

WHOIS REVIEW TEAM CALL
Wednesday, 14 September – 19:00 UTC
PRELIMINARY REPORT

RT Selectors and Members

(ET) Emily Taylor – Chair
(KK) Kathy Kleiman – Vice-Chair
(BS) Bill Smith
(JB) James Bladel
(OK) Omar Kaminski
(MY) Michael Yakushev
(SH) Sarmad Hussain
(SK) Susan Kawaguchi
(SL) Sharon Lemon
(SR) Seth Reiss

ICANN Staff

(AJ) Alice Jansen

Apologies

(DM) Denise Michel
(KVA) Kim Von Arx
(LD) Lutz Donnerhacke
(LG) Lynn Goodendorf
(ON) Olof Nordling
(PN) Peter Nettlefold

The WHOIS Review Team (RT) undertook the following:

1. Welcome Seth Reiss

The Review Team Members warmly welcomed Seth Reiss (SR), ALAC representative selected by ICANN President and CEO – Rod Beckstrom – and Chair of the GAC – Heather Dryden – to replace Olivier Iteanu on the WHOIS Policy Review Team. The Team expressed their gratitude towards (SR) for his availability to join the Team in Marina del Rey and encouraged him to read the chapters in anticipation of the discussion.

2. Agenda & Preliminary Report

The WHOIS Policy Review Team resolved to adopt the agenda and preliminary report of their last call (1 September) subject to (LG)'s confirmation on an item.

3. Consumer Trust Research

The WHOIS Policy Review Team discussed expectations for the Marina del Rey meeting. (SK), (KK), KVA and (SH) helped (LG) determine the countries that should be represented in the survey. Based on the RT Members' instructions, the survey company began interviewing 20 individuals. The videotapes of the preliminary interviews will be made available to the Review Team in Marina del Rey. The survey company will report on Wednesday, 21 September and provide an outline of early findings. A presentation and Q&A session are foreseen with a view to defining the next course of actions.

4. Chapters

Chapter penholders provided the Review Team with an update.

- (JB) reported that he had been working hand in hand with (KK) and that the Chapter would be

ready for distribution by the Marina del Rey meeting.

- The Team thanked (SK) for sharing examples of WHOIS look-ups. (SK) added this material to (LG)'s chapter on Consumer Trust and welcomes any comments or wordsmithing requests. This led to a fruitful discussion among Review Team Members:
 - As representative of Registries, (KK) offered to widen the spectrum to minority groups;
 - (BS) questioned the desire to publish information and remain anonymous. All require identification;
 - Right to privacy ≠ Right to anonymity;
 - Etc.

The Review Team Chair reminded the Team that the report should deal with the purpose of the WHOIS.

- Review Team Members have not had time to extensively review (PN)'s document. (ET) noted that there were no opposing arguments. The Team stressed that they needed to hear more from Registries and Registrars. (KK) and (JB) are to help (PN) with pointers.
- (SL) and (ET) reported their work on definitions. In consideration of comments received, (SL) stressed that a decision needed to be reached on whether it is worth continuing the definitional work. The Team agreed that the research conducted on definitions had been very helpful. (ET) proposed to revert to this discussion in Marina del Rey while (KK) stressed that the work had not been wasted (e.g. work on law enforcement led to compliance review and gap analysis) and expressed the enthusiasm that these definitions could be a reference for the Community. (JB) reminded the Team that boundaries should be set.

(ET)'s closing remarks invited Members to familiarize themselves with chapters so that they could all be ready to give editorial comments on sections in Marina del Rey. The Review Team Chair furthermore insisted that it was highly important for Members to all be comfortable with draft chapters as they are. Finally, Members need to bear in mind that the essence of this team is to review the policy not to make it.

5. Recommendations

If the gap analysis is done properly, recommendations should flow. (JB) suggested a preview of implementation before conducting the gap analysis; an approach that could be used to identify different categories of gaps.

6. Marina del Rey Meeting

The Team agreed to dedicate the first morning discussion to gap analysis and to focus on recommendations in the afternoon.

7. Material

(KK) raised the concern that no outreach had been done so far on privacy laws. The Team wondered whether Article 29 discussions should be addressed and agreed to request the access to past submissions, letters and comments of data protection commissioners speaking/writing to ICANN on WHOIS issues. (KK) volunteered to contact Liz Gasster to obtain this information. [Note: (BS) subsequently searched and circulated four documents previously submitted to ICANN by the Article 29 Working Party or its Chairman.]

8. Timeline

The Review Team hopes to issue draft recommendations by the Dakar Meeting (23-28 October 2011) and to conclude the review by the end of November. [Note: this timeline was changed by unanimous consensus at the MDR meeting – see MDR Notes, September 20-21, 2011.]