

ICANN

Moderator: Maryam Bakoshi

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Ayden Férdeline: Hi everyone we're going to get started now some others might come into the room shortly but thank you so much for coming today and welcome. It looks like we have some new faces on this call so a special thank you for joining us. My name is Ayden Férdeline I'm going to - maybe not lead this call but guide the process of this call today but if you want to speak at any time you can. If you're in Adobe Connect in the upper left hand side of the screen you'll see a button next to the telephone to raise your hand. Raise your hand, ask a question, make a comment I'll be very happy to call upon you to speak.

You'll also see -- if you click on that - on the raise hand button -- a dropdown will appear and there is an agree and a disagree button. We might use that option today now we won't be taking any votes there's not going to be any binding referendums taking place but to gauge whether or not we want to see (unintelligible) we might occasionally use these indicators so just bare that in mind for a bit later on. Great so here's what we're going to be doing today firstly we're going to talk about is a public comment and why do we submit them? Then we're going to look at a specific and timely topic who (unintelligible) and how it conflicts with privacy and why this matters. And then you are going to help the NCSG to possibly come up with a solution.

Today we're trying to generate as many ideas as possible, good ideas, but ideas, they will all help us contribute to - they will all help us to enhance our final output and to come up with is substantial solution. So this is an experiment for the NCSG we haven't tried discussion format before but we're doing it. Inspired -- I suppose -- by the Chinese proverb I think it's attributed to Confucius tell me something and I will forget, show me something and I can remember, involve me and I will understand. Anyway but let's get started thanks again for coming today I'm just going to scroll up the agenda I hope you can see it. So first off is how do we form a - form public comments?

So does anyone have a definition of a public comment that they would like to share? And that is a question to you all out there because I want this to be as instructive as possible I don't want you to be listening to me for the entire hour. So does anyone have a definition of public comment or does anyone have any ideas as to why it is important that we submit comments in the first place? You can either raise your hand to speak or you can type something in the chat if you want and I'll read it out. The question is does anyone have a definition of a public comment? Stephanie please go ahead.

Stephanie Perrin: Hello thank you can you hear me now?

Ayden Férdeline: I can hear you yes.

Stephanie Perrin: Wonderful and so it's Stephanie Perrin for the record thanks very much. I thought I would jump in and say why is it important for us to put in public comments because we're representing the end-users. And someone has to get up there and try and imagine the impacts on the end user and that has always been the role of the NCSG so that's why it's important to put in public comments every time we possibly can. The function of public comments is to

help ICANN to run itself as an effective multi-stakeholder organization that would be my simplest definition of it.

Ayden Férdeline: Thanks for that Stephanie that's great and (Izenah) has also put in in the chat I figured is the technical definition of public comment which is publicly commenting as a group or individual on a public the document. And I would share that - I would share that view (unintelligible) studying political science there is the idea of participation continuum that there are two polls on one side minimum participation on the other maximum participation. And it's a scale for collecting voices from people in the agency actions without necessarily imposing obligation to transfer any decision-making authority away from one party or in our case ICANN board. So for us in ICANN are public consultations are a way of solving ideas between stakeholders.

We don't make the final decision someone else does but we're sort of in the middle of that continuum it's not a one way slogan (unintelligible) from the board but it is in the delegation book or the IVA. So for us as ICANN public comments allow us to express our point of view and to be heard and likewise others are entitled to be heard too. And digressing a little bit away from why they're so important public comments -- as Stephanie just said -- they allow us to share with ICANN facts or perspective that might have been lacking in the original draft report or documents that were produced and one of our goals and commenting or at least one of my goals and commenting is to help ICANN create an accurate and comprehensive document to allow the board and others to make informative and appropriate decisions.

Just reading the comment here is yes and dealing with added on the entire document of more of the recent also mentioned as one. Might also be important to note that anyone can draft a comment in their personal capacities of ICANN and you can submit it usually by email and you can find the details

on the public comment page of the ICANN website. However for a comment to be the position of the NCSG it first needs to be endorsed by the policy committee. So if you decide in the future that you want to take the lead writing a comment you should try to leave one to two weeks for the policy committee to consider endorsing it which might be good to note. Rafik has his hand up go ahead Rafik.

Rafik Dammak: Yes thanks can you hear me?

Ayden Férdeline: Yes we can hear you.

Rafik Dammak: It's Rafik yes right so this Rafik speaking. Okay I mean maybe just to put in the context the public comment just a part of the house for policy development and that's start with the working groups and so on so it's just one kind of - I'm not sure if you call it phase or milestone the correct. (Unintelligible) hear but it's part of it - it's part of the process and maybe can be cynical here but why it's important the public comment are important for ICANN it's also because it gives the whole process more legitimacy because is the one of the phases that anyone can participate -- in theory -- because there is - maybe there are other buyers and so but so it's giving to the organization more legitimacy about process that we're developing there.

So guess this is just maybe from a set of perspective to have that and to think that above the public comment. Still it's important because it's one of the phrases that you - anyone can jump in and indicate maybe there was something missing that maybe it was part of the report and not acceptable answer on. So it's one of the - where people can participate but still I mean I think from our stakeholder group that --to be more effective -- it's - we should participate in the working groups. But not always possible because there are public comments on (unintelligible) I'll say non-policy issues that it may be

initiated by staff and so on and so the public comment are the only possibility to influence so that's it.

Ayden Férdeline: Great thank you very much for that Rafik does anyone else have any comments that they wanted to share on why they think it is important that we submit public comments? If not we might move on to the next part in our agenda as to what is to (unintelligible) so if you could just establish - we're commenting because we want to be heard and at least within the context of the call that we've arranged today and the comment that we're going to be looking at in a moment. We're commenting because we want to be heard on WhoIs and how it conflicts to privacy law but before we get into that we should probably ex - pull what WhoIs is I'm going to show in a moment a graphic of what a WhoIs output is but before we look at it does anyone have a definition of WhoIs that they would like to put forward?

If you have a definition to it feel free to raise your hand or you can type it into the chat and I will read it out. And if you're not sure of what WhoIs is that's okay this is a - this core doesn't preview any background origin and I can share my definition of WhoIs in a moment if no one else has one. Okay so maybe I will put forward my definition first of what I consider to be WhoIs and then if anyone wants to jump into correct me or to put forward a different definition feel free to go ahead. So WhoIs personally is not an acronym it just is called WhoIs and it is a service that allows any Internet user for any reason at all to type a domain name into a web interface and to be immediately returned the name and contact details of whoever has registered that domain name. It carries the names and physical addresses of honorable persons and organizations throughout the world including those that political, or ethnic, or religious minorities denominal groups saints.

And the NCSG has long advocated that individuals and organizations entitled to privacy in their domain and registrations that not everyone should be allowed to simply pull up your details because you should have the right of due process before your items find data is disclosed. As an example of what WhoIs' data looks like you can go to this URL that you'll see on the slides in a moment whois.icann.org you can enter in a domain name for instance ncus.org, click the search button or the go button and you can see the output and as I go to the next slide I did this just 20 minutes ago you can see this is on the small portion of the output that you see. If you were to scroll down you can see a slightly richer data set but essentially I was able to go to this webpage I did not need the legitimate reason to retrieve this data I just had to have the curiosity go there and I could see it. Does anyone want to add any thoughts or clarifications on to my definition? I'm just going to read through the comments shortly - quickly sorry. Farzaneh go ahead please.

Farzaneh Badii: Thank you Ayden I have a question other than comment so this is the WhoIs record that we see so is this the similar thing to that not be the registration or the RDS -- sorry I don't know what that acronym stands for -- is this stuff similar to RDS or is this, like, does this entail more detail?

Ayden Férdeline: Thanks for that question Farzaneh I am going put forward my answer but if -- again if anyone else wants to comment or disagrees with how I responded please put your hand up and I'll give you the floor to speak. So I actually - I don't know if - I think RDS is - I've heard the acronym used a few different ways sometimes it is the registration directory service but it - there is from time to time. We're looking at who is to date because that is what we have in effect at the moment and that is what this public comment relates to and let - that is the existing system. The RDS I think it's probably safe for the purposes of this conversation to use the terms WhoIs and RDS interchangeably but in the future there are discussions about what the RDS should be, how it should

be curated and so forth. And so it could become a very different feast. James has his hand up so I am going to - please go-ahead James.

James Gannon: Thanks Ayden so yes there's two Very important points and they build on both what yourself and Farzi have asked so WhoIs is a protocol and it is currently the protocol over which ICANN requires its current RDS. It's currently - its current directory service to be provided as registrars and registries depending on whether it's a thick or thin WhoIs. But that's an important differentiation to make is ICANN has this as its current RDS and WhoIs is just a protocol that is defined in DRC. But what do - we have come to commonly speak about who is as is the ICANN required RDS as it stands at the moment. And the DDP and the various work that's going on is that it's important to note that that is for the next generation RDS, you know, differentiating between the current one which is delivered over WhoIs which is a protocol.

And contains the current public data that is there and then we're currently looking on the PDP's and other work on what the next generation RDS requires that WhoIs be. So that's an important set of distinctions there between the WhoIs exists as a protocol, the WhoIs registration directory service with the data that is currently required, and the next generation RDS which may or may not require the same amount of growth of data. And may be provided over a different protocol that would not be WhoIs for example it could be a very different protocol like (unintelligible) or various and for potentials that are out there.

Ayden Férdeline: Thanks for that James thanks for that - the distinguishing between the two forums, Stephanie has her hand up, Stephanie go ahead please.

Stephanie Perrin: Thanks very much I would just like to make the point that I think sometimes get lost in this discussion and it may be an indicator of how we feel differently about things depending on which discipline we're coming from. When we talk about RDS administration data service we tend to ignore the instruments that actually compels the selection of the data and that would be the registrars' accreditation agreements and the registry accreditation agreement. So these are the contract between the registrars and registries and ICANN. And the actual requirements to collect the data and to display it and how it's done, and how long it's kept. In other words the instruments that is what one examines in terms of - in terms of data protection law and the absence of a proper policy on WhoIs and will get to that soon I guess is that contract. So that - the contract is a legal instrument the question is does the policy actually fully support that contract and if it doesn't why not, thanks.

Ayden Férdeline: Thanks for that Stephanie yes does the policies support the contract is something that we need to come back to in a few moments time. Does that answer your question Farzaneh?

Farzaneh Badii: Yes thank you very much.

Ayden Férdeline: Great thanks for that - thanks for that Farzi so thank you very much James and Stephanie for your inputs there but before we move on maybe we should just dive a little further especially for those who are new to the - this issue as to why it would be problematic for this data to be public in the first place. To - just playing the devil's advocate for a moment and maybe I would like Stephanie to respond to this, we have open data movements why is it wrong that the data we can see on the screen in the slight of the moment is public both in - how it solves crime doesn't - isn't it useful to have this information out there? And I suppose my answer to that question -- if someone were to ask -- would be to say that it might to an extent facilitate accountability.

But the unbalanced open access to this registrant data raises significant privacy issues and concerns about the abuse of consider personal (unintelligible) bystanders, by stalkers, by identity thieves, by other parties in general. And you might have sort of picked up on that when we speak about WhoIs or the current RDS that we use we often speak about privacy. Does anyone have a definition of privacy or want to speak about why it is important? If not I'm going to put forward a definition of privacy that I like myself but it - this is not necessarily a universal definition and so perhaps you will want to come back and to offer an alternative one or to comment on it. So the right to privacy is a fundamental human right which is recognized in the universal declaration of human rights that's united in the international covenant on civil and political rights and in numerous other international treaties.

And a definition of privacy that I like myself is this one: the claim of individuals, groups or institutions to determine for themselves when, how and to what extent information about them is communicated to others. This is -- I didn't put this author -- this is from Alan Westin he wrote it in the 1960s and I think it's a generally accepted definition but perhaps someone has not heard it and wondered - they would like it put forward. So that is what privacy is and next we're going to touch upon how it relates to our -- within the NCSG -- at ICANN. But firstly I would like to go around the room and to get some people speaking who haven't yet commented. So Andreea, Bruno, Dina if you would like to - Louise even if you would like to speak you're more than welcome to do so. And this one's (unintelligible) privacy involves in your country or if there is a - or the - does your country have - how is - is privacy seen as an important right in your country?

Feel free to write in the chat or to take the floor and to speak you don't have to say too much one sentence is fine but just - are there privacy involved in your country is the question? And it's open to anyone, just going to wait a few minutes to see what people are typing in the chat before we move on. Farzi go ahead please.

Farzaneh Badii: Thank you Ayden just asking - so one of your questions was that what - what are the disadvantages of this information that we (unintelligible) to be (unintelligible). And so I just wanted to clarify -- at this point -- what ICANN does with it - well what - it requires the registrants to have all the information that you have on the previous slide public. Is there any information that can be disguised or - if you can tell me more about that? If all the information that you have on the previous slide has to be public to everyone.

Ayden Férdeline: Sure thank you...

Farzaneh Badii: And...

Ayden Férdeline: ...sure.

Farzaneh Badii: And the - one more thing that I just wanted to mention is that this definition of privacy is pretty interesting because it's kind of putting forward what should be public. So it's - it is more providing the condition under which something can be public than providing the (unintelligible) privacy it's an interesting approach but yes so go ahead thank you.

Ayden Férdeline: Thanks Farzi for that on the definition of privacy yes I - this isn't the only definition of privacy and I thought that might provoke some confutation. But I'm going to leave that aside for now if anyone else wants to comment on it please go ahead. To your first point there are privacy property services that are

- that you can pay extra for in some cases there is no charge that can mask your registration details. And that way if you search for a domain name in a web interface it -- such as WhoIs -- it would receive some masked information such as generally the contact details for that privacy proxy service.

I don't consider that to be a very good approach myself because ultimately these privacy proxy services are private bodies, they're not courts of law. Who knows how they actually - when they disclose your data to others and under what circumstances or when do they roll over? Who knows there's not a lot of (unintelligible) therapy around that but I think to answer your question for the most part this data is public however there do exist now privacy proxy services that can mask some of the information that is contained. And they can mark some of the most sensitive information that goes in there but why should you have to hand over that data in the first place? How secure are their systems? These privacy proxy services that hold it. Why do they have a need to have access to this data at all? Just reading through the comments quickly to see what people are writing in the chat.

So Bruno has noted that Brazil does not have a privacy law just yet that there are discussions in both the senate and the lower house and Louise is - has kindly added that we have the (unintelligible) internet deliver act as a legal mechanism that actually upholds privacy as long as one of the guiding principles to internet policy development. And (unintelligible) also adding to the principle outline in that constitution however we're currently debating a specific form of privacy and data protection. Wow that's really interesting, what is the situation in the rest of the world? I don't know if - Andreea you want to comment, if David you want to comment, Joan you want to comment? Pascal you want to comment for instance about what the situation is like in your own countries? Do your countries have data protection laws or a constitutionally guaranteed right to privacy? I'll just wait a few moments and

see if anyone wants to raise their hand or to type anything into the chat. Hi please go ahead Joan.

Joan Kerr: Hi it's Joan for the record can you hear me?

Ayden Férdeline: We can.

Joan Kerr: Hello oh great - great thank you for this call by the way and I'm going to actually defer to Stephanie if she wants to correct me because this is something very interesting - interested in and when you asked the question I went to look for - because I thought we had a privacy law. And actually it - we have an overarching on law that says we have the protection and security but not necessarily a specific protection law and I think through all the documents I was like oh my goodness if someone would ask me without looking I would've said no here Canada has one. And so it's interesting that we're looking at - I'm looking at Canada and they have like I said a generic overarching statement but it defers to all of our provinces and the province I live in does not have one yet so I - oh geeze this is a very important issue for it not to exist. So obviously I'm going to work more with Stephanie to change that so very interesting yes that's the one that I was looking at pivot - (pivota) thank you James. Thanks that's what I wanted to say, thank you for asking the questions.

Ayden Férdeline: No thank you for contributing that Joan appreciate it, Stephanie also has her hand up so I'm going to her now.

Stephanie Perrin: Thanks very much -- Stephanie Perrin for the record -- and I'm pretty familiar with the - with (pivota) because I was the director of privacy policy leaving the drafting of it and Canada is like Australia and like Germany a federal state. A lot of the power to regulate commerce rests with the provinces and

this is why we have a security construction in Canada for the national data protection legislation. (Pivota) does indeed apply to the private sector, the federal government has authority in telecommunications however the fact that most nations states -- in the waif of the release of the Internet -- calling to regulate meant that most telecom organizations had not regulated the Internet.

This made it a little more awkward in draft and data protection law in the year 2000 so we decided to invoke the federal trade and commerce power to give the federal government the authority to regulate all industry unless the provinces act. So it's actually kind of complicated a little-known chunk of our particular constitutional framework but basically the fact that Ontario has not regulated does not mean they're not covered by law, (Pivota) covers them. So arguably it might be better that way, most provinces have not enacted law thanks.

Ayden Férdeline: Thanks for that Stephanie that's really interesting, just reading through the comments in the chat Rafik had noted that (Glyceia) has the data protection law to be updated, we - parliament has voted (unintelligible) convention 108 dated - CAKE notes that there is the national privacy law in Australia which also puts obligations on companies but they're at - there's discussion about making changes as to the privacy toward and we're waiting. Australia's waiting for data to which legislation and Bruno has also noted that when (Marcus Savil) was recently (unintelligible) in privacy is one of the guiding principles internet policy development and government was to reinforce the need of specific framework of the government then was working on. James also notes in the chat that Ireland has a data protection act in line with the relevant new directives.

Thank you for that I think that shows that privacy is a global concept it's not just something that it only applies in certain countries or regions of the world

in terms of legal instruments they might vary. They might be stronger in some territories or weaker in some jurisdictions but privacy is a global concept. So maybe we will turn now to the cruxes of our comment which is the (unintelligible) ICANN procedure for handling WhoIs conflicts with privacy law. I'm just pasting into the chat now a link to a google document where I've written the first draft of that comment and I'm going to read a few sentences out loud from it which I think contain some important background but you don't necessarily need to open this yourself. (Ben) is going to put it in the chat in case you would like to - before I go ahead I just noticed that Stephanie has her hand raised would you like to speak Stephanie? Maybe that wasn't...

Stephanie Perrin: Sorry that was an old man Ayden.

Ayden Férdeline: Okay great thank you Stephanie before I move on did anyone have any questions? Is - anyone have any questions as to what WhoIs is? Any questions as to what privacy is or why it is important, why it relates to what we do within the NCSG at ICANN or any questions at all? I'm not seeing any hands raised but if you - if you do have any questions feel free to type them into the chat box or to raise your hand and I'll let you speak. So we've just got the google document open now and I'm just going to read a few sentences which contains some background. First thing for those who might be new so the GNSO is a place where different stakeholders are represented in ICANN's activities and we develop consensus policies for governing generic top level domain names. So I'm just opening the google doc so on this - so paragraph four -- we talk about the - a background.

So in 2005 the GNSO concluded a policy development process that's taught to develop a procedure that would allow registrars and registries who are under contract with ICANN -- because ICANN sets policy by contract -- to meet their contractual obligations while also complying with the data protection and

privacy laws to which they must adhere. This procedure was adopted by the ICANN board in May 2006 and that's where they've been involved. I think it has been invoked zero times but someone might want to correct me there, I don't think it's been invoked at all. So under the current procedure registrar or registry must present ICANN with a ruling or a letter from the government body that states that collecting or retaining one or more data elements in the manner required by the ICANN contract violates local laws. And there are two issues with this that the NCSG -- and other stakeholders -- flagged with ICANN at the time in previous consultation activities.

The biggest in my mind is that you shouldn't need the permission of ICANN - - being a private body -- to comply with the local law. And the second is that having to wait until the ruling has come down or an investigation is under way but triggering alleged to be sent isn't really a good proposal. So as a result a new alternative trigger came to be put forward and that's part of what we're commenting on in this consultation. Just now move the slides. Does anyone want to comment on what the new trigger is? The new alternative trigger or does anyone have any questions or comments that (unintelligible) trigger? If you do, feel free to raise your hand, I just realized I don't think I actually said what the new trigger was so basically the new trigger says that a registry or registrar and let's present ICANN with a written statement from a government agency that identifies and analyzes the inconsistency that that agency has found between national law and contractual obligations citing specific provisions of each and in its written statement.

Mr. (Orson) certified that that agency has the legal authority to enforce the national law which is - has found to be inconsistent with contractual obligations in that it has jurisdiction over the contracted party for the purposes of touch and enforcement. I'm just reading that aloud from the google doc if you didn't catch that, that is in italics on Page 2 number - paragraph eight.

That's the alternative trigger and this might be a solution that works for some but as far as I can see and as far as - that's right I shouldn't speak on behalf of others, as far as I can see there are a few major issues with this. And you can see them in the slide that I'm just bringing on to - bringing up now so why it's unrealistic to expect a government agency to provide an advisory position on a private contract.

The - government agencies are already overtaxed, they're busy, they're not experts in ICANN policy and what do you do if you write to them? They don't reply I mean you can't force them to reply to your request to comment, also lies, area, by jurisdiction, or by business so you would think that if ICANN has agreeance that one organization -- one registry or registrar -- is not complying with the law. Any registrar or registry in that jurisdiction would have the same - would have the same issues and also the question of resources -- and some resources allocations -- in this procedure were disproportionately hire smaller registries and registrars particularly in developing regions where they might have less resources. But there are more reasons that I put into the google doc as well. What do you think? Are there any issues that I'm missing? Is there anything that I've included which isn't really a big deal if there are feel free to jump in.

Adobe Connect died for me so I'm just going to try to log back in myself I'm speaking over the audio proof because my internet connections being pretty horrible today. So if anyone does have their hands up feel free to - just to jump in now. All right back in Adobe Connect now sorry about that, not hearing any comments, don't see any hands raise, feel free to go ahead though if you do have anything that you would like to add or there are any other issues you'd like to flag. But if not then I might just jump ahead because we've only got ten minutes left in the call now. And so where we need your help is in identifying possible solutions here, so look at the problem is with

the existing mechanisms, we know what the problems are with the new alternative trigger. But how do we solve this dilemma? Because that's what we intend to do with these comments I think we don't want to just pound the table with anger we want to - we want to bring to the table a helpful solution.

So the new trigger won't work and neither does the old one but it's really just one issue here there's a contract -- which needs to be complied with -- it was written in the United States and there are local laws that need to be met which consists with the contract. When I think about that I think this can't be unique to ICANN. How would this be resolved in other sectors -- other industries? So this is - well the question that I would like to put to you now and think about it for a few moments. Think about it in your non ICANN environment if you were faced with this problem how would you address it? And that's what I would like us to focus on for the next - for the rest of the call -- for the next ten minutes -- there's a contract which needs to be complied with. The contract was written in the United States -- even live in the United States -- and there are local laws which need to be met which consists with this contract.

How would you - how would you address that? Try not to think about this unless you want to we've seen sort of the prism of ICANN. Think about it in terms of any other industry that you might be more familiar with or maybe even if you break it down a bit more you have a relationship with one person or business and they're offering you to do something which is illegal how would you handle that? Let's think about that for a few moments, feel free to put your thoughts in the chat, feel free to raise your hand and speak. But I would like everyone to think about that how could we - how can we solve this dilemma? And the other thing I would just say is that there are no right or wrong answers to this any ideas that you have to bring forward we want to hear. Because you don't know - they may - it very well help us come up with

a really great solution that others had not thought that we can add into our comment. So question I want you thinking about is you have a relationship from another person or business that often uses something which is illegal. How do you resolve that tension? How do you handle it? And I see that Stephanie has raised her hand now.

Stephanie Perrin: Thanks it's Stephanie Perrin for the record I just thought I'd say that I participated on that group with the WhoIs conflicts with long while they worked on the alternative trigger and I must say in all the years of working on crazy committees that I had lots of experience with this (unintelligible) craziest I've ever seen. Because I kept finding out why the trigger does not work in the data protection law context there are so many reasons, many of the data protection commissioners have the status of a judge and they're not allowed to write to a corporation and say you're breaking the law or you will be breaking the law.

So the actual mechanism that ICANN chose mainly this letter from the DPA was impossible to achieve in many jurisdictions and ICANN just sort of shrugged in reaction to that. Leaving the registrars and a really impossible situation where they couldn't get what was required and they had to break the law and as (Mackaly) and (Alin) kept (unintelligible), you know, my lawyers don't actually let me go out and break the law in order to comply with ICANNs requirements. In other words you had to break the law, get the letter from the DPM, risk having a server sued, you know, I could go on and on it was a crazy making experience and this new letter is moderate improvement which is why I wrote the dissent -- and so did (Chris Wilkinson) -- to that. It's called an appendix but as far as we were concerned it was a dissent in capital letters thanks.

Ayden Férdeline: Thank you for that Stephanie and thank you for sharing that background with us. We still have five minutes and I do want you to -- this is now to everyone on the call -- I do need you to think seriously about this. The scenario that I put forth, you have a relationship upon personal business, they're asking you to do something that's illegal, how would you handle that? What is the solution here? Don't worry if - about relating it to ICANN. How would you - how would you resolve this tension? And I don't know if we have anyone on this call who has a legal background perhaps but I am curious because I just don't think this must be an issue that's unique to ICANN.

How would this issue be solved in other sectors? I don't know the answer to this myself but I'm just sure this must be such a common issue so how is this handled? Does anyone want to comment on that? But it's getting pretty silent on here, if anyone wants to raise their hand and to speak please go ahead and remember that we're not looking for this to be an ICANN conflict - context here. I just want to hear your thoughts on how -- if you were asked to do something that wasn't legal -- what would be the steps that you go through to - what would you do yourself if that happened? You only have two minute left on the call so there's still time for someone to speak if they want otherwise we can take this conversation off the line. But if we do take it offline if there is anyone who wants to do some quick research perhaps into how this scenario would be handled in other sectors that would be really useful for us. If you take a look through the comment on the google doc you'll see that we have some background right, we know the history, we know how things is going to be.

What we're missing is a solution and what we're also missing -- as far as I can tell -- is if we accept that this is going -- this alternative trigger -- is going to be in place that's all we're getting. How do you actually do so? How does one then go to the data protection agency - the - or to someone else and actually

request that this letter be generated? How - what background do you give them and so forth? What documents would they need to consider? So those are the -- as far as I can tell -- the missing pieces in our consultation response at the moment. So after this call if you would like to go through and to make some suggested edits please do you're more than welcome to do so. If there are any comments that anyone would like to make in this call now you still have a few minutes so feel free to raise your hand and I'll call upon you. Are there any last comments? I'm just going to read through the chat box in the Adobe Connect really quickly. Farzaneh go ahead please.

Farzaneh Badii: Thanks Ayden just one comment so what would be the best next step you would recommend for the members to read on? And what do - what should they do - will they understand anything of the - either where we're at or what specific issues we're working on at this working group by reading just the public comments? I think if you can just point us to where is the best way to start educating ourselves on this issue that would be great thanks.

Ayden Férdeline: Thanks for that (Farsey) - before I comment on that were there any other final questions that anyone had? Feel free to raise your hand or to put it into the comment box. To (Farseys) question which is really about next steps I think there are two approaches. One you can go to the comment itself on the ICANN website so at icann.org there's a navigation bar at the top of the screen called comments. Go to open comments and you'll see the comment on this issue and starter provides a link -- a list of resources -- that you can peruse at your own leisure which provides some really important backgrounds for transcripts and so forth for the working group. But I'm not really sure if that is what I would suggest or is not - probably not something that I think we need to now because in our consultation doc - our consultation response I think we have that background summarized already.

What I think we're missing are solutions and what I think would be really great would be if some people on this call could start looking at how this issue is being resolved from other sectors. Because this is not unique to ICANN this must happen in other sectors all the time I'm thinking sectors like shipping, commerce. Because the idea that you had a contract which you have to comply with that's written in one jurisdiction and local laws that need to meet which conflict with that contract. So how -- and insurance as well -- how would they resolve this tension? So I think if someone was to - or a few people were to do some research in how - on how other industries resolve issues like this that would be really useful. Just reading through the comment in the chat box quickly - yes I agree to definitely go to the website of the WhoIs working group, listen to the recordings of the transcripts and so forth.

But let's just - so today is the 29th of May, we have two weeks to get these comments together so ideally we would want to get this to the policy committee by the fifth of June which is one week from today. That will give the policy committee a week to deliberate over the contents so let's try to meet that deadline. If you're able to review the google document, add suggested edits or revisions as you see - as you see fit ideally put some recommendations in there. Think about how we can solve this issue, that's what we need, we need solutions more than anything else. Do some research on how other industries or sectors would resolve these conflicts, that would be really helpful and remember that there are no right or wrong answers here. Any suggestions that you can bring will feed into our final output that we deliver to the policy committee to consider and will be incredibly useful. So with that said are there any last comments or questions before we end the call?

Okay well seeing, you know, no hands raised and no further questions I am going to end the call here, it's now five past four UTC on Monday the 29th of May 2017 thank you to everyone for joining us and for participating in this

call. Of course if you have any questions or comments afterwards feel free to write to them on list or if you don't feel comfortable writing on list write to me directly otherwise thanks again for joining us today.

END