NCPH Intersessional meeting, January 29th 2013
WHOIS Briefing 18:00 Local time

Coordinator: Excuse me, this conference is now being recorded. If you have any objection you may disconnect at this time. You may proceed when you're ready.

Man: Again, we are about to start so if you are going to be participating in this please take your seats. The recording has started. For those on remote participation thank you for staying with us. I would like to introduce Margie Milam and on the call will also be Denise Michel. Margie?

Margie Milam: Hello again. I just want to confirm. Is Denise on? You don't think she is? Okay, Okay, Okay. Well we'll proceed then.

This hour is dedicated to the Whois issue and as I mentioned before I've just recently joined the Strategic Initiative Department. Denise Michel is the vice president of Strategic Initiatives and she's been charged by (Foddy) the CEO to really take on the Whois issue as part of the implementation of the board resolution.

And just to give you some background before we get to the questions, in November the board considered the Whois review team final report recommendations and essentially adopted a two-prong resolution that has a two-track approach to the issue, the first one being to enforce the existing policy. So whatever limitations there may be with the Whois policy, the concern that the Whois needs to be enforced and needs to be enhanced is part of the first part of the resolution.

The second part of the resolution is really a step back and take on a new initiative to see whether there is a better of dealing with data directory services. And in fact, you'll see in the resolution and you'll see in communications from now on that we refer to the next generation data services, but we don't refer to Whois going forward through the work of the Expert Group.

So essentially it's a two-prong approach and I think I'll first talk about what's going on with respect to the enforcement of the current policy because that's a very important part of the board resolution and the staff initiative. And then I'll talk about the Expert Group creation and what's expected to go on with that.

And so, with respect to the Whois final report recommendations there were a number of recommendations that were presented to the board, and if you look at the resolution from November there's actually a very detailed chart that staff put out that is considered an action plan on how to go forward with each of the recommendations. Although you haven't seen - and I appreciate the concerns that were raised in the prior session, that you haven't seen a lot of activity on it since November.

In fact, staff has been very actively evaluating how to implement each and every one of those recommendations because it is being treated as a strategic initiative, a strategic project, and (Foddy) has really put a focus on staff not just paying lip service to the recommendations, but to actually produce meaningful changes into the way the current policy is being enforced.

And so the way you'll see in the future how that's being implemented and how it's being addressed is - if Maggie were here, she would tell you about the enhanced compliance activities that she has underway. She's reported that the time that she takes to analyze the inaccuracy reports has gone down over

time, so they're tracking how long it takes them to actually go through an inaccurate Whois report. They're working on an aggressive three year audit cycle that will also include addressing how inaccuracies in Whois are addressed.

And they've also spent a tremendous amount of time in looking at beefing up the staff. And as you've seen some of the announcements you've seen that the compliance staff has certainly increased substantially over the last few months to try to make sure that we have the resources dedicated to addressing these issues.

The other part of the resolution that's being actively evaluated right now is the online needs, and I think (Foddy) told you folks earlier this morning that we've hired a new vice president to deal with online services and one of his issues is to look at the needs of, you know, of ICANN and in particular the Whois issues that came out of the recommendations to see how to implement some of the technical recommendations that came out of the report.

So if you're familiar with the details of the Whois - Kathy can tell you a lot about it, but there's several recommendations about beefing up the (Internex), for example, and also - Denise is on? Okay. And also, providing a lot of communication and outreach and education materials to registrants because that's an important part of making sure that the Whois policy is enforced, is that registrants know their obligations and know what happens when they don't have accurate Whois.

So that's that kind of the framework for the first part of the board resolution. And before I go on to the Expert Group, I think I'll invite Denise to say a few words to you as well regarding the resolution and the staff approach. Denise?

Denise Michel: Hi Margie. Hello everyone. Sorry I'm not there in person, but what have I missed and what would you like me to add?

Woman: Hello.

Man: Denise, we're back, if you would like to continue.

Margie Milam: Denise, are you on? Oh, she disconnected? Okay, well I'll just report back to her what came out of this.

                So as I mentioned, the board resolution was two parts. That's the first part, is really - you want me to pause and address questions related to the first part of the resolution first, and then talk about the Expert Group second? Is that a good way of dealing with some of the questions? Because I know Kathy wanted to follow-up on one of the issues.

Denise Michel: Hi, this is Denise. I'm back.

Margie Milam: Denise, yes, we can hear you so if you'd like to say some remarks to everyone.

Denise Michel: Excellent. What would you like me to say? Where are you in the discussion?

Margie Milam: I'm just giving an overview of the board resolution, so I think if you provide a little bit of the staff perspective on the board resolution and the implementation with respect to the current policy that would be helpful.

Denise Michel: Sure, sure. So I heard the words two-track approach and staff is following both equally strongly.

                The first part of the resolution, as Margie may have mentioned, asked the CEO and staff to examine the purpose and have an expert working group help propose a new model for managing what we're terming the next generation of gTLD directory services.

So we're - in December we solicited volunteers and we're almost complete in (unintelligible), the Chair of this group and (Foddy) are almost finished assembling the members and will be supporting their efforts to propose a new model that will hopefully not only guide press contractual changes and additional staff work but of course feed into the policy development process, the PDP that the board has launched.

That's the first track and then the second track is fully enforcing our current obligations and also to increase communications on an outreach on gTLD, Whois and taking the Whois review team recommendations and advancing those objectives and keeping the public abreast of those. And we can go into detail on both of these tracks. Margie, which direction do you want to go first?

Margie Milam: I think we can go with - I think Kathy had a question specific about the Whois review team recommendations. Kathy?

Kathy Kleinman: Yes, the question was - you talked about outreach to (unintelligible) and what they're obligations and what they consequences are, but a good part of the outreach recommendation is outreach to the community outside of ICANN, who cares very deeply about these issues, like law enforcement and data protection commissioners and others who work in the field who don't follow everything ICANN does because it's, you know, hard to follow what ICANN does.

But the idea that we would let them know if something big was happening -- and something big happened. We created an expert working group kind of in the dark of December and we didn't outreach to them, I don't think, unless there were efforts I didn't, you know, that weren't shared.

So, just to let you know, that's part of the recommendation as well, is that there's a lot of groups that care to be (unintelligible) Whois outside of ICANN. They're not every call for working group. They're not following every comment. We have to let them know when something's moving so that they'll

participate. And this is what they asked us for, because we reached out to them in the review team, and this is what they (said).

Denise Michel: Right. So, yes. And so, for the Expert Working Group, we use a number of different channels to encourage people who normally aren't involved in ICANN activities to consider participating in the Working Group. And I think you'll find, when the Working Group members are announced, that we have quite a broad cross-section of not only people within the ICANN community with expertise in different areas related to this, but also senior executives from other areas, other markets that have nothing to do with ICANN or Whois but have some deep experience in areas that are applicable to this challenge.

So, we undertook a number of different ways of outreaching to communities that aren't normally engaged in ICANN for this expert working group, and then more broadly in long-term (unintelligible) and the Global Engagement Team has a comprehensive new engagement plan that they're developing and will be speaking about more in the short-term, and they're very much incorporating many of the needs in this Whois data services area in their engagement plan.

Margie Milam: Thank you Denise. (Unintelligible)

Man: John Berard.

John Berard: Sure. This is John Berard with the Business Constituency. Regarding the Expert Group, the Expert Group, how big is it? How many people will be on it ultimately? What's the geographic spread and what's the professional spread? I mean, doctors, lawyers, Indian chiefs, that kind of thing?

Denise Michel: Yes. I'm sure we have a lawyer. I'm not sure about a doctor and an Indian chief. And they will be announced soon.

So the number of hasn't actually been finalized. As (John Francois Burell) and (Foddy) have been, you know, considering the applications and also recruiting some senior executives, and wanted to put together a team of people with a range of operational and executive experience, some with knowledge of registration data collection, some expertise in (unintelligible) accuracy issues, Whois privacy, security, of course law enforcement and standards (support) all those types of things. And in a couple of different markets they'll bringing some outside and a fresh expertise to this.

So you'll get all the details when the group is announced. I'm expecting is to come in around 15 but ultimately the decision is with (Foddy). Did you have another question about this that I can answer before the team's actually announced?

Margie Milam: No, I think that's good. We'll go to the next question.

Man: Steve.

Steve Metalitz: Steve Metalitz from the IPC. I guess I've read through this resolution and the attachment many, many times since November and I think I understand the process that's being set in play here, but let me - please tell me if I do. As I understand it -- this is in the first-prong I guess -- it's a three-step process. It's going to be the Whois experts. It's going to have its work done within 90 days. By the way, we're now at about day 75. It hasn't been.

Woman: (Unintelligible)

Steve Metalitz: (Unintelligible) then there's going to be an issue report issued. That won't happen until after that Whois Experts Group is done or at least the CEO determines it's far enough along that there could be an issue report that the staff will generate. And then there's going to be a board requested PDP, step three. That's all going to be by the end of this year. Do I have that right and if

so, how (unintelligible) this contentious issue by the end of the year when it probably isn't going to start until the summer?

Denise Michel: Yes. And so, obviously we've slipped a bit on our anticipated start for the Working Group, the Expert Working Group.

I think - of course, it's more important to get this right and to get this done quickly, but I think we're still looking at ideally a February to May timeframe for the Expert Working Group's actual work. The staff has already started working on the preliminary issue report, which, you know, primarily contains the (unintelligible) and constituency stakeholders. That will be done by Beijing. And of course, the final issue report that starts the PDP process will ideally incorporate the output of the Expert Working Group.

Margie, did you want to add anything else about that PDP aspect of this?

Margie Milam: Sure. Yes, she's right about the timing. Because of the - I mean, I'm very (unintelligible) of the PDP timing. We're kicking off the preliminary issue report before the Expert Group has completed its work. So the idea is by Beijing you would have the preliminary issue report published (before) the comment -- that's part of the process in the bylaws. And then after Beijing (unintelligible) go through the comments and then - do I hear an echo? Okay. And then wait to release the final issue report when we have the output of the Working Group. So at least that period of the PDP process would be truncated.

And the other issue is - the purpose of doing the Expert Group work is to facilitate the work of the PDP, so you've something to start with as opposed to the typical PDP where there may be a little bit more, you know, more free-flowing. And at least the attention will be directed upon what was suggested as the output from this working group. Hopefully that, you know, and hopefully in the report that gets published and that accompanies the Working Group's effort will maybe highlight some of the reasons why they chose one

approach versus another, which, again, may help facilitate the work in the PDP.

So anyways, that's, you know - the idea is, you know, it's really up to the Council and the Working Members to work quickly so that we can do the best we can (to) staff to help that process along by essentially giving them something to start with and that was the intent behind that request.

Steve Metalitz: But the intent still is to complete a PDP on this by the end of the year?

Margie Milam: It's certainly possible. I mean, it's still not impossible at this point to do that. And is this a question of how fast the work - the Working Group doesn't finish till much later than, you know. Obviously, time wise, it may very much more difficult to do that.

Man: (Michael).

(Michael Adams):   Yes, (Michael Adams) on behalf of the IPC.

I want to ask you a question about the board's directive on data accuracy. As you well know, the directive has proactively identified potentially accurate information of gTLD data registration and I thought I heard you mentioned something about that initially. I didn't know if that was a three year audit cycle that you were talking about. If it's not, I was wondering if you could elaborate on the plans and how ICANN intends to go about identifying inaccurate information with, presumably, a very large data set.

Margie Milam: Denise do you want to address that or would you like me to?

Denise Michel: (Unintelligible) you can also, you know, chime in.

Obviously, the Vice President of Compliance, Maguy Serad, would be the best person to go into details on this, and I encourage you to connect with her if you can while you're still in L.A.

But compliance has planned and has already launched a three year audit program, which includes the review of inaccuracy responses. ICANN's also starting to investigate some additional tools that can help with inaccuracy compliance, potentially. And the compliance department has also already shortened the compliance investigation cycle. It used for inaccuracy complaints.

And also related to inaccuracy, they're requiring the proof of registrar's investigate efforts for every Whois inaccuracy report filed. They've also - in general, they've made progress in centralizing and streamlining the whole range of compliance subsystems and processes and developing some metrics and improved reportings, so you'll have more regularly and more detailed reporting on their efforts in this area.

That's (not) all the detail that I have at this point. Happy to provide you guys with more in-depth information from the compliance staff. Margie do you have anything additional to add?

Margie Milam: No, I think that covered it.

(Michael Adams): Just one really quick follow-up on it.

Unless I misunderstood you, you were talking about investigating accuracy complaints. Did I understand that correctly? Because here's my question, I'll just put it out there. Is that board resolution is that proactively identifying?

That to me, unless I'm misreading it, would read to be to take affirmative action to go out and not follow-up on complaints but to essentially audit the Whois system to see what's accurate and inaccurate, not just follow-up on

complaints. So I just want to make sure I understood that correctly or incorrectly.

Margie Milam: Sure. Well, one of the things that actually we're not anti-compliance but part of our professional online services efforts will be one of our experts will be exploring how to use an automated tool to do this type of proactive, you know, accuracy investigations. You know, large data samples, those types of things. Different from an audit but - and as we get further along in scoping out this project we'll have more information for the public on this.

Steve DelBianco: Steve DelBianco in the BC. Hey Margie.

Yesterday, you described it and also in your introduction you described this experts group as wanting to take a look at the current uses and purposes of Whois and yet that doesn't wash at all with the resolution. The board used the word redefine, not define but redefine.

And then Denise described it as saying the Working Group, the Expert Group will "propose a new model as part of their charter." To propose a new model, was the words Denise used. So this is a diametrically opposed sort of view of what this expert group will do and it would be so helpful to understand the charter that they have in the front of them, as well understanding how it fits in to feed into an issues report, because typically we feed into an issues report by investigating the status quo -- how is it being used -- for which I thought the perfect starting point would have been those five studies of Whois.

Kathy and I and many others here worked on defining studies of Whois, four of which are done, one of which is still pending, two of which I think are due very soon, and those included looking at misuse of Whois. Who are the folks who used privacy and proxy? Are there any privacy and proxy abuses and privacy abuses that we need to avoid in the future?

We also want to look at do privacy and proxy services relay and reveal reliably for purposes of figuring out? And all of that would be consistent with an evaluation of what are the purposes of Whois, how is it being used, and that would feed into, I would think, (Alicia)'s report. But Denise, if you're right, this working group will "propose a new model" that isn't how we start PDPs in the GNSO and I know you know that, so help me understand the contradiction here.

((Crosstalk))

Margie Milam: ...Denise.

Denise Michel: Yes. So, I guess I don't see that as a contradiction.

And first of all, the Expert Working Group members will have all of the background information and history of ICANN and communities and board's effort in the area related to Whois, including the previous policy work on the Whois studies that have completed and the one that's in progress.

So I have all of that as background for their work. But that citation (adds) that the Working Group will, you know, will start at the basics and for their activities to find a purpose of collecting and maintaining the registration data, and then move on to the (unintelligible) and the methods of safeguarding that data, consider the operational concerns that have been raised in collecting, maintaining and publishing and using the data, and also look at issues related to accuracy, data protections, access issues.

And, you know, potentially factor in IDN requirements and also look at things (for) privacy proxy services and from that develop actually a propose and ideally a strong-end model for managing the gTLD registration data.

I don't see that as inconsistent with the PDP -- I see this all as hopefully really useful input to a PDP. And it will be the GNSO's job to take the output from

the Expert Working Group and determine whether it can be moved forward as a new policy.

Steve DelBianco: Denise, if I could follow-up...

Woman: (Unintelligible)

Steve DelBianco: The way the resolution reads, I guess, is the Expert Group would do something that's (unintelligible) descriptive and a (straw man) that's normative, if I understand you correctly. And I'm glad to know that they'll be given the study.

But it would be great to understand the charter for the Expert Working Group's scope of work, if you could share that. And I understand when it's finished that work would then feed into an issues report, which would then generate a PDP because the board has requested a PDP and by golly, we'll do one as fast as we can.

Denise Michel: Right.

Steve DelBianco: But the Expert Group and an issues report and then a PDP -- if that's the order it follows, I think it's fair for us to say let's look at the charter for this expert working group.

Denise Michel: Sure, and I think it's reasonable to expect that the sub-charter and scope of work for the Working Group will be published.

Margie Milam: Thank you. I guess I just - it's probably a statement Denise. Thank you for joining us and I know it's not always as easy to participate remotely, as we just have learned from the small technical glitch here. But thank you for joining us.

The view of the Business Constituency has been that the status of recommendations from review teams that are generated from the Affirmation of Commitment for review team processes have been expanding. And I guess I'm sort of looking for an assurance that the board is not starting over on recognizing that after all these recommendations came from an Affirmation of Commitment generated review team and that this is really an effort to build on the recommendations that were made.

Denise Michel: Yes thanks Marilyn. That was put very well.

I mean it is indeed an effort to, you know, fully enforce our existing commitment, you know, especially as outlined by the review team. While at the same time again taking a page from the review team that that current (unintelligible) is not fit for purpose launching this expert working group and this PDP process to address that sort of future issue.

So the board and CEO -- this is a high priority for them. You know, every time they gather this is on the agenda.

It's on the agenda twice actually for the board retreat. They want in depth updates on it.

Something that (unintelligible), you know, one of the few items that (unintelligible) always mentions as his priority. I'm working on it, Margie's working on it, we have a whole cross functional team that's focused on this effort.

What else would you like to know?

Man: Okay thank you Marilyn. John Berard?

John Berard: Sure. John Berard, business constituency. Just a housekeeping question.

Am I to - I see in the Power Point presentation this working group is to provide periodic updates to the ICANN community. So does that mean it will operate as the RAA negotiations have and no one will be able to listen in on the deliberations?

Woman: I don't believe we've defined what the processes are going to be for the expert working group. Other than we are aware of the Beijing meeting coming up and the expectations in the community that they like to know what's, you know, happening.

Denise do you have anything else you want to add on that issue?

Denise Michel: Yes so we've obviously a working group hasn't formed yet. But we've sort of already committed them to periodically keeping the community updated and we have a placeholder in the Beijing meeting for interactions with the working group.

Hopefully they'll update some progress. And they'll certainly be there to hear the community's input.

But all the other details of how they'll be, you know, functioning as a working group have not been settled yet. Will be determined after they meet for the first time I imagine.

Woman: Do you have a suggestion John of what you'd like to see?

John Berard: I think for speed probably be good to limit it to the members of the working group for transparency. It would probably be good to open it up or at least allow - let us listen in mode.

But I suspect that there'll be - no matter what decision you take you'll also take some crap so.

Denise Michel: That's what we get paid for.

Man: Thank you. Kristina Rosette your question please.

Kristina Rosette: Thank you. Kristina Rosette IPC. And I apologize if it's in the Power Point which for some reason isn't working well in Adobe.

But I want to go back to the point that Margie made about if I heard you correctly Margie that you think at this point it's still possible to get a PDP started and finished this year. And I'm kind of trying to wrap my mind around that.

And what keeps coming to mind is Kevin Murphy's description about a PDP taking about as long as the gestation of an elephant. And I kind of have - I have two questions.

I guess first is -- and this goes to I think a bigger question that might be more helpful for the community. Is to have a very clear revise to reflect the current state of events timeline as to this is when the expert group is expected to start work, this is when they're expected to provide their deliverables, this is when the preliminary issue report is expected, boom, boom, boom, boom, boom.

So the community has some degree of certainty as to when we can expect to see all these things happening. And that second kind of extrapolating more broadly one of the concerns I think throughout many parts of the community is how long it takes for a PDP.

And, you know, obviously to assume that one could get done before the end of this calendar year means that it would be one of the fastest ones. And where I'm going with this is that if in working on this particular there have been some new ideas about how we can possibly expedite or streamline some of the process I think that would be very useful to share more generally

so that we can apply it to other PDPs that are either, you know, about to start or may start in the near future.

Woman: Yes that's a good suggestion. And certainly if it's helpful for the community to at least see a timeline of how it would, you know, how the PDP process, you know, would fit in with the expert working group's work I can certainly, you know, put something together for you all.

Man: We have three people on the list -- Kathy Kleinman, Wolfgang and Wendy. Kathy please.

Kathy Kleinman: Okay. Three things. First an apology.

We had agreed to kind of separate the two tracks -- the who is review team recommendations and the expert working group. So if there - and I don't think you ever had a chance to present the overview.

I think Denise did some of it. But does anything else on the overview of the expert group you want to present I just wanted to invite that.

The second is a warning. As you - with the 90 days that the expert working group has with the who is review team providing the history of the who is Wolfgang just sent around something that said there's over 27,000 pages of (unintelligible) work.

We have the new studies as well which need to not just be shared but synthesized. I mean not to share so everyone can read the raw data but synthesize.

There's a lot of material there. I can share with you how difficult it is for people from outside of ICANN to put their hands around it.

Just that can take months because we did some of that with the (unintelligible) review team. So here's my question actually goes back to the who is review team recommendation.

And look - and the prior sessions. The REA, this is looking at the who is review team compliance.

And here's the question which is I'm hearing questions here about inaccuracy and verification of inaccurate information. The who is - and the question is what phases does that apply to?

The who is review team set a standard for inaccuracy of contactability. And I was wondering how that's playing out across implementation of the who is review team recommendation by ICANN staff.

Contactability meant that for the purposes of who is as we understood them under existing policy not every element needed to be fully accurate. You needed to be able to contact the registrant if there was a problem.

And that that contact could be an accurate email, an accurate telephone number, an accurate address. It didn't need to be all three.

And that's all of our - the recommendations were based on that standard of contactability. And I haven't heard anyone talk about it.

So I'm wondering what does inaccuracy mean? How are we embracing this contactability especially since people are so concerned frankly about their physical addresses?

Woman: Just to answer that quickly the RA - in the RA negotiation the part that we didn't talk about very much this - earlier in our earlier session was that the validation of the who is. And where we are is really focused on the aspects that the who is review team was talking about.

Is the registrant, you know, contactable. I mean certainly there's some verification that's a formatting of the fields is correct, some sort of, you know, there's a little bit of that in the specification that's been proposed.

But the actual verification is at this point from the registrar perspective it's either email or telephone. And then from the ICANN perspective it's both and that's what we're going to negotiate next week about.

But really the elements we're talking about are contactability and not, you know, at this point verifying, you know, that the person who is in the registrant in the who is field is that person. We're not talking about that.

It's from a contactability perspective that the negotiations and carrying that issue forward. And the resolution from the board, you know, talks about PDP, talked about expert group but it also talked about contract negotiations.

And so we're well aware that that's, you know, to be part of the negotiations.

Man: Wolfgang.

Wolfgang Kleinwachter: Yes thank you very much. Wolfgang Kleinwachter from the NCUC.

You know, my question is, you know, how the government are involved in all this -- this ongoing discussions. Because in the Toronto communique the government announced that they want to have a so called early engagement in certain policies.

And, you know, if I remember the Toronto government meeting then I was a little bit surprised to see that different governments have a different approach to the issue. While some governments like Australia said okay, before I come to the meeting I consult both with law enforcement and the data protection

commissioner to give a balanced view about our government's approach to the issue.

While other governments just, you know, had either no consultations or just consultations with law enforcement. So that means does this play a role?

Or, you know, do we have any idea how to bring this to, you know, a certain level where we have indeed, you know, (unintelligible) stakeholder process? You know, that we have heard all sides before we come to certain decisions.

Or that those within the government or those (unintelligible) stakeholder. And the early engagement is certain, you know, a great for the governments.

But do they really do this? And what is the experience here? Thank you.

Woman: Actually I think (unintelligible) when I addressed this because it's a broader issue, not only the who is but, you know, how to get Jack involved at an earlier point. And I know that the policy team has been working in trying to enhance, you know, communication with the GAC to get that kind of input. David do you want to say anything specific?

David Archbold: Yes thank you. Wolfgang you make a good point.

And as part of the ATR recommendations of how to get the GAC more involved in the policy process we have established a pilot project based on our policy update where we provide the GAC with the beginnings -- notification if you will and a brief one pager of the beginning of each PDP -- both within the GNSO and the CCNSO. Could be the case in the ASO as well.

So that they have an idea of when the process has started. This of course there is no formal notification process within the GNSO procedures.

But there is in the CCNSO procedures. And so we're starting this as a way to provide that information in advance - the beginning of the process.

It happens through email and informally in that sense as the GNSO secretariat sends around the GNSO council has approved the following PDP. It's sent to all the SOs and ACs of which the GAC is part of that.

But we're providing this one pager that's linked to the GNSO website that provides the information and the background as the issue progresses through the PDP process. So that's posted on their public website.

And it's also provided in notification to them through the GAC list each month. So it's - should that become the PDP or that process starts or if there's some public comment periods related to that we also flag that within the GAC list and on the GAC website.

Next on the - Wendy and then Steve (unintelligible). Wendy please.

Wendy Seltzer: Thanks. Wendy Seltzer. I wondered whether you could say anything about one of the recommendations in the who is review team report referred to in the board's briefing materials was the creating of a single who is policy. And that would serve lots of useful purposes like collecting all of this voluminous material that's been developed over on who is over the years.

It also would hit that line between policy and implementation as I'm sure there will be disagreement among different folks about what exactly is in that who is policy. So I wondered whether you could share any more about what is being done to develop that.

Woman: Denise you want to address that one?

Denise Michel: Sure. So the legal team has that on their list of items that they're working on. And what we would like to do for all of the review team recommendations and work related to the objectives laid out in the team's report is to start a sort of simple way to allow the public to track progress.

And provide sort of an outline of what the - of the work that's being done relating to each objective. And give you an easy way to track the progress.

And provide regular public updates. But I don't have a delivery date for that yet.

But I'm happy to look into that and get back to you. Thanks.

Woman: I think (unintelligible).

Kathy Kleinman: I'd like to clarify also that it really - the recommendation really wasn't about creating a single who is policy. There is a single who is policy.

It's about creating a single who is policy document. Because policy got scattered all across the universe.

And it was about putting it in one place so people don't have to read an infinite number of contracts the way I did.

Denise Michel: Right. Yes that's for clarifying that. Well the next one idea from the review team.

And that's what is being implemented.

Man: Next is Steve Metalitz and then Marilyn Cade if you still...

Steve Metalitz: No, okay.

Man: Steve.

Steve Metalitz: I guess I want to step back a minute and talk about the who is review team recommendations and how the board reacted to them. I think what the who is review team accomplished -- and I take my hat off to Kathy and the other members of the review team -- was quite remarkable.

                  This is a very contentious issue obviously. And this was a team that was drawn from all sectors of the ICANN community.

                  And it reached a number of unanimous recommendations. I think all the recommendations were unanimous.

Woman: Every one.

Steve Metalitz: Which is quite an accomplishment. And I know I've heard it said -- I think I've even heard it said today that the board adopted the recommendations of the who is review team.

                  And I just have to say if you read this document -- the resolution and the appendix -- they - this chart that the staff put together has something in each column on board action. There is something against each recommendation.

                  But it isn't the same. In many cases it's quite different.

                  The board did not adopt all the recommendations of this review team. And if you compare this to how the board received all the other affirmation of commitment reviews it's very different.

                  So I'm quite concerned about the precedent that this sets, the incentives that it gives for people to step forward and devote the time that I know Kathy and others did to this difficult process and be kind of an authority if you will that comes from being a review that ICANN is obligated to undertake. Not simply

because it thinks it's a good idea but because it made a very solemn commitment publicly to do - to governments to do so.

And I'm really - I'm quite concerned. I hope that the outcome will be good and that the - and it will come quickly and, you know, good things will happen.

But I'm quite concerned with how the board treated this report. And I just wonder if Denise or Margie, you have any insights into is the board - does the board think it was approving the recommendations of the who is review team?

And if so why didn't it say so? And how does this - what impact is this likely to have on future affirmation of commitment reviews?

Denise Michel: Excellent sets of questions from Steve. I think it's safe to say that the board takes each affirmation of commitment review team report, you know, treats each one, you know, individually.

They don't view the reports as, you know, precedent setting or applying to future reports. They, you know, carefully consider public input and in depth analysis on each review team's reports and recommendations and then take actions based on that.

I've been at ICANN for a long time. And I have rarely seen the board members provide and spend so much time and go into such great detail on all of the elements of this who is review team report and recommendations.

The - I don't know if you'll recall the - there was a delay in posting -- what was it Margie? The supporting material?

Because the board members themselves were still providing, you know, specific wording and providing additional guidance on their rationale, on

actions that they expected. They were extremely engaged in the details of how - of helping to guide staff on how this would be implemented.

I think, you know, part of the challenge and what sets this who is review team report apart from say, accountability and transparency and the SSR review is that the accountability and transparency review team recommendations were, you know, by and large, you know, very straightforward. Most of them fell wholly within either staff's purview or the board or the GAC.

There was no question of who had authority to carry out the very specific recommendations. Similar with the SSR review.

That was not the case with all of the who is review team recommendations. And for those of you who have been through the who is, you know, battles of the past you know how complex this area can be.

And some of the recommendations were not wholly within the authority of the staff or the CEO to carry out. Some of them -- while the board embraced the objective -- found that implementation was, you know, more challenging and complex.

And so the - in the whole the board's spent an enormous amount of time going through these recommendations, talking about the different ways they could be implemented, the different activities that (unintelligible) was and could undertake. And where the staff wanted to go with the objective and the overarching goal.

Not only with the who is review team recommendations but the more long term goal of defining a purpose and potentially new model for who is. So, you know, I understand the - perhaps the frustration of not having a, you know, two sentence resolution that says, you know, adopt and implement.

But getting into the details of these recommendations and the authority to fully implement them as written and the need to look at them sort of as - some of them as objectives and look at the different things that staff and board and the community could bring to bear to implement the objectives. It, you know, turns out to be a much more complex resolution and a much more complex sort of rationale and implementation plan.

Margie do you have anything to add?

Margie Milam: Yes. And I think the other thing to highlight is the - as part of the public comment on the final report we received the input from the SSAC that really asked the questions of, you know, what is the purpose of who is.

And essentially before you proceed on this path, you know, you should have a - look at it from a holistic perspective. So the board was also looking at the SSAC report.

And previous SSAC works. I think you may have seen some board resolutions in the past -- I forgot which - Steve might be able to point out which one.

But, you know, try to change the terminology where we were no longer talking about it as who is. But really trying to look at it from a different perspective.

You know, data, you know, directory services and, you know, there's a difference between receiving the information and then actually what gets published, you know, publicly. And so it's part of a bigger effort to really try to address the, you know, issues with the current policy.

And then the other issues that the review team work was limited to the existing policy. You weren't able to look at if you, you know, asked them is there a better way to do this?

Or, you know, to make, you know, it more effective and more accurate. But that wasn't the scope of their work.

And the SSAC report really highlighted those issues. So that's just another dynamic that played into the discussions.

Steve Metalitz: Thank you. I appreciate those responses. I'm not sure what in the who is recommendations the staff would have had authority to implement. I understood Denise...

Denise Michel: Well I mean as an example Steve if I may -- the ICANN staff doesn't unilaterally have the authority - the ability to ensure that say the who is registration that falls into the (unintelligible) group says substantial failure and full failure as defined in the NORC inaccuracy study. That we can ensure that those are reduced by 50% in a year.

And another 50% the following year. That authority does not rest - or ability rest with the staff. That requires partnership and collection of activities. Not (unintelligible) in the review team report to carry out.

I mean some are straightforward. We can gather together all the existing policy and conditions and who is and put them on a webpage.

But others like I just referenced of a 50% reduction in a year is not wholly within the staff's authority to execute. So we take the intents and objectives and we're, you know, developing a -- sort of a multifaceted plan to help move towards that objective.

Man: I'd like to thank Margie and Denise Michel for participation. And we're glad to have Denise connected to us. So please join me in thanking both of them. We now...

Denise Michel: Thank you guys for the opportunity. And I'll be in LA tomorrow so I look forward to seeing some of you in person. Good night.

Man: Good night. Thanks Denise. Now we will hear from Rob Hoggarth on tonight's activities and logistics back to the hotel.

Robert Hoggarth: Thanks David. For the operator I think we can stop the recording and thank all of our remote participants. Very much appreciate your active engagement in the sessions and look forward to some of you joining us tomorrow. Thank you.

END