
ANDREA GLANDON:

Good morning, good afternoon, and good evening. Welcome to the Registration Data Policy IRT Meeting being held on Wednesday the 15th of September at 17:00 UTC. In the interest of time, there will be no roll call. Attendance will be taken by the Zoom room.

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

With this, I will turn it over to Dennis Change Please begin.

DENNIS CHANG:

Thank you, Andrea. Welcome, everyone. We have a few apologies from Owen, Sebastien, and Brian. And thank you, Andrea, for always capturing those on our meeting records here. And let's get started. People are rolling in still, but we'll get started with the welcome and check in.

And Andrea just reminded me that ICANN72 is continuing to be planned, and she will send out a reminder to register. And I believe you all have a—what do you call it—placeholder that she sent out for us. So that's good.

Now let's see. Is there anyone who has announcements on their affiliation change or [a new thing] for us? If there isn't ... I don't see any hands, so let me just start with our welcome back to our Amanda and

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Amanda. We have two Amandas on our team this year, [we call]. And they both went on maternity leave, and now they're both back. So what I'd like to do is give them a chance to say hello and talk to you. Let them hear your voice. And they bring [gifs] of photos which I will share. Who wants to go first?

AMANDA ROSE:

I can go first. Thanks, Dennis. I'm happy to be back. That's Juniper. She was born in April. She's five months now, so she's getting big and chunking up. So, it's good to be back. Yeah, happy to have some adult conversation and join all of you guys again. Thanks.

DENNIS CHANG:

I think you believe you have adults in our room here. Thank you for the compliment. Go ahead, Amanda Fessenden. Your turn.

AMANDA FESSENDEN:

Hi, everyone. Also, it's good to be back. I had Zoe also in April. I think we're actually only five days apart between Juniper and Zoe. So I'm really appreciative of everyone's support. Zoe is always a little over five months now, and she chunked up very quickly. She's always been a chunker and has had quite the cheeks ever since week six. But, yeah, it's exciting times. Very tiring, very different world now with a baby. This is my first.

DENNIS CHANG:

Wonderful.

AMANDA FESSENDEN: I think that's it. Thank you.

DENNIS CHANG: Welcome back, both of you. And thank you so much for sharing. Zoe and Juniper, welcome to our team.

Anybody else have babies? No? [You] guys just wait. There's more on the way and we'll share when that happens, too.

All right. Let's talk about our IRT workbook. Sam did us a favor actually, especially me. As I mention, on the color challenged and I try, but I confuse myself on what color and how they represent. So I asked Sam to make this more intuitive for all of us, including me. And she did that.

So let me turn over the floor to Sam and have her explain what she did, how she redressed or maps. Go ahead, Sam.

SAMANTHA MANCIA: Thank you, Dennis. So initially we had the three different maps, and all we're using the same colors. But the definitions of the colors was different for each map, which was a little bit confusing. So I just changed it to have different colors for each map to avoid that confusion. And the keys are still listed below there.

DENNIS CHANG: Yeah. Thank you. And the choices of colors are more different. I can see that, too. But I have to admit, I had a hard time identifying the color, and

I noticed that you actually labeled it for me, like this is “light blue”. It doesn't look blue to me at all, but it is.

So let's start with this one here. Task Determination Status Map. We'll just quickly review them. On this map we want to know where we are in identifying the implementation tasks, whether we know what we have to do or we're still trying to figure that out.

And I think we all know what we have to do in all cases except the last one here, Phase 2 Recommendation 22 for Purpose 2. This one, we believe, is being handled by the DPA team that's in work with Beth and company.

Let me see. Is Beth here today? No? Okay. And she was going to go back and check to make sure that was the case. So until she comes back and reports back, we'll leave that as “task [determination] in progress”. But I think I'm comfortable that that is going to be the case, so we'll just leave it there and not work on it.

This one is a Recommendation Status Map, the Phase 1 and 2. This is to detect what recommendations or still in work and which ones have dependencies and which ones we believe are completed. And we'll leave it there and we'll come back and look at it again as we make progress.

And here is the OneDoc Status Map. This here, again, we have pink for additional IRT input on languages. And orange is where we wanted to note that we think we're done, but if we noted objections from the IRT we wanted to point that out. And the light green means no additional IRT input required. And we're pretty much in agreement.

So this is what I look to see where we are with our OneDoc. And this is where I look to see where we are in terms of recommendations implemented or not.

So, questions? Any questions on the color scheme? For the status, you can write to me, of course. Yes, the status always changes color as we make progress. We find things and we discovered things and we can note that. Thank you, Sarah.

So that was the status maps. So let's get into our OneDoc. The first one I wanted to talk about what's this ... Let's see, this is 10.3.4. Yes, the Privacy Proxy. Thank you for all your inputs on our last call and on the accredited part. And I've been thinking about it and discussing it with many people, and decided to keep the word "accredited."

And, yes, it's true. All of it is true. Both sides, I can hear a good rationale. "Accredited" not being defined yet, we shouldn't mention it in the policy. But at the same time, when I think about ... And just as I often do, I think about the group of people who worked ahead of the EPDP Team who spent hours. And I know how hard they work and the extensive discussions they have on choosing these words and crafting these recommendation languages.

And when I think about the fact that many of those people are some of you here, so you know first-hand. They knew that the Privacy Proxy Policy Implementation was on hold and there was no timeline that can predict when it could be implemented. Knowing that and having all that knowledge, they wrote into the recommendation—in 19, right—and clarified and wrote in the word "accredited" for us to implement.

So in honor of their effort, I think we have to not ignore the word “accredited” but keep it in there. But I also agree with the recommendation by the IRT. The wording on the implementation note that I had was inadequate. So, Note F. So with good help from our IPT, we reworded it to make it maybe more clear.

So the new wording “Accredited Privacy/Proxy service providers, if and when available, will be subject to this requirement beginning on the effective date of the Privacy and Proxy Services Accreditation Policy.”

So with this note in the implementation notes, I think that the reader will not be confused about what to do. But they will be pointed to the new policy if/whenever, as it says, it does get implemented. So I think we can leave it there.

And as that implementation of the privacy/proxy service comes around, I’ll make sure that, if helpful, to come back to this policy language and make minor adjustment to possibly even eliminate this note so that there is no confusion at all.

So that's the decision on the accredited part of this policy, and I would like to close the conversation on implementing the Phase 2 Priority 2 Recommendation 19. Any questions? Further discussions?

Marc, go ahead.

MARC ANDERSON:

Hey, Dennis. I’m just kind of absorbing this. I think this gets pretty close to the intent at first glance. And you mention the working group members. I was one of those working members and I was fully

supportive of this [recommending] team from Phase 2. Right? I think everybody was. It was one of our least controversial recommendations. Right?

DENNIS CHANG: Yeah.

MARC ANDERSON: In Phase 1 we felt that “affiliated” with the best we could do, but in Phase 2 we looked at it again and said, “We can do better. Once there are accredited privacy/proxy services then that should be taken into account.” So I think that's important.

I did glance real quick at 19.2 and there it says, “Once ICANN org has implemented a privacy/proxy service” then this recommendation, Recommendation 19, “will replace or otherwise supersede” the EPDP Phase 1 Recommendation 14. Right?

So we did fully realize and understand that there isn't an accreditation process in place yet, and that that was intended to be sort of the trigger for when this accreditation obligation goes into place. And I think in your OneDoc, in the implementation notes, you sort of get to it. And it seems like that's what you're trying to say, like once this accredited privacy/proxy service goes into effect, then this obligation will kick in.

DENNIS CHANG: Yeah, exactly.

MARC ANDERSON:

So I think this gets pretty close. I'll be honest, I don't think you're as clear in this implementation as you could be as far as ... I think [19.2] is super clear. Right? Once ICANN org has implemented a privacy/proxy service, then Recommendation 19 replaces or supersedes Phase 1 Recommendation 14. I think that's super clear.

I think in the OneDoc, the implementation note isn't quite as clear, but I think you're getting at the intent there. So I don't know. I'm talking and thinking out loud, but that's my reaction to what you have there.

DENNIS CHANG:

Yeah. So, better than my old notes, but maybe it could even be better. Yeah, I know when I read this, it's clear. 19.2. But as you know, I can't really talk about recommendation numbers in my notes. So, "once ICANN org has implemented a privacy/proxy service accreditation program ..." Maybe that's the key phrase. "Once it has implemented the program ... maybe it will be subject to the requirement."

Okay. I think instead of "if and when available ..." I think Beth left a comment and it now rings in my head that we should not be presupposing that any implementation will happen. So that's why I hesitated to use "once it happens" because I cannot assume that it will happen, just if and when—is why we use that word because at this point GNSO could come back and do something else. So that's why.

So let me think about it. And I appreciate your initial reaction, especially when you were part of that team designing these languages. So yeah,

there's probably room for improving the clarity further, so I'll take that into advisement. Thank you, Marc.

Anybody else have input? If not, let's move to the next one. 12.1.3 is the next one. Roger, say hello. I wanted to talk to Roger about this one. We've been holding this comment until ... Roger not here? Roger's here. Go ahead, Roger. Talk to me about this one. I see what you wrote, but I also remember us discussing this a lot.

And at that time we agreed that as long as tech e-mails are there, there's no harm in logging it, so why don't we just keep the requirement as to log it so it could be useful for everyone. There was a decision back then with the IRT and Support. But apparently you see something else, so I want to give you the floor. Go ahead, Roger.

ROGER CARNEY:

Thanks, Dennis. Yeah, I think my biggest concern is that we're adding requirements that didn't come from the PDP. And this is an additional requirement and the PDP didn't even recommend this. So that's my biggest concern. And again, what you said is that if it's there, it'll probably be logged. That may or may not be true. I don't know. But the PDP didn't require this, so I don't know how we're requiring it.

DENNIS CHANG:

And that's a valid argument. And when we do our implementation, there are cases where we do add in publications that were not specifically written into the PDP, and we have [noted] to use some of our judgment. And if it makes sense, we can do that. And of course this will go out for public comment, and if there are public and other registrars

who would object to this, we will take that into advisement. Just looking for how IRT feels about this now.

Go ahead, Sarah. Let me hear from you.

SARAH WYLD:

Thank you. Hi. I would like to support Roger. I think he is correct. The recommendation does not speak to maintaining log files here, and so I think adding in a “must” requirement related to those log files that might exist just is not appropriate for this document. And so I think, as Roger suggested, we should take out that sentence. Thank you.

Dennis CHANG:

Okay, so Eric supports Roger and Sarah. Anybody else have an opinion? Let’s see. Who’s here? Any objections of us removing this obligation? Thomas says plus one, too.

Marc, I’ll give you the floor. Go ahead.

MARC ANDERSON:

Hey, Dennis. No objection. I wanted to just go back and reread the Recommendation 13. Can I get a quick pause for a second?

DENNIS CHANG:

Yes.

MARC ANDERSON: Thanks, Dennis. And I went back to the original PDF and read through that as well. It just talks about the Registered Name Holder.

DENNIS CHANG: [It does, yeah].

MARC ANDERSON: I guess I agree with Roger's point. Yeah, I think this is obviously a registrar obligation. I think if I was a registrar, I would certainly feel uncomfortable about us adding an obligation to also track the tech contact when it's not mentioned anywhere in Recommendation 13. So I guess I see Roger's point and agree with that.

DENNIS CHANG: Yeah, thank you. I'm not saying Roger is inaccurate. He's completely right. It's just that I'm reminding IRT that we had the same discussion and we agreed that we would add in this obligation. And of course, things little things may look different now, so we can choose to take that out again. Still our call.

Susan, I'll give you the floor.

SUSAN KAWAGUCHI: Yeah. And thank you, Marc, for requesting the actual recommendation be brought up. I think the confusion here is that the recommendation speaks to a relevant contact. Tech contact is often different as a contact, but then it goes on to say "specify Registered Name Holder." So I'm not

going to argue with this, but I think that's where the confusion lies. The way I've always read it was that the relevant contact could be any ...

If the registrant provides a tech e-mail that is different than the admin e-mail—which, you know, there are quite a few registrations that do—and that e-mail address is contacted to deal with an appropriate tech issue, then I just don't see the issue with maintaining and keeping those logs of that communication. But I'm not going to argue. That's just the way I perceive it.

DENNIS CHANG:

Thank you, Susan. Go ahead, Sarah.

SARAH WYLD:

Thank you. Susan, I understand where that comes from, and that's something ... That thought about the relevant contact is something that I have run across a couple times also, so I'm glad that we can just make sure it's super clear.

My understanding when I look at the recommendation is that part one says that we have to provide some kind of contact method for the relevant contact. So I would consider that means either the registrant or the tech, as appropriate, as you said. Right? But then Part 2, the log file requirement is specific to the contact of the Registered Name Holder. And any logs relating to contactability of the tech contact, if it exists, are not addressed in this recommendation, so that's something that the registrar would do perhaps separately, or perhaps not at all.

I know for myself, for my businesses as a registrar, we would certainly maintain relevant logs so that we can show that we're doing what we have to under Part 1. But because it is not required under Part 2 of the recommendation, I think we are arriving at the correct decision to not include it in the policy language. Thank you.

DENNIS CHANG: Thank you, Sarah. So the suggestion is to remove this entire sentence. Right? Yeah, okay. So the highlighted sentence. Okay. Thank you for that. So go ahead and we'll take care of that when we update it.

Amanda Rose.

AMANDA ROSE: I just wanted to refer back to 12.1.2.

DENNIS CHANG: Okay. Here

AMANDA ROSE: And that shows that it "may" maintain the log files to begin with. And I think that 12.1.3 was a little bit different in that it's saying it must be made available to ICANN. So I'm not arguing either way. I'm just pointing back that, yeah, I think we all concluded in 12.1.2 that keeping the log files to begin with was optional.

DENNIS CHANG: Yeah.

AMANDA ROSE: And I know there were some strong advocates for that who are not on the call just to have [inaudible]. I Sarah's comment as well, but we might want to, before considering taking that out, make sure we hear from them.

DENNIS CHANG: I see, yeah. I see what you mean. Let's see. Who's missing? There were some advocates for this language before, at the IRT. Yeah, I hear you. Any more hands. Oh, [inaudible].

Amanda, do you have anything more? No? Okay. Marc, go ahead.

MARC ANDERSON: Thanks, Dennis. I do recall on 12.1.2 that that "may" was ... I do recall agreeing to add that "may" in there. As Sarah said in her intervention, that for her company she will be maintaining those just to show that she's in compliance with Part 1 of Recommendation 13. Right? And so I think, for 12.1.2, we agreed that registrars "may" retain the log files for tech contact. So I think that is something we agreed to on 12.1.2. And having that as a "may" there, I think, is fine.

DENNIS CHANG: Okay. Thank you. So let me do this then. Unfortunately, those advocates who argue for this language are not here, so out of respect to them, let me just delay the deletion for maybe one more meeting if they do come

across to make sure that I understand, if there is objection, the rationale for the objection for deletion. And I certainly see the rationale for deletion, but I want to see that I'm not missing anything before going ahead and deleting something that we had added before. Okay.

Thank you for your intervention and discussion. I completely understand the rationale for deletion. Just making sure that I don't need something from other people who, as I said, worked hard to craft this language before. And probably ... Well, we'll just see.

Marc, did you want to say something else?

MARC ANDERSON: Sorry. Old hand.

DENNIS CHANG: Okay. You may want to talk again on our next one. Let's see. I want to hear about this one, 10.1. That's interesting to me. [inaudible], of course.

This language that we worded and reworded, trying to accommodate something. And then Roger finally comes and says, "Why do we need this at all?" I kind of like the way he thinks. So I think our principal in policy implementation and the policy language is that we want to be technology agnostic. Right? So whether we use RDAP or some other protocol in the future, we shouldn't be trying to [morph] our power policy language to fit or accommodate that technology.

So in this case, we were doing that. We were doing exactly that to make sure that those who are using RDAP are not found non-compliant with the policy or inconsistent with the policy language. But if we can take a position or argue that without this language we can still be compliant with our policy, then I would much rather be at that position. So I think Roger can help us here, too.

Roger, can you talk to us about this?

ROGER CARNEY:

Hi, Dennis. I'm sorry. Which one are we looking at here?

DENNIS CHANG:

We're looking at this one, this whole language about when there's missing data. That it returns blank or no return at all. I was trying to craft the language. And actually, Gustavo's here, too, and he was helping me. And then he said it's better but maybe we shouldn't have this language at all. So my question is, what if we didn't have any notes here? We delete the whole thing?

You, being a member of the RDAP Working Group, will probably know better than anyone, and I want to make sure that we craft policy language that does not conflict with our technology of choice today. But at the same time, I don't want to put in superfluous language here just for RDAP either.

So my question to you is, do we need this?

ROGER CARNEY: Again, I don't think it's needed. But I see Sarah put in chat that Alex had a few comments. So maybe Alex should be on to confirm any of his comments that he had But yeah, I don't see the purpose of this. I know that some of this already in some of the other policies, specifically consistently [inaudible] and things like that. So I don't see that this helps this policy. Thanks.

DENNIS CHANG: Gustavo, speak to me.

GUSTAVO IBARRA: Yeah, hi. Hello, can you hear me?

DENNIS CHANG: Yes.

GUSTAVO IBARRA: So this language, if only RDAP will be supported, then for sure I will agree that we don't need this language. But the issue is that we still have [RDDS 43—right—]and web WHOIS. Or WHOIS Port 43. And in the case of WHOIS Port 43, there is no policy language saying what happens when you have an empty value. The reset text in the WHOIS advisory says that you can provide an empty value or you can omit the field, let's say. But it's in the advisory right under Advisories, not policy language.

So my concern right now is that there are WHOIS implementations out there and sometimes they put an empty value. Sometimes they omit the field. So where should we capture that regarding WHOIS 43?

And as I said, I think that in the case of RDAP there is a draft right now in the [inaudible] Working Group in the [IETF] that is going to clearly define how to do this [redaction] and so on and so forth.

But the issue, I think, is WHOIS 43 [inaudible] web WHOIS. And that's my input.

DENNIS CHANG:

Yeah. So to kind of put your words in the way I'm thinking is that if RDAP isn't the reason we're putting this in the [inaudible] WHOIS 43, that is [of our] concern.

GUSTAVO IBARRA:

Correct. And hopefully this language also doesn't create any issues for RDAP. In other words, if we add this language, we are covering WHOIS 43, web WHOIS, and RDAP without creating any issues. That's the intention.

DENNIS CHANG:

Yeah, yeah. So just to make it clear, I was originally thinking that we needed this for the RDAP, but that's not the case. We don't need it for the RDAP, like Roger suggested. And [inaudible].

GUSTAVO IBARRA: For the RDAP there is a work in progress that is going to [inaudible] perspective to find this.

DENNIS CHANG: Okay. So let me give Sarah the floor. Go ahead, Sarah.

SARAH WYLD: Hi, thank you. So I just have some questions. I don't have a strong opinion on how we should proceed here yet because I have questions. So I love the idea of taking the text. I am all for removing unnecessary language, but if we don't tell the registrar what to do, then how do they know what the expectation is? Is there an expectation documented somewhere else that I should be aware of?

So for example, as I said in the chat—sorry for repeating myself—the fax number. Say the domain owner decides not to provide the fax number because that is an optional field, but then they consent and opt into publishing the registrant contact. Right? So now we have the registrant contact with a blank field, but we haven't told them ... And maybe the answer is that ... So yeah, we haven't told them what to do. Right? So what do they do? Thank you.

DENNIS CHANG: Marc.

MARC ANDERSON: Thanks, Dennis. So, Gustavo said almost exactly what I wanted to say. So Thanks for that, Gustavo. It was well put. I think we should be careful,

maybe, to realize that there are two different concepts in play here. Right? It's what to do when there's no data and what to do when the data has been redacted. Right?

So let's make sure we're talking about two different things here. And I think Gustavo said it really well. Data does not exist. That's pretty clear. In RDAP you generally—although there are exceptions—you generally would not return a field where data does not exist. And so that's pretty well accounted for in RDAP. In WHOIS, it's a little less clear. Frankly, there are some circumstances where you'd return a field with blank value, and there are some circumstances where you'd return no value. And I think Gustavo pointed out that there is some existing precedent there, but it's not always super clear. And there is a possibility for different implementations.

And WHOIS hopefully will go away in the near future, but it's not—or, sorry. Port 43 WHOIS will hopefully go away in the near future, but it's not there yet. So I think that's a good point.

And then Gustavo also made the point with redacted that there is, within the IETF, a proposal for specification on, very specifically, how to handle redacted fields. Full disclosure. Two of my colleagues at Verisign and two people at GoDaddy ... I believe Roger is one of them, actually, is one of the authors.

So I think that IETF specification will clearly define how to handle redaction in RDDS, and I am supportive of that one. So thanks, Gustavo, for raising that and bringing that up here.

DENNIS CHANG: So to Sarah's concern about how would the registrar know. The answer to that question is that they would know because they can see the direction from Gustavo.

[inaudible]. Gustavo, go ahead.

GUSTAVO IBARRA: So the answer is for RDAP [inaudible] is clear. I mean, the RFCs are clear how it's handled. I think it's going to be even clearer once we have that draft policy in RFC, the ones that Marc was also talking about. The issue is WHOIS 43 and web WHOIS. There is no policy language or contact language saying how you deal with missing data.

As I mentioned before, the only thing that we have is in the Advisory. The section [inaudible] the Advisory.

DENNIS CHANG: I got you.

GUSTAVO IBARRA: But the Advisory, as I mentioned before, is not policy. So that's the issue that we're trying to [deal with] here.

DENNIS CHANG: Okay. So let's do this for now. For one, I think what I'd like to do is accept this change. And then we can consider it further [inaudible]. But what

we have about is better than what we have below. So if we accept this change, I'm not sure what would happen. But let me try this.

And then we have this policy language to consider. And now we have a consideration for whether or not we need to [inaudible].

GUSTAVO IBARRA: There's a hand from Roger, Dennis.

DENNIS CHANG: I'm sorry?

GUSTAVO IBARRA: There's a hand from Roger.

DENNIS CHANG: Oh, Roger, go ahead.

ROGER CARNEY: Thanks, Dennis. On that first section that you accepted, I think we need to realize that there's actually two different conditions here. And that is, we're talking about blank and no value. And those are two different things. If you ask someone for their P.O. box and they don't provide one, that's a blank. But if you don't ask them, that means it's not even there.

So I think that you had to look at this as two different things. Not being collected or generated is different than being blank. I mean, a blank is

intentional, where the absence of it is the intention of nothing, no response. So, just something that we have to consider. Thanks.

DENNIS CHANG:

Oh, that's tricky, but I see what you mean. Okay. Marc.

MARC ANDERSON:

Thanks, Dennis. That's a good point from Roger. And I say that because ... And there's nothing I could point to that has this documented anywhere, but generally speaking, where the data hasn't been collected or generated, historically speaking, you would take Option 1. Where the data has not been collected or generated, you would omit the data element from the WHOIS response. I'm just talking legacy WHOIS here. Right?

And in the other scenario, like in Roger's P.O. box where you have a data element but P.O. box doesn't apply, then historically speaking you would generally take the approach of Option 2. The data element would be returned but with an empty value. And so, again, that's just, historically speaking, the approach that's been taken.

I don't think that there's any standard or specification. I think that's maybe just an unwritten convention that people have followed. Right? And Roger's giving me a plus one, so I feel like I'm not speaking completely out of turn here. And maybe Gustavo wants to jump in on that one too, but I think that's a good point. It's a little bit different for RDAP, but at least from a legacy WHOIS perspective, that's how it's been handled in the past.

GUSTAVO IBARRA: When we were drafting the WHOIS advisory, we tried to find a pattern years ago, and we were not able to find any kind of pattern of when it was an empty value, when it omitted. So the only thing that we were able to write in the advisory was that, let's say, if the field is optional, then you have two options. You omit the field or you put an empty value because, as I mentioned, we were not able to find a patterns. So I don't know if that pattern exists, that people are following that kind of implicit role.

DENNIS CHANG: That's interesting. Okay, so not it's as clear about what to do, but I do appreciate the discussion. Here is ...

This is the same comment as we already talked about. Right? Two different conditions, blank and no value. This is what you were trying to explain to me anyway.

Marc, go ahead.

MARC ANDERSON: Thanks, Dennis. Yeah, I'm thinking about some more. I guess I don't feel ... Just looking at what to do with blank or no value, I think I'm constrained to take my own advice and separate the two issues. Right?

DENNIS CHANG: Yeah.

MARC ANDERSON: I guess, thinking between changing it or deleting it or leaving it in there. To Sarah's point, she's like, "Okay, how do implementers know what do?" I think leaving it in gives ... You at least know, okay, where no data has been collected or generated, you must do one of one of these two things. Right?

DENNIS CHANG: Yes.

MARC ANDERSON: So, I don't know. I think that's pretty valid. Those are the two options. Right?

DENNIS CHANG: Yes.

MARC ANDERSON: You either don't return the data element or return the data element with an empty value. So I guess I can see an argument for deleting it or leaving it, but I think leaving it as is okay and may be helpful if you have questions.

DENNIS CHANG: Yeah. Sarah.

SARAH WYLD: Thank you, hi. Okay. Thank you for your patience. I think that I have come around to agreeing with deleting it and I know why. I can explain why.

DENNIS CHANG: Okay, please.

SARAH WYLD: All right. So let's try this. So for data elements where no value has been collected or generated. So the question is, are there any data elements where no data is collected or generated but which are expected to be published? That's the question. Okay.

So then the first thing to look at is which fields, which data elements possibly have no data collected or generated. And I think the answer is that it's only the ones that are optional for the registrar to collect because those could be blank. If it's not optional, the registrar must collect them, so they can't be blank. So those are the data elements that are optional, are the ones I just pasted in the chat.

Okay. So now, are any of those data elements subject to the publication requirement? No, they are not. And that's okay. We know that we've got the right element listed in 10.1.1 down to 10.1.30. So because none of these appear there, we know that there's no circumstance where we would attempt to publish these fields. So we don't need anything to tell

us what to do if there's no data because it doesn't matter because we're never going to publish them anyways. Thank you.

DENNIS CHANG: Gustavo.

GUSTAVO IBARRA: What happens if someone, in WHOIS, writes their phone extension, colon, and then they put “not [collected]” or “no data” or “not available”? I mean, if don't you specify something like this, someone could just go and say that, and that's going to break the potential implementation [or parts of it that are] trying to use RDDS 43 right now, or WHOIS 43.

And maybe this text should not be here. Maybe this text should be on the, I don't know, general section or something that applies to every time that you try to deal with optional fields, let's say.

DENNIS CHANG: That's another idea [inaudible]. Yeah.

GUSTAVO IBARRA: Maybe this is not the right location. But if you don't specify what happens [with the] optional fields or when you don't have no data, then someone could just put “not available” or “not collected” or whatever. I'm just trying to capture the two ways that we discovered that

[registrars and registrars] are doing that right now in WHOIS 43 and web WHOIS, which are those two options.

DENNIS CHANG: That's an interesting idea. Now my mind is wondering whether we can go as far as taking this language and embedding it into even another policy that we are updating, that we're making red [docs] up. So if we can do something like that, maybe we can all be comfortable/satisfied that we are capturing the right requirement as needed.

Now let's me see. I thought I saw Roger's hand, but I don't see it anymore. Any more discussion? Go ahead, Roger.

ROGER CARNEY: Thanks, Dennis. And I think we've said this all along, but we have to remember that we're not talking about displaying of information here. We're talking about the response having this data in it. This policy doesn't talk about what gets displayed on some web page or some web form or anything like that. This policy talks about what the response to a query is.

DENNIS CHANG: Exactly, yeah.

ROGER CARNEY: Just so everybody's clear. Thanks.

DENNIS CHANG: Yeah. It does, it does. Okay. Thank you for the brainstorming, and let us go back and think about it some more and maybe find some position. But I appreciate ... Marc Anderson. I appreciate everyone's flexibility and thinking out loud. That's what we're here to do.

So, go ahead Marc.

MARC ANDERSON: Thanks, Dennis. I echo this. I think it's clear that we're all trying to get to the policy here, so I appreciate that.

I do want to point out on the second part for data elements that are redacted. That points to 10.3.1, and if whoever's driving can scroll down to 10.3.1. There we're saying that the registry operator or registrar must redact the following fields, the following data elements, by replacing devalue with "redacted."

I don't have a solution here, but I know Gustavo is aware of the proposed the RFC for how to handle redaction in RDAP. So maybe if you could take that back and make sure 10.3.1 will take that into account and be flexible enough to handle that. I think that proposed RFC is a good way to handle redaction in RDAP, and I'm not sure 10.3.1 would ...

I think 10.3.1 as written is fine for legacy WHOIS, but I'm not sure it works for RDAP.

DENNIS CHANG: Interesting. Gustavo, go ahead.

GUSTAVO IBARRA: Yeah. It doesn't work for RDAP, for sure, and that's something that I have in my internal notes. And probably willing to say something like, for WHOIS 43, [inaudible] or something like that. Then you need to do this, and for RDAP, something else.

DENNIS CHANG: Yeah. I know what you mean. Yeah [inaudible].

GUSTAVO IBARRA: The issue is that with the legacy WHOIS, with 43, and web WHOIS, we don't have any mechanism to define what to do. Right? It's the same issues with the other one. We used to have the advisory, but the same issue before, the advisory is not policy.

DENNIS CHANG: Yeah. Maybe we can think of an elegant solution for legacy versus the future, maybe using some sort of an addendum or something for the legacy WHOIS case, and narrow it down to that so that when the legacy WHOIS finally gets eliminated or something, as a requirement we can just take the amendment out and we'll still have a clean policy language. Something like that. But I think commingling the RDAP and legacy WHOIS is just making it much more difficult for us to even think about it.

Roger, go ahead.

ROGER CARNEY: Thanks, Dennis. I think Gustavo said maybe a footnote, and you're suggesting a different mechanism. I think that's a great way to do it. And my note from the above text, or my comment is based on this—that the RDAP Working Group does not recommend using “redacted” in the RDAP response.

DENNIS CHANGE: Okay.

ROGER CARNEY: But to your point, we should handle 43 somehow—footnote, addendum, whatever it is. And then we can eliminate in once that sunsets. Thanks.

DENNIS CHANG: Gustavo.

GUSTAVO IBARRA: Yes. [inaudible] mentioning. Maybe the idea is right to make, let's say, the main policy as technologically agnostic as possible because 10.3.1—I mean, the one that you have on your screen—for sure is not technologically agnostic.

And basically under this policy, I don't know, maybe a section saying, “For WHOIS 43 or web WHOIS, this is how you do 10.3.1 and so on and so forth. So in the future an implementer could read this policy and say,

“Okay, I’m not working with WHOIS 43 anymore, so I don't need to read this section.”

DENNIS CHANG: Yeah. More and more, as I think about it, I like that idea. But I want to hear from you. What do you think before we invest a whole bunch of our time? Marc.

MARC ANDERSON: Thanks, Dennis. Yeah, I support having the policy is technology agnostic as possible. There may be limits to how technology agnostic you can do it. But that should be our goal. Right?

DENNIS CHANG: Yes.

MARC ANDERSON: And I’ve always thought, for redacted, the goal, what we're going for with the policy recommendation is that it should be clear to the requestor of the data—whoever submitted the request. It should be clear to them in the response which data elements have been redacted. Right?

DENNIS CHANG: Correct.

MARC ANDERSON: And that, I think is the ultimate goal. However they get the response back, whether they get the response via RDAP, WHOIS, or some other technology—or carrier pigeon, whatever. However you get to response, it should be clear to the requestor which fields have been redacted.

And I think what most people have understood is that, under Port 43, the way to make it clear is that you have matched pairs. You have the field, and then the response is “REDACTED” in all caps, as defined there. And we have this new proposed RFC for how to do it in RDAP which, basically, the short version of that is that there's a separate field altogether which says “these elements are redacted.” And then it lists clearly the element names, all the elements that have been redacted. Right?

DENNIS CHANG: Okay.

MARC ANDERSON: Either way, the end result is that it's very clear and unambiguous to the requestor which fields have been redacted. And that really the ultimate goal here, I think, what we're going for. I know I'm not proposing language solutions, but I hope that's helpful to the IPT when you take this back.

DENNIS CHANG: Yeah, it does. This reminds me of a situation my wife explained to me. She went into the store and she asked for some shoes and they said that they don't have it. But she somehow knew that they truly did but did

not want to sell it to her, so she had to talk to the manager. And voilà, they brought out the shoes.

So I think my layman's understanding of the difference, so the requestor would know if the data is there and it's redacted so they can pursue another approach to get the data or additional credentials or whatever.

Well, this has been a very informative discussion. And thank you for all of your input. We will go back and do some more work and come back to you. I'm very glad to hear that, that RDAP is being worked on to accommodate the redacted concept.

Let's move on to our drafting errors, which is our next agenda. And let me see. The first one on that was Section 8.3. Oh, Roger. Okay, here. Let's see. "I don't recall the IRT agreeing to this intent." Oh, is this the Tech e-mail? Yeah, okay. So this was the tech e-mail and we published this. We wrote this out so that people who read the recommendation and they don't find the Tech e-mail being discussed, we are providing rationale.

"The EPDP Phase 1 Recommendation 13 does not include the requirements ..." So this is exactly the discussion. Yeah, this is why I was under the impression that we had discussed it and decided that this was a drafting error and rewrote this up so that—and this is back in April, I guess—to make it clear and be very transparent to the public that we had made this decision. But if we are going to delete it and if that decision comes to that, then we don't need this.

Although this is a “may” maintain the log files, so it's not just a tech e-mail. This is the “may” requirement that were addressing. Anything more on this, Roger? I think I understand.

ROGER CARNEY: Hey, Dennis.

DENNIS CHANG: We can delete this note.

ROGER CARNEY: Yeah. I think that we've talked about that, and that's—

DENNIS CHANG: Okay.

ROGER CARNEY: And I guess my comment here was a little more specific than before in that the text above in the “may” seemed reasonable, but this did not.

DENNIS CHANG: Okay.

ROGER CARNEY: Thanks.

DENNIS CHANG: Got you. Thank you. The next item is #5, adding original language to the element. What was this one? #5. Oh, this one? Yeah, I don't think there was any discussion here. We're just making it clear. I think somebody has commented that we should write this out. And we did. And so that's it.

And #8. We already talked about that. Right? Okay, that's done. So we talked about the drafting errors, the three items that we had on our agenda. Anything else? There wasn't any additional. So we'll clean this up.

AOB. Now, Sarah wanted to talk about one thing. She alerted us. Implementation note on retention. Right? This part. Correct, Sarah?

SARAH WYLD: Yes.

DENNIS CHANG: I'll give you the floor. Go ahead.

SARAH WYLD: Thank you, Dennis. Thanks, everyone. So we've got the policy language itself about the retention period set. And we're happy with that, I think—last I checked.

DENNIS CHANG: Yeah.

SARAH WYLD: I think that Note C will be confusing to people because it says that other requirements remain applicable and remain in force. That will raise the question as to what other requirements are there. Actually, I think that this recommendation and this new policy changes all of our retention requirements.

DENNIS CHANG: [You do]? Hold on, hold on. Okay?

SARAH WYLD: Yeah.

DENNIS CHANG: Can you repeat what just said?

SARAH WYLD: Yeah. I think that this policy and the recommendation that it comes from changes all of our data retention requirements.

DENNIS CHANG: [All]?

SARAH WYLD: So I think that we have a disagreement as to the scope of this change.

DENNIS CHANG: Okay. All data elements.

SARAH WYLD: Yes.

DENNIS CHANG: You mean not just registration data, but all data elements?

SARAH WYLD: So, yes.

DENNIS CHANG: All data, all information. I'm not sure. That's why we created the material list of, I'll call it things.

SARAH WYLD: I understand.

DENNIS CHANG: The things that that we've got to keep and keep track of.

SARAH WYLD: Yeah. The list of stuff, absolutely.

DENNIS CHANG: Yeah, a list of stuff. So that's why I was thinking. Our data is called registration data.

SARAH WYLD: Right.

DENNIS CHANG: And it's focused and narrowly defined for registration data, and that's what we're dealing with. I never thought that we had any intention of trying to replace our retention obligation for the contracted party with this policy. That is far out of scope. I thought you said it was far out of our scope, too. No?

SARAH WYLD: So I'm not suggesting that we need—although I might be wrong—I'm not suggesting that we need to go through a bunch of other policies and make further changes. I'm just saying I don't think that there are retention requirements outside of this, in this policy or in the RAA, that need to be maintained. And I'm sorry to anybody who doesn't want to be in this moment, but it might mean that we do need to go back through your list of stuff because I did have some disagreements with what's in that list.

So I think, as it is written now, this implementation note will cause confusion to readers because they will wonder what other retention

requirements there are that are not addressed here. And so I think we should take out Part C. Thank you.

DENNIS CHANG:

Do you know that Recommendation 27 us to go through and update all policies and procedures, and that's what we call ... Well, we have a whole list of red [docs] because of that. And I don't remember us ever discussing deleting any retention requirements from any other procedures or policies, nor I don't think that is the case. So this is a huge difference of interpretation about our policy implementation scope [if] ...

Roger, go ahead.

ROGER CARNEY:

Thanks, Dennis. I don't think we're talking about a huge change. I think if we remove C, then that's all we need to do. And I think that this policy is correct and we don't have to worry about this policy if we remove C.

DENNIS CHANG:

But you just said that there was a big difference—

ROGER CARNEY:

I didn't say.

DENNIS CHANG: No, I mean Sarah said that there is a big difference in the interpretation of—

ROGER CARNEY: That may be true, but—

DENNIS CHANG: People agreed that ... Okay, so our team's job together is to produce language that is not interpreted two different ways in the future by the reader. So if some reader comes and reads our policy language and says, "Well, this this replaces all retention requirements ever for everything else," that's a huge problem for me, I think. I don't see how that's not a problem for you.

But Marc, maybe, has a suggestion. Go ahead, Marc.

MARC ANDERSON: Thanks, Dennis. Yeah, Sarah's words—"I feel sorry for anybody that doesn't want to be in this moment"—echo in my ears. Well put, Sarah. I think this a concert. There's just clearly a difference in interpretation. Right?

DENNIS CHANG: Yeah.

MARC ANDERSON: And it's better to be on the same page than come out of this with two different interpretations.

DENNIS CHANG: Absolutely.

MARC ANDERSON: I'll just start. I don't agree with your narrow interpretation, Dennis. I think in the working group we had a mandate to look at where ICANN policies and contracts we're in conflict with GDPR or potentially put contracted parties in a situation where they had to choose between complying with their contracts and complying with legislation that's applicable to them. Right? And that included data retention obligations.

And when we discuss this with data retention, we spoke very specifically to the retention of data once the data subject is no longer your customer—so after the life, after a registration has either expired or transferred to a different party. So dealing very specifically with data retention after the life of the registration for that contracted party, for the registrar. And what we agreed is that in order to keep data subject data once that data subject is no longer your customer, you needed a good reason. When it came TDRP, that we all agreed.

TDRP was super clear, easy to understand, easy to justify. If a contracted party were subject to some kind of inquiry as to why they were keeping the data on a data subject once they were no longer your customer, TDRP provided a super-clear, easy-to-understand rationale.

If you look at the list, the first one on there is billing contact data. I'm looking at your non-exhaustive list. Item #1 is billing contact details. Right off the bat, when you look at that, for what reason is a registrar required to maintain billing contact details of a data subject that's no longer their customer? And we didn't have a justification for why we could say in the policy that a registrar must keep billing contact details of a data subject after they are no longer your customer.

So we specifically did not have a justification for that, so as part of that Phase 1 recommendation, I would agree with Roger and Sarah here that there is no longer an obligation that registrars must maintain billing contact details about somebody who's not their customer anymore.

I'm that's helpful context in understanding how we approach this question in the working group and why you're coming to a different conclusion than Sarah and Roger. My attempt is to try and [inaudible] detail [inaudible] tried to do in the working group and how we came to the conclusion we did.

We looked at the retention obligations and we said, "Okay. Why are we requiring to keep ...? What reason, what purpose can we identify?" And the only one that we could clearly identify, a reason, was TDRP. And that was super clear, easy to understand, easy to justify, and easily defensible. Right? But for these others, we didn't identify anything, and so that's why it was very specific to TDRP.

DENNIS CHANG:

I see how you're looking at it. I see. Okay, so from my perspective, you know that I'm the project manager for this project. And project scope, of

course, is hugely important to me, for my own project here. And when I say something is out of scope, what I'm mean is that I am not making a determination at all, or a judgment at all about billing contact details. I am being completely silent on it. That's what I mean. I have no obligation, one way or the other, because that's not my job.

But this is hugely different than, "Yes, Dennis, it is your job. That obligation must be deleted." For me to do that, I have to look at the recommendation mandate that allows me, permits me to implement that. Does that make sense from where I'm looking at it?

And you have to understand my situation and the staff's situation. When we produce this policy and publish it, we're not done. Our job from here and forever is to be able to explain and educate to all contracted parties and the community in the future what this means. Right? So I cannot have a condition where two different people can interpret the policy language two different ways. We have to be the one, and being accountable, to say, "This is what it means." Okay?

If you want to talk about registration data that's on this list, on this policy, this a requirement. It's a TDRP data list. That's what it says. But if you want to talk about some other information and retention that is not per this policy, then this policy is not going to tell you what to do. You go back to where that is written in terms of your obligation. And you have to discuss it there with those people that are considering that as an obligation or not. That's how I'm seeing it, and I hope that helps in the way that you understand where I'm coming from. And not just [inaudible], but a lot of people have come to that conclusion and that understanding.

So I'm going to listen, but that's where I was firmly fixed, and I thought I had a very clear understanding. So this is a big surprise and just a big, huge, monumental kind of a change in scope for me that now I have to think about, "Oh, my gosh. I have to think about all retention requirements for the whole ICANN? I don't know if that was the intention of the recommendation." And then what that would say is that we have been missing that requirement, that mandate.

Every time we were looking at the red [docs]—the whole of the red [docs] that we had published so far—we'd have to go back and do that because that's not something that we were doing at all.

So that's what I understand and I hope that made it clear to you how I'm seeing it. So it's not just simply removing a note and then ignoring it. No, I will not do that. I will actually make further notes to make sure this says one thing or another. So let's make sure that we work hard to do that.

Marc, you have your hands up again. Go ahead.

MARC ANDERSON: Yes, and thanks for that, Dennis. Even though this maybe isn't the most fun conversation we're going to have, I think Sarah was right to flag this. And we need to—

DENNIS CHANG: Yeah. Thank you for flagging it, really.

MARC ANDERSON: Yeah. We need to make sure we're on the same page or this will just lead to more problems and confusion down the road. Right?

DENNIS CHANG: Yeah.

MARC ANDERSON: So better to address this now. For what it's worth, the data, as I understand ... You said at one point there that we have to look at data retention for all of ICANN. I disagree with that.

DENNIS CHANG: Okay.

MARC ANDERSON: So Phase 2 Recommendation 21, data retention. I'll say that applies specifically to registrars. So it's just the registrar's data retention obligations that we're talking about. I think registries actually don't have data retention obligations.

DENNIS CHANG: That's correct.

MARC ANDERSON: And I don't know of any other policies or procedures that are applicable. Right? So I think we're only talking about a registrar's retention application. So that may help you with scope a little bit.

DENNIS CHANG: It does, it does.

DENNIS CHANG: Maybe not everywhere

MARC ANDERSON: Registrars [inaudible].

DENNIS CHANG: It's just registrars. Right?

DENNIS CHANG: That's what our policy language says, so we will not be confusing Recommendation 21. So that's good. It doesn't say "registrars in registry operators." It just says "registrars." So we made that clear. Okay.

MARC ANDERSON: Or anything else in ICANN. Right? It's just registrars obligations.

DENNIS CHANG: Right.

MARC ANDERSON: And we tried to clarify. In Phase 2 we were aware that there was some confusion with the Phase 1 recommendation. So we tried to clarify where we said “registrars must retain only those data elements deemed necessary for purposes TDRP,” we were trying to clarify that that is the only data retention obligations that we could identify for retaining data beyond the life of a registration.

So I totally understand and appreciate your points, Dennis, which is why I think it's important that we resolve this now.

DENNIS CHANG: Yeah, yeah, yeah.

MARC ANDERSON: I know we're super short on time, so maybe I'll just stop talking now.

DENNIS CHANG: Oh, we are already out of time. Thank you for alerting me. Yeah, we are. Yeah, we need to talk about this again. And seriously, this is a very serious change in scope in my mind. [inaudible] policies, Registration Data Policy. And that means a lot to me. So billing data is not a registration data [inaudible]. I don't care and I don't want to tell you what to do. If you come to me about my policy, I'll tell you what to do.

But I can't [advise you on] billing data for retention. That's how I'm going to respond. But yeah, if I have to change that, then I have to be very, very clear why and how I am allowed to do that.

SARAH WYLD: Dennis, can I just jump in for one little comment about the billing data, specifically that might be helpful to how we think about it?

DENNIS CHANG: Sure.

SARAH WYLD: So I think the data that you're looking at, the billing data, this is not separate from registration data. Right? It's not referring to the payment information that the registrar or reseller stores in their payment processing system. This the billing contact that used to exist on a domain registration. Isn't it?

DENNIS CHANG: So you see it—I see now. Maybe that's the problem. That you see things as registration data. I see things as non-registration data. Maybe that's the point of the—

SARAH WYLD: Right. I think I'm disagreeing with your excluding that from registration data, although I'm also not sure that I'm agreeing with the scope of only registration data in this policy.

DENNIS CHANG: Oh, really?

SARAH WYLD: But that's fine. That's a separate question that I think doesn't really matter right now. My point was just that I don't see a difference between that billing data and the other items in [3.4.1] of the RAA. Thank you.

DENNIS CHANG: Okay. Sorry. Roger, one more comment. We've got one minute. Go ahead.

ROGER CARNEY: I was just going to be real quick, Dennis—thanks—and just point you to the implementation guidance on Recommendation 21 of Phase 2 as well just to support what Sarah's saying on other things. And again, we don't have to talk about it now. I was just wanting you to take a look at that. Thanks.

DENNIS CHANG: Thank you for your advice/input. Thanks, everyone. And I'll talk to you again. Good discussion. It's important. Bye now.

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

[END OF TRANSCRIPT]