09:01:31   From Amr Elsadr : Attendance so far seems a little light.

09:02:30   From Raphael Beauregard Lacroix : 26 August :)

09:02:58   From Amr Elsadr : My guess is that these slides are the same ones used for the last g-council meeting. :-)

09:03:01   From Amr Elsadr : ..., hence the date. :-)

09:04:11   From Raphael Beauregard Lacroix : yes, haha, but I didn't mean to point that out, was more an answer to your comment on attendance :P its either first week of school/university, or the end of summer vacation, or even the middle of them some places in Northern H.

09:04:17   From Farzaneh Badiei : minority statement by GAC which can advise the board not to adopt the recommendations… what a beautiful multistakeholder ICANN

09:05:10   From Farzaneh Badiei : why did they backpedal from redaction of city field. We compromised over other stuff so that they accept this … this is really unfair

09:06:37   From Amr Elsadr : The final version of the phase 2 final report + updated minority statements can be found here: https://mm.icann.org/pipermail/gnso-epdp-team/attachments/20200826/27a8585f/EPDPPhase2FinalReport-UpdatedFINAL-31July2020-0001.pdf

09:07:41   From Farzaneh Badiei : I don't agree with the accreditation of governmental entities. It is way too broad . or am I reading it wrong? Didn't see NCSG raising concerns

09:08:17   From Farzaneh Badiei : Sorry I am kind of sabotaging Rafik's presentation by talking about non related topics

09:09:12   From Amr Elsadr : @Farzaneh: None of us raised any concerns over the gov accreditation recommendation. We were part of the consensus. What do you mean about it being too broad?

09:09:38   From Farzaneh Badiei : Where are the epdp ncsg members other than Amr?

09:10:03   From Amr Elsadr : Hahaha!! You'd rather hear from someone other than me? :D

09:10:07   From Juan Manuel Rojas : I think all we are wondering the same

09:13:24   From Farzaneh Badiei : this is too broad Amr: "Eligible government entities are those that require access to non-public registration

data for the exercise of their public policy task, in compliance with applicable data protection laws. "

09:13:26   From Raphael Beauregard Lacroix : I was not blaming you or anyone!!!!

09:13:34   From Farzaneh Badiei : I know public policy mentioned in GDPR but it's too broad

09:14:06   From Farzaneh Badiei : Now a days governments relate fake Gucci bags to national security.

09:14:48   From Amr Elsadr : @Farzaneh: Literally anyone can sign up as an SSAD user. Any reason why we need to single out gov entities? The recommendation is only a customized means for them to become accredited.

09:22:05   From Farzaneh Badiei : who said single out gov entities. I didn't know Amr is going to give highlights otherwise would have waited

09:25:04   From Amr Elsadr : https://mm.icann.org/pipermail/gnso-epdp-team/attachments/20200826/27a8585f/EPDPPhase2FinalReport-UpdatedFINAL-31July2020-0001.pdf

09:28:36   From Farzaneh Badiei : I know that Amr. I have read this. You don't need to say anything about the "public policy" reasons in the report. This is about ICANN. We are not supposed to recommend why they should get the data.

09:28:46   From stephanieeperrin : My apologies for being late, lost track of time. (This is getting worse….must be a covid isolation side effect.)

09:29:12   From Farzaneh Badiei : take advantage of SSAD? You mean get people's personal information

09:30:39   From Farzaneh Badiei : If #2 was a compromise, I wanna know what they compromised in return.

09:34:36   From Farzaneh Badiei : I need to ask a clarifying question

09:34:38   From stephanieeperrin : The GAC took on the responsibility of accrediting their own orgs, hardly a win

09:35:18   From Juan Manuel Rojas : this Central Gateway Manager will be an organization or just a gathering of organizations?

09:35:43   From stephanieeperrin : They are thinking ICANN or a contractor

09:36:31   From Rafik Dammak : "Central Gateway Manager (CGM) - role performed by or overseen by ICANN

Org. Responsible for managing intake and routing of SSAD requests that require

manual review to responsible Contracted Parties. Responsible for managing and

directing requests that are confirmed to be automated to Contracted Parties for

release of data, consistent with the criteria established and agreed to in these

policy recommendations or based on the recommendation of the GNSO

Standing Committee for the review of the implementation of policy

recommendations concerning SSAD. Responsible for collecting data on

requests, responses, and disclosure decisions taken."

09:36:44   From Farzaneh Badiei : Can we comment as we go through these recommendations?

09:36:52	From stephanieeperrin : The accreditation entities (still really vague) will be orgs or clusters of orgs.

09:41:18	From Rafik Dammak : FYI some blog posts about final report:

https://www.icann.org/news/blog/epdp-phase-2-team-publishes-final-report

https://www.internetgovernance.org/2020/08/18/icann-whois-and-global-data-governance/

09:43:09	From Farzaneh Badiei : I really have read this report Amr.

09:44:04	From Farzaneh Badiei : I did not say we should differentiate

09:45:54	From Farzaneh Badiei : Governments are not the same as individuals.

09:46:22	From Farzaneh Badiei : There is a public policy argument in this recommendation which is based on GDPR wording but we don't really have to say it in ICANN report

09:47:44	From Farzaneh Badiei : I want to know what sort of centralization GAC is asking for.

09:47:57	From Farzaneh Badiei : Do we know?

09:48:14	From stephanieeperrin : I have my hand up

09:49:50	From Amr Elsadr : Yes…, we will very likely need additional calls.

09:52:32	From Farzaneh Badiei : Regimes that don't follow the rule of law also include the United States now a days. We really need to be more careful.

09:53:06	From stephanieeperrin : Indeed, and frankly we need to assess data transfers post Schrems II.

09:53:57	From stephanieeperrin : As you well know Farzi, we regularly brought up the fact that the GDPR rests on the EU Charter of Fundamental Rights, and that a Court will look at that as well as the GDPR.

09:54:05	From Farzaneh Badiei : you have eligibility criteria there that you don't need to have.

09:55:35	From stephanieeperrin : Folks are still steadfastly ignoring the Charter. I brought it and the need for an HRIA in my chat with Goran yesterday. He claimed ICANN as gatekeeper was in no position to understand, as gatekeeper, the laws of hundreds of countries. Still ducking on the HRIA….

09:56:31	From Farzaneh Badiei : but ICANN can be in charge of centralization of disclosure process? That makes so much sense

09:57:16	From stephanieeperrin : No, but they could rate countries on their rule of law, abuse of the process in SSAD, etc.

09:58:16	From Farzaneh Badiei : I am saying when it comes to the right of registrants ICANN can't do much. But it's another story when it comes to the users of WHOIS (now RDAP)…

09:59:19	From stephanieeperrin : I think we are agreeing on that?

09:59:56	From Farzaneh Badiei : Yes - it was to your initial point any way

10:00:00   From stephanieeperrin : Disclosure, even to LEAs, is totally another matter. The legal advice was very clear on that matter, balancing test required and therefore decision must rest with CP.

10:03:04   From stephanieeperrin : I think it is worth stating (and apologies, since I was late I don't know whether Amr focused on this) we still have only a hazy conception of what this SSAD is going to look like. It will be important to keep a sharp eye on it, as the IRT gets to work on it. No clarity on the process and procedures involved in accreditation, inadequate (in my opinion) audit measures, no quality measurement for accreditation data, too much vague outsourcing without clear controls, no guidance on the controller/processor agreements....

10:03:05   From Farzaneh Badiei : yeah there are some safeguards

10:03:47   From Farzaneh Badiei : I meant for recommendation 13

10:04:08   From stephanieeperrin : And the CEO mandated tech team that stood up the model, did not look at legal requirements. How can you design a technical solution without thinking about the legal requirements? Drives me nuts

10:04:58   From Farzaneh Badiei : Financial sustainability is something SSAC GAC and IPC/BC are objecting

10:05:40   From Farzaneh Badiei : I have a very minor point to make about financial sustainability

10:06:08   From Farzaneh Badiei : Amr made my point

10:07:54   From Farzaneh Badiei : It's unbelievable Amr that they don't want to pay for something they profit from even!

10:08:29   From Farzaneh Badiei : They just treat their work like it's holy and for the good of the society.

10:10:07   From stephanieeperrin : I agree

10:10:33   From stephanieeperrin : With Amr's summary of the situation

10:11:17   From stephanieeperrin : This is how WHOIS has limped along in the past, we wind up suffering through back room deals after a fulsome discussion of policy requirements. So.....it is not over yet.

10:12:48   From stephanieeperrin : NOTE that with the addition of the Acs to the GNSO, we are outnumbered

10:13:12   From stephanieeperrin : I think we should make them non-voting

10:13:39   From stephanieeperrin : ALAC and SSAD have expressed absolutely no interest in the rights of RNHs

10:14:08   From Farzaneh Badiei : yes - the process is flawed

10:14:08   From Raphael Beauregard Lacroix : Have to run, will follow the rest on recording/list. Thanks Rafik for organizing and Amr for your explanations!

10:17:21   From Farzaneh Badiei : I gotta thank the active NCSG EPDP reps. Overall this report looks good. Made compromises but also got to good conclusions

10:18:28   From Farzaneh Badiei : didn't the board send purpose 2 back and asked to revise?

10:18:32   From Farzaneh Badiei : Can't remember

10:19:02   From Amr Elsadr : They did, and the revision is still awful. We've dissented from the purpose 2 recommendation, and included a comment on it in our minority statement.

10:19:28   From Farzaneh Badiei : yes I read that

10:19:41   From Farzaneh Badiei : I need to look at the previous version

10:19:52   From Amr Elsadr : Unfortunately, we're the only group on the team that rejected the purpose 2 rec.

10:20:05   From Farzaneh Badiei : Well and the city field

10:20:14   From stephanieeperrin : That should not deter us from sticking to it.

10:21:18   From stephanieeperrin : I think it could have been a lot worse. And it took a lot of fighting to keep it as good as it is.

10:22:44   From Amr Elsadr : @Farzaneh: +1. The call with our own councilors on moving fwd, to me, is the most important issue right now.

10:22:55   From stephanieeperrin : I am not sure what we gave up for city field….country and state/province are not really issues in my view. It also establishes jurisdiction for warrants if we are endorsing the get a warrant approach

10:25:47   From stephanieeperrin : If anyone is following ICANN's finances, the CEO mentioned falling revenues (13% I think??). This is super important, we need to add that to our arguments on financial sustainability

10:26:43   From Farzaneh Badiei : I think actually we wanted to get rid of the state field (not all countries have states/provinces). I have listed various legal ways that jurisdiction can be established without city/province etc

10:27:09   From stephanieeperrin : One of the problems that recurs in several of the recommendations, is that we are supposed to be crafting a universal policy at a high level of data protection….but we keep allowing opt out.

10:27:32   From Farzaneh Badiei : It must be really late in Japan Rafik! Thanks for organizing and running this webinar

10:27:47   From stephanieeperrin : If a registrar is operating in a jurisdiction without law or adequate enforcement, they can just ignore the policy and release.

10:27:55   From stephanieeperrin : With impunity

10:28:04   From Amr Elsadr : Yes. The opt-outs are desirable by Contracted Parties, because they like the flexibility to do as they choose, and desirable by the surveillance folks, because it opens a door to potentially weaker privacy.

10:28:20   From Farzaneh Badiei : yes

10:28:51   From Amr Elsadr : Compromises. All the time. A regular feature of GNSO policy development.

10:29:14   From Farzaneh Badiei : Well seems like they want to undo the compromises and get their way!

10:29:29   From Farzaneh Badiei : it's really bad practice.

10:29:39   From Farzaneh Badiei : I agree with Rafik. Forever!

10:30:15   From Amr Elsadr : Thanks all. Bye.

10:30:16   From stephanieeperrin : Thanks!

10:30:21   From Farzaneh Badiei : Bye all . Thanks rafik