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COMPUTER VOICE: This meeting is now being recorded.

JAMIE HEDLUND: So, Ashley, Bartlett, Eleeza, Marika, Mary, Stephanie Perrin, Steve Metalitz. Who is that 202 and then 0298?

PATRICK CHARNLEY: Patrick Charnley. I don't have a number on the Adobe.

JAMIE HEDLUND: Okay. And then 7900, was for someone in DC.

STEVE METALITZ: Yeah, that's me. This is Steve Metalitz.

JAMIE HEDLUND: You're in twice, okay. And then it looks like someone from the UK? 44786?

PATRICK CHARNLEY: That's me, that's me. Patrick.

JAMIE HEDLUND: Okay. Then someone else is, okay. All right. So thanks for being patient. I sent out this morning, a proposed agenda for today's call. I

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hope you've seen that. It's up on the Adobe screen, and it takes into account two things. One, which is you know, we're already beyond the expected shelf life of this working group, by a couple of months.

And so, it's important we've started out to repeat some of the same discussions that we've had earlier. So it would seem, to me anyway, that this would be an appropriate time to push for closure. The other thing was, that following the last call, I circulated a clean version of the draft paper, as well as a clean version of just the excerpt with the new proposed trigger mechanism.

In the hopes of getting, because there have been a lot of discussion with these, in that people wanted, or might want to provide edits. We didn't get any edits back, so hopefully that means people have made up their minds on it and it's easy to move forward one way or another.

So going back, the agenda. I thought first we could finalize the discussion of this last proposal for trigger. Then move to the body of the report itself, and see what additions or modifications people want to see. Then talk about who might be doing minority statements. There has been talk on some of these calls before about a minority report or a minority statement.

So I like to figure out who might be doing those and the timing around those. And then finally, just drop our next steps and timing for closing this up. Does that make sense to people? Any objections, concerns, comments?

All right. Hearing none, we'll go first to, Maria, if you could bull out the draft trigger. Stephanie, go ahead.

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Stephanie, we can't hear you.

STEPHANIE PERRIN: Thanks. Stephanie Perrin for the record. Can you hear me now?

JAMIE HEDLUND: We can hear you.

STEPHANIE PERRIN: Can you hear me now?

JAMIE HEDLUND: We can hear you.

STEPHANIE PERRIN: Ah, good. Jolly good. I'm a little concerned, are there any registrars on the call? Because if they're not hear, closing it out, given the extent of the debate we've had on this, I'm a little concerned that this is, you know, possibly premature to close it out.

Just wondering. I don't necessarily recognize everybody's name.

JAMIE HEDLUND: So that's a good point Stephanie. I wasn't suggesting that we would close everything out today. I was hoping we could get to next steps. We've finished discussion on certain items, but not, just to be clear, have this be the last call.

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I don't know what to do about the fact that there appear to be, on this call. But one thing we can do is not, you know, even if we somehow we reach consensus on this call on any open items, that we can always send it out, send the document out for a last call for any edits.

Today's call does not have to be speak now or forever hold your peace. Does that make sense? Any questions?

Okay. So, moving then to the trigger... Who just joined? Somebody just joined? Somebody is on mute?

MICHELE NEYLON:

This is Michele.

JAMIE HEDLUND:

Hey Michele. So now we, Stephanie was just worrying, not worry, but was concerned that there were no registrars on the call. And I'm happy now that at least there is one.

So Michele, we just went over the draft agenda, which you might have sense, there were no comments on that, so we were moving to discuss this alternate trigger, which we have really started to discuss in earnest on the last call. And now I think, well, there were no edits on it. I know people had, people had the, some, a lot of input on it, and that gets, I think right now, what would be right to do is either, you know, is to have consensus that we would either one, keep it as is; two, modify it or; three, drop it as unhelpful.

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And so with that, I kick off the discussion to the community, to get your views on what we should do with this. The excerpt is in the Adobe room. Michele?

MICHELE NEYLON:

Thanks. As a contracted party... Michele for the transcript or whatever. Yeah, I think that the wording of this seems to be changed since the last time I looked, and it's a lot... I think this makes a lot more sense. I like, for example, the third bullet points, the bit there, they're highly recommended. That's helpful, because sure, if we can get it great, but if we can't then we don't have to have it.

The one, the last one, the last point, wouldn't support a non-objection the question of law enforcement and/or GAC, just for the sake consistency, maybe putting in highly recommended there, would be the only change I'd look at. Thanks.

JAMIE HEDLUND:

Okay. Stephanie?

STEPHANIE PERRIN:

Thank you. Stephanie Perrin for the record. I apologize for not offering this edit. It's not clear from this text that this list is one of the following, any of the following, or all of the following. And that needs to be clear, because I would suggest that written support by all other affected registries and/or registrars, would be hard to achieve in many jurisdictions, and it's also even hard to figure out what applies, given the

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nature of transported data flow and jurisdictional flights that are ongoing at the moment. Thanks.

JAMIE HEDLUND:

Anyone else?

Anybody want to speak against, either speak against this proposal, or speak in favor of significant adjustments? Steve?

STEVE METALITZ:

Yeah, thanks. This is Steve. I wasn't clear on what Stephanie was... If Stephanie is proposing that any one of these four would be fine, would satisfy the trigger, and if so, what is number three mean by itself? How could that be the trigger?

JAMIE HEDLUND:

So just from the staff perspective and the drafting such as it is, the intent was that three or the four would be required. The one that's not required but highly recommended is the written support from an agency. But we can clear that up.

[CROSSTALK]

Sorry, just one other quick clarification, and then we'll go back to Steve and then Michele. Is that the second bullet that is aimed at primarily at ensuring that a single contracted party doesn't try to get a competitive advantage for itself only, by seeking this exemption, but rather this is

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something that would, you know, not harm all the other registries or registrars in the thing? Steve?

STEVE METALITZ:

Yeah, this is Steve again. I think Michele may have raised this question before about what all other affected registries and/or registrars is. Does that mean every registry or registrar that is subject to the same law, or, yeah, I'm not sure, I'm not clear on what that is. But I will say I think with...

The question that I would have is whether this is consistent with policy, and I don't think it is. I don't think it amounts to credible demonstration, that you can't comply, which is, what policy calls for. So I wouldn't support this.

JAMIE HEDLUND:

Okay. Thanks Steve. Let's see, Michele, I think you're next.

MICHELE NEYLON:

Yeah, thanks. I think, just to Steve's original point, to some extent what Stephanie was asking about, I mean Luke I think also was a bit confused by, it just, there was a bit, it wasn't 100% clear to them whether all of the, all the bullet points were required, or whether it was one of them, or some of them, or whatever else.

That was clarified further, that would probably solve that problem. Stephanie does raise an interesting point, and Steve also, it is a [inaudible]... I mean, this bit here, written support by all other affected

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registries or registrars, or justification why they are the only affected party. I think that the problem there is the all. If you were to say written support by other affected registries and/or registrars, fine.

I mean, I can see that working to a degree. Maybe not in every single jurisdiction, but I can see how that would work in some jurisdictions, but I mean, could you say, you know, that for example, registrar A is based in country C, but has a significant market share in country D? You know, drawing those lines around what's, who is impacted, who is not impacted would be really, really messy.

But by and large, I think this is a much better trigger than what was there previously.

JAMIE HEDLUND:

Okay. If you're not talking, if you can mute your phone, someone is moving a lot of papers. Okay. Thank you Michele. Ashley?

ASHLEY HEINEMAN:

Yeah, thank you. I just wanted to speak to bullet number four. And I believe I heard Michele request that it also be reflected at the highly recommended. I'm not sure I'm comfortable with that. I see it as one that should be part of the requirement. I'm not sure about the exact wording, because it's not clear to me, local law enforcement, how that is defined or how to go about getting support or not an objection from them.

But at least in the case of the GAC, perhaps even specifying down to the relevant GAC representatives, I think that's a fairly low bar in



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something, you know, in the sense that it's attainable to get a response from them, and one that I think is requisite, and is in... I think part of the current requirement, anyway, so I don't see why we would make that highly recommended.

But I can see perhaps how we might want to maybe clarify the language of that bullet.

JAMIE HEDLUND: Okay. How would you...? What kind of...? Sorry if I miss this, but what kind of clarification would you think would be helpful?

ASHLEY HEINEMAN: Something along the lines of written support from the GAC and/or the relevant GAC representative.

JAMIE HEDLUND: From the GAC or the GAC representative. Okay. So then, what would... Yeah, and this actually, I think, should have been GAC member initially, relevant GAC member, but what about in the cases where there is no GAC member?

ASHLEY HEINEMAN: Well I think that would be an exception.

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JAMIE HEDLUND: Right. But to deal with that kind of exception, we could just leave it at local enforcement?

ASHLEY HEINEMAN: I don't think you necessarily need that because in the above, you have written support approval from the relevant government... Oh, it's privacy agency. [Inaudible] specifying privacy agency, I would say, probably, from the relevant government agency, highly recommended. And that would capture local law enforcement.

My only concern with bullet number four, I'm not opposed to getting input from the local law enforcement, but if they're not a GAC representative, you didn't go down to local law enforcement, I'm not sure how you cross that bridge, how you go about what is local law enforcement in this case. Is the assumption here that it's part of the ICANN process? Or if it's going outside of the GAC or outside of the ICANN structure, I think that needs to be a separate bullet if that's the intention.

JAMIE HEDLUND: Well, the intent here was not to go outside of the GAC. The intention was to deal with the possibility that the jurisdiction does not have a GAC rep. So.

ASHLEY HEINEMAN: I guess that's still not vibe with me. If you don't have a GAC rep then you don't have a GAC rep. Then you have to go outside of the ICANN

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structure in that sense, because I would highly doubt you'd have their law enforcement people come into the ICANN meeting.

JAMIE HEDLUND: Of course not, that's right. But then, if you eliminate this requirement for those who don't have GAC reps, but then it becomes much less of it, you know, a robust demonstration of credible impossibility.

ASHLEY HEINEMAN: All right. Then I think there needs to be some fine tuning of this bulletin, make that more clear then.

JAMIE HEDLUND: Right. So there is wordsmithing, but there is also, you know, what's going to be the mechanism for non-GAC countries? For non-GAC participation. All right, Stephanie?

STEPHANIE PERRIN: Thanks. I just want to clarify that if something is potentially unachievable, it has to be optional. So the written support from the relevant government privacy agency, if one exists, is I think Michele, we've already discussed this, it's got to be optional, a, because they don't always exist, b, because sometimes they are forbidden by their statutory enablement to give letters of support of approval if they are in a judicial function, and so I think that covers that one.

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The fourth one causes me great concern because it's fine if it's doable, however, I have fond memories of one of my career limiting moves, when I challenged a senior management retreat, and none of them, and they were all responsible for privacy enforcement and I told them they wouldn't pass a basic quiz, and lo and behold only a few of them did.

So I don't see how you can get this support or non-objection from local law enforcement, let alone my famous dog catchers, but even if you went to the criminal law enforcement boys, they don't, they only know the law that prevents them from getting data, or the aspects of the law that prevents them from getting data, in their particular jurisdiction.

So they're highly unlikely to have an informed opinion on this. That's objection number one. And of course objection is number two is, what do you do when a country doesn't have a GAC representative? I mean I have fond memories of the Spanish rep saying, how on earth do we find our data protection authority, while her data protection authority was making world news because of pursuing the right to be forgotten.

So you know, I hope I made my point on that one. I think these things have to be nice to have, but they're not going to be determinative or conclusive. And I would just finally like to point out that law enforcement for data protection law is done by the data commissioners. And that needs to be a little more clear in this set of actions. Thanks.

PATRICK CHARNLEY:

This is Patrick. I join in the queue. If there is one, sorry, I can't see if there is.

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JAMIE HEDLUND: Well next I have Christopher, and then Steve. Patrick, you're not in the Adobe room?

PATRICK CHARNLEY: No, I'm sorry, I'm not.

JAMIE HEDLUND: All right. So let me go to Christopher first.

CHRISTOPHER WILKINSON: Hi, good evening. Can you hear me?

JAMIE HEDLUND: We can.

CHRISTOPHER WILKINSON: You can? Oh excellent. That's new. Okay, first of all, my apologies for missing the last conference call. I was on the road, and unable to follow. And meanwhile, I spent so much time on CCWG, CWG, that I haven't followed your discussions in great detail. I think the alternative trigger merits discussion.

I understand Stephanie's reservations. I think it's important to refer to privacy agencies rather than law enforcement. And as far as the European Union is considered, or in fact any jurisdiction, I think efforts

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should be made to do this collectively, for all the registrars that maybe effected.

I take the point, and I think I did make the point some time ago, that selective procedures for each individual registrar would be burdensome, expensive ICANN, and risk introducing competition problems between the registrars, those who got the exemption and those who didn't. So I really think this should be done collectively, but notably for the European Union jurisdiction.

Regarding countries that don't have GAC members, this is not a problem in the European Union. You have the opinion of the data protection authorities at the European level, and that applies to all member states, whether or not they have a GAC member. So, I can understand that there are other parts of the world, there are other countries than GAC members, though there are not 100 GAC members now.

This may be an issue, but I think you don't have that problem for the member states in the European economic area. But finally, you will expect me to say this, none of this is necessary. ICANN has been advised over and over again, whilst the European data protection law requires from the WHOIS policy.

You don't need it. Just please respect the law in Europe. Thank you.

JAMIE HEDLUND:

Thank you. Steve?

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STEVE METALITZ: Yeah, let me yield to Patrick because I've spoken already and he has not. So I'll go after Patrick.

JAMIE HEDLUND: [Inaudible]. Patrick?

PATRICK CHARNLEY: Yeah, thank you. So I just wanted to go back to a couple of points raised by Michele and Stephanie, about which these criteria might be actual. And if it was the case that it was optional because of local privacy agency or however it's termed, and also option to get law enforcement, then wouldn't that be a situation where essentially the trigger becomes a group of registrars saying that they consider themselves to be on the wrong side of the law?

And the trigger, and if so, I don't think that that would be sufficient to qualify for the existing policy. And it also gives rise to another question, if we are in the realms which I don't think we should all indeed can be, where we are just seeking input from registrars that are affected, in order to establish a trigger. Then I think at that point, you would then need to seek the input from people who are affected by the potential, in the sense that they're seeking the trigger.

Which then I think takes us very, very far away from the policy and therefore makes this alternative proposal unworkable.

JAMIE HEDLUND: All right. Thank you. Steve?

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STEVE METALITZ:

Yeah, thanks. This is Steve. Patrick raises some good points. And I wanted, well two questions. One is, this phrase, relevant government privacy agencies, is causing some confusion and how this differs from law enforcement. I mean, if there is a legal conflict, if it's a, presumably arises from a law, and if it's a law that is enforced by some government agency, then that's the entity that needs to way in here.

And I don't think it's optional, I think it should be part of the picture. It could be simply to say, yes, we agree with the analysis of a legal conflict that has been presented. That's what relevant means to me, but maybe it means something different to the drafters of this, and that's probably something that ought to be clarified. My second point is that the second bullet here is this intended to substitute for the consultation step, that's in the current policy, or is this proceeding the consultation step?

Because it seems to talk about informing a final decision, and the current policy there is a consultation step, the general council analysis and recommendation step, there is a resolution step, and a public notice step, are all those... Is the proposal to get rid of all of those when this alternative trigger applies? Or would this be fit in before all of those?

JAMIE HEDLUND:

Sorry, if I can just clarify. It is not proposed that we get rid of the rest of the process. The big issue in this IAG has been, you know, what are the right triggers? And so we've only focused on those, the rest of the



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procedures don't seem to have garnered the same sort of concern from this IAG, so they would remain in place.

STEVE METALITZ: Okay. So when you refer to a final decision in the final words here, it's a final decision on step one. In other words, as the triggered occurred, you go to consultation. Is that right?

JAMIE HEDLUND: Correct. Yes.

STEVE METALITZ: Thank you.

JAMIE HEDLUND: Stephanie?

STEPHANIE PERRIN: Hi. Stephanie Perrin for the record. I just wanted to respond to the discussion what's going in the chat right now. Ashley has raised the question, why can't we get GAC members to make such statements? And I think that this kind of punts the problem over to the GAC, and however frustrated we may be at the GAC, and I think plenty of us are, I don't believe that we should be the bureaucrats who show up at the GAC in a position of what I would call reckless endangerment.

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If someone is not the authority on data protection, then they have no brief to make a definitive statement on whether or not a registrar is in non-compliance in his jurisdiction with the data protection authority. And one of the problems that I think I've gone over and over and over again, but I'm going to do it again, is that many of these data protection authorities are independent, and have no formal or informal links with either their government delegations that are coming, because they are independent officers of parliament, or they've never been invited, or, or, or.

They may participate in the international working group of data protection authorities who have already given us a view on this. But it is not really up to them to tug at the coattails of their justice department counterparts, to come to ICANN. And unfortunately, it is not apparent to me that the representatives in the GAC who do come, have made the appropriate consultations with their justice departments.

And I only name the justice department because that's normally who might have a view on legal, the legal situation that pertains in that country. And quite frankly, if they're not up to date on the jurisdictional problems, that brings me to point number two. You might want to check out, there is a good blog on [Pens and Masons?] this week, about the famous Ashley Madison hack. And the privacy commissioner of Canada is doing a multi-jurisdictional investigation of potential liability for the breach, and this will bring up this whole question of how far the responsibility for data processing goes across borders.

One of many cases, of course, but it's just a rather high profile one. So I expect we'll see quite a bit of it. There are other data protection

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authorities who are participating, and it's not only the Brits. Now, what, who cares? Because this whole issue of relevant jurisdiction is becoming way beyond the understanding of the GAC representatives who are showing up at this meeting. I'm sorry.

We're not getting the Constitutional experts coming to ICANN meetings. Thanks. And therefore, the point of this is, you're still putting your registrars in jeopardy. Thanks. Bye.

JAMIE HEDLUND: Thanks Stephanie. Ashley?

ASHLEY HEINEMAN: So I think, perhaps there is a fundamental misunderstanding of how the GAC works, or how any kind of organization that has government representatives. These agencies aren't there to kind of replace the judgment of other relevant agencies back home, they're there representing their government.

Most of the time, whether it's the GAC or somewhere else, it's foreign affairs. They are more the coordinators of what their government position is. So they're not there, I mean I can't speak for all of the other governments, but I can certainly speak for the United States government, we're not there speaking for ourselves. We're not inserting our judgement, or giving a priority over others.

And in fact, it is our job to go and coordinate with other agencies and to make sure that we are representing the views of our government, and not just our agency. And in our case, we bring the relevant experts to

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the table. I realize not every country does that or has the ability to physically bring their counterparts to the meeting, but it is their job to go back and consult with the relevant agencies.

I'm not, you know, fully following some of these assertions, because that's not how it works in reality.

JAMIE HEDLUND:

Stephanie?

STEPHANIE PERRIN:

Thanks very much. Stephanie Perrin for the record. And perhaps I should say that I spent, you know, 35 years in government, at least half of it, probably more, I hate to count, doing international relations and international activities at the working level. And the US is exemplary, in that if you have a US delegation, you are confident that they have checked with all of the relevant departments.

The same can be said of the European Union. They have a good system. I would venture to suggest to you that that's not the case in most other countries. It is not a given, you cannot count on them having done this. Now what would happen if a GAC delegation said, absolutely not? That registrar is speaking out of line, and we do not support this waiver.

Well, where does that put the registrar? Back in the situation of trying a case and losing it, i.e. putting themselves in jeopardy in order to prove that they have a data protection law that is going to hit them if they publish the data. How does that upset me so much? Because it's on the backs on the end users whose data is going to be exposed.

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I really don't think this is a kind of gamut we can do. If you want to test this out, and I'm not out of sympathy. I totally sympathize. But do a little research and let's try it and see what the GAC members say. And if I'm wrong, and they're all duly consulting, then I take it back.

But with 101 laws as of May 2014, and going up at an exponential rate, I'm willing to bet that most GAC representatives don't know how to go about doing this, let alone who they would get the authority for such an approval, but that won't stop them from giving it. Thanks.

JAMIE HEDLUND:

Stephanie, if it's really that bad, doesn't that argue in favor of not changing the triggers at all and waiting, and leaving it as the only trigger that if someone gets notice of the civil or criminal procedure, only in that instance can we know for sure that there is a problem?

STEPHANIE PERRIN:

I'm afraid I'm with Christopher on this. My view is to ask the data commissioners. I mean, why not send this out to every day to the commissioner there is and get a view on it? And those who say, we're sorry, we don't give views, then go with the majority opinion. You've already got Europe telling you it's not acceptable, and they've been telling you since before 2000, in so many ways, I can send you my list.

And the [inaudible] countries have been copying the European approach. They may not all have independent authorities, but those that do are probably going to say the same thing. This work has not been done, then maybe it's time to do it, rather than continue with this.

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JAMIE HEDLUND: Steve?

STEVE METALITZ: Yeah, I think this is again, just get back to the issue of what is a relevant government privacy agency? If it's the one that has the authority to enforce the law, that is claimed to give rise to the legal conflict, then I think you've got your trigger. Or at least you're a lot closer to a trigger that satisfies the policy, but if not, then not.

But Stephanie is correct, that this is the view of the data protection, the relevant, the data protection commissioner or the entity that has authority to enforce that law, then I think that satisfies the policy. If not, I don't think it does. Thanks.

JAMIE HEDLUND: So just to be clear Steve, the article 29 input would not satisfy the policy because article 29 does not have enforcement powers. Is that correct?

STEVE METALITZ: That's correct.

JAMIE HEDLUND: Okay. All right. Anyone else has anything? Christopher. Christopher then Stephanie.

Maybe Christopher, I put you down as [inaudible]. Stephanie.

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STEPHANIE PERRIN: We still have the option... Stephanie Perrin for the record. We still have the option of a recognized law firm, do we not? And secondly, I'm going to reiterate what I've said tirelessly before, not all data protection commissioners have enforcement powers. Some have to take a case to their next court.

And therefore, they may have the authority to opine on the matter, but the actual enforcement has to take place in another place. So that's not the correct wording that would work. Thank you.

JAMIE HEDLUND: So Stephanie, on your first point, there isn't consensus on the law firm option. We can put that out for... Right now, the way the draft reads, is that we put that out for public comment, but there is no consensus support for that proposal within the IAG.

On the second point, there may be clarification needed in the text, but I took the point made by Steve and others, that it's not important what it's called, it's the fact that the agency that has enforcement authority. So as you say, it may not be the DPA, it may be something else.

Christopher?

CHRISTOPHER WILKINSON: Yes I just want to be on record that, Christopher Wilkinson for the record. Be on record that I really don't except Steve's offhand dismal of the whole of the European Union's legal structure. We've got a legal

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system where the policy is developed and legislated at one level, and implemented and enforced at the national level.

You cannot just dismiss the whole of the European Union policy structure because it does not have enforcement powers. I mean, that's politically disgraceful Steve. I just can't buy it. I would be grateful if you just withdraw that.

JAMIE HEDLUND:

Well before I get that, I would point out that the EC, the European Commission rep to the GAC, disavowed the letter from the article 29 group on this issue broadly, within, at an ICANN meeting. And so it's a little bit more complicated than that, at least for us.

CHRISTOPHER WILKINSON:

Well that comes back to something else that falls within the range of problems that Stephanie has already described. But there is no doubt that the article 29 policies are being implemented in the member states. And I said in an earlier conference call that to the best of my knowledge, within the foreseeable future, the European dimension of privacy and data protection law will be substantially reinforced.

So whatever we're doing here has a half-life of a few months. And as I've said before, what you well describe as an existing policy, I do not accept as a stable entity. There is, just in the last few hours, members of the ICANN Board on the CCWG mailing list, I sent you an excerpt a little while ago, have been trying to downplay the details of the existing policy, on the grounds that they don't expect it to be maintained.



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JAMIE HEDLUND: Michele?

MICHELE NEYLON: Thanks. Michele for the record. I think we're back to going round and round in circles. I mean, we've got language which some people agree with, some people don't agree with. There isn't consensus on a few things. And I think we're really tilting at windmills to try to achieve absolute consensus on a lot of these things.

And personally, I would be much happier if we could just move this forward, open it to public comments, and then deal with that rather than going round and round in circles on this. Thanks.

JAMIE HEDLUND: Okay. So Michele, just so I understand what you're suggesting is, put this out for public comment as is? Or...

MICHELE NEYLON: Yes.

JAMIE HEDLUND: Okay. What, I heard Steve earlier say that he would not support it, or would it make sense to put this in the same category as a law firm option, which is proposals for which there is not consensus?

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MICHELE NEYLON: This is Michele. Obviously, I can't speak for Steve, but if Steve and other people have issues with some things, I mean, within normal PDPs, which I know this isn't, there is always the option for a dissenting view or a minority view of whatever the exact terminology is. I just think that having more calls and more email exchanges around this isn't going to reach consensus.

We're better off putting it towards comment, and if Steve and other people have issues with some of the proposals, and some of us may have issues with some of what they're proposing, or want to see there, well so be it. But that would be, you know, movement forward, whereas further calls and exchanges, I don't see as being particularly productive.

I see as a source of frustration for all parties concerned. Thanks.

JAMIE HEDLUND: Okay. Steve?

STEVE METALITZ: Yeah, this is Steve. I share some of Michele's frustration about the calls. I'm not sure that further calls are going to produce much. One question I have is that the text that James put forward, James Gannon, and that we discussed, and this draft is listed as it was something that was discussed but there was no consensus, that's a stable text.

And although I don't see it in the draft that you circulated, Jamie, there is a stable text for that, I believe.

JAMIE HEDLUND:                    Yeah, it's in there.

STEVE METALITZ:                So that's put out for comment, or whatever is done with this report, they would be able to see, well this is what was suggested, what do you think? Do we have a stable text? Is what you sent out a few hours after our last meeting, which is what's on the screen now, a stable text?

Because I heard a lot of questions about it and suggestions for changing things, and so forth. So I don't know whether this is a stable text. And if we have one that we can include, you know, again, as long as it's not presented as a consensus position, I'm sure it won't be, I'm not, then that's okay.

But I guess my question is, among those who support this, is there consensus on this language, or just what is it that is in front of us here, other than a staff proposal?

JAMIE HEDLUND:                Sure. Thanks Steve. So what I heard earlier in the call, were calls for clarification of the what's required and what's optional. And also this issue of local law enforcement. I had hope that by sending around the draft after following the last meeting, that we could get to a stable text, you know, if not online, by you know, during this call.

So at this point, maybe what makes the most sense is to send this part of the text, and the whole proposal for that matter, again, around one

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more time, and give people a reasonable amount of time to make suggested changes and handle those by email as much as possible, and then put that document out for public comment.

Anybody object or have questions? Michele?

MICHELE NEYLON:

It's Michele. Could we have a firm deadline on when this is going to go out for public comment? I mean, so just we're... I don't want another case of drifting another 30 days, or whatever. If we could just say, okay, documents go out. If anybody has any feedbacks, tweaks, whatever, has to be in by a certain time, it goes out for public comment. I mean, and let the public provide their input, and you know, warts and all, I mean, whatever. Just having some kind of timeline around this that we actually stick to would actually be very appreciated.

JAMIE HEDLUND:

Yeah, well that's exactly what I was driving toward. A reasonable time for people to get back with any suggested changes. And then a deadline of putting the document out in, you know, one week after that. So is a week enough for people to review this one last time?

MICHELE NEYLON:

This is Michele. I think a week is more than enough.

JAMIE HEDLUND:

Okay. And then we [CROSSTALK]...

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MICHELE NEYLON: I mean, just concretely... Michele again. Look, if we could just say, we're putting out the document out to the group for any comments, or minority statements, or whatever, and just say, that it's going to go for public comment, for argument sake say 14 days from now. But we can actually have a timeline rather than a non-timeline.

JAMIE HEDLUND: Yes. I'm in favor... I am not in favor of the non-timeline. So yeah, one week. Give a little time in case there are conflicting edits to resolve, and then a week after the first deadline, you know, two weeks out, we would put it out for public comment. Does anybody have any objections to that approach?

STEVE METALITZ: This is Steve. I see in the chat that Stephanie was asking for 14 days. But I'm not sure for which phase.

JAMIE HEDLUND: Oh. Well, I guess it depends. I mean, if 14 days could be fine, so long as... Unless the group wants to see people's minority positions, minority statements before it goes out for public comment. Is there a need to review those? If there is not a need to review those, those could be due a day before it's supposed to go out for public comment.

STEVEN METALITZ: Yeah. To me that makes sense. I think Stephanie is agreeing that one week to stabilize the text, one week to draft....

JAMIE HEDLUND: Okay. Stephanie, when you say one week to draft, do you mean the whole document or do you mean the minority statements as well? So 14 days. Stephanie?

STEPHANIE PERRIN: Thanks. Stephanie Perrin for the record. Yes. I just don't want to be aiming at a document that isn't stable when I write my draft, and then find out, you know, I don't want 24 hours turnaround to produce a proper minority statement. So if we have a draft in a week's time, then we can respond to it, I think, with minority statements.

It's not as if the group has to approve them, right? It's a minority statement. So as long as get them in whatever the deadline is, before the posting date, we're fine.

JAMIE HEDLUND: Okay. All right. Well good. So then at this point we have two options. We can close the call, or we can go over other parts of the report. I suspect it might be more efficient to close the call and give people one week, say one week starting from tomorrow, starting September 3<sup>rd</sup>, to give comments both on this trigger, and then the proposal in general. Unless anyone has a burning desire to talk about something in the rest of the report. Steve?

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STEVE METALITZ:

Yeah, I just had two points. One I've already mentioned which is I think, if you put all of the actual stable proposal in this appendix one, right now you have the consensus one, but not James's and not this one, or separate appendixes, I don't care, but let's let people see the full text, rather than just a summary of them, which are fine, but which aren't enough.

Secondly, I think it's the case in terms of the one that is in there now on page 16, that the fourth point in that proposed alternative trigger was actually deleted. I have to check. I think it was Bradley who brought that up. But I think that fourth point that stating the agency intends to enforce it, is deleted, as a requirement for the trigger.

I'm not sure I'll be able to reach him before a week from today, but I will try just to make sure that that is the case. But I think that's my recollection anyway. Maybe the transcription is there.

JAMIE HEDLUND:

Okay, thanks. Well I see Luc wants to go home, and I'm not going to deprive him of the ability to go home. Does anyone object to us closing the call now?

All right. You know, by tomorrow, I will send around a revised document. I won't resend this alternate trigger as a separate document, it will just be one document, and ask that people give, maybe it's 24 hours after, I'm sorry, one week after I send it around to come back with any comments, and then we'll put it out for public comment in two weeks.

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Thank you all, really helpful, really helpful call today. Thank you.

**[END OF TRANSCRIPTION]**