

Next steps – Mediated Conversations

We really appreciate everyone's engagement and participation in the 1:1 conversations that have taken place over the last few weeks. We would now like to move these conversations to the next level by focusing on specific topics, with the objective to better understand each other's positions and concerns. These would continue to be in the form of informal conversations (no recording) and should be compared to the conversations you may have had during previous F2F meetings in the form of a conversation at the coffee table or small breakout sessions that were held to try and move forward the conversation between certain groups on certain topics. No decisions will be made during these discussions – the sole objective is to increase mutual understanding which is intended to facilitate the continuation of the formal deliberations.

What we've heard:

- A desire to engage in focused dialogues to gain greater clarity around different points of view
- A willingness to share personal points of view with transparency and candor
- A general recognition of the value of F2F meetings and the opportunity to engage in small group efforts provided by that setting
- A desire to engage amongst each other in a less formal manner
- A willingness to find creative solutions
- Value in making the MSM model work

In the table below, we've identified some themes and questions that we think would benefit from a further conversation and have at the same time identified groups that we think should be part of that conversation, based on the input that has been provided to date. If someone is of the view that their respective group should also be part of that particular discussion, do let us know off-list. The aim is to try and keep these conversations small and focused so we would like to ask groups to limit the number of members that join these discussions. As time is short, gnso-secs will start reaching out to those groups identified to schedule meetings as soon as possible.

To allow each group to prepare accordingly, each group will be asked to speak briefly to each question (max 2 minutes) following which clarifying questions can be asked by others. As part of your response, you are also requested to indicate what you think the perspective of other groups is as this will allow others to confirm or correct your understanding. After every group has been able to share its perspective, groups will be asked to identify if these further clarifications have helped to better understand the perspective of others, and if not, what questions still remain.

Following the completion of this set of conversations, leadership with the help of the staff support team, will share an assessment with the group of these conversations that will aim to identify findings or observations intended to facilitate the group's deliberations towards a Final Report.

Topic	Questions to be addressed	Groups to participate
#1 - Standardized Data Element	<p>For many groups, the option of adding a standardized data element is seen as a low hanging fruit that could facilitate and standardize how differentiation is done by those CPs who choose to do so. Setting aside questions of whether this is in scope for the EPDP Team to recommend, or whether it should be required if a CP should decide to differentiate, or whether such a standardized data element should be published in RDDS, groups participating in this conversation are asked to explain:</p> <ul style="list-style-type: none"> • How such a standardized data element would bring significant benefits. • If/how the creation of such a standardized data element creates operational difficulties for Contracted Parties. • Next, how would you suggest achieving the articulated benefits while addressing the operational considerations that have been raised, i.e., if you were tasked with doing so (not arguing whether it is desirable or possible), how would you get this done? 	RrSG RySG BC IPC GAC
#2 - Changes to phase 1 recommendation #17	<p>Some have suggested that no due consideration has been given to possible changes to EPDP Phase 1 rec #17. Groups participating in this conversation are asked to explain:</p> <ul style="list-style-type: none"> • What possible changes to EPDP Phase 1 Rec 17 were overlooked or not fully explored during the last six months of the EPDP Phase 2A work? 	ALAC GAC RrSG
#3 - Council monitoring of future developments	<p>Some have indicated that this recommendation is not necessary, others have suggested that further work should wait until the outcome of certain developments is clear (e.g., NIS2). Groups participating in this conversation are asked to explain:</p> <ul style="list-style-type: none"> • What is there harm in reminding the Council of its responsibility to monitor and point to specific developments that may have an impact? • How would putting consideration of legal/natural differentiation on hold until legislation has been adopted and implemented benefit the deliberations? 	RySG BC GAC

	<ul style="list-style-type: none"> Put yourself in the shoes of the Council, what would help you in determining at a future date whether or not further consideration of differentiation between legal/natural is necessary. 	
#4 - Guidance	<p>Some have expressed concern about guidance not being sufficient to facilitate differentiation for CPs who choose to differentiate while others are concerned that guidance is too much as some authorities might be tempted to consider it more than just guidance.</p> <p>Groups participating in this conversation are asked to explain:</p> <ul style="list-style-type: none"> What is lacking in the guidance that CPs would benefit from if they decide to differentiate? How can CPs be supported if they decide to differentiate, absent the EPDP 2A team providing guidance? 	RrSG BC NCSG
#5 - Holistic consideration	<p>Some have indicated that it is shortsighted to look at these two questions in isolation and instead should be considered in the broader context of access/disclosure of non-public registration data. Groups participating in this conversation are asked to explain:</p> <ul style="list-style-type: none"> Recognizing that it is out of scope for this particular effort, how can consistency with other elements be ensured, or still-open questions addressed either now or through a future effort? 	SSAC NCSG
#6 – Dealing with uncertainty	<p>Several have noted that there are still many moving elements, for example, legislation under development, lack of jurisprudence / enforcement action that could give guidance on approaches that are acceptable to DPAs. Groups participating in this conversation are asked to explain:</p> <ul style="list-style-type: none"> How can possible recommendations be confirmed / reviewed / modified as further information becomes available? For example, is it worth sharing legal/natural differentiation guidance with the EDPB to solicit input? Should e.g., further data gathering start on how many CPs differentiate -- or otherwise take account of registration data-related issues -- and if/how guidance and/or standardized data element are used in practice? 	ALAC BC RrSG