DENNIS CHANG: Welcome, everyone, to the 2021 May 5th registration data policy implementation IRT meeting. Before you is the agenda for today, is on our IRT Wiki page, of course, and we have a rather full agenda, but of course, it's sort of difficult to predict how long each one of these will take to discuss. It may be very quick if there's no discussion, or we can have a lengthy discussion on one or more topics. So we'll try to get through as much as we can, and if there are things that we cannot get to, we'll just push it off to our next IRT meeting. So that's what we'll do.

So we have some news that we want to share. OneDoc, RedDocs, of course, and drafting error doc, [mainly three docs] and we're pretty much going along the IRT task list, the things that are due prior to today is what we'll try to get through as much as we can. And we'll pick up anything else along the way that looks interesting and easy to discuss.

Let's start with our news. Number one item—and I call it the team member updates. And as you know, unlike the PDP working groups, we do not have time allocated in the beginning of each call for any change of status or affiliation, and the update to the EOI. This is not required, but if anyone wish to let the team know, this is going to be your opportunity at the beginning of the meeting. Is there anyone who wants to announce any kind of an update to the change of their status, their company, their affiliation or any events that you're aware of that may affect our policy implementation?

Seeing none, I have some news for you. As you know, we have Amanda and Amanda, two Amandas out on maternity leave. I'm happy to report they were successful in delivering their babies. Parents are healthy,

babies are healthy. And in our typical diversity fashion, we have gender balance. We had one boy, one girl. So we're very excited about our family, new babies in our implementation team. That's the good news that I wanted to share.

And yeah, I don't quite know exactly when they're returning, but I'm sure after having a baby, it'll take some time. Sorry for my [ignorance.] So when they return, of course, I'll come and say hello, and I'll let them both know that IRT wishes them well too. Thank you so much.

The next item, on the ICANN 71 registration data policy IRT session, Andrea has plugged us in for a session. Now, she said that she got a 60-minute time slot for 14:30 UTC on Wednesday 16th of June. Wednesday is our typical meeting date, so I think that's going to work out well. So I'm not sure how much of this program schedule is shared with the community, but for the IRT, you guys are the first to know so we can schedule around it. And I believe she has sent out the meeting invites as a placeholder, so look for that. and we'll talk more about the agenda at ICANN session as we get closer together. Thank you.

Let's go to our OneDoc. We have a couple of assignments and we have a couple of notes here too, but let's get to our section 14 first. So we had proposed the deletion of this section because we saw no use for it anymore, with the changes that we've been making, we've managed to delete the appendices. So thank you, Sarah. Oh, Sarah cannot make it today, but we thank Sarah for the input that she made here. So Sam, you can go, or Isabel, go ahead and—

ALEX DEACON: Dennis, can I ask a question?

DENNIS CHANG: Mm-hm.

ALEX DEACON: Is this text in the phase one final report, registry operator and registrar must comply? Is this an obligation that we're now deleting from the OneDoc, or is this an obligation that we added to the OneDoc that doesn't occur in the policy or appear in the policy? Just curious.

DENNIS CHANG: I'm not quite sure if I understand the question. This section 14 was referencing the appendices. So you're not talking about appendices. You're asking me a different question, are you?

ALEX DEACON: Yeah, I'll investigate and get back to you if I have concerns. Thank you.

DENNIS CHANG: Okay. Thank you, Alex. Yeah. So that's done. Next item was Section 11.6. This was the two-phase process for the urgent requests, but before we go there, let me go over all these tweaks to every section, because I think this is probably worthwhile explaining a little bit.

When we were reviewing the reasonable request for lawful disclosure, we realized that we could simplify what we're talking about and call it

reasonable request for disclosure and urgent request for disclosure. There's two types of disclosure. And we can collectively call those disclosure requests. So once we have term as those, then it became a lot simpler for us to talk about it, because the other way we were looking at was putting in reasonable request for lawful disclosure and urgent request for lawful disclosure in every section.

So what this change allowed us to do was to simplify the language below in Section 9, and this here changed just simply moving this up to—[de-indenting] to make it parallel. So that was the intent of 3.9. So if you go now look at the Section 11, you can see that we changed the reasonable request for lawful disclosure of nonpublic registration data to disclosure request because that definition above enabled us to do so. Go ahead, Roger.

ROGER CARNEY: Thanks, Dennis. Yeah, and I think this makes sense, as long as we make sure that it's clean and it's used appropriately throughout the document, and that disclosure request is not defined somewhere else already. I don't know that it is, but I don't know if phase 2 had created a definition for disclosure requests that's not the same as this. So I just don't want to get things crossing each other to make it confusing.

DENNIS CHANG: Yeah. We should pay attention. Since you asked, one thing that I wanted to do—and maybe this is a time to do it—is I wanted to see if you wouldn't mind—those of you who are on phase two EPDP team, when

you get a chance, I'd self-identify here and put a checkmark on it. Roger, are you on the phase two team?

ROGER CARNEY: Dennis, no I'm not. No.

DENNIS CHANG: Okay. Thank you. Maybe, I know, we have our policy support team who can do this for us. Just go ahead and do that. And I want to make sure they're in attendance when we talk about talking about things like that when it would be prudent for us to be aware of impending policy recommendation coming to us that we would have to implement, and we want to save any work that we may have to redo. Beth, go ahead. Your hand is up.

BETH BACON: Hi everybody. So a little bit, I agree with Roger's comments and then also, I just wanted to note that we should make sure—because you quickly went up to the definitions, and then scrolled down to Section 11. If we're condensing urgent requests and lawful requests into just disclosure requests, I want to make sure that we are taking a look at Section 11 to make sure that we are not now applying any requirements that were just for those categorized as reasonable request for lawful disclosure or requirements that were only applicable to urgent requests for disclosure to the other just by bucketing them together, because there are already now two definitions.

And then also, I just want to support Roger's request to make sure that we double check that the urgent request for disclosure is a definition from the report, and if not, if it's kind of made up by us, then we should reconfirm it even though we just moved it down. And then my other question was, why did you redline out "lawful" in lawful disclosure? Because that's in the report.

DENNIS CHANG: You mean this?

BETH BACON: Yeah. [inaudible] all at once.

DENNIS CHANG: Okay. Well, we thought that was pretty obvious without ... We wouldn't be making a reasonable request for unlawful disclosure. So we didn't think that it was required to state when we are talking about request for disclosure. But this is the question that this is our request to you all. if you think that it makes a difference and that word "lawful" has to be included in the disclosure, lawful disclosure, then we can add it. It's not a big ... There wasn't any real reason other than we wanted to simplify the language and our Legal had actually supported these changes. So they thought it meant the same thing, even if you don't say lawful disclosure, or just disclosure. Go ahead and make your comment, and have a look at it and let us know. So maybe this particular change, I think you might want to look at again.

I'm sorry, Alex had a question. I'm trying to track the discussion on the chat. So if you would like me to pay attention or hear you, let me know, otherwise I'll let it go.

Okay, so let's do this. Please do go ahead and review this section again, and then let us know, now that you've heard me and what I'm intending to do. And if we need to, we can go ahead and keep using other words like lawful and put it into the title, into each section, so each time we say disclosure request, we can say lawful disclosure request. So that can be done too, of course.

Okay? So this is where we need your support. Let us know, especially those of you who were in the EPDP phase one team, I'm sure you have careful consideration of the words that you were using. And you meant to be very descriptive. Then we need to follow that recommendation. But as we saw it today, it seemed like we didn't have to repeat the lawful and reasonable and lawful.

Okay, Berry is coming back and saying the disclosure request was not defined, so he already found out. Okay, thank you. The disclosure request here for phase one. Okay. Roger, go ahead.

ROGER CARNEY: Thanks, Dennis. Thanks, Berry, for checking on the phase two. If we can ask, can staff take a look at current contracts and policies to make sure that's not defined elsewhere?

DENNIS CHANG: Sure. Okay.

ROGER CARNEY: I don't know if it is or not. Again, we just don't want to redefine it. As well as, I just wanted to comment on what Beth was saying. I think lawful does make sense, because as a contracted party, we do receive unlawful requests. So I think that we need to be using the words that the phase one group determined. So I think it best to keep that in there. Thanks.

DENNIS CHANG: Okay. Thank you for the input. We can certainly put in the word "lawful." Doesn't seem … CP have ability to reject unlawful requests. Yeah. I don't know. Yes, like Berry said, we were trying to remove redundant words that seemed obvious to us that it didn't need to be there, but apparently, we're getting some input from the IRT members that it makes a difference to the contracted parties implementing the policy, and maybe that is important. Beth, go ahead.

BETH BACON: Thank you. Two things. First, I think we appreciate very much consolidation and ease of reading. Totally appreciate those goals. But also, I think tracking back to the source documents is helpful just because if we are having questions and we were in it up to our eyeballs for two years, if someone's trying to track the supporting report with the policy, they'll say, "What's this? I'm not sure where this came from." So I think that's one of the reasons for me for the consistency.

Second—and this might just be possibly the dumbest question I've ever asked on a call. So I appreciate that we're talking about the phase two report and that disclosure request wasn't defined there, but this is the phase one IRT. And I appreciate that we will have to do phase two things once we kind of get phase one policy done, we'll have to take phase one and see what amendments were made and go back and tweak that, but my question is, how much are we taking into consideration phase two here? Are we doing phase one and then phase two? Again, could be the stupidest question I've ever asked in public.

DENNIS CHANG: No, it's a very good question. It's my job as the project manager to ensure that we are not getting out of scope. So I'm pretty vigilant about keeping our scope to the phase one implementation. At the same time, we do have the benefit of those who are involved in the phase two, and they can give us a heads up. So it guides me in investing where we put our energy.

So as an example, if we had a case where we were working on something that is going to be undone with a phase two and that phase two recommendation was coming next week, I would probably take that out of the agenda and push it to an agenda item for next month or June. That's the only thing I'm trying to do.

And Beth, you can be a vigilant guard for me if you think that we're working on something that's outside of the phase one implementation. Just raise your hand and remind me. Thank you. So a very good question, actually.

So 11.1, 11.2, and we'll go back and look at the word "lawful," and ICANN staff, as Roger has requested, will go back and look at to see if this was defined in RA and RAA and other contracts, and we'll review that and come back to you with an answer. And the word "lawful" is important, so we'll try to get the word "lawful" back in. And that is what we were trying to do from 11.1 through basically 11.4. 11.5, yeah, is also in the same vein, and then we were talking about 11.6 where we received some good input from—I forget who now, an IRT member who said that maybe we should be looking at the urgent requests—these are urgent requests now—in two phases: acknowledgement and response. So this is what we were trying to do. We were trying to adopt that. And let's talk about the two-phase approach also, that's first, let's do that.

I think that we've come to an agreement that the two-phase approach is good, and we're going to try to craft language that fits the two phase. So first is an acknowledgement, and as we have it, it's acknowledgement within 24 hours, and the second is a response. And we have some words here, but one thing that I wanted to also point out—and we did this deliberately—it had a two calendar day before and we changed it to 48 hours, so that for urgent requests, we can define it, define the requirement in terms of hours as opposed to the regular requests. What do you guys think about that? Let me see your hands if you have reactions. Roger, go ahead.

ROGER CARNEY: Thanks, Dennis. Just to be clear, I think the contracted parties do not like using hours or calendar days. We prefer to use business days, as has been done previous. Thanks.

DENNIS CHANG: Okay. How about the 24 hours, even 24 hours?

ROGER CARNEY: Correct. We believe that should be one business day.

DENNIS CHANG: Okay. Thank you. Chris, go ahead.

CHRIS LEWIS-EVANS: Hi Dennis. Thanks. Sorry, I've been away for some time so I've not been following this as probably as close as and [inaudible] today. The only problem I see with this straight away is the text was acknowledge and respond within 24 hours, and we've now extended this out to effectively three days, whether it's calendar or business—that's neither here nor there at the moment. It's just we seem to have tripled the time for an urgent request, which is of concern, I think. Splitting the response and request, I don't mind, but I think extending it by triple is a difficulty. Thanks.

DENNIS CHANG: Yes. I suspect that you would have that concern. Roger, go ahead.

ROGER CARNEY: Thanks, Dennis. Thanks, Chris. Yeah, and actually, if you look at the final report, it does separate the two concepts. Again, I think everybody

agrees that it's kind of nice to have them separated, but it's pretty specifically clear that the acknowledgement is one piece, and it's detailed as two business days in the report, and then the response of urgent was left to this IRT. The acknowledgement of two business days was not. It was dictated in the report. Thanks.

DENNIS CHANG: Yeah, that's a good point. The recommendations were clear. [When you] read the language in the recommendation, it does specify two business days, and they were talking about the normal request, not the urgent request. And for urgent requests, I think the recommendation said that implementation team need to define. Theo, go ahead.

THEO GEURTS: Yeah, thanks. So I know we've been going back and forward about this, and this may sound a bit negative coming from my side, but when I'm looking at this language, I find it in a sense necessary. I understand that some groups, actors want to have such language in, but the reality—and that is more important to me—if something is really urgent and there is stuff on the line, people are dying, in a lot of cases, LEAs can get a verbal order within an hour, can get action taken from a contracted party within a day, if not even earlier because they just pick up the phone and demand to hand over the data. So from my perspective, this is just redundant. It's not solving anything, because LEAs can get the data really quick if they really need it. So, and within 24 hours, most of us act much quicker anyways, because if there is a real emergency, there's

some real stuff going on that needs to be addressed really quick anyways.

It's in the final report. Yes, okay, it's in the final report. You're right, Alex. Let's go over this again. Thanks.

DENNIS CHANG: Yeah. Thank you, Theo. So I have to look at both—I'm trying to be as practical as possible, but at the same time, I'm trying to be aligned and true to the final report, and that's why I think that we do have to address the urgent requests as a separate category and define the timeline.

Now, unfortunately, the urgent request timeline was not defined by the PDP working group or EPDP team. So it is our job to define it. So right now, the way I see it is it needs to be different than the regular request. A regular request is two business days for acknowledgement, and 30 days from the receipt, with the exception of circumstances. So the parameter is two business days and 30 calendar days. That's what is in the—for the regular.

And for urgent requests, I think it makes sense for us to define it as 24 hours and 48 hours. Now, if the 48 hours seem like it's not reasonable or you need longer, we can talk about that, but I would like to make the difference between the regular requests and urgent requests.

So, what we heard before was—and this made sense to me. I forget who told me. Maybe it was Marc who said the use of the business days was not because they did not realize that business day is different from every

business and everywhere around the world, but it was really built in as a feature to accommodate the different business days around the world. So I get that.

So I think that we can maybe compromise and give up the calendar days here so that it is more aligned and more true to the recommendation language now that we understand the intent of the EPDP team that they wanted to build in the business days and the flexibility. We understand that, and maybe that's okay. But for urgent requests, I don't know if it was the intent of the EPDP team to also build in that flexibility of the business around the world. So when you say one business day, it could mean anywhere from a day to a week. Marc, you have some wisdom.

MARC ANDERSON: Thank you for that. I'm laughing.

DENNIS CHANG: No, you're the one who convinced me that the two business day was appropriate, it's a feature, not a bug. Remember that conversation?

MARC ANDERSON: I do. Yeah, absolutely, you said it well. I won't restate what you said because I think you got it right. I was raising my hand on the urgent request. And as Roger brought up and you pointed out, the time frame of the urgent requests was left to the IRT. We were under a lot of time pressure and we just weren't able to come to consensus agreement on this with the time we had. So we had little choice but to just leave that to the IRT, which is where we are now.

I do want to remind—I raised my hand for two things. One, just sort of a reminder, the language is time frame to be finalized and criteria to be set for urgent requests during implementation. Those are actually two considerations, the time frame itself but also the criteria. And one of the concerns that was brought up in the working group, and the reason why the word "criteria" is there, is we were concerned about non-urgent requests being submitted as urgent requests. And those non-urgent requests sort of, if you will, slowing down the pipeline for requests that truly were urgent and needed urgent attention from registry operators.

And again, here, we didn't have enough time within the working group to really flesh it out further. So that's just sort of a reminder that there's two points, time frame and criteria, and that the concern there is that we want to make sure only truly urgent requests are being flagged as urgent and that there is—this is important so that the requests that truly are urgent get the attention they need.

So I did want to flag that. And then on time frame, I think I've said this before, but I don't mind saying it again—hopefully the rest of you will indulge me—I always thought on truly urgent requests, the focus should be on responding as quickly as possible, not the maximum. So I always thought for urgent requests, I like the language, "As soon as commercially reasonable." So as Theo pointed out, if something is truly urgent, if there's life or death involved, if there's something truly urgent going on, reasonable people are going to do everything they can to respond to that.

So I always liked the language on urgent requests to be as soon as commercially reasonable. And really, the focus should be on the speedy

response to that. I think it's unfortunate that we focus sometimes on how long a request should take, and the focus should be on how quickly it could take. And there, I would like to advocate for as soon as commercially reasonable.

DENNIS CHANG: Okay. Thank you, Marc. Chris, you're next.

CHRIS LEWIS-EVANS: Thanks, Dennis, and thanks? Marc. Apologies, I've just caught up with my rather random notes. Being part of the 2A and all the documents as well is more than fun. Actually, the language on the screen is not far off one of the last calls I was on anyway, and I think as Marc just pointed out there, "without undue delay" I think is quite good wording. I'm never 100% happy or sure around "commercially viable." I think that's such a—I think undue delay has the right feel about it and as Marc says, most people, when it is urgent and necessary, they will act appropriately.

So I'm quite happy to go with this language, with one change. Listening to Roger and some of the others, I would suggest we change the 48 hours to two business days. The reason for that is what we're trying to gain is a response and a conversation with the registrar or registry, and if they're talking to us within that 24-hour point and they say, "Look, we just can't do that" for whatever reason, whether it's a business reason, everyone's on holiday, or it's a very complicated request, then us as law enforcement or anyone else that is make a truly urgent request is going to understand those reasons and will accept it. If it can't be done, it

DENNIS CHANG: Okay. Thank you for that input, Chris. That helps us. Roger, I think accurately, points out if you read the recommendation language very carefully, it does not tell us how long, but it says—it actually quote unquote says "business days" in bracket, X business days, and I captured it here. That is directly from the recommendation language. So I must honor the recommendation language, and it's okay that I think we can continue to use the business days. And if Chris is agreeable and everybody is agreeable, I think we can change this response time to two business days.

And so this is what I'm talking about. I'm not sure what I will do to the changes, but this is what I'm talking about. So additional two—well, okay. I think we're okay to do this. I just highlighted and comment on it. I'm trying to make it easier for us to ...

Yes, so I remember why I did this and what we did. So let's take care of that for the response time, and for 24 hours from receipt, it's just an acknowledgement. I think that in my mind, most business can have a quick automate response that can be built, so that seems pretty reasonable for an urgent request, just tell us that you heard me, kind of thing, right?

I know that we have talked about this extensively, and I know that Theo was with me back then and we were talking about registry operators' response to the urgent request, and we came to the same number, 24

hours, after so many discussions. So I think it will work, but I see a hand from Roger. Thank you, Roger, for your input on the business days thing.

ROGER CARNEY: Thanks, Dennis. Yeah, and I was going to suggest, I sent an e-mail a couple weeks ago and tried to clean up these couple sections and get them separated into acknowledging and responding. So maybe that'll help. Maybe it doesn't. So you guys take a look at that, and if it helps, good, if not, just wanted to let you know.

DENNIS CHANG: Thank you.

ROGER CARNEY: As far as pulling apart the acknowledging and responding, the 24-hour receipt, you said it was an acknowledgement, and the recommendation, the first bullet in the timeline says acknowledgement is two business days.

DENNIS CHANG: Yeah, I read what you wrote and I got really confused, because it said acknowledgement in two business days but respond in one business day. So that didn't make sense to me that we are putting a requirement to acknowledge that's actually longer than respond. What did you have in mind there? Can you explain that a little bit?

ROGER CARNEY: Absolutely. When you look at the report, the report separates acknowledging and responding. You acknowledge all requests within two business days. The first bullet says that. And it doesn't talk about urgent or normal, it just says all requests are responded to within two business days. And then it talks about normal requests should be responded to in whatever, and then urgent requests should be responded to in X business days left to this IRT.

DENNIS CHANG: That's how you read the recommendation, that even for urgent requests, the recommendation language defined the acknowledgement for full business days?

ROGER CARNEY: Yeah, the bullet one says acknowledgement, two business days. The last bullet says response will be determined by this group.

DENNIS CHANG: Okay. I didn't read it like that, but maybe I need to look at that again. That wouldn't make sense to me, but maybe that's ... So let me try to think about what that means, is that if somebody ... So if it's an urgent request, even before you can acknowledge, you're required to respond. I think that's what it means, right? Because it's urgent.

ROGER CARNEY: That doesn't make sense. Acknowledging that you receive it, as everybody says, most registrars and registries probably are going to

acknowledge within minutes that they received it. But the response is going to take time.

DENNIS CHANG: Yeah, that's what I mean too.

ROGER CARNEY: Yes, so acknowledging it is two business days. So you have two business days from when you get it to acknowledge it. Once you acknowledge it, then you have a certain amount of time for a normal request, or for an additional request—an urgent request, I'm sorry.

DENNIS CHANG: So if I follow the timeline for an urgent request, you have two business days to acknowledge it and then after that, you respond within one business day, for example?

ROGER CARNEY: Correct.

DENNIS CHANG: I see. That's what you meant. You're looking at it as that additive. I was looking at it as a parallel timeline.

ROGER CARNEY: Yeah, I was looking at it as linear. You acknowledge something and then you work on it.

DENNIS CHANG: I see. So, using that logic, for urgent request, there's no—

ALEX DEACON: There's no distinction anymore, if we do that, between an urgent and a regular request. I don't understand the logic of this, except to support, as I mentioned in the chat, registries or registrars who for some unknown reason don't have the technical capabilities to respond automatically to an e-mail address. It makes zero sense to me. But a lot of things don't at ICANN.

ROGER CARNEY: Yeah, and I think that you have to go back to what Marc said. We're talking about absolute maximums here and not the way it will actually operate, because it will be done without undue delay, and most registrars and registries are going to acknowledge fairly, what people would say is immediately, and then work on the response. But according to what the report says, there's an acknowledgement of two days and then a response of how many days depending on if it's urgent or not.

DENNIS CHANG: Following the acknowledgement time period. That's the part I think I missed. Okay, Beth, help me here.

BETH BACON: I don't know if I'm going to do that, Dennis. I think I'm going to plus one Roger. I think we were thinking of this in a linear fashion, and for me, I understand that Alex, you might be frustrated if we're saying some might not be able to respond, but frankly, maybe some aren't. And if that's a problem, then those registries won't be able to comply with—perhaps they'll either have to change their system or do whatever they need to do to get in line with it.

For me, what I feel like we're doing is actually just creating a logical implementation of what the report says, and in some of these instances, it's just not logical. For example, 11.6 where it says they must acknowledge and respond without undue delay, that's fine, but within 24 hours of receipt. How can you acknowledge and respond? For urgent requests, sure, but for all requests? It's two separate actions, and one precedes the other, generally. So I think what we're trying to do is if we're discussing this at length for the 15th time, I think that it's going to be a challenge for those folks that are not—those registries and registrars that are not involved in this in as much detail. So I think we're making good progress and I do appreciate Chris. I really liked your suggestions. I think that's really moved us forward substantially.

And I think that we're pretty close to something here, and it's just trying to noodle out whether it is that linear approach or if we're able to do this in steps. And if it's from the end of—if they follow each other as processes or if it's more circular, interconnected. I think that's probably our biggest hurdle. But I don't think we're trying to create kind of a way out or a lowest common denominator, it's just something that's logical.

DENNIS CHANG: Yes. Thank you. Marc, go ahead.

MARC ANDERSON: Thanks, Dennis. I'm looking at what you just put in the box, and there, I'd maybe ask again that you focus on the fastest path. For urgent requests for example, it's acknowledge without undue delay, but not more than two business days. And then it's respond without undue delay but not more than one business day. Like I said, I always cringe—as contracted parties, we have to guard against these, what are our limits, and making sure they're reasonable. But I think on urgent requests, our focus is on the without undue delay part. So I see you're updating that in real time. I think the urgent request, really, our focus should be acknowledge without undue delay and respond without undue delay. And I think that's what any reasonable person would do for an urgent request. And then we're also putting caps on undue delay cannot mean more than two business days for an acknowledgement and it can't mean more than one business day for a response. So I'd maybe ask for that perspective.

DENNIS CHANG: Yeah. Thank you for that. I'm trying to get the logic right. You guys know I'm an engineer, so I'm trying to think about if I was coding this and providing language, how do I define this and track the time clock from beginning to when we say time's up? Roger, did I get this right?

ROGER CARNEY: Thanks, Dennis. Yeah, and I'd just use your engineering analogy here and say let's iterate on this and actually split it three ways and say, acknowledging without undue delay within two days, and then say for normal, your response is in this, and for urgent, your response is in this. Again, keeping the acknowledgement and responses separate ideas.

DENNIS CHANG: I see. I think this is what you mean.

ROGER CARNEY: Yeah.

DENNIS CHANG: So in all cases, acknowledge for both without undue delay, in no later than two business days, and then for response—and this plus is very important. I didn't understand the plus part well before when I was talking about it. So plus 30 calendar days to respond and plus no later than one day to respond. I guess "no later than" doesn't nee to be here, it's just one business day. Right?

ROGER CARNEY: Well, and again, using Marc's point here, I think those are maximum, so I would say those are without undue delay as well. Thanks, Dennis.

DENNIS CHANG: I think that helps. Undue delay concept is important for urgent. Chris, go ahead.

CHRIS LEWIS-EVANS: Thanks. And I know we've done this many times and I'm also getting bored of going over it a little bit. So, having reread the phase one quickly, I can see Roger's point around the report says acknowledgement must be within no more than two business days, and then the urgent request timeline will be considered for the response. So I can accept that and I can see that. However, obviously, I don't think that's what we were looking for when we did that. But recognizing that, I will probably want to rip up the language that we have here and go over it all again, just to make everyone happy.

So going through this process, acknowledgement could be one of two ways. And I think this is one of Alex's points, is most of the time, that would be automatically. However, some cases—and this is probably why the two business days is done in there—that'll be a manual process.

So for an urgent request, once someone has seen that it is urgent, I would want them to respond within four hours.

DENNIS CHANG: After the two business day acknowledgement?

CHRIS LEWIS-EVANS: I would want them to respond within four hours of manually reviewing the urgent request. And from that point, they have the option to extend that to two business days.

DENNIS CHANG: So you are saying for urgent requests, you want an acknowledgement—that's the worst case, right? For urgent requests, acknowledge within two business days, then after that, four hours for the response.

CHRIS LEWIS-EVANS: [That's not what I want.] I think I'm quite happy with how it's written above that. However, if our hands are tied with two business days for acknowledgement, then I want to change it to hours of someone actually reading the urgent request. And having to respond, if they want to respond with they need more time, then I'm quite happy. I think four hours is more than enough to review an urgent request. Thank you.

DENNIS CHANG: Chris, okay, thank you. So four hours instead of one business day. I think that's your suggestion. Roger, go ahead.

ROGER CARNEY: Thanks, Dennis. Actually, I kind of wanted to ask Chris a question. So hopefully, he's still there. So you said four hours after someone has read it. One of the reasons for a business day is to make sure to get somebody that can get in and act on it to read it. so the one business day was getting someone responsible. So you're not suggesting, okay, like you said, most people are going to acknowledge it with an auto reply or whatever, so it's going to be, again, within minutes, probably.

But then you're not saying from that point of acknowledgement, four hours. You said from when somebody reads it, four hours and a

response. So I just wanted to be clear on what you were expecting there.

DENNIS CHANG: Yeah. So from a manual review, so once someone has read it, not an auto response, once someone has physically read it. That's within that business—because what we've tied ourselves into here is two business days. So in my mind, your auto response is going to kick in in a minute. It'll say here's your case reference number, someone will respond to this as quickly as possible, and then it'll go into your queue. Let's say it's a Sunday. It goes into your two business days. They read it on the Monday. And then I want to kick into that four hours from there. Does that answer your question?

ROGER CARNEY: Yeah. That does. That's how I thought I heard you say it, I just wanted to make sure.

DENNIS CHANG: Beth, go ahead.

BETH BACON: Thanks, Dennis. Chris, that's helpful clarification. I had put the question, I was like, "Wait, so I only have four hours once I acknowledge? That seems quick." So you're saying the four hours kicks in if I respond—it gets in the queue and then it gets in the queue with an auto response on Sunday afternoon, and let's say I'm in the US so Sunday is not a

workday for me. So Monday morning when I get in, I sit down and I'm looking at my e-mails, so this was in my queue and I respond, "Hi, Chris, I've just reviewed your request" and ask you any questions, whatever for clarification or give you information, that's when my four hours kicks in? I think this is going to be hard to measure and be consistent. And it's not because I don't want to do it in four hours, it's because I want to make sure that the urgent request is responded to urgently, and that ICANN isn't spending all this time pinging us saying, "Well, it looks like you took like five hours from when you read this." I'm not sure. I'm just wondering how, practically, this is going to be implemented. And if there's another way—I know we're apparently tied into the two business days, but is there another way for us to make sure that this is urgently responded to? And again, I have no better idea quite yet. I'm just trying to clarify.

DENNIS CHANG: Yeah, I was kind of thinking the same thing, Beth, like how would ICANN Compliance know when exactly it was read, as Chris says? Acknowledgement, there's probably a record we can track, but then how do we know when somebody read it? I don't know how we would know that. I understand the sentiment, the concept, once you know somebody's eyeballs on it and personally aware, then yeah, you do want a quick response because it is urgent. How do we write that as a requirement? It's difficult. Chris, go ahead.

CHRIS LEWIS-EVANS: So you're right, it's very hard to know whether it's been four or five hours, but after two business days plus four hours, you're then definitely outside of compliance.

DENNIS CHANG: Okay. So we can talk in terms of that. I understand what you just said. So instead of 48 hours, maybe we can say 52 hours. That's clear for everyone. 52 hours. Right? Two business days plus four hours. That's what you mean? Yeah, never mind the 52 hours, it doesn't work, because of the business days concept. So what we're talking about is four hours. In other words, instead of this being one business day, as you say, change this to four hours. I think that's what you're talking about. That makes sense. How do you guys feel about that? Roger, go ahead.

ROGER CARNEY: Thanks, Dennis. I guess a question back to Chris because I was thinking Chris was saying two business days just because of the acknowledgement, and then four hours of a response, because technically, someone would have up to two business days to acknowledge. At least that's how I interpreted Chris. And maybe he can clarify.

DENNIS CHANG: Go ahead, Chris. I'm trying to write out your version.

CHRIS LEWIS-EVANS: Sorry, Roger, can you repeat that? I didn't quite follow.

ROGER CARNEY: Yeah, the way you were describing it, I thought you were saying because someone has up to two business days to acknowledge—and the only reason that would be is someone doing it manually like you suggested. And then after that two business days, they only get four hours to respond.

DENNIS CHANG: Yeah.

ROGER CARNEY: Which may be a response of, "Hey, we've got this and we need a couple days." Is that how you were saying the two business days plus four hours?

CHRIS LEWIS-EVANS: That's the only way I can see Compliance working correctly with that, is what I was saying. Obviously, we would want the—I like Marc's wording, everyone will want to do this without undue delay, and once it falls on a pair of real eyes, most people will be responding and it will be quicker than this. But we do have cases where we don't have responses. And just to dispel a myth, I suppose, while LEA do have legal orders that we can get data, what we can't do is force someone in a different jurisdiction to do that, and it becomes very difficult. So I think having this is really important for us to be able to get this in such a diverse landscape, shall we say, that we are in.

ROGER CARNEY: So I think this does get a little tricky in that I think a high percentage of acknowledgments are going to be relatively quickly. So it'll be minutes or e-mail is slow enough, so it'll be an hour or whatever. But then that becomes—I don't know how we write this so that it accounts for that, because to me, once the acknowledgement happens, the contracted party has a business day to respond. So if we auto acknowledge saying "Hey, we've got your response, here's your ticket number" or whatever, we need a business day to respond to it.

And again, I'm not saying it's a bad idea, I'm just trying to think of how we clock this through if someone actually takes the two business days or close to to acknowledge, then they only get four hours of response.

CHRIS LEWIS-EVANS: Yeah, I think that's the idea.

ROGER CARNEY: Yeah, so I think—and again, I'm not opposed to it. I'd have to think about it. I think we'll have to be careful on the wording of how that works so that someone that auto acknowledges isn't getting compliance notices within six hours.

CHRIS LEWIS-EVANS: Indeed. And that's not what I want at all. Or alternatively, can we—I don't know, this is maybe a question for you, Dennis, can we go back to not being restricted by the two-business-day acknowledgement?

DENNIS CHANG: Well, that's what I was trying to do originally, and not use the business days in the urgent requests. And I think that Roger has pointed out that our policy recommendation language actually dictates us to use two business days for acknowledgement. So I'm not sure how we get out of that.

we would have to do something like what we do with our drafting error and point that out, that's not what it was meant to be. We believe that it doesn't—the two-business-day does not apply to urgent requests, and probably write it up and take it to GNSO Council. We cannot resolve it here. That's the process.

But I think if—and like what Roger is thinking, I'm kind of right in sync with him, that if I had to create a requirement for our program, I will say for urgent requests, it's no later than two business acknowledgment and four-hour response. So our clock would run out for the response in two business days plus four hours. That's the response time period, I think. So we have two requirements. One is no later than two business days to acknowledge, and then for responses, two business days plus four hours. That's how I interpret that now. Beth, go ahead.

BETH BACON: Thanks, Dennis. I'm not necessarily against the process or the timeline that you just proposed, my question is that—and I think that is—if I'm looking at this—and not speaking for contracted parties—and I'm thinking, "That seems reasonable for an urgent request and it seems enforceable and it seems clear," I do have a concern—and this is just a

purely process thing—that I don't think this was a drafting error. It was that the PDP couldn't really make a decision and they kicked it to the IRT. So I think that my question is, if we did change this—and please correct me if others disagree with my memory here. But would we have to go back to the GNSO and say, we're changing this, it's a change? We think it's appropriate and the IRT agrees, but we need to let the GNSO know because they already approved this recommendation?

Because I don't recall it being a drafting error. Again, I think we are getting close. I agree with Roger in the chat, I think we are getting close to what is reasonable for an urgent request and doable. But it's the process thing that I'm questioning. Thanks.

DENNIS CHANG: Yeah, okay. For the process, we have duty to take the recommendation and implement it to the letter of the recommendation, but we are also asked to use our judgment, using our expertise and implementation knowledge to set the policy language. This is why the recommendations are made, not the policy languages are made, when the EPDP team gets done. So we'll do that.

And the process is that, yeah, there may be some recommendation language that is subject to interpretation in a different way, but if we come to an agreement, then we don't have to go back and ask for permission. What we do is write it up and during the public comment, we highlight it perhaps to make sure that there isn't an issue and GNSO and anybody else can point that out. So that is the process.

Go ahead, Marc.

MARC ANDERSON: Thanks. Beth put her hand up. Did you want to respond to what Dennis just said?

BETH BACON: If you don't mind. I just have one follow-up clarification.

MARC ANDERSON: Yeah. Go for it.

BETH BACON: Thanks. So Dennis, yes, I think that that is our role, to say where things don't make sense and where things are drafting errors, and we are interpreting, we are taking a recommendation and making it into enforceable policy language. But in this case, there is very specific language and we're changing it. We're not interpreting it, we're changing it.

So, where is the line there? That's my question. I just want to make sure that we do it right if we want to get here, which is, again, not a bad place to be. The suggestion is good. I want to make sure we don't get hosed in the end.

DENNIS CHANG: So, like, remember what I said, that's not how I read it, but I can see Roger's point of view. So in cases if there's like typos and we are changing it, of course, we'll have to write that out. And as I said, if us

collectively all agree that it is so obvious that we don't need any more GNSO guidance, then we can go ahead and write it up as a policy language and then go to public comment. That's okay to do now.

As a courtesy, I propose that to Sebastien, we have this lengthy document that we created and we call it drafting error, and maybe we will relabel this thing. There are things that we found, right? And I think that in some cases, we are changing it. So we add it to here, we explain why we're changing it, and it will go out as part of the public comment. But before we do that, as a courtesy, we can go to the GNSO Council, but we're not required to do that, is what we're saying. Does that make sense, Beth? Come on, we have some power here.

BETH BACON: I'm drunk off my little thimble full of power. No, I appreciate the discussion and helping me work that through in my own mind. So I think that's good reasoning. If our reasoning is that we are interpreting and we're just changing the backend of this, which was mostly left for the part that was kicked to us, I don't have any problem. That is the IRT decision. If we're sticking with two business days, yeah, I think that's fine. I just appreciate talking it through, because again, I want to make sure we do this—we've been really clear as a group and really diligent about making sure we are faithful to the report everywhere we can be. So I think that's good and I think people expect that. So I appreciate the discussion and I'm comfy. Thank you.

DENNIS CHANG: Thank you, Beth. Marc.

MARC ANDERSON: Thank you. I'd just plus one what Beth said. I think Beth, thank you for keeping us honest. Dennis, I think your point about drafting errors, I think we would maybe want to be careful about classifying that as a drafting error. I don't know what the correct language is, but maybe where the IRT agreed to differ from the report language, or something to that effect. But yeah ... [inaudible].

DENNIS CHANG: Yeah, I know. it always bothered me though, the word "drafting error," so I want to find a different word.

MARC ANDERSON: There are some places where it applies and some places where that might be a mischaracterization.

DENNIS CHANG: Yeah. Let's find a different title. We'll do that.

MARC ANDERSON: Yeah. But Beth put something in chat where she said, "To be clear, I want to make sure urgent requests get an urgent response." And I appreciate that, because that's how I feel too. I think I said before, I hate to focus on maximums because I think urgent requests should get an urgent response. Chris, I see your hand is up, but I think your proposal is

very reasonable, makes sense. I think maybe the devil's in the details. I'd like to see maybe proposed text that we can parse.

DENNIS CHANG: Yeah, I think that's our next step.

MARC ANDERSON: I appreciate the discussion. I think it's been a great discussion and I appreciate, Chris, your suggestions and your proposal. So, thank you for that.

DENNIS CHANG: Go ahead, Chris.

CHRIS LEWIS-EVANS: Thanks, Marc. And I appreciate that everyone here works to try and do everything as quick as possible for those requests. So just listening to that, Beth and Dennis's discussion, I wonder whether we can categorize it as an oversight that just says response rather than acknowledgement and response within a separate timeline will be considered for the acknowledgement and response to urgent reasonable requests. If that's the case, I think my preference would be go back to the language in the orange in 11.6. I think the two business days plus four hours has loads of holes in it and is best of a bad world. And there's a whole world of compliance issues as Beth raised.

So I wonder, maybe, whether we could stick a bit of a pin in it or let me maybe consult with Laureen and see what's the best way forward.

DENNIS CHANG:

Yeah, it's a different concept. I think the first concept is, do we accept this acknowledgement for two-business-day concept? And if we [inaudible] there, then of course, the response in a linear fashion. Plus, how long, then becomes a question, and we can talk about how long that is. But this is the first concept I think we need to agree. And as far as I can tell, this is what the recommendation language says. So if we want to change this, then it would require what we're talking about, like drafting error.

Yeah, Beth, I wish I had some language that I could offer you right now. I don't. I'll have to think about how to write this up. And now that I understand the concept of X plus response, and that's what Roger meant, I'll have to go back and look at the language that he wrote in his response in the e-mail, and maybe we'll go from there.

No, I did not. Yeah. Well, this is the language I propose, 11.6, but we are now drastically changing that. And first, the concept was 11.5 is normal request, 11.6 is urgent request, each section dealing with acknowledgment, and then response. So maybe we can still keep it like that with the acknowledgement being the same. Maybe that's cleaner. So it's very clear, what do I do with the urgent request if somebody was asking for ...

And then they'll just have 11.6 to look at and just know what to do. And 11.6, if they looked at it and if I had to reword it, it would probably be

something like what Chris said here, without undue delay, you have no later than two business days to acknowledge, and then after that acknowledgment, you'll have four hours to respond. And if you need more time, just let them know. I think that's how I understand it right now. Marc, you have your hand up.

MARC ANDERSON: Thanks, Dennis. Maybe Chris can jump in, but I heard what Chris was saying a little bit differently. It sounded like Chris said he wants a response within four hours of somebody physically having eyes on it. So like four hours from when an actual person looks at the request.

And if you can't respond within four hours, respond with ... I think he said 48 hours, but I think we all took that to mean sort of respond—okay, if not in four hours, when can you? So I think for me, what made a lot of sense for Chris's proposal was within four hours of somebody, of a person having eyes on the request.

DENNIS CHANG: That part is hard to write up.

MARC ANDERSON: Yes, it is hard to write up.

DENNIS CHANG: I can't put it down into policy language somehow.

MARC ANDERSON: Although, I'll say—I think this is a point Beth made earlier, I think it's maybe less hard to write up than it is to enforce, because it's hard to enforce when somebody in your company has eyes on it. So that may be where the 48 hours or the two business days come into play. That may be what is reasonably enforceable. But I think the spirit of what Chris said, within four hours of getting eyes on, while that's difficult to enforce, like I said earlier, I want urgent requests to get an urgent response. And I think that's what we're all trying to accomplish.

DENNIS CHANG: Okay. Chris, go ahead.

CHRIS LEWIS-EVANS: Marc summarized it perfectly. So yes, it's four hours after manual review, is probably the best way of explaining that. And I think, to my point, it's massively complicated to effectively monitor that, which is why I think the language in 11.6 is a lot neater, and slightly better for us, if I'm being honest. It's a shorter time window to get a response back. So that would be my preference, if we think we can do it.

DENNIS CHANG: Oh my gosh, I got a time check from Sam. Okay. Homework for everyone. See if you can come up with some proposed language, and we'll do the same. But I think we made some progress here. And as far as I can tell, I think for now—we may change it—let's keep these two categories separately. So we're clear on what the acknowledgement and

response for the urgent request is and what it is for regular. And we will come back to this after having some time to think about it.

I think we made progress, we're close, but of course, we're not there yet. We have a lot of work to do on the RedDocs, but I think that was the important thing. So for the RedDoc review, we'll push it off to our next IRT meeting. Thank you so much for supporting this call.

Oh, before I go, Roger, I don't want to miss you because this is fairly important to me that we work this out, and I want you to take this, notice this—where was it? Oh, here. So please take a look. This is due on—I forget when it's due, but May 20th or something. Please take a look at this. I think Marc brought this up and we had a lengthy session with our technical team and considered it again. And I think this works so that you know this parallels some of the language that we put into the advisory so that it should work—and I think it works well, but I'm looking for your response here too.

Okay, Roger? Did you hear me?

ROGER CARNEY: Thanks, Dennis. Yes.

DENNIS CHANG: Okay, good. Thank you. Thank you, Marc. And thanks, everyone. I'll talk to you in a couple of weeks. Bye now.

[END OF TRANSCRIPT]