

---

SAMANTHA MANCIA: Good morning, good afternoon, and good evening, everyone. Welcome to the Registration Data Policy IRT meeting held on Wednesday July 7<sup>th</sup> 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 reaction section.

As a reminder, those who take part in ICANN multistakeholder processes are to comply with the Expected Standards of Behavior.

With this I'll turn it over to Dennis Chang. Please begin.

DENNIS CHANG: Thank you, Sam. Welcome, everyone. So let's check in with each other. So you should know that Sarah just had a vacation and it was her birthday, so let's everybody wish Sarah a happy birthday. Happy birthday, Sarah, thank you. And she was bragging about a chocolate cake that her husband baked her. Oh, that guy. Okay, so that's our first good news.

---

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

---

The second good news is that we have a new member at the IPT. Gustavo has joined the IPT. And I think a lot of you know Gustavo, but here, as with our tradition, we are going to ask Gustavo to open his mic and say a brief introduction for him. Who are you, Gustavo, and what do you do? What's your background? Introduce yourself. Go ahead.

GUSTAVO LOZANO IBARRA: Okay. Can you hear me?

DENNIS CHANG: Yes.

GUSTAVO LOZANO IBARRA: Hi. Well, as Dennis mentioned, I'm Gustavo. I work on the Technical Services Team within the GDS section of the company, or ICANN. Having worked for ICANN for, I think, seven years now or eight years. I forgot. Before that I used to work for .mx, the ccTLD for México, for also like 10 years. So I have been in the industry for several years now. And that's it.

DENNIS CHANG: Thank you, Gustavo. Welcome, again. We're so happy to have him because as we get towards finalizing some other languages, it's critically important that we have a thorough review of it technically. And Gustavo, joining our team, is going to be available for us to work with day to day. And I think a lot of you have already worked with him in many different situations, so we are very, very happy to have him.

---

And let's see. Let's continue with our next item, announcements on the project workscope. I sent out an e-mail to you and actually assigned it as a task, but you should all know that EPDP Phase 2 Priority 2 Recommendations have been added to our project workscope. This the Board resolution where you can find all the “whereases” are resolved. Right? So the Board directs the President and CEO ...

And, of course, the President and CEO have directed us—me and our team, all of us—to go ahead and implement these recommendations so that this project officially has accepted that work assignment. We are going to be working on them, and we'll talk more about that.

The second item that I wanted to get your attention on. This is really not our scope, but at the same time ... Oh, wait a minute. Did I get the right ... Yeah, here.

This is something that is available for everyone, and I think it's all of particularly interest to this IRT because, guess what? When these recommendations become Board resolution and handed to us to implement, we are going to be responsible for doing exactly that.

So what I would like to encourage you to do, all of you, is to go ahead and look at this and provide your own public comment on this. And you can do it anywhere you want, but it's there for all of us. But it's important that I get everyone on the IRT to be attentive to this. Are there any questions about #2 item from anyone?

This is an unusual policy implementation, as typically policy implementation happens with a [inaudible] resolution and recommendations, and we'd finish implementation. But in this case, not

---

all the recommendations came out at the same time. And so we are receiving phases of them. And it's an interesting case because some of those follow-up recommendations are actually modifying prior recommendation for confirming. So it's an interesting case, nonetheless, and we'll have much fun with that as we go.

Now the other thing is #3. I'm moving on to #3, so just raise your hand if you have any comments on anything that I'm showing you on the IRT workbook. Let's see. Okay, on status maps. Let's see. Somebody—I forget who—but somebody made a suggestion on the status map that it would be interesting to see dates when we did things. And let me see. Are those dates here?

Yeah. So for example, Samantha has added these IRT dates on each one of these recommendations. So you can see that IRT worked on this in 2019, November 15. So that's one done. So let's see. On the other ones, this one is not done yet. So on the ones that we have finished—2019, October 20.

So we're going to see if this works for you, adding dates on these individual elements, dates that are useful or additional information that are useful. Eric, that was you? Okay. I forgot, but thank you for the suggestion. So we're going to try that and see if that's going to be helpful.

The other item I wanted to mention on the status map is this ... Let me scroll to the right a little bit. And we'll do this for the Recommendation Status Map, but if you notice the Task Determination Status Map was completed and were done with it for EPDP Phase 1. But now that we

---

have EPDP Phase 2—and, specifically, four recommendations have been added to our scope—I thought I would expand this status map to include the whole thing. So you can see the whole thing in one page.

And the blanks, and those are white, have not been approved by the Board yet, so we have no authority to do anything about that. So we'll just leaving them there as a placeholder.

But 19, 20, 21, and 22 have been assigned to us, so we are going to get started working on them. And of course those of you who were with me in the beginning know that the first thing that we have to do is what we call a test definition. What does this recommendation mean? What is a requirement that's driven out of it? What tasks are there for our implementation team, if any?

So this is what we are going to do for those four recommendations, and you can track the status of that in this Task Determination Map. And then we're going to be adding the Recommendation Status Map on the right here just like we did with EPDP 1 and EPDP Phase 2.

Okay? Any questions on the status map now? Okay, do I hear ... ?

Sarah, go ahead.

SARAH WYLD:

Thank you, Dennis. Hi. So I'm just interested in the Phase 2 recommendations.

---

DENNIS CHANG: Yes.

SARAH WYLD: I definitely agree that the four Phase 2 Priority 2 recs which are yellow should be handled by this IRT. Absolutely, yes. I'm not sure if the other ones should be ...

Can we consider having a separate IRT for those? And I don't know what the procedures are around that, so maybe there's ICANN structure that I don't know about that we need to address here. But it seems like a very different set of work because those recommendations are all around building the SSAD rather than the changes to existing Registration Data Policy which the Phase 1 and Phase 2 Priority are about.

So maybe that's something to consider as a way to break up the work and, hopefully, eventually conclude this IRT. Thank you.

DENNIS CHANG: Yeah. Excellent point, yes. That will be considered. As you know, the IRT is pretty flexible and fluid, and anybody can join at any time and exit it at any time. So we are going to definitely look at keeping one IRT to do the same work or creating yet another IRT to do the SSAD work independently and parallel to whatever else is going on. That is a project that were designed, when we get to that point.

And as you know, [the sad news], we're going through what we call an ODP process, so we will be waiting for that to conclude. And part of that ODP process may be a consideration that could be a different set of people.

---

The other thing that we need to remember is what we call the Phase 2A Recommendations. That is coming our way too, so that also is something that we are going to be looking at. But I will clearly communicate that to you, and whether or not [inaudible] I will add that to your task as this IRT task or make an exception and treated it as a different work assignment for a different group of volunteers. And I will make that very clear to you.

What I'm doing here right now is to make it clear that these four recommendations are being added to this team and we are going to work on it so. So, I hope that's clear. Thank you. Next, Sarah.

SARAH WYLD: Sorry, old hand.

DENNIS CHANG: Okay. Beth. Hey, Beth. How are you?

BETH BACON: Hi. How are you guys? This is Beth.

DENNIS CHANG: All right.

BETH BACON: So I also just wanted to note—and hopefully this is helpful as we go into the planning and the task review that Dennis and the team are going to

---

do—but just because we have these tasks in the IRT doesn't mean we can't complete the Registration Data Policy or certain things. We can close that out and have it be done, but the IRT lives on to do the other items. And should something in 2A update it, we can update the policy.

But I think that we need to just keep in mind, as Dennis was saying, it's pretty flexible, the IRT is. So I think that to the extent we can say, “Based on the task analysis of these new items that have been added to us, this the date we've planned to finish the data policy.” But this IRT will stay open because we're expecting further items or there are other items like the SSAD or the 2A that are coming our way.

Is that wrong, Dennis, or Is that correct?

DENNIS CHANG:

No, that's right. I think I agree with you. As a project manager, I am head-down and focusing on the scope that's given to me, but sometimes I need to look up to see what's coming. Right? So that's why things like the data retention item that I assigned to you this morning is directly impacting one of our sections in OneDoc, Section 13. This is why I didn't want to work on this because I knew this was coming. And it's a good thing that we didn't.

And now that it's here, I'm looking ahead to see if this going to change again from the future recommendations. But if we see that this is probably a good investment that we should make right now, then we're doing that. And you're right, so as we go, based on whatever the circumstances are, were going to make that decision.



---

And let's just look at our task maps. Yeah, this what I meant. 158 is due on July 20<sup>th</sup>. And I'm working on the other recommendations to the hand to you already.

Beth, did you want to speak more? [Are you there]?

BETH BACON: No. Sorry, Dennis. I'm on my phone and I can't get the thing to go down. I'm working on it.

DENNIS CHANG: Okay. I'm going to assume that's not a new hand, so you'll just have to yell at me if you want to talk again.

Let's go to our next item, item #4. Is Laureen here? Let me make sure. Laureen. Okay, good.

LAUREEN KAPIN: I'm here.

DENNIS CHANG: Laureen and I have been going back and forth making sure that I get this on the agenda. And we're going to make sure that we have a chance to talk about this.

So just a very quick recap. At our last IRT meeting we had what I call a regular requests for lawful disclosure. And we have concluded our discussion, and I think everybody in the IRT supports our requirements.

---

That being, the Acknowledge Timeline is two business days, and the maximum Response Timeline is 30 calendar days. So the total timeline being two business days plus 30 calendar days (additive timeline). So that was agreed upon. We're done with this.

Now we're going to work on what we call an urgent request. This a little more challenging. Right? So let's talk about this. So the way I look at this always like I look at the other one. I want to start by acknowledging what the recommendation language is, and I'm reading it very, very carefully. And those of you in the IRT have helped me to see things that I didn't see before and a little more carefully. So I appreciate that.

So everybody comes with a preconceived notion of what an urgent request is and what we should do for the urgent request. I know many of you have worked with me in the past on what we call the Security Framework when we had to negotiate the urgent request response time for the registry operator. And we worked well with the PSWG of the GAC, and we got to a consensus. And we ended up with something like 24 hours.

But in this case I don't have that latitude of creating something new from scratch. My job here, and all of our jobs, is to be true to the recommendation language. And if we need to deviate from the recommendation language, we have to be very, very clear. And that's what we call the drafting error or IRT interpretation or what you might call it.

So we have a list of them. So we either implement the recommendation language as this or find a really good reason why we shouldn't and then

---

put it on the other list to make sure the GNSO Council is in full agreement and supporting what we're doing. So let's get started.

We are going to talk about urgent requests for acknowledging timeline, and we have Acknowledged Timeline and Response Timeline just like we did before. And Acknowledge Timeline language is this, and Response Timeline language is this.

Is there any discussion here? Does anybody disagree with what the recommendation language said? I copied and pasted it here. So there is no discussion, no dispute on what the recommendation language says. Right? Because this is what we just received. So this is done.

So now let's look at the requirements. So this where we take the recommendation language and turn it into what the requirement is for us to implement. And I'm going to refer back to this.

If you notice the recommendation language and the requirement, what we do is take out what we know to be the requirement and then we try to clarify what the requirement is. And it clearly says—I think, right—Acknowledgement Timeline is not more than two business days from receipt.

Any discussions on this point? Let me know. I see a hand from Chris. Chris, go first, and then Laureen next.

CHRIS LEWIS-EVANS:

Thanks, Dennis. I was just going to apologize for being a bit late. Maybe let Laureen go first while I catch up with where exactly we are.

---

DENNIS CHANG: We are looking at them disclosure logic for requirement for urgent request in terms of Acknowledgement Timeline. So we're at this. Let me highlight it for everyone. That's where we are. And my question to you is this. Based on this recommendation language, did we get the requirement correct? Yes/no.

Go ahead, Lauren.

LAUREEN KAPIN: Okay. I thought you were still with Chris, so sorry to delay. Here's my perspective on this. When the Phase 1 IRT which I was a participant of— and I'm speaking here is the representative of the GAC small group.

When the Phase 1 IRT said that a separate timeline of not less than X days will be considered for the response to urgent reasonable requests, that [sort of] assumed the response timeline in total, and that any interpretation that says that you have to first wait up to two business days and then consider how long it's going to take to respond to urgent requests defies the logic and the intent, for that matter, of the Phase 1 IRT wanting to take up the timeline for urgent requests separately.

That's where I start from. So I don't know how you want to have that construed, but that is how I read the Phase 1 IRT intent, that the whole concept of dealing with urgent requests was to be considered separately by the very fact that these are narrow, exigent circumstances that need to be handled quickly. And it would defeat the purpose of that if you

---

were going to tack on a two-day acknowledgement and then have people suddenly get urgent after a lackadaisical two business days.

DENNIS CHANG:

Yeah. I hear you, Laureen. When I first encountered this, I had the same expectation and response as you did. But as I point out, if I am going to be true to the recommendation language, this the requirement that I must come up with. And what you said was that there was an intent by the EPDP Team. So what I'm trying to get here is, I know many of our IRT we're on the same EPDP Team with you. So if we can build a consensus that that was the intent and we can come up with our own requirement language, we can use that—that's okay for us to do—and add that to our IRT interpretation list. So that's what I'm trying to do here. I want to facilitate that discussion knowing that here's a language, but intent probably is different. And what can we reasonably conclude and come up with in terms of requirements?

So go ahead and speak, Marc. Laureen, are you done?

LAUREEN KAPIN:

I am. Thank you, Dennis.

DENNIS CHANG:

Okay. Marc, go ahead.

MARC ANDERSON:

Hey, Dennis. How's it going?

---

DENNIS CHANG: Okay. I'm trying to drink coffee.

MARC ANDERSON: Oh, sorry. Caught you mid-drink.

DENNIS CHANG: No problem, yeah.

MARC ANDERSON: So, good question. On this one, I get Lauren's point about the optics, as you will, of this looking like you don't respond to an urgent request until after two business days plus one business day. I think she makes a good point and the language might be a little clunky the way it's in there.

I look at it, though, a little bit different. From my perspective, the obligation on contracted parties is to respond without undue delay. Period. Right? I added the period. There's not actually a period in there, but from my perspective, our obligation as contracted parties is to respond to urgent requests without undue delay, and—forget contracted party—any reasonable person is going to respond to truly urgent requests without undue delay. Hopefully, that's not too naive of a statement.

For me, my perspective is that the language on “but not more than,” everything after the “without undue delay” is about adding a

---

compliance trigger. Right? That's the point at which Compliance has teeth to go after bad actors who are not responding to urgent requests.

And so I think that's important because "undue delay" is a little bit subjective. Right? That's going to vary from request to request and from contracted party to contracted party depending on staffing and the nature of the request. Right? So I think you need to have both in there.

But this requirement, this Response Timeline, isn't, "Hey, contracted parties, take three business days to respond to urgent requests." That's not what that says and that's not how I read it. I read it as, "The contracted party's obligation is to respond without undue delay," and that's important. I acknowledge the points Laureen was making and I think we have to be cognizant of that and make sure the language isn't clunky and gives the wrong impression, but the obligation is to respond without undue delay.

DENNIS CHANG: Susan, go ahead.

SUSAN KAWAGUCHI: Thank you, Dennis. Can you hear me?

DENNIS CHANG: Yes, I can. Great.

---

SUSAN KAWAGUCHI:

I can understand Marc's point. And probably every registrar on this call would immediately respond to a very dire situation that needs attention that LE has reached out about. But there are a lot more registrars, and when I read this ...

And I did put this in as a comment somewhere. That, and I don't really think business days are Monday through Friday because I think in different parts of the world, they could be different days. But let's assume that's what we're going with. So on Friday night, LE submits a request for information for a dire situation. The business day is done. Now the registrar may have people working, but their business day is done and they're not open weekends.

So they finally review this request that was submitted on a Friday night on Monday morning. Or maybe they don't get to it because it hasn't come up in their queue because the timing hasn't hit the two days yet. So then we've got Monday, Tuesday. They respond and say, "Oh, we got it. Thanks." And then being really optimistic, they immediately respond on Wednesday. That's five days, or to be really accurate, it could be four and a half. Five days, I don't think, was anybody's intention. And I'm not worried about the registrars on this call. I am worried about Compliance enforcing this and about registrars that do not participate in ICANN that read this and go, "Oh, yeah. Let me see. Oh, yeah. I can do this in five days. No problem."

So I just don't think that this was the intention of the EPDP. And why would you give more time to acknowledge a request when, actually, you could acknowledge a request pretty automatically and say, "Yes, we got



---

it"? Why would you give more time to acknowledge than respond? So I just can't agree to any of this.

DENNIS CHANG: So Susan, I hear you. I think what you're fundamentally saying is that you don't agree with the recommendation language to start with. Not the requirements—

SUSAN KAWAGUCHI: Well, this is definitely [inaudible]. Yeah.

DENNIS CHANG: Yeah. So this is what I keep hearing and I've heard it multiple times. This was discussed at length and in depth and many times during the EPDP Team, but the business days side had one the argument and that's why it's written this way. So with that inflammation, I stopped arguing too. So that's why I am trying to pinpoint where is the disagreement. Is our disagreement the way we are creating the requirement from the language or the recommendation language itself?

So if it is the recommendation language, we have a way to work around it with what we call drafting error. So this is I think what I want to talk to you about.

So, Susan, you said that wasn't the intent. What was the intent? And how would you have characterized the acknowledgement time? How would you have written it? Would you say for one calendar day or 24 hours? How would you have written it?

---

SUSAN KAWAGUCHI: I'd have to go back and read the history again because, unfortunately, we've been doing this for years and my memory is not that good. But it just seems like this originally started out with a 24-hour response, and now we've morphed to five days. I don't think it's anybody's intention to not respond and I appreciate the undue delay, but if we're truly talking about a policy that's enforceable, what ICANN Compliance would most likely enforce is possibly up to five days of lag before LE gets their information. Because we're not talking trademark. We're not talking—

DENNIS CHANG: I understand.

SUSAN KAWAGUCHI: We're just talking about dire situations. And I don't work in that. Obviously Lauren does, but it just seems unreasonable. And that, as an IRT, we should maybe come together and push back and say, "Did you intend to do this? Five days seems a lot."

DENNIS CHANG: Yeah, this is exactly what I'm trying to do. I'm trying to get a potential proposal for a different interpretation, if you will. So if you have one, you can propose it. If not we'll just continue with our discussion for now.

Roger, go ahead.

---

ROGER CARNEY:

Thanks, Dennis. I think it's important. I think Laureen actually started this conversation, and I think Dennis was trying to drive to this. I think some of this group believes that what is written is not what was intended. Which again, as Dennis mentioned, we have ways around that. And if this IRT agrees to that, I don't think we have to go back anywhere. I think we can make that decision as we've done before and ask for that in the public comments.

That aside, though, I think there are a few things that Susan mentioned that I just want to kind of—I don't know—disagree with or not, but at least acknowledge. And that is that a lot of times we hear law enforcement as the excuse for this, but the majority of domains, law enforcement has a different path to. It's not going to go through this. They already have their own contacts and agreements. And again, that's not new. That's something that's been known for years. Again, just for clarity.

And again, I think Susan kind of walked us through that possibility of five—I don't know—I mean, you could give it any number of calendar days. But I think she skipped the fact of what Marc said. That is a Compliance issue, not what we're contractually obligated to do which is “without undue delay.” And again, just trying to make it clear here.

And I think the 24-hour thing, I'm not sure where that came from. Maybe that was discussed in the EPDP. I don't know. I know that somebody on this call, maybe a year ago or something, suggested it and it was [resoundingly] disagreed with. In the recommendation it specifically says “X business days” and I'm not even saying that that's one business day because people are saying it's kind of funny.

---

There are two days to acknowledge and one to respond. But the one response is just something that we've agreed to. That could be five. I mean, that response timeline is something we have to decide in this group. And one is not the deciding factor yet. But I think that that's important, as well, to remember.

And I think if we go back to this and to Dennis's point—and I think why he was driving this conversation—was that if there's an error, let's fix it and then move on from there. Thanks.

DENNIS CHANG:

Okay, so Chris's proposal is to collapse the acknowledgment and response timeline into one timeline. And what would you propose that timeline to be?

CHRIS LEWIS-EVANS:

So, I would love 24 hours, however I know that's going to be difficult, and I think that's maybe a discussion to have. But I suppose the maximum would be one business day.

DENNIS CHANG:

So that's one proposal. Okay, thank you for that. Yeah, I need suggestions, so give them to me. Lauren, what do you think?

LAUREEN KAPIN:

First of all I want to acknowledge the helpful discussion and the points raised by everyone, including Marc and Roger, about the undue delay.

---

And, of course, the addition by Susan that, “You're not the folks we're worried about here.”

I have a question for you, Dennis, before I get to my proposal. But my question is, do we need to, as a threshold matter, clear up what many of us are viewing as a drafting error in order to proceed to the substance, or can we deal with both simultaneously?

DENNIS CHANG:

Yeah. We have to deal with both simultaneously because if we don't all agree that this is a drafting error, we're not going to say that to the GNSO Council. Right? So if there just a clear difference in the IRT in terms of interpretation, the rule is that we go with what the recommendation language says. That's the rule, and that's the way we're supposed to interpret, where we're supposed to set the baseline language. And then we can go to the public comment.

So there are two approaches here. One—and Roger said it—this IRT is empowered to create requirements and interpretation and baseline language based on the recommendation, including that requirement being misaligned with a recommendation. And we have a list of that already, so this will be just another one that gets added to that list. That's okay to do. That's one way.

The other way is that we go strictly based on what the language is and we don't deviate from the recommendation language. We place the requirement exactly following the recommendation language, and then put it out for public comment. That's the option that we have.

---

So I'm trying to figure out where the IRT is here. And I think the one other suggestion that Chris is making is one business day, so I think acknowledging that "business days" was written in, in every case, here where they meant it. So we acknowledge that as a requirement, but possibly combining acknowledgement and response into one business day. That's one proposal for you to consider.

Laureen.

LAUREEN KAPIN:

Well, I certainly agree with Roger that we should be empowered to correct drafting errors and that if we're going to deal with the response timeline, then I could back Chris up with the one business day for both acknowledgement and response. So that's certainly a viable suggestion.

But what I would vigorously oppose, on behalf of the GAC small group is any interpretation that bumps out the urgent request timeline to something that doesn't even start until after two business days for those, hopefully small, category of contracted parties that don't respond without undue delay.

DENNIS CHANG:

Thank you, Laureen. Beth, you have the floor.

BETH BACON:

Thank you. So I appreciate this discussion. I am concerned that we've discussed this so many times and we're kind of doing it again. I will say that, at this point, I do not think that this a drafting error. I think at this

---

point some folks have disagreement with the recommendation. It's fairly clear. It was a topic of long detailed discussion in the EPDP, so I don't think we could call this in good faith a drafting error.

However, I do think that we can go back and look at the language that's in the recommendation and see if there's any more flexibility for us to get LE what they would like as well as protecting those of us who do respond. But I think that also, we do have relationships with law enforcement and we do respond to urgent request. And I know that you guys acknowledge that and appreciate it. And we understand that you're trying to get to the folks that maybe aren't on this call.

But I think also, while we appreciate those needs of law enforcement, I would like law enforcement to also appreciate that once we put this in a and bind everyone—those of us on this call that already are very responsible and responsive—we bind us to a business day. I guess it would have to be the business day, or two business days, of the location where the contracted party is located because as many of said “business days” is not a global definition.

But also, then our responsible response—terrible phrase—our responsible response is then bound by this and we are then subject to this. And it's not that we can't or don't want to respond in a very reasonable way. It's that saying “one business day” may be a challenge just to get at those folks who don't respond at all or in a reasonable way. Putting one business day on those folks that are responsive is a challenge, so I just want to keep that in mind.

---

So again, I'm not saying let's stop this discussion. I'm saying let's try and see, again at the recommendation language, see if we can be flexible and figure out something that lives within the recommendation language but is not necessarily seen as lengthening the response time to something that is not acceptable to law enforcement. Thanks.

DENNIS CHANG:

Thank you for that, Beth. Here's a thought. When the recommendation language said "less than X business days," in my mind I was thinking in terms of a whole number, like one. But also, Alex here is pointing out why should I be confined to a whole number? It could be one-sixth of the business days.

But carrying that forward even further, it could be zero. Right? If we define this excess as zero—this IRT—which is within the power, within the recommendation language, then could we say that total timeline for acknowledgement and response time would be two business days? And that would be in line with the recommendation. Would you agree with that?

Laureen, do you want to talk?

LAUREEN KAPIN:

I wanted to clarify something. And I appreciate Beth's point and also the points in the chat about challenges. So let me get to the challenges part second.

But what I wanted to clarify in terms of drafting error, I don't think there's a drafting error with the acknowledgement timeline. What



---

there's a drafting error in is that "a separate timeline will be considered for the response to urgent and reasonable requests." That should have said "will be considered for the acknowledgement and response for urgent and reasonable requests."

And again, I was part of these conversations, so I have a very clear memory of these conversations. And the intent was always to deal with this entire issue separately, not to have acknowledgement for both the one thing and then leave just "response for urgent requests." Frankly, that's absurd and makes no sense, and was never the intent.

In terms of the concern that some more smaller organizations with fewer staff may find a one business day timeline challenging, that could also be dealt with. And I think we deal with this in other places by basically saying, "If you have a problem, let us know and we can figure out a reasonable alternative." There certainly could be something built into the language of the response time if a particular registrar is not going to be able to meet the agreed upon timetable.

But there definitely should be a standard, and that standard should be consistent with the dire nature of these urgent requests [inaudible] aren't going to come up very often. But when they do, time is of the essence.

And you make an excellent point, Dennis, by pointing to Alex's comment that we're all assuming that this one day. It would be entirely appropriate to talk about a timeline with infinite number of hours to deal with urgent requests. And in that regard, we're already showing flexibility by coming to this not just 24 hours, but one business day. And I

---

just want to point out that, although contracted parties are asking for us to be flexible, from our perspective we're already moving a long way towards a lot of flexibility in a situation that, actually, we think really demands a very quick and specific response because it's typically going to come in the scenario of a life or death or threat to critical infrastructure situation. That's what this is intended for. It's not going to result in massive requests. It's very narrow.

DENNIS CHANG: Go ahead, Chris.

CHRIS LEWIS-EVANS: Thanks, Dennis. So I agree, really, with your point. That could be a zero, and that would effectively give the two business days. But, yeah, I just wanted to point back to the language that I suggested a couple of months ago. And as Laureen says, we're happy to change this. It says 24 hours in that, but change that to one business day.

And just to highlight that, for those organizations that aren't able to comply, in that wording there is an option for them to extend that further just to allow for that flexibility, depending on how those different businesses operate. So I think for me, that really is giving the registries and registrars that flexibility to deal with how they operate and to give them sufficient time to deal with, as Laureen says, what is low volume/ high impact type requests. Thank you.

DENNIS CHANG: Thank you, Chris. Owen.

---

OWEN SMIGELSKI:

Hey, everyone. So I guess my concern is that we're talking about requests for data. We're not talking about shutting down websites or anything that is causing harm. I struggled to find a case or a scenario where someone's going to die because a name of an underlying registrant was not provided within a day, or whatever [the example] timeline is.

And I recall from the PPSAI Working Group as well that there was an example that law enforcement provided about one time where there was a concern here. And no others came up. And I'm not trying to belittle one life being saved, but making requirements that could jeopardize a registrar or registry's accreditation because of something that happened seven years ago seems rather extreme.

There are other avenues for when there's critical risk to human life. Abuse reports can be filed. Hosting providers can be contacted. Law enforcement can raid or things like that. I think there are a lot of other options we have to do except for this really extreme unicorn example that, honestly, I don't think has much real-world application.

Please, if I'm off on this, I would invite my GAC and law enforcement and other colleagues to provide examples of this. But I just don't see where these are happening, and so I just don't see any concern or issue why we need to spend so much time on this to relitigate something that's been previously discussed and agreed upon now, and just kind of move forward with this [and these] extreme cases. Thank you.

---

DENNIS CHANG: So, Owen, just to be clear. When you say move forward with this, are you are you in line with this proposal—two business days combining both acknowledge and response as a requirement? Is that what you are supporting?

OWEN SMIGELSKI: Yeah. I agree with your language earlier, Dennis, that it seems a lot more about this a disagreement with the recommendation as opposed to [putting better] language. So, yeah, I agree with that.

DENNIS CHANG: Yeah. I think that was a good suggestion, whoever said it. But keeping in mind the latitude that we have, this is, I think, the shortest timeline we can justify, keeping with the recommendation language. So I kind of like this as a going forward baseline language, but I'd like to hear from others if this is not something that we should do.

Jody, do you want to speak? I see your mic open.

JODY KOLKER: Sorry, no.

DENNIS CHANG: Okay. That's funny. If there is no more discussion, I think that what I'm going to do next is, considering that this is the requirement that we're going to go with, we're going to next craft language that supports this requirement. And, of course, we'll look at Chris's original language too.

---

But combining acknowledgement and response time into one requirement is easy. It's making it easier to craft the language. For urgent request, this is all you do. And this is two business days. And pointing out the undue delay that Marc has pointed out—"without on the delay"—making sure that sense gets captured. I'd say that we draft a language and come back to the IRT to next look at how the language reads. And we are ...

"Why don't we look at that proposal and review it?" Let me see. I'd be happy to ... Which language do you want to look at, Beth? You're talking about Chris's language? Chris's language is not based on this requirement.

BETH BACON: Yeah. Sorry. Chris was saying that he had language previous, but then you said that you could do a draft of combining the timeline and response.

DENNIS CHANG: Yeah.

BETH BACON: So why don't we do that?

DENNIS CHANG: Yeah. We have just altered the requirement, came up with a new set of requirements. So the language has to change.

---

Of course, we would love to get your input, Chris. If you want to take a stab at it, I would welcome you to do so. But I think this makes it a lot easier. Thank you very much.

We will then continue to our next agenda item. So, Laureen, it's almost top of the hour. Make sure that you have two minutes to make any final remarks before you have to go. Laureen, are you okay?

LAUREEN KAPIN:

Well, I guess since we've raised drafting errors before, I guess I'm a little puzzled why we wouldn't be raising it this time, especially when you have folks who participated in the Phase 1 process clearly discussing the intent. So that would be my only question.

DENNIS CHANG:

Yeah. The answer is this. In every other case where we have our drafting errors and we have a list of them, everybody at the IRT agreed that that wasn't the intent. Right? So far we have eight of them or something, and I'm going to have to add a few more. But everybody in the IRT, including all those who participated in the original EPDP Team agreed that it was a drafting error.

In this particular case there's no such agreement. That's why I don't think we can declare a drafting error. Does that make sense, Laureen?

LAUREEN KAPIN:

I appreciate your explanation, Dennis.

---

DENNIS CHANG:

Okay, thank you. And thank you for making sure that I get this agenda on time and in shape so you can fully participate. That was very important to us.

Okay, now I have to go back and look at the agenda again. Our next item is OneDoc. So let's look at our OneDoc. Where's our OneDoc? It's opening up here. And in the OneDoc we go to 9.6, as a "may" requirement. Okay, I remember this. Do you? Do you remember? We were talking about this section called 9.6, a potential new section. 9.6 is this.

So 9.5. We have languages and we were considering if we should add 9.6 as a solution at our last discussion because Alex pointed out there are data elements that may be transferred. So why don't we start listing them? And I said, "Okay, well maybe we should. Maybe we shouldn't. Is it better to do so? Is it better not to do so?"

So we discussed it. I mean, I discussed it with our internal folks here at the ICANN Org and we determined that it's probably not a good idea to try to make a list of "may transfers." But I want to hear from you, now that you had a chance to think about this. Should we create a "may" list? And if we did, what will be on it? Go ahead, Marc.

MARC ANDERSON:

Hey, Dennis. Thanks for raising this. I meant to send this out via e-mail to the list and didn't get around to it. But you may recall in the last call, I

---

mentioned that I thought this was already accounted for in the Base Registry Agreement.

DENNIS CHANG: Yes.

MARC ANDERSON: And I did go and look at the Base Registry Agreement, and after looking at the language I think it is accounted for. And it's under Part A Technical Specifications Escrow Format Specification. There's a subsection, 3.2. I'm pasting it into chat.

DENNIS CHANG: Oh, okay. Great, thank you. Thank you very much.

MARC ANDERSON: So again, my apologies for not sending this out ahead of time.

DENNIS CHANG: That's perfect.

MARC ANDERSON: But this is the language. I think the Phase 1 EPDP didn't introduce the idea of additional data elements. That's already accounted for. Or that's already something that registries could have. They could have additional data elements. This Phase 1 Working Group just wanted to make sure they were accounted for under the purposes for processing. Right?



---

And accordingly, the Base RA sort of notes that there can be additional data elements, what they're calling ... It just says "submission of additional data not included above." And it basically calls for a case-by-case determination on if that data needs to be escrowed. And if it does need to be escrowed, then extension schemas would be described as part of the deposit that goes to the escrow agent.

I hope I didn't get too much into the weeds there, but I think it's already accounted for in the Base RA and that we don't need to add or change anything as part of this policy.

DENNIS CHANG:

I agree with you. Anybody else want to comment? So if there is no comment, let's consider this item closed. This is 20210707. So Sam, pick this up and we can resolve this and then delete this. So that one's done. Thank you, Sam. Thank you, Marc. Thank you for that explanation.

Chris, your hand's up. Do you want to speak?

CHRIS LEWIS-EVANS:

Yeah, sorry. Just for clarity, did that also include the Tech e-mail and phone or was that just the extra language bolted onto the bottom that we're removing?

DENNIS CHANG:

We're removing this question by Alex. Tech Name, Phone, and E-mail are still here under Section 9.5. So that hasn't changed. We haven't talked about that.

---

CHRIS LEWIS-EVANS: Okay, perfect. Thank you.

DENNIS CHANG: Good clarification, though. I don't want to mislead anyone. The next item is change to Section 10.3 to be accepted. 10.3, here we go. Okay, so these are series of editorial clarifications [of language] and word changes that our legal team suggested to make it more clear. So I don't think there is any issue here, but let me know.

Like, "requirements in RDDS" is what we want to add here and "contained in the registration data" is what we want to add here. All these green lines. And instead of "legislation," we want to change that word to "laws." And so on the [redaction] requirements of this section, to be clear. And "contains personal data related to" instead of just "a natural person."

So here's a series of word changes. I could have just accepted, but I wanted to show you that we're cleaning up as we go.

Roger, you have your hand up.

ROGER CARNEY: Thanks, Dennis. I don't know. Maybe we've talked about this before, but right where you changed "legislation" to "laws," I think that makes sense. But I'm wondering if "data protection"—the two words before it—are needed.

---

DENNIS CHANG: Oh, this “applicable data protection laws.” So you think “applicable law” is ...? That's more generic.

ROGER CARNEY: Yeah.

DENNIS CHANG: Instead of “applicable data—”

ROGER CARNEY: Well, it's actually more truth.

DENNIS CHANG: Is it?

ROGER CARNEY: Well, yeah. It’s more truthful because we have to abide by any law, not just data protection laws.

DENNIS CHANG: That is true, but we are talking about data protection. So what do you guys think?

ROGER CARNEY: Thanks, Dennis.

---

DENNIS CHANG: I think it's fine without "data protection." It could make sense too. Let me just make a suggestion that this is being proposed by Roger. Thank you for that proposal.

So, Marc, you have your comment. Do you have a comment?

MARC ANDERSON: Thanks, Dennis. I do and it's also on the same point. Reading "laws" there gave me pause for a second. And maybe somebody more knowledgeable can correct me here, but aren't there also data protection regulations that aren't laws that we have to comply with? I don't know—

DENNIS CHANG: Oh. Well, this used to say "legislation" which is probably not a good language because legislation can be any legislation that is not even a law. But I want to hear ... Yeah, good question. So your question is, are there regulations that we have to abide by that we should spell out in addition to the law? I think that was what your question is.

Beth has an answer for us. Go ahead, Beth. You're the lawyer. Right?

BETH BACON: I'm not a lawyer.

---

DENNIS CHANG: I know.

BETH BACON: [inaudible]?

DENNIS CHANG: You keep reminding me.

BETH BACON: If we're talking about e-law there are directives and there are regulations. Directives are not automatically adopted by every member state. Regulations are imposed automatically on every member state. But I do have concern with us talking about listing every single thing. I think we know what we're talking about here. I actually like having "data protection law" in there because it's a law.

We don't need to go into the terms of art of, "Is it a regulation? Is it a directive? What have you call it something different in wherever else you are?" I think that once you start to list it, it gets more complicated and you're bound to leave something out and the world around us is bound to evolve and it's going to mean something else. And I just think that's a slippery slope.

DENNIS CHANG: Okay. How do you feel about removing "data protection" as Roger said? Would you feel better about removing "data protection" and saying

---

“applicable law”? Or “applicable data protection law” is better? Which it's better?

BETH BACON:

To be frank, I don't mind “data protection” in there, but I think, again, we're following ... This doesn't necessarily matter. We're following what's in this policy. This is just the “why” are we doing this. So it doesn't really put any requirement on us, I don't think, 10.3, if someone else reads that differently. This is just kind of informational [10.3].

DENNIS CHANG:

That's correct. Yeah, you're right.

BETH BACON:

I will say, and I'm stealing this from someone else who I was chatting with. I'm just going to steal their brain diamond. The redaction of personal data of natural persons. That's kind of redundant. So if it says “personal data” then we don't need to say “natural person.” So we can, as that goes. We're in the bottom after (i), “registration data belongs to a legal person or that contains personal data relating to a natural person.” Personal data is personal data. That's part of the definition.

DENNIS CHANG:

Oh, so we don't need this.

---

BETH BACON: Personal data is for a natural person. [inaudible][for my cat or] something else.

DENNIS CHANG: You mean you can't have personal data for a legal person.

BETH BACON: No, no you can't. No, that's just [inaudible]. My two cents. Thanks, Dennis.

DENNIS CHANG: That's good, actually. I like that. Very good. Well, alrighty. I think you forgot how to take your hand down again, Beth.

So assuming that, we're going to move on to our next topic, 12.101 to be resolved. 12.1.1. This one? Oh, it's a long list of Roger's comment and my explanation. Oh, this the one that Roger came back and said, "I agree."

So I want to resolve this comment. I mean, Roger already agreed, so if there is no other issue with this we're going to mark this done and resolve this comment. Okay? Okay. Thank you, Roger.

And next item is Section 12.1.3. Okay, there are a couple of things here. One is "Registered Name Holder." We're going to change "registrant" to "Registered Name Holder." I think there should not be an issue here, but probably more substance [than] this one.

---

Roger again. "It appears that [this is adding requirements that do not exist] in the recommendations. The sentence should be removed from the OneDoc."

This a Tech e-mail comment, so let's talk about this. So, Roger, I think you may have come on to the implementation team after discussion. But we had a lengthy, lengthy discussion about Tech e-mail and we agreed already that Tech e-mail must be available to ICANN Org for compliance if the Tech e-mail was collected. So we didn't see any problem with this and we agreed to this, but I think Roger has an issue and we'd like to hear from Roger. Go ahead, Roger.

ROGER CARNEY:

Thanks, Dennis. I think I've been to all the meetings since the beginning, so I'm not sure ... I remember this being discussed, not in one meeting, but several meetings. But I don't remember ever agreeing that we would be required to log that communication. I mean, the recommendation doesn't say it. It's very specific about logging contact with the registrant and says nothing about the Tech. So I just don't see that the recommendation supports this. And I don't remember agreeing to it. Thanks.

DENNIS CHANG:

Okay. That's fair. Sarah.

SARAH WYLD:

Thank you. Hi. Similar to Roger, I do not recall agreeing to this although I know we've definitely discussed it. The part right above it says, 12.1.2,



---

“Registrars may maintain log files of the relay to the Tech e-mail.” So that’s a “may.” So if the registrar does not maintain those log files, how do they comply with the next one down?

DENNIS CHANG: Because it says “if Tech e-mail is collected.”

SARAH WYLD: That’s if the e-mail is collected. The previous one is about relaying the message. It’s not about collecting the e-mail address. So point 3 says anytime you collect the Tech e-mail address, you have to send log files about relaying communications to that e-mail to ICANN upon request. But the log files that it says you have to send are not required, as per the previous point.

So the part that you have highlighted where it says “if Tech e-mail is collected” I think what you mean to say is “if the relay to the Tech e-mail is provided,” I guess. But I don't think we should ... That's not required. So I support Roger. I think we should take that sentence out. Thank you.

DENNIS CHANG: I see. Okay, so you support Roger. We should just take the requirements out. So let's say “registrar may maintain a log file” and to and from the Tech e-mail. Right? Let's say they do that. They’ve done that because they choose to do that. And if they did, if the Compliance comes along and say, “May I have that log file,” you're saying that they should not be required to provide it to ICANN Org.



---

request it, that would cost us money to retrieve it. We'd have to build a tool. Someone would have to spend the time to respond to that request. So it's not a requirement, so all it's doing is adding cost to our business. Thanks.

DENNIS CHANG: I see. Okay. Well, yeah. Being a businessperson, I pick up on that kind of thing. Thank you for that explanation. Sarah, go ahead.

SARAH WYLD: I'm so sorry. That's an old hand.

DENNIS CHANG: Okay. Chris, do you have a comment?

CHRIS LEWIS-EVANS: Yeah, thanks. I wasn't part of the conversations many moons ago around this. I just wonder if this was trying to capture if the Tech contact is the primary source of communication, and it's doing a bad job of that. But I don't know whether Mark SV—or I can't see it on the call—or Alex or maybe ... They generally tend to be hot on the Tech contact side, so I wonder if that was the reason for this language. If the Tech contact becomes the primary method of communication rather than the Registered Name Holder. [inaudible] my only concern about removing it. Thank you.

---

DENNIS CHANG: I see. Roger, do you want to speak again?

ROGER CARNEY: Yeah. Thanks, Dennis. Just to respond to Chris. The one thing I remember Mark SV saying was, "Well, it's easy so you should do it." I don't remember him having any other reason besides that on this. I don't remember him arguing that it was the main contact or anything like that. But I would say check with him and see. Thanks.

DENNIS CHANG: Any other comments? Okay, so let me take this back to our team because this specifically says it's for the ICANN Org Compliance. So let me consult with them to see how important this is and why it must be here. But I hear you. Two reasons. Recommendation language does not require this. And, two, there are business reasons why you don't want to be held to this. I picked up on both of those points. Thank you, Roger.

Roger, do you want to speak again?

ROGER CARNEY: Thanks, Dennis. Yeah. And it wasn't on this. It was about 12.1.2.

ROGER CARNEY: We had just discussed in the escrow section, I think, about not including the "may" list.

---

DENNIS CHANG:                   Yeah.

ROGER CARNEY:                   And I think we discussed this, too, long time ago, this specific thing. Is there a reason why we're including this 12.1.2? I mean, "may." Is there a reason we're including it? It doesn't say that in the recommendation.

DENNIS CHANG:                   Yeah. A lot of these "may" requirements is sort of looking at it the opposite way. If the implementers were concerned that doing something would violate the policy, we want to rest assure them that you may go ahead and do this and it doesn't violate policy. I think that is the reason why we have "may" requirements in the policy language. "Registrars MAY maintain log files that confirm that a relay of the communication from the requestor to the Tech e-mail has occurred."

And this second part, I think, is probably maybe more substantive. "The log files MUST NOT include the origin, recipient, or content." And then maybe the message there ... You can go ahead and maintain a log file, but if those laws have this personal data, then you're violating the policy—is the way I read that policy requirement.

What do you think? Go ahead, Roger.

ROGER CARNEY:                   Your explanation is sound. I just don't know how that ... Again, in the escrow section we eliminated the "may" list, and that's the only reason I brought it up here.

DENNIS CHANG: The list, yeah. Okay. Got you. Thank you.

ROGER CARNEY: Thanks, Dennis.

DENNIS CHANG: Thank you. Thank you, everyone. You know what? It's 11:23, so one of the things that I'm trying to do is get you off of this meeting a little before the absolute, on-the-dop half an hour. And I apologize. Many times I go over, so this time I'm actually going to conclude the meeting on time. And I want to thank you again, everybody. Wonderful, wonderful participation. Your continued support is just appreciated immensely.

So unless anybody has any final parting comments, I'll say goodbye and I'll see you again in a couple of weeks.

ANDREA GLANDON: Thank you. This concludes today's conference. Please remember to disconnect all lines and have a wonderful rest of your day. IPT members, please stay on.

**[END OF TRANSCRIPT]**