah.

ROGER CARNEY:

That last part is basically saying, hey, this is what it is. Obviously, based on the contact's interpretation of that as well. The only other difference I see, Dennis, is the online in the first sentence there is not part of the phase one recommendation. It doesn't say online. But again, not a big deal but I just wanted to ...



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DENNIS CHANG: You're right. Thank you for catching that. I was so focused on the word "publication."

ROGER CARNEY: Yeah, exactly. Probably the other thing I'd like to raise is ... and I don't know if it's here or not, but our contracts with taking into consideration phase one recommendations basically calls RDDS the public WHOIS access, public data access. It doesn't talk about private or nonpublic data. And I don't know if that needs to be here, or maybe it's just understood. The fact is our contract says public access meaning to the data. The public would have access to the public data.

And with phase one changing what that data is, that changes our RDDS definition to be only that of public data, not dealing with nonpublic data. So RDDS would not be about disclosure or special access to get disclosure or anything like that. That would fall under a different recommendation. Obviously, I think it was recommendation 18 or whatever it was. Just wanted to bring that up so people think about it as they're reading this as well. Thanks.

DENNIS CHANG: Yeah. I'm glad you mentioned that when I'm asked whether the RDDS includes the concept of disclosure, it's difficult to answer because yes, of course it includes concept of disclosure for public data, but it does not for nonpublic data, unless there's consent to make it public. So it's sort of a yes and no questions, and I don't know if that concept is totally understood by everyone.

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And my understanding, and having of course studied it in depth a lot longer, is the same as your understanding. And that's what I've had to learn, it's not intuitive or conceptual, just by reading the word data directory service. There's nuance in there that is sort of difficult to grasp.

But I hope that's understandable to everyone, and if not, Roger can explain it again. I thought he did a really good job. Alex, you have your hand up.

ALEX DEACON:

Yeah, thanks. Thinking about the comments from Marc and Roger, I think over the past three years, I personally have been reminded by many, often, that the GDPR has forever changed and impacted what we used to know as WHOIS. We will never go back to the old, what we used to know as WHOIS. Those days are over. It's just a fact.

The phase one work was focused on bringing WHOIS into compliance with this new reality, specifically the GDPR and privacy laws in general. And this applies across the board, including, I believe, any changes that may be necessary to the terms that may be used in the contracts which were done, I assume, before this work.

The GDPR has really resulted in a new registration data directory service. Beyond publication of public data, it now includes—this is reality—the disclosure of private data. And I think we just need to all agree that that's the case, understand that it's no longer just ... you no longer do a WHOIS query and get back the data that we used to, but

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now part of this puzzle is the disclosure piece, which allows for access to this nonpublic data.

And if you go back to read my definitions, you'll see I tried to make that distinction, again, in my attempt to modernize these definitions. But putting all that aside, again, I'll restate that I think we could move forward with this if we were to use the definitions as they are defined in the phase one final report. Thanks.

DENNIS CHANG: Thank you for that, Alex. Marc, go ahead.

MARC ANDERSON: Thanks, Dennis. I was with Alex right up until the end. I think I agree with most of what Alex said there, except at the end Alex tried to expand registration data directory services to include the services related to disclosure of nonpublic registration data. I think from my perspective at least, that's a different obligation and a different service. I think the registration data directory services, the RDDS services that is defined in the contracts and that we're talking about here is about the publication of public data. Dennis, as you pointed out, registrants can consent to have additional data made public, but this is about the obligations for public data.

And there are, as Roger and Alex both mentioned, new obligations now for providing access to nonpublic data, but I don't agree that those are registration data directory services. I think those are different services

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altogether, and we shouldn't try and lump those under the registration data directory services umbrella which to me just deals with public data.

DENNIS CHANG:

Thank you, Marc. Chris.

CHRIS LEWIS-EVANS:

So, I think I'm more with Alex on this. GDPR changed how we have to deal with the data that we have. So we have registration data that we apply some services to and we have a directory, and GDPR requires us to look at the data that we're providing access to or publicizing or whatever word we want to use there. And that level of data that you either give access to or publish will change dependent on the purpose for which you're publishing it or processing it.

So what is made public changes based on how you or what your process is or what your requirements are. So in my mind, there is ... and I've got to be careful here not to use the wrong words, that there is no public data and there is no private data. It's just data that is required for the purposes for which it is processed.

So we've mentioned it before, I think Marc brought it up, that registration data includes more than just contact information. It includes nameservers and everything else behind that. And the services that are needed to be provided include all of that data and that's based upon the process for which access is required or process is required.

So yeah, in my mind, my definition within GDPR is more in line with what Alex said, with what Marc said. And I think this is maybe what's

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causing some of the issues with the use of these terms in the updates.  
Thanks.

DENNIS CHANG:

Yeah. I am seeing the difference in the way you view it and it's getting more clear to me. I think Alex and you see RDDS as a bigger pie, if you will, and the way I understood RDDS is a subset of what you're thinking of, and that is the whole entire data service. That is, I think, the way that you're looking at it more.

But RDDS as we know it and have been working with up until now, do we change that or not change that? [inaudible] critical decision upon us. And I see it more of a decision here. So I'm happy to hear more and learn from you if you have more to offer, but I think today's call was really excellent in at least personally gaining understanding of the two sides, and I think we have maybe an approach that we can move forward with. So I'm satisfied with today's call and willing to go ahead and wrap this up today. I don't think we should be looking at any RedDocs now until we have a term that I wouldn't say we all agree with, but I will say is clearly defined in the concept, and we will make the decision one way or the other.

Berry, you have your hand up. Go ahead.

BERRY COBB:

Thank you, Dennis. Maybe as a suggestion for some informal—

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DENNIS CHANG: Berry, I can't hear you. Is it just me I can't hear?

ANDREA GLANDON: Just you, Dennis.

BERRY COBB: So Dennis can't hear me, but we can tell him afterwards. I would ask the group to informally do some homework between now and our next IRT meeting to review through the RedDocs, and with the notion of the baseline definitions from the final report and kind of either reconfirm or make a new indication as to whether you think that term could work or may not work or won't work at all, just so that when we do get some traction, that we can start to move forward. Thank you.

DENNIS CHANG: Thank you, Berry.

ALEX DEACON: Sorry. I'm confused. What definition are we using in this little action that Berry has given us?

BERRY COBB: The definitions from the phase one reports as they're listed there, basically.

ALEX DEACON: In the phase one. Okay.

BERRY COBB:

Correct. And with that notion, just side bar comment on the RedDocs—and this isn't a formal homework assignment, but I'd really like to get—I think what we're missing here at least from my perspective is in these one or two instances where there's concern that the use of RDDS over WHOIS or something along those lines may have an impact to the policy, I think we need to get better clarity about what those might be. Because as of right now, for example, I think Dennis highlighted one of Marc's comments in the WHOIS data reminder policy that RDDS is too broad. And he's likely right that that use of the term is too broad. So, should it be domain name registration data versus RDDS, and let's try to start to document what we think the better term is, or if you have heartburn over the use of that term, then try to adequately document your rationale for why you don't think it'll work. I think it'll be important for us to get these written down so that we can try to get more traction on moving these forward. Thank you.

DENNIS CHANG:

Thank you, Berry. Thank you, Alex. Thanks, everyone. So we'll do some homework and get back to you via e-mail and specify the next steps in this more clearly. So until we meet again, which is in a couple of weeks, I'll see you online. Andrea, you may stop the recording and close the meeting now. Thanks, everyone.

ANDREA GLANDON:

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

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**[END OF TRANSCRIPTION]**