
CLAUDIA RUIZ:

Good morning, good afternoon, and good evening to everyone. Welcome to the ALAC Monthly Teleconference Call on Tuesday the 23rd of November 2021 at 16:00 UTC.

On the call today, on the English Channel, we have Maureen Hilyard, Cheryl Langdon-Orr, Olivier Crépin-Leblond, Joanna Kulesza, Abdulkarim Oloyede, Adrian Schmidt, Alfredo Calderon, Carlos [inaudible], John More, Jonathan Zuck, Justine Chew, Laxmi Prasad, Lianna Galstyan, Matthias Hudobnik, Pari Esfandiari, Raymond Mamattah, Sindy Obed, Ricardo Holmquist, Roberto Gaetano, Sarah Kiden, Sivasubramanian Muthsuamy, and Priyatosh Jana.

We also have Hadia Elminiawi, Judith Hellerstein, Alan Greenberg, and Wale Bakare joining us now.

On the Spanish channel we have Carlos Aguirre. We're still working on the French dial out for now.

We have received apologies from Holly Raiche, Satish Babu, Claire Craig, and Natalia Filina.

From staff we have Heidi Ullrich, Silvia Vivanco, Evin Erdoğan, Gisella Gruber, Yeşim Sağlam, and myself, Claudia Ruiz, on call management.

We also do have French and Spanish interpretation on today's call. And we also have real-time transcribing, which I will put the link if anyone would like to follow along. And a friendly reminder for everyone to

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.

please state their names when taking the floor so that the interpreters can identify you on the other language channels.

Thank you all very much. And with this, I turn the floor over to you, Maureen.

MAUREEN HILYARD:

Thank you so much, Claudia. And welcome everyone to our final meeting of the ALAC for this year. We were considering holding it at our usual time in December, which would have fallen on Christmas Day. Then we considered against it. So we know that around about our ALAC meeting date in December, there'll be a lot of people on holiday, really. So we're making this our final meeting.

And of course, we've got a busy, busy agenda. The usual work that we normally do during a whole 90 minutes is going to be compressed, of course, within 45 minutes or so because we actually have a guest speaker. Göran Marby is popping in. I wonder if you notice that I'm still in ICANN72 mode. I didn't realize until I turned my camera on that I still had the background for the readout that I did for APAC last night. I'm in those fond memories that we have of ICANN meetings, and ICANN meetings. But bear with me that I've got that background.

Okay, so getting on to our agenda. We've got the normal activities. We'll have policy and other updates. We've got a couple of liaisons who actually have some updates to give today before we move on to our guest speaker who are Göran Marby and León Sanchez, our regular who is going to be with us again at this meeting.

And I just had added another AOB which I guess it's [still there]. But just to remind you about the ABRs that are due in about six weeks. But most of that time will be holiday time, so we do need to make sure that people get their requests in in time to pass on to ICANN.

I've been rushing through the agenda just from memory because I haven't asked Claudia to move it up as I was going through it. But everybody should have seen the agenda. And if there's anything that anyone would like to add or anything to it. Otherwise, we'll just adopted and get going. All right. Thank you very much.

So let's start with, as we normally do, with the action items from the last ALAC meeting, and also any action items that came up during ICANN72. Because I'm leaving that role up to Heidi because there are a few items there that actually are staff related. Is Heidi with us?

HEIDI ULLRICH: Yes. Hi, I'm here, Maureen.

MAUREEN HILYARD: Okay. Thank you, Heidi. You can take over.

HEIDI ULLRICH: Yes, thank you. Hi, everyone. I wanted to first go through the action items from ICANN72. There are not that many. If we can scroll down, please. Some of these are actually notes, so don't be fooled by little square box.

Really, the only one I believe we have from the joint ALAC and Board meeting. The ALAC will provide written clarifications in response to the Board scorecard.

I know we'll talk a little bit about the updates on the Board clarifying questions, so the two pieces of Board advice from the ALAC, later in today's call.

There we also have one from the joint ALAC and GAC meeting that Joanna, Cheryl, and a small team will be working with the GAC Public Safety Working Group to develop and joint white paper. I understand that the GAC is still discussing that. So once they're ready, we can go ahead and move that forward.

And then another one from Evin. This is from the joint AFRALO/AfrICANN meeting with Evin to add all joint AFRALO/AfrICANN statements since the Brussels meeting to the At-Large website. I know that has been done, and perhaps Evin can go ahead and put that information into the chat for those who are interested.

And then there's also one. The final one is from the At-Large Leadership Wrap Up where we had Edmon Chung on about that call. And Jonathan was to brief Edmon about the End User Survey. And I believe that one has been done as well.

So that's where we are with the ICANN72 action items. So we can move to the ... Yeşim, can you go ahead and put the action items from the September meeting in, please? They're linked to the agenda. Okay.

CLAUDIA RUIZ:

Hi, they're showing.

HEIDI ULLRICH:

Yeah. So if you could scroll up to the, let's see. Okay, they're all ticked, but there is one ... Oh, here. There is one. September 28th. So Cheryl, Maureen, and myself to provide an update on the CRM and Metrics at the next ALAC meeting. So I'm going to read a summary here. Okay, so this is the summary on that action item.

"The CRM project involves a complex and iterative process for implementation. For the last eight months, the At-Large support staff have been focusing on data entry and the attendance records of the ALAC calls from their establishment to the present. This includes the attendance of ALAC members and At-Large members. Once they have completed in pulling the data from the ALAC calls, they will then start inputting the attendance records for the CPWG."

And then we'll obviously continue with various other working groups.

"At large staff have also had regular calls with the Org Team, leaving the rollout of the CRM as well as with Maureen and Cheryl." Obviously, Maureen is the ALAC chair and Cheryl is the chair of the ALAC Subcommittee on At-Large Metrics.

"And as the data entry nears completion, At-Large staff will work closely with Maureen, Cheryl, and the Subcommittee on At-Large Metrics to identify the metrics to be measured and the types of reports to be created to show the metrics." And we will continue to update you at key milestones.

And I think that is the end of the action items.

MAUREEN HILYARD:

Thank you very much. Thank you very much, Heidi. Is someone wanting to say something?

Just about that last item, I'm quite aware of the issue of the amount of work that is required putting the data into the system. And that has taken a long time. I have been, as Heidi will know, that I've been trying to push that through but they're constrained by all the other activities that they're involved in as well as this extra work. So Cheryl and I will definitely work on that. But thank you.

Are there any questions or comments or anything out of those action items? Great. Okay, cool. Thank you very much. You know that you can always put your hand up if you've got something to say.

Okay, so now we move on to the real work. And, of course, it always starts with our ALAC policy development activities. And I'll pass this over now to Olivier and Jonathan. Thank you.

JONATHAN ZUCK:

Hi. Here I am. So this has been an unusually slow summer and fall, I think, for policy. So there's been a lot of breathing room which I think is good because we now have some fairly large tasks ahead of us in the form of the Board questions on Subsequent Procedures, for example, and the Board questions on the EPDP. So that's the focus going forward.

But there are a couple of things that we have commented on including, most recently, the ALAC just voted on our response to the call for public comment on the Latin Root Zone Generation Rule where we had both some procedural concerns and some substantive ones.

The procedural concern is that a group of experts sort of formed over the course of that exercise, and we expressed concern that they were the only ones who were deciding whether something seemed confusing or not after they had already become experts, and that broadening out that survey process might be worthwhile.

And then we made some specific recommendations with respect to the Latin Root Zone Generation Rules with respect to capitals, underlining, and a couple of other things. So everyone's obviously had a chance to read that and you voted on it. So that's been our most recent work. I feel like what's the big thing that is in front of us now, as I said—and these are other agenda items—but it's responding to the Board questions on the two large pieces of advice that we provided. So I think that's what we'll be doing in small teams coming up.

And then, as Maureen mentioned, we've gotten volunteers for a small team to work together with the GAC on DNS abuse. And we're waiting for them to provide their volunteers as well, and we will move forward with that.

Olivier, do you have other things that you wanted to add? Is Olivier on the call?

OLIVIER CRÉPIN-LEBLOND: Yes. Thank you very much, Jonathan. Thank you. I don't think there's very much else to add. The teams that have been following the policy development processes have been very hard working. So most of our calls, rather than focusing on individual policy comments have been really going through the processes of asking sometimes people on the call what they think about specific directions that some of the PDPs could take.

It's a very different way to work than a few years ago where individuals were taking part in PDPs. On this occasion now, it's really the people that are on the PDP are acting ... They're not really liaisons as such, but they certainly are directed towards the view that that is found within the Consolidated Policy Working Group.

And sometimes I guess it's hard for these people because they might hold different views themselves. So I just wanted to recognize this and to thank all the volunteers that are really helping with this to make this really truly bottom-up. Thank you.

And, of course, we call anybody else interested. Anybody interested, please join.

JONATHAN ZUCK: That's definitely a good point, Olivier. We've been exercising these so-called representative models from PDP 3.0 where we're doing these round trips with our workgroup representatives in the CPWG which I think is kind of the model we're adopting for all work groups whether or not the PDP is officially labeled as representative or not. So we're trying

to figure out a process by which folks are briefed and then surveys are handled.

And some of it is experimentation. Sometimes we're asking the questions before people completely understand them, and so we're trying to figure out what the best process flow is to make sure that people are able to give informed opinions about the direction that we should take.

We've certainly expressed some concerns within the Transfer Policy PDP about a couple of different points. One being about a Losing Registrar providing some kind of a confirmation, requiring some sort of confirmation from the registrant. And then at the same time, there are some issues related to locks that are interesting as well. But there's this sort of de facto practice of a 60-day lock that's probably longer than it needs to be.

So these are some of the questions that we're dealing with. And some of it's kind of technical and difficult to follow, so we're working on how to make sure the CPWG is able to be up to speed in order to provide valid opinions on these issues. So it's a work in progress.

MAUREEN HILYARD:

Are there any questions from anyone on that? I do acknowledge, too, you'll note if you have accessed the agenda on your own computers that there are like five little separate groups there already and the expanded use of many of our qualified people, or very interested people, in those areas who have joined the teams and are learning more

about and contributing more to the different topics that have been brought up before the group.

Olivier.

OLIVIER CRÉPIN-LEBLOND: Thanks very much, Maureen. I think that you've put your finger on something important, and it's people who want to get involved more. This working group, the Consolidated Policy Working Group, is all about policy. And it's really the mainstay of what At-Large does. The advice that it provides to ICANN and to all the processes that are taking place. And it's always been a bit of a struggle keeping up with everything that is taking place altogether at ICANN. So we always need more volunteers and new volunteers.

And sometimes we do some people saying, "Oh, I'd like to take apposition of responsibility. I want to be on the ALAC. I want to be on the Board. I want to be on this committee." But in fact, it really starts ... The first step if you want to grow is to start being interested by the topics that are being discussed. And you'll soon enough become an expert in this by focusing on the topics that you're interesting in. Because you are surrounded by people who also started out as newcomers that then became experts over time.

And trust me, it goes pretty quick because, you know, we are a community that helps each other out. And I have seen people that have gone from knowing very little about a topic to actually studying it and learning through it and finding that it's something they really enjoyed.

And you are at the edge of policy work there. You really are. So it's both challenging but also it's something that you get a lot of happiness out of. You become rich but not in the question of richness as in coins and things like that. But rich as in the amount of knowledge that you can gain very quickly in a friendly environment. Thank you.

MAUREEN HILYARD:

Thank you. Thank you for that, Olivier. Thank you so much. And what we're doing at the moment, for example, with the Transfer Policy group is, to those who are unaware, we've got the actual members who are the participants in the discussions at the actual meeting of the PDP. And their alternate are those who are on standby in case the members are not available. But they also contribute to the discussions in the CPWG.

But also the ALAC observers. And this the group that Olivier was talking about, that you be an observer and contribute to the discussions, learn more as you [inaudible] developing knowledge about a particular policy area or bringing your own experience to that discussion.

So there are those three levels within the group. So there is opportunity for everyone to participate and learn more in an area of interest. And of course, we have the Transfer Policy, the IGO, the Intergovernmental—no, what was ... Olivier will probably tell me about that tone.

But there are all those different groups that you can actually have an opportunity to join. And plus, just being part of the CPWG and listening to all our experts discussing all the interesting things that they do.

Oh, Olivier , you had your hand up again. Thank you.

OLIVIER CRÉPIN-LEBLOND: Yeah. Thanks for this, Maureen. I was just going to help you out with the crazy amount of acronyms that we have here [up close]. The Transfer Policy one is about transferring a registration from one registrar to another registrar.

And you know what? A lot of us might have purchased a domain name and then want to transfer it to someone else. Or even within our own thing, want to go for a better deal or something. And it's really cutting edge stuff because the number of problems that people are faced with and the details. When you start going into the details of it, it's quite fascinating.

Not just the transferring something but, as you know, there are some that would like to transfer your domain name to their name, but they have no rights to it. They are criminals. And so there's always the complexity associated with trying to curb off criminal activity and so on.

The one on the IGOs is intergovernmental organizations. And that's to do with the rights of the intergovernmental organizations with regards to domain names; whether they have special rights to register some domain names or some domain name extensions and so on over you and I. Over the normal people. Not that IGOs are not normal, but they ... Well, some of them think they have special privileges.

Then the Temporary Specification—the Temp Spec, as it's nicely written there—is not an acronym. It is just a shortened thing for the Temporary Specification for Generic Top-level Domain Registration Data. And that's all brought forth by the work that was done in Europe with regards to

the General Data Protection Regulation. So that protects names. There also needs to be some kind of a balance found between the provisions to make to safeguard the registration data and also provisions to make sure that the criminals don't make use of this.

And then the one on IDNs is Internationalized Domain Names. It's all those names that are not following the Latin character set. And that's also quite a fascinating field when you think that there are thousands of scripts around the world, and there are hundreds that have now been implemented as ready for Internationalized Domain Names.

And the RDA Scoping Team is the Registration Data Accuracy Scoping Team because if you have any registration data, it needs to be accurate. Otherwise, it's worthless.

Oh, dear. So many things to do; so few people. Let's hope we'll have more volunteers. Thank you.

MAUREEN HILYARD:

Thank you so much, Olivier, for that explanation. And I notice that there are some further explanations in the chat as well. So thank you for that.

So that leads us, actually, very nicely onto ... That's the end of the policy session. Are we done? I just wanted to make sure that were done on the policy area. Olivier, is that your hand? Oh, okay.

But it does lead us on to what the CPWG does. And of course, it's advice as well as the public comments that have just been described that we contribute to. And with Board advice that we give, the Board actually

now has a new process and they want to make sure that they cover everything that is more specifically what we're actually advising.

So Jonathan, if you wouldn't mind just going over what this new process is and what sort of advice we've actually given over the past months.

JONATHAN ZUCK:

Oh, sure. I think the organization as a whole is a little bit overrun with recommendations and advice and things like that, and so I think the Board and the Org are trying to find a way to organize, prioritize, and potentially better understand some of the advice that comes in.

And so on both the advice on the EPDP on GDPR as well as the ALAC advice on Subsequent Procedures, the Board has come back with clarifying questions both in terms of our intentions behind that advice—you know, what we specifically mean—and also how it's prioritized vis-à-vis other action items.

And so our process is going to be to submit advice and get these questions back from the Board, and then answer them and then do a conference call with the Board to make sure that we're being as clear as we can about what it is that we're recommending and they're being as clear as they can about the barriers they see or the challenges they see associated with any individual piece of advice.

I think that we did sort of an orientation call on this concept with respect to Subsequent Procedures. And it's clear that it's easy to form some misinterpretations or misconceptions about what our intentions

are vis-à-vis some of these things because of the pointed nature of some of our advice.

So I think that this greater exchange of information between the ALAC and the Board is going to be very valuable and allow us to really boil things down to what's most important to us and put those things squarely in the radar of the Board. So that's the basic back and forth process that's going to happen going forward to this advice.

The other thing that we've tried to do ... There have been certain questions where it wasn't even clear what we were recommending because we were trying to explain ourselves and the recommendation embedded in that advice can get lost in the shuffle. And so we're also trying to have a practice of bullet pointing the actual advice in addition to the explanatory document as well so that it can be very specifically addressed by the Board.

So again, I think it's an experimental process of information exchange, and hopefully it will lead to more discussions between the ALAC and the Board and some productive outcomes with respect to the interests that we are endeavoring to represent.

MAUREEN HILYARD:

Thank you, Jonathan. Are there any questions or queries? At ICANN72 there was a great discussion with the Board about this advice. Yeah, we felt that we were explaining it all in our documentation, but they wanted clarification, and still do, on various ... Well, they are actually requesting clarifying ...

They've got clarifying questions on the advice that we've recently sent to them, and I know that, for example, in the Subsequent Procedures where there's like hundreds of recommendations—not hundreds, but it just seems like hundreds—they want to be more specific about that.

Yes, I see Alan has his hand up.

ALAN GREENBERG:

Yeah, thank you. Just a quick note that we did receive a few questions from the Board on the EPDP Phase 2 advice we gave, and we'll start reviewing it tomorrow on the CPWG. For those who are interested, you should come to that meeting. Thank you.

MAUREEN HILYARD:

Yes, thank you. Those notices are really good to bring out when we've got a really good crowd as we actually have today. Thank you very much, Alan.

No other questions or queries on that? Okay. Well, we certainly are moving along. Let's go to our next item. So if we can move the agenda right up to ... We're at #6, is where we're up to. And that's Evin.

EVIN ERDOĞDU:

Thank you very much, Maureen. This is just a review of current ALS and individual member applications. You'll see on the agenda, if you have it in front of you, you can go through the tabs at the top that show a snapshot of the current ALSes as well as the individuals that are either applying or have been accepted to At-Large.

So for ALSes there are currently 252 At-Large Structures. There was one recently certified from AFRALO. And that is the Internet Governance Forum of Côte d'Ivoire. There are quite a few undergoing some due diligence. Actually, three of them. Including a new one from a NARALO based in Puerto Rico.

And for individuals, currently the number stands from last month at 153, but there are quite a few applications—four of them. Two from AFRALO, one from APRALO, and one from NARALO. So stay tuned for more individual member updates.

And that's all. Unless there are any questions, back to you, Maureen. Thank you.

MAUREEN HILYARD:

Thank you very much. Thank you very much, Evin. Any questions or queries on the membership? Just to mention that we've got, with the membership, the whole thing about the ALAC and At-Large encouraging members to come in into our community. This is very much the role of our Outreach and Engagement Working Group which is a working group that we hope we will get more participants into.

I'm not quite sure whether Daniel's available, but we're into the area of Item #7 which is to do with reports and updates from any of our liaisons. And we've already had the CPWG give their report, but we actually have two other working groups—the Outreach and Engagement, and the Operations, Finance, and Budget group—that may have some important updates to give.

And I have been notified that our new GNSO liaison has an update to give. I'll pass that over to Justine.

JUSTINE CHEW: Thank you, Maureen. I hope I can be heard.

MAUREEN HILYARD: Yes, you can.

JUSTINE CHEW: Great. Thank you. Just very, very briefly. I'm not going to get into substance of issues, but I just wanted to highlight that I have been working on a new reporting format and I'm sure that staff can put the link in. I think the link appears in the agenda Wiki as well.

But the way I'm going to approach my work as a liaison to GNSO Council is to basically go through—thank you very much[, staff]—is to basically go through the agendas for each Council meeting as well as in between Council meetings—the work of the Council meeting—and to draw on highlights of Council's business as in when they may relate to ALAC or the At-Large.

And then from there on to also facilitate direct communications with the ALAC-appointed members to any of the GNSO. For example, if a matter comes up with the GNSO Council that affects the Transfer Policy Review Working Group, then I can pass on information or whatnot, whatever is relevant to that particular working group, through the ALAC-appointed members.

Also, of course if there are any comments or updates in terms of GNSO policy or PDP or work that needs to be brought to the attention of ALAC ALT-PLUS CPWG, ICANN do that [as you might need it]. Thank you.

MAUREEN HILYARD: Thank you very much. Thank you very much, Justine. Marita. You're muted, Marita.

MARITA MOLL: I thought I unmuted. Hi, everybody. I just wanted to make a quick note to make sure we don't forget about the operations and Finance Team. We're the people who look at the budget and how things are being paid for or proposed to be paid for. And as we all know, what happens often depends on whether or not the money is in there in the budget to make sure it happens. So this is also an important work group for people who are interested in financing and planning. We would encourage you to join that.

Our last meeting was really about the additional budget reviews, but we are often having briefings from people at Finance and Planning about the work that they're doing. So it's also really interesting work and not policy per se. But very important as far as keeping track of what goes on at ICANN. Thank you.

MAUREEN HILYARD: Thank you. Thank you, Marita. And also taking note within that area of looking at the work that Org does—the operations of ICANN Org—they have an operating plan and there are 15 activities of projects that

they're involved in. And one of the things that we've actually always been talking with ICANN Org about is the amount of workload that comes to CPWG and onto the workload of our community.

So what we did within the Operations Working Group is that we prioritized. We decided to look at those inaudible and decided that, yes, what's important to us as a community. Marita's got the responsibility of a multistakeholder model activity that the Org is actually working on. And that was top priority for us. And so Marita has got a big role to play in working with the team to make recommendations about how we can actually contribute more to the way in which ICANN Org is actually working on that multistakeholder model and improving the system.

And it's good to have a team—Operations, Finance and Budget Working Group team—working on providing some input into those suggestions. And so we've got five different teams that will have five little subteams, similar to what the CPWG has got with their small teams working on different areas. And it's a good way to involve more people, different ideas from different sectors about how we can make some improvements. And that whole thing, too, about our work during this next year. We'll be looking at our work plan in the new year.

But it is looking at how we can work smarter. And I think that we've already got some very good systems in place for actually doing that. But we just need your support. We just need you to join us and be part of that whole process. And we've got some really good leaders working with us on that.

So any other reports in regards to the liaisons of working groups? It's not compulsory. Just what [inaudible].

But we've got a few more minutes to go before ... I know that Göran said he'd try to make it at 5:45 in the morning my time. I'm not quite sure where you are, but he's got a few more minutes to go.

So I'd like to actually just bring in the issue of Item #11 which is the AOB that I wanted to add just as a reminder about the Additional Budget Requests because this is the final meeting of the ALAC and it is my last opportunity to actually bring it to the attention of the whole team that we—I just had a reminder from Joanna—but just a reminder for RALOs and ALAC members.

Remember that, as an ALAC team we could do a cross-community request so that anyone who is interested in putting in a request, I know that the RALO chairs are organizing a meeting. So if you've got any ideas, make sure that you get it to your RALO chair for their discussion.

And if you have any other requests, there is a template that needs to be completed. It must be on a formal template and it must come to the Finance and Budget Sub-committee. The subcommittee is different from the working group. A subcommittee is actually the formal group that is representative of the RALOs. There are two members, an ALAC member and a community member, from each of the RALOs on the Finance and Budget Subcommittee.

So if you have any requests, fill in the template. Hand it to your representative. It must be discussed and endorsed by the rest of your RALO, of course. And we've got to get those in by the 7th of January

because they have to be discussed by the FBSC. And we'll be shooting things backwards and forwards asking for more information so that they're finally ready by the 18th of January which would be the final date because it has to be endorsed by the ALAC at our next ALAC meeting on the 25th of January or thereabouts.

So that's sort of something urgent. Probably more so because we were so successful last year. But it's really important that when you're looking at the ABRs, that you're actually considering what is important to how we can work smarter, how we can work more effectively, and what resource requests might be required.

So that's a set reminder, so I've actually done that. And because I know that Joanna has made a point of letting me know she's here and she, of course, is our new GAC liaison as well as being the vice-chair of our outreach within At-Large, Joanna I'll give the floor to you.

JOANNA KULESZA:

Thank you, Maureen. I was given a homework report on GAC liaison duty, so I'm kind of diligently attending to that homework. But I understand we are under time pressures. I'm happy to [inaudible] anytime. And Yrjö, in his GAC liaison role, has been kind enough to attach the slides reporting on the advancements made this past year with cooperation with the GAC. And that was the only reason why I would ever bug you in the chat message.

But just very briefly, to report on the relationship with the GAC that Yrjö has been wonderfully advancing in the last years. And I will try to follow up on and not take back in any way in the following months. Please let

me note that our cooperation with the GAC has always been appreciated and has always gone quite well, and we are hoping to continue on that with regard to a few topics. You will see them on the slide.

I know that staff is working on having that one slide that Yrjö kindly attached to the agenda being displayed now. You will see that there are quite a few well-established areas where the advisory committees are working together trying to best represent end users, both from the civil society perspective and from the governmental perspective.

We have worked hard on DNS abuse. That seems to be very high on the agenda of both advisory committees. And reporting back from the last general meeting we held virtually, there was a proposal to work on a white paper with regard to what DNS abuse might mean to the advisory committees. But this does not mean that we would that include the EPDP as well as the ATRT3 which might help us better understand how to advance work on certain recommendations that are being made by different communities and different processes, as Jonathan and Olivier have duly noted.

There was a question from the Board during the last plenary meeting on how we could work better with the governments. And there's no better place to ask it than to the two advisory committees. So we did follow up on that question with quite a few suggestions, but there's also an internal activity going on with the two advisory committees, making sure that we do our share when it comes to advancing the understanding of national/regional regulations, how they might impact end users and effectively ICANN's remit.

So that's all I have. You will probably see the slides attached to the agenda. And I'm happy to answer any questions. And that's all the report that I have, Maureen. Thank you very much for giving me the floor.

MAUREEN HILYARD:

Thank you so much. And it's good to see that our new liaisons keep maintaining that excellent standard that we've had in the past from our previous GNSO and GAC liaison. So thank you so much for keeping it up. That's good. I'm sure Cheryl and Yrjö are very thrilled.

So I've just noticed. I don't think Göran's actually arrived yet, but I do note that our favorite Board member is here. And perhaps, I wonder if Göran wouldn't mind when he does arrive if we have a report from León Sanchez who I know is waiting in the wings.

LEÓN SÁNCHEZ:

Hello, Maureen. Hello, everyone. How are you all? It's good to be here again, as usual. Well, it's going to be a brief report. We've had a meeting just a couple of weeks ago when I reported with some issues. Now that ICANN public meeting is behind of us, I want to make you aware of the resolution that the Board passed on November 18th about the next steps in Root Server System governance.

As you might remember, the Board passed a resolution back in July—I guess it was July 2019 if I'm not mistaken—when the ICANN convened the RSS Governance Working Group to develop a final model of RSS governance and RSO accountability. This is based on advice from

RSSAC037 and RSSAC038. It also embodies the principles expanded in RSSAC055.

So back then we established this group, we convened this group. And now we are passed a resolution in which we accepted Recommendations 1 and 2 from RSSAC059. And we will continue to consider Recommendations 3 and 4 from that same piece of advice as part of our ongoing evaluation and consideration of Recommendations 2 and 3 of RSSAC038.

So we have the rec that the RSS GWG to incorporate the success criteria for RSS governance from RSSAC058 into its work. So this means that we will now have a more clear view on what success means for implementing these pieces of advice. So we have resolved and directed this group to incorporate this success criteria. And of course, we will continue to evaluate the remaining recommendations.

We have also directed the ICANN president and CEO to continue supporting the work of this working group and the RSOs in the spirit of the advice expressed in RSSAC058 and RSSAC059. So this is an important resolution, of course, because it continues to build on the RSS governance and, of course, to a healthy and stable Internet ecosystem.

We also held our Board Workshop. We had our usual workshop before the ICANN meeting. And we to three days of activities. As you know, we usually gather for three days. And we received, during this three days, an update on returning to normal operations.

As you know, it has been a topic on top of everyone's mind whether we resume operations where we used to carry them before the pandemic.

And, well, the answer is that, of course, there are no conditions yet to go back to normal. We have been following the A-CMT's recommendations and advice.

The A-CMT is the Adaptive Crisis Management Team that was convened by Org to follow and to advise the Board, inform the Board as to the different conditions and the evolution of the pandemic. So we are working closely with Org through the A-CMT to monitor the evolution of the pandemic, the health conditions, the restrictions, etc.

As you know, we were happy to see some decline on [contractions] and deaths in some parts of the world. But then again, now we see, again, the numbers rising in Europe. It seems like the fourth wave is hitting hard on them. And of course, this could affect an eventual setup of a hybrid meeting in The Hague. Of course it's too soon to tell, but it's definitely something that we will continue to monitor and keep an eye on through the advice of the A-CMT.

We also received an update on the SSAD ODP. As you know, we have held different webinars with the community and there has been a load of information shared with the community about the SSAD ODP. And this information was, of course, also shared by Org with the Board.

We also received an update on the ccNSO proposal for policy on ccTLDs which refers mainly to [inaudible] the ccNSO has been developing. And we also received an update on the EPDP which now, instead of "expedited" seems to be "endless." The E stands for "endless" instead of for "expedited."

We got, also, a couple of updates on the Domain Name Security Threat Information Collection and Reporting which is the DNSTICR. And an update on the fiscal year 21 audited financial statements.

After that, we held the Board meeting. We hold two Board meetings during an Annual General Meeting a regular Board meeting and then an organizational meeting. And in the organizational meeting, we welcomed three new Board members. We welcomed, officially ... You already knew this, but of course there is a protocol for this. And we formally welcomed Edmon as part of the Board. We welcomed Alan Barrett and Katrina Sataki to the Board.

So this is pretty much what the Board has been up to. Of course there are many more activity and details, but we are short on time. And I see that Göran has also arrived, so I would like to open it up for any questions and, Maureen, go back to you. I'm, of course, happy to remain with you until the end of the call.

MAUREEN HILYARD:

Great. Thank you so much, León. And I acknowledge that Göran is here, but I just wanted to ask one question. When we had our Board and ALAC meeting at ICANN72, you were asking for some feedback with regard to your relationship with the GAC. And, of course, we gave our suggestions, but what sort of other suggestions actually came from other communities? And how helpful has it been with relation to what you were actually seeking in improving and enhancing that relationship with government officials?

LEÓN SÁNCHEZ:

Well, you know we've been working with the GAC closely. We have a Board working group that dedicates time to analyzing and taking care of GAC Advice. I think that we are in a very good place in terms of the relationship we have with a GAC.

And as you have seen, and you may remember, we're trying to actually put that model into other advisory committees. And we held a call with the ALAC in which we are trying to use that same model for clarifying advice that comes in from the ALAC. And we try to build, of course, these scorecards that we use to follow on GAC Advice.

So this is proof that the relationship with the GAC is a very good relationship, and the methods that we have established to work along with them are useful and efficient. And again, we are trying to port this model into other activities in registrar to other advisory committees. And of course, we're also always open to any improvement or any suggestions that you may have to improve the way we do things.

So I don't know if that answers your question, Maureen, but it does give you a picture of where we stand.

MAUREEN HILYARD:

That's good. Thank you. We'd just like to know ... I guess it's just that often we make suggestions or offer suggestions during our sessions, and we just want to know what sort of follow-up is being done. You know, have we added any value to what it is that you're actually trying to achieve during these sessions? So that's fine.

And I think what we'd better do, because I know that Göran's been ... Obviously he has rushed from one meeting to us, and we really should take advantage of his valuable time with us. And we've sort of covered a lot of the things that we had planned to cover as well as our second special guest speaker participating already.

But welcome, Göran. We're looking forward to just getting some feedback on the whole meeting, like decisions that have been made. But anything that's on [top] for ICANN Org that we can help you with in the coming year. Thank you.

GÖRAN MARBY:

Thank you. I came in and listened to León. He covered most of the things I was supposed to talk about. So why don't we make one or two reflections.

So back to your earlier question, Maureen. One of the things that I think we need to do better, which prompted part of the discussions with legislation and other ones, is how can we better work together in the ICANN community—Board and the Org—when it comes to legislative proposals around the world, or initiatives? And because what we do today is that we sort of run around between different parts of the ICANN community and go into legal stuff like NIS 2 or the Digital Services Act in Europe or the Brazilians are trying to be members of the OECD. All those things. Or the actions in the UN, especially now with some of the things that the Russians are saying in order to be the secretary-general of the ITU.

But we don't do that together, so to create ... This is why one of the things we asked after ICANN72 was to create, at every ICANN meeting, to have a session where everybody can participate for 90 minutes. And we go through legislative proposals where we can have interaction with the Board.

So maybe we can avoid some of the misunderstandings that happen due to GDPR because there are still people in the ICANN community who unfortunately don't see GDPR for what it is, a legislation that actually prevents the ability for us to have a completely open WHOIS and sort of think it's ICANN's fault. And I think that it's important in the collective group to have those discussions.

It's not because of the Temp Spec that the information is disclosed. Some of the information in the WHOIS system is not open and available. That's because of the legislation. And we have that [from the paper]. And I never think it's anyone's fault. We just have to learn from the process and proceed.

And in the chat, I'm looking forward to Phase 2B so I can have a t-shirt saying, "2B or not 2B is the eternal question ... or eternal PDP." And I see a 2B coming very soon. But I have a bad sense of humor.

And sometimes when we come up with proposals like the Board and the Org about having those interactions, we don't have all the immediate answers to it. Well, we don't have an agenda. The only thing we want to do is to make sure that actually can work together.

And what I think we should learn from the GDPR as a collective institution is that we have to be more aware about legislative proposals

and what they can actually impact. Right now, one of our biggest fights is against the European Commission when it comes to NIS 2 where they have provisions that actually will regulate all root servers in the world all the way down to IANA. And that would be the first time any government actually regulates the underpinnings of the Internet, the things that we're all using to be able to connect to each other on a Zoom call. And we think that belongs in the multistakeholder model and not in the legislative framework.

So we have this fight all this time, and we think together we're going to be even stronger because ICANN, as an institution, is strong. We don't always have to agree, but I think most of us agree on some of the underpinning of the internet itself.

One comment or also reflection. So I heard León talk about that we cancelled the upcoming meeting. And I have to say what seems to be a tragic correlation is that every time the Board is making this decision about going virtual into a meeting ... Remember, all meetings are face to face until the Board decides something else. So we always anticipate having a face-to-face meeting with remote access to it. And then we have to make a formal decision not to have it.

It's not like we're going virtual for the rest of the world. Every time, the Board has to make the decisions. And unfortunately, every time we're tasked with this, it seems like the world is going down in flames immediately after. We're always looking for ...

It was like the first time we did it in Cancún. We were two weeks earlier than anyone else. And now what we see is that it's not only Europe.

Southeast Asia is also very much affected by the fourth or fifth or sixth wave. I've lost count of it. We also see that there's a 30% rise in many parts of the U.S. right now. Africa seems to be the best place right now, which is a good thing.

It's just, from one week to another, it goes from, "Oh, we're slightly positive we can open up" to now countries are thinking of legating that you have vaccine passports. I don't know what that correlation is, but it seems like the team, and together with the Board, has actually quite good intel. It's not easy decisions when it comes to this because we really think we should meet. So I just want to give that reflection onto it.

With that, what other questions do you have? That will be much more fun for me, Maureen.

MAUREEN HILYARD:

Well, I must admit I am surprised that I haven't had people shooting their hands up, or really, with questions for you. But I guess it's sort of like what we're—

GÖRAN MARBY:

Cheryl, why don't you ask me something?

CHERYL LANGDON-ORR:

Well, I'd be happy to, Göran. In fact, I was typing something that I guess was a little bit flippant. But it was a response to your wonder at why every time that we are almost getting to a hybrid or more face-to-face, which we're all desperate for and the Board is challenged with this

decision. And they're making the right decisions in my very humble view. So there you go. Gold star.

But they're hard decisions to make. But of course, the ICANN calendar of meetings almost follows the seasonal changes and mid-seasonal changes globally. So from an epidemiological point of view, it makes perfect sense that as you're coming in and out of the hot or cold cycle in any area, whichever hemisphere we're in, it's very rationale. Quite scientifically based. So don't be astonished. Be proud of yourselves that you're that much ahead of the curve.

GÖRAN MARBY:

I don't know if I'm proud. I combined two of the community's favorite subjects in a speech I gave. I said you can't blame ICANN for COVID [inaudible] as you can blame ICANN for GDPR. And I know that there are a lot of people frustrated with this, and believe me we are very frustrated as well. We constantly plan for the ability to have face-to-face meetings.

By the way, can you take away the PowerPoint in the middle so I can see you guys? It's much more fun.

MAUREEN HILYARD:

Please.

GÖRAN MARBY:

And I don't know how much time you want to have me on this call, but I can be here for a while.

MAUREEN HILYARD: Well actually, we've gone through our agenda. We've actually left the last half hour for you. And we have Sébastien Bachollet who has his hand up.

GÖRAN MARBY: Thank you.

SÉBASTIEN BACHOLLET: Sorry. I was driving. I just got back home. But I wanted to ask you, Göran, maybe two questions. The first one is what is the point of view or ICANN Org about Article 23 in NIS 2? And the second question is how we can involve [inaudible] for any collective project within ICANN by the community? Thank you.

GÖRAN MARBY: Thank you. So the first question. So for you who don't know what Article 23 is about in NIS 2, it's really about WHOIS. And to make it even a little bit more detailed, one of the problem with GDPR ... And now I'm going to be boring again. One of the problem with GDPR is the role of the data control and data processor.

And in the legislation—and we also have that [in writing]—is the contracted party who makes what is called a balancing test. And the balancing test is really about, when the requestor asks for information, that individual has to prove that they have a right to get access to this

data. So there's a lot of proof that the requestor has to make, and then to create what we call a legal intent to be able to process the data.

And all of that, and the judgement of that according to GDPR, is done by the contracted party. The problem with the legislations is that it's really done for someone who has commercial interest of processing the data: social media companies, banks, and other ones who use your data to do something. That's the intent of the law.

Of course, the contracted party has no commercial interest of processing data [inaudible]. They do that because of a policy. They take that risk without the business interest. Which is sort of one of the contradictions with WHOIS and the law. And we've been in long discussions with the European Commission about this. We proposed, for instance, that ICANN Org should be legally responsible for this and not the contracted parties. That didn't work out because the European Commission didn't want to take that on.

So what the legislation now is doing ... And remember that GDPR is a fundamental law. NIS 2 cannot change GDPR. So it cannot change the fundamentals of GDPR, but what it does, it might make the balancing test for the contracted parties easier in the sense that they will know more how they can give out the data.

So that's the background of all of this. So there are things in this that we think from the community, anything that clears out the role of the data control, and therefore contracted parties, we think is good because one of those things that we all have problems is the uncertainties of the law.

And to some extent, NIS 2 clarified some of those things, the role of the controller. But we don't like with Article 23 is that it also takes over the policy making process and dictates things that should belong to the multistakeholder model and not the European Commission legislative proposals.

So to answer your question, Sébastien. That is our answer to it. We will not say that we believe Article 23 is good. We say that it's good to the extent when it clarifies some of the points that we have been asking for for a long time. But we still believe that some of those things should be dealt with in the multistakeholder model and should not be done by legislators.

Was that answer to your question?

SÉBASTIEN BACHOLLET:

Yes, definitely. I just finished a Board meeting of AFNIC and they were very concerned with the way the point of view of ICANN was showing in one meeting a few days ago. It's why I was asking you this question. I think it's important that we need to still struggle for less legislation, less regulation. But a good place for the multistakeholder. And that's a big trouble from where we are today in many topics.

GÖRAN MARBY:

And just to elaborate a little bit on this. We are, of course, working together with European member states, but also non-European member states to put front and center the multistakeholder model's

importance and successes when it comes to maintaining the way that the Internet actually function.

I got a number that 220,000 requests per second currently has been done in the Root Server System. And that's actually what they're fiddling with. If that breaks, you won't get access to the Internet. So sometimes we talk about things like closed generics and all of that, but there is a basic functionality of the Internet that originates with ICANN.

We don't set policies for the CCs. And shouldn't. We don't set policies for the RIRs, and we shouldn't. But technically there is a structure that originates from ICANN through the root server operators out to the U.S. Internet user where the ISPs or the telcos are [an integral] part as well. That has been working for 35 years, flawlessly. You don't mess with this.

And I would say that ICANN has been very successful—together with the RIRs, together with the country code operators—to set policy that actually creates a functionality to the world. And I hate to see that the multistakeholder model that has been so effective is tinkered with by politicians.

I hope some of them are listening to this call, because this is my strong opinion.

Marita.

MARITA MOLL:

Thank you. Along the same line, these legislation things come in. We have our own version here in candida. Proposed legislation to do this

and that to regulate what's happening on the Internet. Mostly content related. I won't get into it.

But the stuff comes in one year and then it changes. And then it changes again. And for people who are otherwise occupied with a whole lot of other things, it's hard to know when to jump on and say, "Okay, we need to pay attention to this."

It would help really in what we're talking about here, things that affect ICANN, if we could have—I know there's nothing quick and easy about this business—but something that we can hang on to with the real-world implications of this stuff that we could then transfer to our RALOs and to our ALSes to let people know because they don't know. This is not on people's radar down below the top levels here. It's just a point.

GÖRAN MARBY:

You're right. So what have we done over the last couple of years? If you look at what Mandy's team is doing, you will find country papers and country reports that we write. And we write them ... When we got notified.

So we write about Russia. We write about China. We write about the Netherlands because we know that our countries have taken positions about certain things. My goal for this year is to set up a better process for that.

ICANN is ... We are not politicians. We should not be politicians. Last week someone called me politically correct during a webinar. That was the first time in a very long time that—actually, I think it was the first

time—anyone called me politically correct. But I took that as a real compliment, by the way. My team hasn't stopped laughing yet.

But the fact of the matter is that ICANN is really strong when it comes to actually talking about Internet functions. And people listen to us. And our role is to go in and say that you just want to know that your legislative proposals might have an impact on a multistakeholder model or have an effect on people's ability to connect to the Internet.

We failed that when it came to GDPR. I wasn't here, but we failed it collectively. We're not the only ones. The intellectual property lawyers, the security researchers. All of them failed to recognize and work with the GDPR's legislation.

And the biggest problem with that is that I'm a privacy person, so it's not a question that I don't like privacy. I have my [bona fides] in there. I was the one who took and killed off the data retention law in the EU personally [by asking regulators to bring it] to the European Court of Justice. So it's not about that, but it's just a badly written law.

So one of the things I really want to make sure that we do better is to work together with you in the community. We can't check 190 countries. We need to get with you guys to tell us if there are legislations around the world that might have an effect on your ability to make policies or people's ability to connect to the Internet. Then we have resources to go in.

And one of my goals which I was given by the Board is all about that so we can produce more country papers. We can interact with

governments, staying within our mission. According to the charter we set up a couple of years ago about how to do it.

But we're going to see more and more legislative proposals. Many of them with good intent, but unfortunately often targeted against social media platforms, having an effect on the underpinnings of the Internet because people don't see the difference.

So, [inaudible] was the second question from you. [inaudible]. So [inaudible] is a program that we're using. It's a long-term problem in ICANN from a bookkeeping perspective. We do multi-year projects, but unfortunately the bookkeeping system, according to a California not-for-profit, doesn't mean that we actually can move money around between years.

And one budget affects us. For instance, when you saw the budget [we did], we cannot take into account things that the Board or community has not decided when we do the budget. So we end up like, "Yes, we're going to be 400 people." Everybody knows we're going to be 440, but we can't put it in the budget because there are restrictions on how we can do it.

So what the [inaudible] is, really, is when the community wants to do projects that we know there's a big project coming down the road and we have money for one year, we can move it technically to another year. So it's a bookkeeping thing in that sense, but it creates these opportunities. We can plan better and we can be more transparent to the community.

And one more thing. It creates this opportunities not to be: this year we can do things for \$120 or 140 million, and because this large, new project comes around, we can only do things for \$110 million. So we will not have this up and down. So it's not something for the community to tell what you want. It's an outcome or process that's come through the multistakeholder model. I hope that answers your question.

This problem has been around for 23 years, by the way, and I'm happy that we finally fixed it.

Alan, I see your hand is up.

ALAN GREENBERG:

My hand is up. I wanted to react to your comments on the fact—and I think it is a fact—that NIS 2 Article 23 wanders into what we would consider policy issues. And that's true. But how things have unrolled within ICANN and within the EPDP, I think, also have to be considered.

There are things within Article 23 that, certainly from my point of view—and obviously from the European Union's point of view—make sense but our contracted parties have absolutely refused to accept. And I'm talking about things like time delays to deliver data and things like that. So these aren't legal issues and liability issues, but they're just operational considerations.

And the other aspect is that we have had many discussions within the EPDP on issues such as the balancing test and under what conditions and to who to release data. And the contracted parties have been very clear. They want legislation in that area. They want regulation because

that gives them a safety blanket against fines or things being levied against them when they do follow these rules.

So there are a combination of things there that are policy, but there are things that we simply have not been able to agree upon or things where the contracted parties actually feel more comfortable with legislation.

So given those two things, I certainly feel quite comfortable with NIS 2 wandering into policy areas because we don't seem to have any other solutions to them. Thank you.

GÖRAN MARBY:

I don't want to be provocative, but I'd say it's a sad thing where some interested in ICANN thinks that a legislations would be positive for their opinions when the multistakeholder model doesn't agree. And I have to say, Alan, I disagree with that underlying notion because I think that the multistakeholder model is more important than that.

I also think that some of the analysis of ... I know that we welcome, as I said, any clarification of NIS 2 to make the roles of the controller more clear. And I think what I hear from the contracted parties is that they want that clarification as well. That doesn't necessarily mean that they ... When I speak to them, I don't get that they think that someone else telling them what to do from a legislative perspective is going to be positive.

We might disagree. And I'm fine with that, Alan. I don't have a problem with disagreement. But I can't see that you can't get your opinions through. And I think when it comes to things like Phase 2, there are a lot

of misunderstandings about what is potentially possible to make with a central intake system. I think there's still a belief that we can build a system that actually circumvents the law.

I think NIS 2 showed very clearly that the legal assumptions that we set up from the very beginning were quite right because they are actually now literally going in and changing some of the things in the legislations that we have talked about for what is now three years.

I truly believe that we are better off to come up with policies in the ICANN framework than legislators are to come up with things that guide us. I can provide evidence. And the other things is that coming out of the former regulator and being part of the political process in Europe and other places, you will never get a law that fits you. You will never get a legislation that fits you in the way that you think is going to be supportive of any interest because legislations, in the end, there's going to be a compromise from different opinions from different countries.

And that's why you have people like León around who can then, in the end, interpret what the law actually says. But it's a very blunt instrument. And I couldn't do my job, and I wouldn't be here, if I didn't have this strong belief that in the multistakeholder model smart people like you, Alan, can speak to other smart people to come up with something that is probably the best.

I believe in the community and I believe in the multistakeholder model. And I believe that sometimes people don't agree. But to have a legislative solution to get your opinions through, I think that's going to be something that hits back to us. An increased regulation of the

Internet is something that could start in one end and it might be looking good. But I tell you it's not going to stop there. And I'm afraid of people's ability to connect to the Internet.

But Jonathan, it's not ... You know, the intent with GDPR ... I stand up and wave any flag [inaudible]. I think that privacy on the Internet is something that is really important for a lot of people. And I think that personal data is misused on many occasions. So I don't have ...

Yes, that is badly written law. It may be a good example, then, of what happens—

JONATHAN ZUCK:

That's what I mean, Göran. Sorry. I'm not trying to be anti-privacy. I guess I'm suggesting that it's a very poorly written law and makes your point for you about the dangers of the legislative process in serving the needs that we hope that they will because you do end up with something like this that's so subject to interpretation and discriminatory application. The GDPR is kind of a mess, despite its best intentions.

GÖRAN MARBY:

Hey, I don't need to sell the multistakeholder model advantages to you guys. You all agree fundamentally about it. [Being personal] here, I think that one of the bad effects that we haven't been able to meet is that we have, of course, created more of a discourse between different parts of the ICANN community because you don't meet in the hallways. You don't have drinks with each other. You don't have whatever [dope]

you're using together. And, yes, the social interaction. So that's [inaudible].

At the same time that we've seen more legislative proposals around the world, we've seen—and it's not only the EC—where suddenly regulation on the Internet has gone from an outlier position to something that is mainstream [talked]. I'm heavily criticized right now in Russian media because I stood up and said that I don't think I agree with the Russian platform of moving the ICANN, ITU, RIRs, and ccNSO over to supervision of the UN which is I think something we have ...

But there is a real battle going, and we as a community and an institution have to recognize that battle. I can speak at length about this. I probably didn't answer your question, Alan, but this is what I feel. That's why we say we agree on the fact ...

And I know that many in the ICANN community do agree. And I think I speak for them on the [inaudible] that people do. Clarification is good. Taking over the ICANN policy positions is not good.

ALAN GREENBERG:

Göran, I have two quick responses. Number one, when I said certain contracted parties would prefer to see legislation, I wasn't giving you an opinion. I was quoting verbatim. Just to be clear.

And I agree with you that the multistakeholder model should be able to address all of these things. But right now, it isn't. And what we have to do to fix the multistakeholder model is an interesting question. And I think we have to face it head on that we are not able, as it stands right

now, to address some of these issues properly. And that's why you're seeing legislation.

So I think that's a serious problem that we have to address, and can't sidestep it by simply saying that, theoretically, the multistakeholder model should work. It has to work in practice, and right now it's not. Thank you.

GÖRAN MARBY:

One thing I don't understand in all of this—and I have to be honest with you guys, I'm always honest with you guys—is that when it comes to GDPR ... And you know that I criticize the contracted parties a lot for a lot of things, but it when it comes to GDPR, I think it's a little bit of an extra bashing to them which I actually don't think they deserve.

But there's one thing you should keep in mind. They don't keep these records for any other reason than they accept the policy making process out of ICANN. They take literally a risk of having the WHOIS data. They don't use it for commercials. And they are the ones without charge who actually have to go through the balancing test to give out the data. That's what the policy is. They have to do it.

And we've gone after—and you know that—if someone has not been giving out the data. We have very few complaints into the ICANN Compliance about someone who doesn't get the data. Very, very few, and it's actually declining.

Without saying that they're doing good or bad, we should remember that four years ago they were very close to losing the whole WHOIS

because of GDPR. We did a fantastic work, I would say, to actually maintain in getting permission from the Data Protection Authorities to maintain WHOIS as databases. That was not crystal clear in the beginning.

We did a really big fight which was the calzone process, if you remember it, that led up to the permission from the data protection authorities who said, "Yes, you can have the WHOIS system. You can have most of the information up. And some of it has to be disclosed. And then you have to have GDPR legislation to get the data out. Which means that you have to go through the process of the balancing test and the requestor has to have it."

So I think that without any shape or form, you're saying that all contracted parties are good and doing a good thing, but you should respect the fact that they're holding up the WHOIS database as it is because it could be said it was against the GDPR whatsoever to even collect that data ... We got the permission to do that and they're actually doing it. And free of charge, they're giving out the data. And if someone else ...

I think it's simplifying the discussion by saying that we would have been able to do so much policy work if the contracted parties [inaudible]. I know about the discussion. But it's not that simple. The contracted parties are legally responsible for maintaining the data and making sure the data's private. And then they have to do a balancing test to get access to this data.

And there's nothing we can do about it. And that's the intention of the law. It's not a bug. It's not something you can work around. That's one of the most firm parts of the law itself, the role of the data controller.

So you and I have had this argument many, many times, Alan. But it's a fundamental fact that we shouldn't blame the contracted parties or ICANN for GDPR, if you're not happy with it. Sorry for being so frank. Thank you.

MAUREEN HILYARD:

I'm going to have to step in here because we're actually at the top of the hour—or the bottom of the hour. But thank you, Göran. We really appreciate that you take time to come to visit us, and that you're prepared to respond to the things that we throw at you. I'm always very appreciative of your honest opinions on various things so that we're actually getting the good oil.

But I also note, too, that one of the things that's been really good by having you and León here at our meeting is that it is our final meeting of the year because we ... I was just explaining to our members that our next meeting would have been on Christmas day and I'm sure that they had other things to do. But I definitely want to thank everyone for being here, and especially Göran and León.

And again, it's our opportunity to thank those people who have actually contributed during the year and for the many years that some have been contributing. But also to welcome our new members. And they're getting a firsthand view of how our leaders for within ICANN Org and of course within the Board, especially knowing that León is the vice-chair

of the Board and actively engages with us in our meetings. We very much appreciate that.

But I'll leave you with some last words, Göran, before we have to close our meeting.

GÖRAN MARBY:

No, not more than that I really appreciate it. I feel like I'm in a safe space where we can share opinions and have discussions and still leave the room and be friends, even if we disagree on things. And that's very important to me.

I'm very impressed that you have the way you're now giving advice to the Board and the discussions we have to come back to you so the Board in a more formal way can actually adhere to the advice so we can understand them.

There is a process for doing that. The Board there is a process for doing that and, but I think that the Board really wants to listen carefully to the formal advice from the GAC. And I think it's a really good thing that you're doing this. So I'm looking forward to that process. The Board and you guys might not always agree on things, but the important thing is that we treat each other with respect and that we have a good process so you know that a lot of the hard work you do doesn't just get lost in the ICANN mysteries.

I've come to realize that a well-functioning multistakeholder model has to have a small layer of bureaucracy in it. Otherwise, it won't be transparent. And that comes from a Swede. We didn't invent

bureaucracy. We made it into something that is very, very Swedish. For good and for bad, I would say.

MAUREEN HILYARD: Well, this is it. And so I mentioned that we would like to thank people who have actually contributed many years of their lives to the work of ICANN, and wondered if had anything to say.

GÖRAN MARBY: “Can we take a picture of your grin, Göran?” No, thanks. Anyway, my friends. Thank you to all of you. I know that I now extended my time and wasted your time, but I always think it’s fun to meet you guys.

LEÓN SÁNCHEZ: Maureen, may I have a couple of words?

MAUREEN HILYARD: Yes.

LEÓN SÁNCHEZ: Thank you, Maureen. Being mindful that this is the last meeting of this year, I also want to welcome the new ALAC members. It is a privilege to serve you all in the Board. And, well, one of the promises that I made when you selected me to a seat in the Board was to try to advance the relationship between the Board and the ALAC. I think we are getting there. I think we have a closer relationship. I think we have a more efficient interaction.

But I wanted to take this opportunity to wish everyone a very happy holiday season regardless of the way that you celebrate, the creed that you have, or the customs that you may follow. From the bottom of my heart, I really wish you all the best during this season. May you be safe and happy with your loved ones, and may this be a peaceful and joyful season for everyone.

I hope to see you very soon again and, as usual, I am only a click away from anyone who wants to contact me. And I guarantee that I always come back at any request. So thank you, Maureen. Thank you, everyone, for one more year supporting me in the Board and for one more year of very good work together. Thank you very much.

GÖRAN MARBY:

Sorry, I forgot one thing. I understand that Cheryl and Yrjö are leaving as liaisons. Thank you, Yrjö. Tack så mycket, Yrjö. Kiitos.

And Cheryl, I don't speak your language. So thank you anyway. I hope that I will get your hugs anyway, Cheryl. I don't want to [scare] you.

YRJÖ LÄNSIPURO:

That's very [high], Göran. Thank you very much, Göran. It's been a pleasure and an honor to serve as a liaison. Thank you.

MAUREEN HILYARD:

Kiitos.

MAUREEN HILYARD: Thank you so much. And thank you to León and Göran. And happy holidays to everyone. Please take care. Best wishes to those people who are actually going to the IGF in Poland. I hope you have an excellent tie and that you keep safe.

GÖRAN MARBY: And be vaccinated if you go there, please. The amount of cases are on the rise in Poland and all the surrounding countries.

MAUREEN HILYARD: Okay. [inaudible].

VANDA SCARTEZINI: Okay. Thank you, all. Bye-bye.

MAUREEN HILYARD: Thank you, everyone.

UNIDENTIFIED MALE: Thank you, Göran. Bye.

CHERYL LANGDON-ORR: Thank you, Göran. Greetings, everybody. Bye.

UNIDENTIFIED FEMALE: Thank you, Cheryl. Bye-bye.

UNIDENTIFIED MALE: Thank you, everyone. Thank you.

YEŞİM SAGLAM: Thank you, all. This meeting is now adjourned. Have a great rest of the day. Bye-bye.

[END OF TRANSCRIPTION]