ANDREA GLANDON: Good morning, good afternoon, and good evening. Welcome to the Registration Data Policy Implementation Meeting, being held on Wednesday, the 13th of January, 2021 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. Please note that the raise hand option has been adjusted to the bottom toolbar, reactions section. As a reminder, those who take part in ICANN multistakeholder process are to comply with the expected standards of behavior. With this, I will turn it over to Dennis Chang. Please begin.

DENNIS CHANG: Hello and happy new year, everyone on the IRT. We look forward to doing some good work in 2021. And hopefully, sometime this year, we'll have a chance to get to see you all in person. But until then, we're always here on the Zoom. And we'll get started.

So today, for our first meeting of the year, we have a simple agenda but probably an interesting discussion. First, Sebastien is going to talk to the IRT and us about what's been happening at the GNSO on Rec 7, Rec 12, and anything else that he wants to advise us of. And of course, it'll give you a chance to ask him questions about the activities at GNSO.

And the next item is Recommendation 27, Wave 1.5 report. Karen is here and she will be presenting to the IRT the Wave 1.5 report—what it is, what it means. There is a very long document that you have seen. And it's on a task list for you. So it's task 128. It's officially due by the 26th of this month. But to help us all understand this better and give you a chance to ask some questions to Karen directly, she is here in today's meeting.

So let's start with Seb. Seb, are you there?

SEBASTIEN DUCOS: I sure am, Dennis, if you can hear me.

DENNIS CHANG: Absolutely. Yeah. I can hear you and your background is quiet.

SEBASTIEN DUCOS: My background is quiet? Very good. With the party going on here, it's surprising.

DENNIS CHANG: Okay. I'll turn it over to you. I know that there is an agenda posted on the GNSO Council meeting. But I'll just let you take it from here and talk the IRT and whatever else, whatever you'd like to speak to. Go ahead.

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SEBASTIEN DUCOS:	Okay. Happy new year to everybody. And hoping that this 2021 is slightly more forward-thinking than 2020. Anyway. So this topic of Rec 7 has been as complicated and as consuming for the GNSO as it was for the EPDP before us and as it was for this group, unsurprisingly.

So after, I think it was the November meeting, we agreed to establish a small group, in which I participated mainly for reference. I specifically didn't want to be part of the argument but I wanted to be there just to relay what had been discussed in the IRT and making sure everybody was—that we weren't rehashing old discussions.

And we had a few meetings, one decisive one in particular in early December, ahead of our December meeting—one where I'm going to say we had made great strides. We came to, at the end of that discussion, to something that I had understood was agreeable to all and was, in the next few days, basically unraveled by the comments added to whatever came out of that discussion—unraveled until the very last moment before the GNSO meeting in December, to the extent that the discussion in the December GNSO meeting, for those who followed it or listened afterwards, basically reiterated, pretty much, the discussions that we had within the IRT.

And given the—I wouldn't say the heat. It wasn't heated. It was a reasonable discussion. But given the very strong interest and positions that different parties had, the GNSO agreed that we would give all parties another chance—another iteration to try to come up to a consensus.

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I have reread, before this call, the latest version of the paper that I see and it seems like it's reasonable to say that any consensus that we're able to find is void of any content. We're not able to find a consensus on anything that would clarify the position of Rec 7 in a way that is definitive. So at best, we're falling back on … So this is, I believe, the text as was … I don't know if it's the final final, that one, because I understand that there were still some iterations. Anyway. But any time there is a semi-decision forward, we seem to be able, in comments, to annul it and cancel it.

Now, none of this is very clear or brilliant. There are a few silver linings in this and a few things that I think will stay long enough for a Council vote. The first one is that the wording of the EPDP is indeed the wording … It is recommended it should be the wording for the policy. So we're no longer discussing going back and forth on having that second part of the sentence. It should be showed. There you go. I don't want to misquote and the screen is moving back and forth. But, "provided a legal basis," that is no longer in question. That is part of the policy.

Obviously, the question and the discussion is rather on the impact of that. What does it mean? GNSO is not a legal body to decide if it here is a legal basis in all instances. But does it mean that there needs to be, behind that, as was discussed in early December, an immediate new PDP to review existing—particularly the thick WHOIS transition policy for the consequences of what that Rec 7 means? Or does it mean that we leave everything up for interpretation?

And my feeling, again, from what I reread again an hour ago, is that we haven't been able, like we were a month and a half ago, to put a nail in

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this. And the recommendation is almost to leave for interpretation whatever we haven't been able to interpret as an IRT. I'm a whole lot less versed in policy development than most of you around this table. So I'm more than happy to hear somebody who's going to contradict me and tell me that we are a lot closer to the end game than what I see. But what I see is that we've gone into a nice, neat circle, back exactly to where we were three months ago, after having discussed it within the IRT for five months.

That doesn't sound very positive. I had hope and I would wish to have something slightly more proactive. Again, I think that there will be a discussion beyond the resolution that we're sending back to the IRT. I still believe that we will be able to send back something at the end of— after our next GNSO meeting. But I don't know … Or I actually pretty much know that the problem is not fully resolved.

Now, Dennis, you had asked me to talk about Rec 7 and also the comment on Rec 27 or the—

DENNIS CHANG: Rec 12.

SEBASTIEN DUCOS: Oh. Rec 12. Sorry. Maybe that I got wrong. No, I don't have anything on Rec 12 now. I had that and I had the other thing that was asked by the group—this was already three months ago—on the work that we were doing on Rec 27 and how to interpret our mission, in the sense that where vocabulary had shifted and had impact on policies, should we

just go and make the changes, albeit with public comment, or do we just recommend and have other instances make changes to existing policy? At least, that's the way I understood the question back then. And bear with me. This is now three months ago and I'm happy to be corrected.

There, the GNSO was pretty clear. I can't say that it was very heavily discussed because the focus was on Rec 7, really. But it was very clear, in the context of Rec 7 and 27, that the IRT is not here to make any changes to existing policy. It's possibly there to recommend things that will need to be changed. We might need to invent a new form of PDP that is not expedited but instantaneous—like a very, very, very short EPDP—to sign off on changes that completely consensual and agreed by everybody. But in any case, it is for the GNSO to manage that in some way or form.

So again, we are not here to go and change things, albeit with public comment. We're here to make recommendations and the GNSO will decide how and where it changes existing policy. I hope that answered the question that I was asked to resolve three months ago. And this is what I have for you today. I'm very happy to take questions and comments and pass them on, if I don't have answers.

DENNIS CHANG: Marc has his hand up. Go ahead, Marc.

MARC ANDERSON: Hey, Dennis and everybody. Can you hear me okay?

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DENNIS CHANG: Yes.

MARC ANDERSON: Hey. So I raised my hand on Rec 12, when Sebastien said he didn't have an update. I can provide a little bit of an update if you'd like.

DENNIS CHANG: Nice. Thank you.

MARC ANDERSON: So I think we talked about Rec 12 at our last meeting, at ICANN 69. The GNSO Council and the ICANN Board had talked about it briefly and the ICANN Board expressed additional concerns they have about Rec 12 that weren't addressed by the motion that the GNSO had previously passed on Rec 12. And they then followed that interaction up with a letter—again, sort of a formal letter documenting, really, the same thing that they discussed at that joint meeting at ICANN 69.

Following that, the GNSO Council created a small drafting team. And that small drafting team is looking at the letter and the issues raised in the letter that Council received from the Board. And they're trying to figure out how to respond to that and hopefully address the concerns raised by the Board in that most recent letter and interaction.

So that, as I understand it, is the latest of Rec 12. I'm not directly involved so let me caveat and say you're hearing this second-hand. I know this from Kurt Pritz, who's the Registry councilor who volunteered for that drafting team. So I suppose I'll cite my sources on that. So that

small team is working on the draft but I understand it's just in its initial phases. So there still more work to be done on the GNSO Council side. So that's the latest, as I understand it.

SEBASTIEN DUCOS: Thank you very much, Marc, for saving me. Indeed, quoting still the same trail of email that you would have seen. Yeah. Now it comes back. It's at early stage and we still … The team is not even completely defined. If I understand well, there was still some opening for volunteers on it. That's how early it is.

DENNIS CHANG: Thank you, Marc, Sebastien. Are there any questions on Rec 7, or Rec 12, or the terminology update? So then, one thing that I just want to make sure that we are clear on is according to this agenda posted currently … And we can track the motion here—this motion. I think I heard Seb said that this may not be the latest and it could change. So I guess we'll revisit this when the motion is on the floor with GNSO Council for a decision. Go ahead, Marc.

SEBASTIEN DUCOS: Dennis, sorry. I keep forgetting to raise my hand. But if I may. I'm not saying that the motion will be vastly different from this. But there's been a back and forth of adding and removing details in it, again, that have a tendency to remove substance. That's all I meant.

DENNIS CHANG: Okay. That's good to know. Thank you for that. Marc, go ahead.

MARC ANDERSON: Thanks. I had a follow-up question, I guess, for Sebastien on the terminology updates. So I guess I want to make sure I understood your response on that. So I think what I heard you say is that the direction from GNSO Council is that we should focus on terminology updates and that the GNSO Council reiterates that the IRT is not a policy-making or policy-changing body, and that anything that does overlap into policy changing or making should be referred back to the GNSO Council. Did I understand that correctly? Is that a fair summary?

SEBASTIEN DUCOS: Actually, to have the fairest of fairest summary, if you go to the very bottom of that recommendation, I think the very last item recaps it. And this is about as … At the very bottom of it. There was something about—yeah, indeed—that … No. We're not looking at the same thing. What is this? No, this is the motion. The version that I had … Yes, indeed. It was just reminding that the IRT wasn't a policy-making body, indeed, just as you said, Marc, and that we're there to recommend any changes to external policies.

DENNIS CHANG: Okay. Thanks for the clarification. Amr says that this looks like the old version. So I'm sure that it'll be replaced or refreshed before the GNSO Council. Let's see. Were there any more questions on this? Seb, GNSO Council, anything?

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Well then, if not, then we'll move on to our next agenda, Rec 27, Wave 1.5 report. This was submitted to you for review in this form. So you can comment using our typical way of commenting. And it's a 37-page report, as I see here, with this table of contents. As I understand, Karen is prepared to present this to you and has some slides that she has prepared. But I'm seeing that trying to ... Oh my goodness. Karen is trying to log back in but she hasn't made it here yet.

So until then, let's just make sure that everybody didn't forget that we have an IRT task list in our workbook. And we are carrying our agenda in this fashion.

And I think it will give us a nice opportunity now to maybe say hello to Thomas. Thomas, you're the new kid on the block here. And it's in our tradition that when a new member comes on, you say hello, who you are, and what your role is, and introduce yourself to our project team. Thomas, you want to do that?

THOMAS RICKERT: Sure. Hi, everybody! I have been a member of the EPDP Team from the very beginning so I have been on this since its inception. And due to other commitments, I didn't have the bandwidth of paying too close attention to the IRT. But I'm really interested in trying to contribute, to get this over the finish line so that we get the Registration Data Policy done. I have represented the ISPC on the EPDP and I'm currently doing so in Phase 2A.

What else is there to say? I'm a lawyer by profession, based in Bonn, Germany. And what's I'm primarily doing at ICANN is representing the

interests of ECO members, which is an industry association based in Germany. But ECO has more than 1,100 members from more than 60 or 70 countries, many of which are working in the domain industry. And we're trying to help those navigate the ICANN and other worlds in this industry. So, Dennis, I'm not sure whether there's anything else that you would like me to add. So I will leave it there.

DENNIS CHANG: I just want to make sure that before Andrea lets you into the group, you finished all your homework, right? This is 128 tasks that the IRT had to do.

THOMAS RICKERT: Thank you.

DENNIS CHANG: That gives you speaking privileges. Okay. I'm sure you'll have fun with it. But if there's any process-related questions, I'm sure that Andrea, or I, or any of the staff here can help you come on board. So just reach out to us.

THOMAS RICKERT: Thank you so much.

DENNIS CHANG: Okay. And I think Karen is back so let's turn it over to Karen. Take it away, Karen. I'm going to stop my sharing and then you can start sharing your screen. Go ahead.

KAREN LENTZ: Okay. Thank you, Dennis. And apologies. I don't know why the computer picked this particular time to start. But let me pull up the display here. Sorry. One moment.

DENNIS CHANG: It's okay. We're loving your big-grinning face.

KAREN LENTZ: Okay. Can you see that?

DENNIS CHANG: Yes.

KAREN LENTZ: Okay. Great. Finally something is working today. Okay. So it's been a while since we had one of these Recommendation 27 reports. So I thought it would be helpful, since we sent the report out yesterday, to review and share some background and context. So I have a few slides that I'll go through to that end.

So Recommendation 27, as part of Phase 1, as you recall, anticipated that there could be updates to existing policies and procedures based

on the Phase 1 recommendations. We've gone about fulfilling this Recommendation 27 in a series of what we call waves, trying to bucket out the different things that we need to review and look at. So Wave 1 was completed in 2020. It covered all of the existing consensus policies that are currently in effect. That was reviewed with his IRT and also presented to the GNSO Council. And now, we are in the process, as Sebastien mentioned, of making some updates and discussing those.

We had originally just anticipated two waves, with all of the other items, other than the consensus policies, and decided to split out a couple into this Wave 1.5. And those are two items which are policy recommendations that had gone through the GNSO process, had been approved by the GNSO Council and the Board, and were in the process of implementation when EPDP began. And those are the two items that are the subject of the report that you just got, which are the proxy/privacy policy recommendations and the translation and transliteration of contact information recommendations.

And then, Wave 2, which is in progress, is covering all of the non-policy items—so things like Trademark Clearinghouse, or escrow processes, or other areas.

The process that we worked out in the beginning, with the GNSO leaders and others, to go about this Recommendation 27 looks basically like this. We start out with an inventory, which Org performs, looking at all of the items and identifying areas that are potentially impacted by the Phase 1 recommendation—identifying those. The IRT provides, basically, a sanity check, making sure that all of the impacted areas are

identified or explained clearly and that other considerations or contexts are included and noted there as well.

And then, what's anticipated following that is a triage process, as far for the areas that are identified as being impacted. Some of those are identified as policy questions that need more discussion at a policy level. Some of them may be just updates to a procedure that don't raise any policy implications. Some of them may impact existing agreements. So that's the step that determines how any of these impacted areas are addressed.

I'm going to spend most of my time here talking about the proxy/privacy policy recommendations and that analysis, primarily because there's a lot more. If you look at the report, there are a lot of questions around the subject matter of privacy and personal data. Not to suggest that the translation and transliteration recommendations aren't important or as important. But if you look at the report, there are a lot fewer impacts identified there. So I'm going to spend most of my time on the proxy/privacy and recall the background to that.

So the Proxy/Privacy Services Accreditation Issues was the name of the PDP. And this final report was approved by the Council back in 2016. Those were also approved by the Board. So in 2016, we formed an IRT and began to work on implementing those recommendations. 2018, that was still in-progress, when in 2018, as you know, the EPDP began.

And I noted that as we were working on that—working with the IRT on implementation—many of the questions that were coming up were the same as what was being discussed in the EPDP—things like logging of

data or controller-processor relationships. So we raised the question to the GNSO Council on whether it would be prudent to pause the proxy/privacy implementation work, pending the EPDP results. The Council, at the time, discussed that, came back saying that there were divergent views within the Council, and deferred that to the Org and the IRT as an implementation matter.

In 2019, the Board approved the Phase 1 recommendations and this group began to work on the Phase 1 implementation. We did subsequently confirm that the work on the proxy/privacy implementation was being paused, pending the completion of the EPDP.

And as I mentioned, the Wave 1 report, looking up all of the existing consensus policies, was submitted to the Council last year in February. We now have Phase 2 of the EPDP completed and approved those recommendations as of September.

And that brings us to today, where we're looking at the Wave 1.5 report that looks at the analysis concerning the proxy and privacy recommendations. These cases in 1.5 are a little different because in the case of Wave 1, everything was just an existing policy document, whereas in Wave 1.5, these are things where we have the original policy recommendations as well as some of the implementation materials that had already been developed. So you'll see discussion of both of those in the report.

I won't go through all of the proxy/privacy recommendations. I'll share these slides and they're in an appendix. But these green circles that you see, those are the headings—the major headings of the proxy or privacy

recommendations. So no distinction in treatment between a proxy versus a privacy service, discussions of labeling, verification and validation of data, terms of service to include procedures for or conditions under which data might be published or disclosed, and several other areas.

And as noted, the implementation on that was paused, pending the results of the EPDP. So I wanted to remind us what the EPDP actually recommended concerning proxy or privacy services. So the Phase 1 Recommendation 14 that you all have worked on provides that where there is an affiliated proxy/privacy service, there needs to be the full data of the proxy or privacy service that's returned in response to queries. Per the policy recommendations, "affiliated" means affiliated with an existing Contracted Party, Registry or Registrar.

On the Phase 2 EPDP Final Report, the Recommendation 19 makes a similar recommendation but adds "affiliated and/or accredited proxy or privacy service." So contemplates the idea that there could be a proxy or privacy service that is accredited to offer such services, that's not association with an existing Registry or Registrar.

That goes on to make clear that once there is an accreditation program implemented, as per the policy recommendations, that this recommendation 19 would supersede the Phase 1 recommendation. And also makes clear that—provides some additional elaboration on the recommendation that the data … The intent of it is that data can't be both redacted and protected by a proxy or privacy service.

So when you look at the report, I think there are really two sorts of questions that come up when you look at the proxy/privacy questions and recommendations. So there's a distinction between a GDPR-related question, like what is permissible with the law, when you think about proxy or privacy services and how those operate. And then, there are policy questions concerning the relationship of these recommendations with the EPDP work.

So in the first bucket, you look at what are the controller or processer relationships, what kind of data protection agreements would need to be in place for a proxy or privacy service, how can cross-border transfers be handled, and how to, in general, make sure the output of this would be compliant with GDPR. That's something, if we took the existing proxy or privacy recommendations as they currently stand, these are all questions that we would need to address in the course of implementation.

And then, there are also potential policy questions that are more about what's the optimal way of going about this? So questions concerning, now that the community has spent a lot of time looking at these issues in the EPDP, does that necessitate adding some additional data protection elements into the proxy/privacy work? Can the two sets of requirements work together and if so, how? And particularly, things like … There was a lot of focus, of course, in Phase 2 on requests for disclosure. Can any of that work be considered to be leveraged in the proxy or privacy service?

I'm not seeing the hands. But okay. So let me go through a couple more slides and then I'll open it up for questions. So it may be helpful to look

at a couple of examples, when we talk about the report that looks at the impact of the Phase 1 recommendations on the original proxy/privacy recommendations and the work that was in progress.

So one example is the idea of labeling. If you look side-by-side at the recommendations, the proxy/privacy recommendations say that to the extent feasible, registrations should be clearly labeled as such so that you could identify whether something was a proxy/privacy registration or not. We'll get to that in a minute. The EPDP, as we went through, provided that the full data of the proxy or privacy service needed to be available in response to queries.

So the question here is does the …? If you require all of the proxy/privacy services to publish their full information, does that meet the same objective of being able to look at a registration, being able to identify whether it's a proxy/privacy registration or not? If it does, maybe that recommendation can be superseded by the EPDP recommendations. If not, and there seems to be a need for more clear labeling, that's something that we would need to continue working developing a flag or some other mechanism. And I think it's been discussed in this group and elsewhere, the problem of it being difficult to identify whether a particular registration is covered by a proxy or privacy service.

Another example that's discussed quite a bit in the report is requests for non-public data. And I'm just picking out a couple—one snippet of that. But if you think about having minimum requirements, this is something that the EPDP spent a lot of time on.

We have, in Phase 1, the concept of a reasonable request for lawful disclosure. As part of the proxy/privacy work, there was developed an IP disclosure framework for requesting data around potential infringement of intellectual property. And that includes many of the same things that are required in the Phase 1 recommendation but also some other elements, like evidence of previous use to contact the customer and the specific intellectual property information.

So the kind of question that arises in looking at this is, is the goal to create different processes for different kinds of cases of requests? Should some of these be harmonized? Can we leverage any of this to create more efficiencies?

So next steps for IRT. The request is for any feedback on the proposed path for triage, any impacted areas that are not identified. So if there's something that you think is impacted, that should be highlighted in the report, that would be really helpful, or any other considerations that we may not have identified.

So the report is in draft form. And as Dennis said, you have a Google Doc version to comment on. And any feedback is asked for by the 26th. What we will do after that is, of course, review the feedback, share any updates that we make, and provide the updated report to the GNSO Council.

There's one more slide that I think maybe helpful. But I want to caution that what we're focusing on here is this slide and next steps for the IRT. In the discussions that have happened in the community over the last

few months, there are some possible paths, as we saw in the triage slide and process slide, that could be undertaken, based on this report.

There could be a review for potential policy updates in some cases. There could be a wish reconvene the previously-existing proxy/privacy IRT which, as I mentioned, would involve revisiting some of the previous implementation materials in light of GDPR. And there's a combination, of course, where some recommendations may be prioritized or some are less relevant, or some seem to be more urgent. Any of these are feasible and they all have resource implications for the Org and for the community. But this is really a question of what's the desired path to take.

And I've also listed the links to everything that I talked about here on the references slide. And I'll stop sharing and go back to questions, which I see several hands. I don't know who was first.

DENNIS CHANG: Stephanie is first. Go ahead.

STEPHANIE PERRIN: Thanks very much. Happy new year, everybody. I'm going to make comments on the Google Doc so I don't want to bore you with all of my comments. But I did raise, back in the Privacy/Proxy Accreditation Issues group, a number of issues related to the lack of clarity in terms of the interpretation of data protection law that we were setting into stone with this.

Now, unfortunately, back in 2015–2016, that instantly put everybody to sleep and nobody cared. But I think, as long as we have a chance to clean things up, it would be very useful if we started calling privacy/proxy services "confidentiality services" to avoid confusion in people's minds between what is the interpretation of privacy law—data protection law—and what is a confidentiality service.

Because let's face it. Registrars make no distinction between whether they are applying a proxy service or a privacy service for "privacy reasons—" I've got air quotes going here—or whether it's just confidentiality for a firm. Similarly, we wrangled a wee bit about the issue of lawyers acting as proxies. And that raises a few cans of worms, in terms of the interpretation of data protection law.

So I think a name change would help. And I think there's quite a few issues, where the lack of clarity … We failed to distinguish between a proxy and a privacy service at the time. I'm no expert but I suspect that these are meaningful differences when it comes to the interpretation of data protection law and accountability. So I think we had better clear that up now.

It does seem to me that that's a policy decision, which means punting it back to a PDP. I don't think I'd be comfortable with an IRT making both of these decisions. But they can certainly make the recommendations. So that's kind of starters for me. And I'll let everybody else talk. Thank you.

KAREN LENTZ: Thank you, Stephanie.

DENNIS CHANG: Marc Anderson is next.

MARC ANDERSON: Thank you. Karen, thank you for the excellent presentation and overview. That was very helpful, very clear, and easy to understand and follow. I guess I have a generic question for you. I've only had a chance to give the document a very quick once-over. And I wasn't part of either privacy/proxy or translation and transliteration working groups or IRTs so I don't have a very deep understanding of either of those.

So the action item for us, this IRT, is to review your document and provide input. My question for you is what, in particular, are you looking for from us. I'm wondering what can we do to provide helpful and useful input or feedback to you on the document? Is there anything in particular you would like us to focus on or maybe question areas you're not particularly sure of?

KAREN LENTZ: Sure. Thank you, Marc. So I would say two things. One is you all are the experts in Phase 1 and this is a Phase 1 recommendation. And the intent is really to focus on Phase 1 and the impact of these recommendations on existing areas. In this case, we did look at some of Phase 2 in the report because it was so tied-in.

But in general, because you guys are the experts in Phase 1, what we want to make sure is that we haven't missed anything. And you all are familiar with the Phase 1 recommendations, as well as the One Doc and

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the current policy draft. So if there's anything that you see in the analysis that we've done of the policy recommendations and the implementation materials that you think is missing, that would be one thing that's an ask of the IRT.

And the second thing is, I guess, more of a stakeholder and an industry perspective. So we are looking at this on paper—as ICANN Org, looking at the existing documents and refamiliarizing ourselves with the rationale and the policy discussions on the proxy/privacy services issues, but understanding that all of you are out doing business and working with other stakeholders in various capacities. If there's some context to how proxy/privacy services are typically used, or implemented, or things that you think are recurring that would be helpful for the GNSO in determining next steps, that would also be helpful input.

DENNIS CHANG: Amr, go ahead.

AMR ELSADR: Thanks, Dennis. Karen, thank you very much for the presentation and the slides. I'd like a couple of clarifications, if that's okay. One—and I apologize if you've caught this already and I missed it. But I'm just curious about the approach that you might be taking to reviewing these policies at this point because my understanding was that [inaudible] policies would [inaudible] with Wave 1.5. So if you could clarify how those are set up, that would be great.

My second question is regarding the [translation and transliteration of] contact information and that having a low-to-no-impact … Oh. I see that I'm breaking up. If you can't hear me well, if it's okay, I'll try to fix my connection and ask my question in a few minutes.

DENNIS CHANG: Okay. That's okay, too. Getting back to Marc's excellent question, I see the complication when I was trying to review this myself. It's a tough task because not only do you have to know what the EPDP says but you actually have to know what the other policy says to know whether it has impact or not. But we are fortunate, in a way, that this IRT … We have 40 members on the IRT and some of our IRT members were the members of the privacy/proxy and the T&T. I can recognize some of the names. So I think those who have spent a very long time looking at privacy/proxy and T&T in-depth could really help us here, too.

Amr, go ahead. You're back on so go ahead.

AMR ELSADR: Thanks, Dennis. Is my audio a little better now?

DENNIS CHANG: Better. Thank you.

AMR ELSADR: And apologies for that. My connection is a little unstable today. My first question was regarding the slides. And Karen, thank you again. If you

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didn't hear me, I thanked you the first time for the presentation and the slides. My first question is regarding your approach to reviewing these policies. My understanding was that there would be a Wave 1, where a number of these policies would be addressed and then a second wave where remaining ones would be. But now, we're dealing with Wave 1.5. So if you could clarify your approach to this, that would be great. And I apologize if you already did that I missed it.

My second question, regarding translation and transliteration of contact information. I'm curious about your conclusion on this being a policy with little to no impact, in terms of EPDP Phase 1 output, particularly because my understanding of the policy is that there would be newer additional data elements and fields to populate with these elements, which would be displayed in the RDDS for transformed contact information.

So this might include transformation of a registrant's name, physical address. It's still personal information. It's just that it's been transformed into the "common" language and script, and of course would be tagged with those, indicating what languages and scripts are being used. But that's still personal information and I would have assumed that your conclusion on this would be that these additional data fields and data elements would need to be redacted, same as the ones in the data elements matrix in the EPDP Phase 1 report. So I'm just curious why you've reached the conclusion of it being a policy with no to little impact. Thank you.

KAREN LENTZ:
Thank you, Amr. That first question on the waves … So the Recommendation 27 just refers to policies and procedures. And we shared, back in the beginning of the IRT, a list of what we thought those were. So the difference is Wave 1 is all of the existing consensus policies that are in effect. That included UDRP, the transfer policy, and I think there were about a dozen of those. And those were all covered in the Wave 1 report.

That actually has already gone through the triage process, partially. I think when the Council looked at the Wave 1, they pulled out some things as, "These are things we could ask the IRT to do," as far as making non-substantive updates, and then, "These are things where we have more questions about how we are going to address this particular impact." So that was Wave 1.

Wave 1.5 is the report that you're looking at now. That includes the policy recommendations that have been approved by the Board, that were in the process of implementation but aren't currently policies that are in effect. And then, Wave 2 is all of the non-policy items—things like the Trademark Clearinghouse or escrow processes.

And as far as—this might have been part of your question—how we go about it, there was as cross-functional look at this, trying to be as comprehensive as we could with all of the materials, particularly in this case, with Wave 1, where we had a set of policy recommendations as well as subsequent work that had been done by the community. So we look at it from a legal standpoint, from a compliance standpoint, from a Contracted Parties standpoint, etc. So we try be as multi-faceted as we can in doing that.

Your second question was on the translation and transliteration. And again, your question is an example of input that would be really helpful. So in general, when we were looking at the T&T materials, we didn't find a lot of specific things to call out that were impacted. Some of the recommendations are optional, in terms of they're not imposing a lot of new requirements on Contracted Parties. But as you say, there are still some implications for personal data. So that's a good question and something to maybe flag for us to look at in that section. Thanks.

DENNIS CHANG: Roger, go ahead.

ROGER CARNEY: Thanks, Dennis. That was a good point. I was going to say, overall, I think that the 1.5 addresses, I think correctly … I think that the privacy has quite a bit of work that needs to be looked at—and possibly, as Stephanie mentioned, maybe even getting a PDP going on it because there may be some policy changes on it.

As far as the translation, yeah. Again, I agree with the report that there's not much there. Amr's point is valid and I don't know that that has to change the translation policy a whole lot, except for the fact that it could refer to the Registration Data Policy for redaction and things like that. But yeah. Again, I agree with the report overall, where it's heading.

There was a couple items in the report that … And as Stephanie mentioned, I'll mark these in the Google Doc as well. But one of the ones I wanted to bring up was I think several places in the report it

mentions privacy disclosure and SSAD being similar. So maybe they should be combined or whatever.

I think that that's not a good idea. And I think that staff should look at that a little bit more concretely before putting out this report because I don't think that's a great idea. I think they serve two different functions and possibly, by two different organizations doing it, privacy may be not a Registrar-provided privacy. So it may be a third party. So I think that those two concepts need to be kept separate.

The only other item was an item that we, in this group, have continued to argue. And I think it's a little misleading, putting it in the report. The timeline around urgent responses, that has not been agreed upon and the majority of the IRT disagrees with what's in the report. So I think that it's kind of misleading to have this 1.5 report reference something that's still not been decided by the IRT. Just something to think about. Thanks.

KAREN LENTZ: Thank you, Roger. That's all good feedback. On the last point that you made, on the timeline for urgent responses, you're referring to the one in the proxy/privacy IRT, correct?

ROGER CARNEY: No. I'm talking about the Registration Data Policy. I'm sorry.

KAREN LENTZ: Oh. Okay. Making a note of that. Thanks.

DENNIS CHANG: Thank you, Roger. That's a good point. And I know—and correct me if I'm wrong—you were on the T&T IRT, right?

ROGER CARNEY: Correct.

DENNIS CHANG: And Amr, too, right?

ROGER CARNEY: Correct.

DENNIS CHANG: So we just have excellent resources here and they can advise us. So it would really be helpful for, especially you guys, to go ahead and comment. Be as specific as you can and propose different language or alternatives wherever you see possible. Of course, there's lots of you who were on the T&T. I think Thomas was, actually. Am I correct? So here, you came all just in time to help us here. And that'll be great.

Now, just so that this is the … This is what's the dilemma. And I have to say that Karen and the team producing this report leveraged everything out there that is possible, both the approved policy recommendation and non-approved draft languages and material that the implementation team have produced so far. And of course, because

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they were not finalized and published, we cannot say that they are the authoritative document in any way.

But I think it is still helpful to use those materials and our material, too. We have a draft policy language One Doc, right? Of course, it's not settled. It hasn't even gone to public comment yet. But they had to do their work in the midst of everything going on. And if you see anything that was misleading, as we thought something that was conclusive and it wasn't, there was an attempt to say, "This is the proposed language in review," or something that. That is helpful, too. And wherever possible, the report cites the sources.

So thank you very much for your comments. And I think Roger has another comment. Go ahead, Roger. Do you?

ROGER CARNEY: Sorry, Dennis. No. I just forgot to put my hand down.

DENNIS CHANG: Okay. I do appreciate and value input. Yes. Let me see. If there is no other hands, I don't mind concluding this IRT meeting earlier than the normal scheduled time. We do have a lot of work to do and we're doing. I'm pretty impressed, Roger. You read the whole thing already. That was very, very nice. But you do have two weeks to do it, whenever you get a chance. I'll see you on the doc.

And I will go ahead and take the slides that Karen used. And I will add it to the IRT task list, as number 129, so that it becomes a task for you to

review those slides as well. And you can always find it there again. Thomas, oh no. Oh boy.

So I see no other comments, no other hands going up. I'm still available for the rest of the scheduled time if you want to go back to the One Doc and open items. I don't think I will do that right now. But if you have open items that you want to go ahead and discuss, why don't you send them to me and we can put it on our agenda for our next meeting. And if possible, we can start the discussion online, too. They're already flagged in the doc? Okay. I'll go seek them out and let's put it on the agenda for our next meeting. Is everybody okay with that?

"Aww, shucks. I was going to explain why the SSAD should …" you guys are funny this morning. And I think next meeting will be the 27th, as I can see from our wiki. And that will be after the GNSO Council meeting, too. So we'll have, I think, more clarity on where, at least the GNSO Council vote on direction lies. And that could help us do our work, too.

Okay. Thank you very much. And we'll see you in a couple of weeks. And in the meanwhile, we really appreciate your support on the Wave 1.5. And we're anxious to get it to the GNSO Council as scheduled—as laid out by Karen. Thank you so much. Bye, now.

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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