ICANN Transcription
Next-Gen RDS PDP Working Group
Tuesday 05 April 2016 at 1600 UTC

Note: The following is the output of transcribing from an audio recording of the Next-Gen RDS PDP Working Group call on the Tuesday 05 April 2016 at 16:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.
The audio is also available at:

http://audio.icann.org/gnso/gnso-nextgen-rds-05apr16-en.mp3

Coordinator: Excuse me, the recordings have started. You may proceed.

((Crosstalk))

Michele Neylon: Good afternoon, everybody. Welcome to the RDS PDP Working Group. This is Michele Neylon speaking as Chuck Gomes is still not on the call but he will be joining us soon. Hopefully. The roll call, as usual, will be taken from the Adobe Connect combined with the phone bridge. We will not be taking a roll call during the meeting itself.

As per usual, couple of things to note. If you are not speaking please mute your microphone because nobody really wants to hear what's going on in your car or in your office. Secondly, if anybody has an update to their statement of interest or conflict of interest could you please let us know now, that includes things like changing of affiliations. Give everybody a second to think about that one. No? Okay.

Moving on. Okay so we've a number of items on the agenda today. The leadership team, as you may know, meets at least once a week to discuss how we are managing this group. And we've got a proposal together to put to you all in relation to various tasks. We're also going to have a small update from the small subteams that several of you are involved with. And then the final item on the agenda is to confirm the next meeting and future meeting schedules. Does anybody have any questions or anything so far? No, okay.

Marika or Sara, somebody, do we have the proposed plan that I could start with? Thanks. Okay so as you may recall we broke out into a number of smaller groups to deal with specific topics. And the idea with this specific groups is that each group is given a topic so you have data, you have purpose and you have privacy.

The working group cochairs are all on all of the lists, in case you're not aware, but some of us are meant to be in charge of a specific group so I'm in charge of the data one; I believe David Cake is on the privacy one; and Susan is on purpose or maybe I've got those the wrong way around.

The idea anyway with those groups is to identify and summarize input documents so that they can bring it all back to the larger group and help to bring people up to speed.

As you may have noted from some of the emails, some of the groups I think have produced quite a bit more than that and may have got a little bit into other aspects which the rest – which the full working group, full PDP working group is meant to address. It's not a problem. This is, you know, kind of more or less to be expected.

So what we would – having discussed this on the leadership call yesterday we're conscious that we can't have things just kind of completely open ended, that you need to have timelines around doing things. You know, the volume

of documents that are involved in this PDP are – it is pretty impressive. It's a very, very long list. And nobody is negating that.

So what we are hoping to do is follow this plan, which is up on the Adobe Connect there. So between now and the end of day April 6, every volunteer is asked to review their small teams and put checklists and offer to review and summarize at least one input and then email each summary to your own small team no later than Monday, April 11. Today is April 5, by the way. Just in case people had forgotten, as I had.

The input checklist that was circulated between last Friday and yesterday, depending on which group you're on. Thursday 7th, which is the day after tomorrow, your team leaders will any document identified but not yet taken two volunteers still without assignments. In other words, if you – if there's any documents that need to be dealt with that nobody has volunteered to deal with we will try to assign those to people who haven't already volunteered to do things.

Chuck, do you want to take over?

Chuck Gomes: Go ahead, Michele. You're doing fine.

Michele Neylon: I hate it when you agree with me. Damn it. You're meant to disagree with me. And your usual thing if you find yourself assigned a document you're unable to summarize for whatever reason just let your team lead know so that something can be worked out. Summarizing everything by April 11.

And then the idea being then to consolidate everything into the templates that were previously distributed so that we can – so that the smaller groups can present to the full working group further on this month. By the end of the month, by the end of April, the full working group will resume discussion of its work plan as well as approving message to SOs, ACs, SGs and Cs for the first round of outreach.

And, you know, complete – we can check feedback, complete list of inputs identified, etcetera, etcetera, etcetera. Any questions, any queries? Oh, and Lisa has just put in the chat that should be Tuesday April 12 working group call in Point Number 3. Okay. Oh okay so it's just a date thing.

Okay any feedback, any thoughts, any reactions? No? Kathy, go ahead.

Kathy Kleiman: Hi, Michele. Hi, all. Thanks so much. Yeah, I wanted to point out something interesting we're finding in some of the subgroups which is – and just see what others thought about it which is that part of the mission seemed to be go over old documents, documents that ICANN has created over the years talking about Whois.

But in the process there's a whole bunch of new documents that have been created in the last 15 years that seem to be of relevance and are in the process of being presented to both the purpose subgroup and the privacy subgroup. And that there's a huge change in the last 15 years in the area of data protection. And it's actually increasing in terms of rapidity of the countries adopting data protection laws. So 15 years ago when we were first talking about Whois we didn't have 109 countries with data protection laws adopted. And we do now. And the number is growing.

So as we look at the old documents I think we should be putting out a call for the new documents too that will help us because the old documents didn't have that discussion in them because that huge change was in the process of taking place, it hadn't taken place yet. So I know it raises the level of work for the subgroups but I would think we need to put out an even larger call for the new documents. Hello?

Michele Neylon: Kathy, can you hear me?

Kathy Kleiman: I can hear you, Michele. I'll wait for…

((Crosstalk))

Michele Neylon: Somebody's line has not been muted and we are now being treated to…

Kathy Kleiman: And I thought it was you disconnecting me.

Michele Neylon: No, if I was disconnecting you, you wouldn't hear anything.

Kathy Kleiman: So anyway, that sums it up that there might be a call for new documents as well that we should be putting in and summarizing because they're going to be critical to the evaluation ahead.

Michele Neylon: Okay so…

Kathy Kleiman: Which is where are we now…

((Crosstalk))

Michele Neylon: So you're volunteering to do this for your subgroup I assume?

Kathy Kleiman: I am volunteering to work with whoever wants to work on this together.

Michele Neylon: Okay. Because the thing is this, is that, you know, as I kind of tried to go over the – the task that's been given to the subgroups is to do exactly what you're talking about which is to identify relevant documents. So the – what staff had done previously was to collate list of documents that people knew about that was kind of within the ICANN sphere or ecosystem or circus or whatever term you're comfortable with.

But obviously if there are a load of other documents, which as you've pointed out there are, then this is – it's part of the subgroup's remit to list those out

and to say to people, okay, these are the other things that need to be considered and to summarize them. So that's perfectly within scope.

David, I see your hand up. Go ahead.

David Cake: Yeah, I just wanted to add – adding new documents is a, I mean, absolutely part of the mission at this point and summarizing them. I do find that – well ICANN – well (unintelligible) IETF they're very good about labeling which documents refer to each other and which supersede and so forth. And ICANN, which, you know, works on a – on some (unintelligible) policy areas is nowhere near as good.

You don't necessarily know sort of which documents have been superseded or which are (unintelligible) and even if they were the nature of the exercise would make it difficult to know with which documents are sort of too old to be useful or which are too new to have been looked at. But absolutely, we do need new documents are just as important as some of these sort of better known older ones, especially in the privacy area which as many people will know, have been – is in somewhat in a state of significant flux very recently. So, yeah.

Please don't (unintelligible) just because we need to sort of deal a number of old documents that we don't really appreciate new and up to date.

Michele Neylon: Okay thanks, David. Your line is a little bit unclear so I think we lost a couple of words there from you but I think we got most of what you were saying. Stephanie, you're up.

Stephanie Perrin: Thanks very much. Stephanie Perrin for the record. I hope you can hear me.

Michele Neylon: You're coming through beautifully crystal clear.

Stephanie Perrin: Lovely. I was wondering if – I understand ICANN hired a librarian recently. And I was wondering if we could use the services of the librarian to help us find documents. Because I must admit, as I go plowing through some of this old history, I wind up pestering people. And I'm kind of wearing out my welcome with the people I know who've been around long enough to tell me what's behind a given document.

So I'm just wondering if we could get some help on that. For instance, I find the Whois conflicts with law document cross links and final reports very confusing just as one example. So any help you could give on that would be appreciated.

Michele Neylon: Stephanie, what are you finding confusing specifically? Can you clarify what you mean?

Stephanie Perrin: Well what David basically said, which version is the final version? Which…

Michele Neylon: Oh okay.

Stephanie Perrin: …you know, if I'm looking back at, for instance, the RAA and the – the history of it to find out how we got to the selection use and disclosure requirements that we got a lot of those links are dead. Same thing with Whois conflicts. Even the document that's been cited up there on our list, thank you, Lisa, has things like "insert footnote here" and it appears to be a penultimate version, not the final. So, you know, this kind of stuff drives you bonkers if you're looking for the authoritative text. Thanks.

Michele Neylon: Thanks, Stephanie. I'm sure that Alan will agree with you strongly. Marika, you're up.

Marika Konings: Thanks, Michele. So this is Marika. So, yes, it is correct that we recently had a – someone starting under the title of librarian. And I think he definitely would welcome input and feedback especially, you know, Stephanie, some of

the points you've mentioned, so please feel free to, you know, share those and we'll forward those so he can start looking into those.

But I think at this stage he probably doesn't have on his list of items to actually start supporting working groups in some of these efforts because I understand he's more looking at, you know, and again of course it will eventually help the working group as well but looking indeed at the information documents that are available on the ICANN Website as well as, you know, related sites.

So maybe I can suggest there other way around if indeed anything you spot that you think, you know, requires a librarian's attention please send that to staff, to Lisa, or myself and we'll make sure that it gets to him. But I think we're probably not in a position to solicit his services to specifically help this working group at this stage.

But, you know, I think most of the requests that have come in I think, you know, Lisa has already been very helpful in directing and guiding people to the relevant documents and sites. And, you know, of course we're fully aware that in the long history of ICANN there are many places where documents can be found. And of course we'll do our best to try and find all the relevant information that supports this effort.

Michele Neylon: Thanks, Marika. Alan, go ahead.

Alan Greenberg: Thank you very much. Just in response to Stephanie, I guess a heads up, there are sadly many, many documents which the best you'll ever find is the draft version and a public comment on it or something like that that never got reissued as a final document. Either the final document didn't need to be changed and no one saw the need for it, or they simply worked from the comments and made some changes in the policy.

This is not true of PDPs, but of many other documents. It's not uncommon to find the last one that is on file is indeed a draft. So it's, you know, sometimes there just isn't a final one. And maybe our – the new librarian will help us identify which, you know, in which cases that's true. But it's something to keep in mind. There isn't always a final. Thank you.

Michele Neylon: Thanks, Alan. Alan and I, I think have had these conversations in the past so I wasn't overly surprised by his – by his comments. Okay so, yeah, in terms of the documents and everything else, I mean, just if there are documents that people aren't sure about the status then I suppose the best thing to do is just ask. I mean, it might be something that somebody might be able to answer very, very quickly.

Other things it might take longer for somebody to find out for sure. You know, we'll try our best. I mean, things like – somebody else noted on the chat public comments and things of that is they were sent in as an attachment sometimes the attachments may no longer be visible.

For those of you who are newer to ICANN than others, ICANN changed around the Website quite dramatically over the last three years or so. So you will find that there are links to documents that do end up going to – well cul-de-sacs is probably the polite way of describing them. But, you know, that hopefully there shouldn't be too many of them.

Oh and as Alan is pointing out in the chat, there was also – there's often pages, then there was a predecessor to Confluence, which was (Social Text) and people asked me why I don't like wikis.

Okay, I mean, there's a lot of stuff out there. If there's anything you have specific issues with please do ask. And you can ask I suppose – Marika, who is the best person to ask? You? Or Lisa or who? Marika?

Marika Konings: Yeah, this is Marika. Sorry. Takes me a second to get off mute. Who do you want to ask what?

Michele Neylon: If people are having difficulty with documents and wanting to check whether a document is the most current version or whatever, who's the best person for them to address their concerns to?

Marika Konings: So this is Marika. I think the best thing would be just to send that question into the mailing list so staff will definitely pick it up and either, you know, try to find it ourselves or check with our colleagues. But as I said, you know, I think many people on – in this working group have been active participants in some of these previous efforts and may also be in a position to help out.

So my suggestion would be that those questions either go to the list of the subteams where staff is also at present or the working group list and, you know, staff will definitely pick it up but hopefully others are able to chime in as well if they have, you know, relevant knowledge or experience in that specific area.

Michele Neylon: Okay perfect. Thank you, Marika. Okay anything else on this particular topic? Are we all in a happy place? Okay. So moving on, next item on the agenda, looking at the subteams' progress to date. Susan is – oh, Chuck, go ahead, Chuck.

Chuck Gomes: Thanks, Michele. I really – you did a great job. See, you didn't need me at all. Let me first of all apologize for getting in late. I actually called in quite early and tried to get in Adobe quite early. I'm not sure what my problems were but I finally got in. So but you guys did a great job.

Before moving to the next agenda item, I just wanted to say that I've been very impressed with all of the volunteer work that's been going on. I finally caught up with it this morning reviewing all the different posts on the three teams and so forth. And thank you very much for all of the efforts.

And I did want to comment we are looking to wrap up the teamwork in the next two weeks, as Michele went over in the plan. So continue to identify new documents as you find them, but I hope that in the next two weeks that there will be really good progress on preparing the summaries. If you – if any of you have looked at the lists of documents for all three teams, you'll see that there's a huge amount of material out there.

Some if may duplicate and that's okay. Some of it may be outdated and we will hopefully identify the most recent versions as best we can. But the summaries are going to be very helpful because it's going to be near impossible for everybody to review every document because we have other lives besides this one, I think.

And so really encourage you all to work as – within your teams. If everybody contributes to the summaries, and again I've been impressed by how many people have actually volunteered to prepare summaries on multiple documents so thanks for that great effort. And if everybody on the teams will continue to do that we'll be fine in the next two weeks.

So on the next agenda item, which I think we can now go to let's leave the purpose one for last since Susan is not able to be with. And let's start with David, if you could give us an update on the progress for the data protection and privacy team.

David Cake: I think – I think the team has identified a number of – quite importunate useful documents in addition to the pretty extensive list we already have. We've had a bit of a – I don't know, some tendency to get a bit too excited and people to start getting into debates regarding the (unintelligible). But I think we managed to refocus and get back on track.

I think – my feeling is that we have done a pretty good job of identifying additional documents for the team so far. And we really need to – we've got

some summaries done but still a lot of work to do in summarizing and organizing and prioritizing the documents we've now identified.

Chuck Gomes: Thank you, David. Appreciate that. This is Chuck. Is there anyone that has a question about that team's work or comment? Okay, not seeing any hands or hearing anyone. Let's go to Michele and give the mic back to him.

David Cake: If I could just – just also, I mean, we have had the question of, you know, what things are going to be generally relevant which – to the working group's work which is – I mean, then you start dealing with privacy law and of course privacy law is generally on a national basis.

But with significant commonalities between – particularly within the sort of European Article 29 group. But also I will say we're having some debate about what is relevant to what. We're sort of taking the – I'm taking the tack at the moment we are going to include those documents and note which, you know, things – which documents may not be of universal relevance but even a – things that apply even in a large number of jurisdictions where ICANN registrars will eventually be in some way relevant to the work of this group.

((Crosstalk))

David Cake: We'll have to consider them but, yeah, we're just saying – we're taking a broader – we're trying to exclude anything, we're trying to include everything we can at this point.

Chuck Gomes: Thanks, David. This is Chuck. And I think the inclusive approach is the right approach for now. We can weed things out later as the full working group as we dig in deeper. Lisa, go ahead.

Lisa Phifer: Thanks, Chuck. I just wanted to point out there were some questions in the chat where people can find the information such as the checklist on privacy inputs that's being displayed on the screen. So I know that David distributed

this to the privacy team and there are similar checklists that we developed for the data and purpose teams.

What we're trying to do is keep these checklists updated every day, obviously every time a post is made to the mailing list would be a bit much but at least once a day update these checklists both to add new documents that have been suggested and also to identify individuals that may have volunteered to review some of these documents. That's what you see sort of to the far right of the checklist.

Anyone who has actually volunteered has been marked as assigned to review that document. And then when those individuals submit them to the list we'll change the status to submitted so that we can kind of keep track across all of the teams the status of the documents. And you can see which ones don't have volunteers yet. So just wanted to sort of step back and give that overview of what the checklist is all about.

Someone asked about the starter list. The starter list was in the template for each small team. And both the template for each small team as well as these checklists are all posted at the Phase 1 documents link that you'll see down in the chat.

Chuck Gomes: Thank you very much, Lisa. This is Chuck again. Let's go to Michele for the data team.

Michele Neylon: Thanks, Chuck. Michele for the record and transcript and recording and all those other things. Okay so we haven't had a massive amount of activity on the list up until about 48 hours ago. And in the last 48 hours a bunch of people have come forward volunteering to summarize I think most of the documents that are on the list. So I think we should be in pretty good shape. And thanks to all those people who volunteered to summarize things. And hopefully we'll get everything done in a timely fashion.

Chuck Gomes: Thanks, Michele. Any comments or questions on – with regard to the data team? Okay, this is Chuck again. So as you probably were already told Susan came up ill today and wasn't able to join us. So Lisa has volunteered to give a little report on the purpose team. Lisa, go ahead.

Lisa Phifer: Thanks, Chuck. So standing in for Susan just briefly, on the purpose team I know that Susan circulated the purpose checklist to the team on Friday. We have actually, on that team, had a number of documents actually summarized at this point and circulated out to the list including the Whois Policy Review Team final report of 2012, SSAC's 55 (unintelligible), which both was summarized and then some additional corrections suggested by Greg Shatan.

And then Greg Aaron suggested a US Consumer Protection Act that might be relevant noting that we might need to identify a number of relevant national laws that could potentially apply to the gTLDs. Susan Prosser volunteered to summarize the EWG recommendations related to purpose which she's done.

And then Greg Aaron summarized a number of additional documents so this is actually a pretty good example of documents that were identified by a team and then added. A number of additional documents that relate to existing Whois policy relevant to purpose. So quite a few documents actually have been summarized in this team but a number remain unassigned.

Beth Allegretti volunteered to take a look at some of the European data protection supervisor correspondence related to this topic. And we are still looking then for volunteers for quite a number of other documents. So everyone on the purpose team, if you haven't volunteered for a document yet please take a look at the list.

And if there's something there that falls into your area of expertise that you'd like to take on please volunteer as identified in the plan, volunteer tomorrow,

that would be super so that we can match the documents with the people best able to review them and summarize them for the group.

Chuck Gomes: Thanks, Lisa. This is Chuck. Before I go to Steve, I haven't heard back from Susan regarding whether she would be able to send out the document on the task for the next couple weeks right after this meeting. So can I ask you to please send that to the team on that regard to make sure that gets out right after this call? Lisa?

Lisa Phifer: Yes, sorry Chuck. Yes.

Chuck Gomes: Okay thanks. I appreciate that. Steve, you're up.

Steve Metalitz: Thanks. This is Steve Metalitz. I had two questions. One is that I see on this list of the purpose subgroup a lot of documents that are also on the list of the privacy subgroup. And in some cases summaries have already been done of those – of some that are on our list to be summarized.

So is it necessary to summarize them twice or can we ask staff or someone to let us know when a summary has been completed for a document that's on our subgroup's list? I'm referring to the privacy subgroup in this case. But it just seems like there's some duplication of effort here. There's a lot of overlap between these documents – between these lists. That's my first question.

And my second question is, because I don't think our subgroup has yet produced any summaries, at least not that I've seen, but obviously there are some here, are those useful templates for us? I mean, it's not clear to me whether we're talking about a one paragraph summary or a one page summary or just what we're looking for in terms of the summary. So can someone who has actually prepared and/or reviewed some summaries, and I see there are a few of them on this list, actually provide some guidance there? Thank you.

Chuck Gomes: Thanks, Steve. This is Chuck again. Lisa, do you want to respond? Oh…

Lisa Phifer: Yeah, thanks, Chuck. Sorry, it took me to a moment to come off mute. So with regard to the overlap we noticed that when putting together the templates that were reviewed in last week's call that there would be some overlap between the starter lists. But rather than arbitrarily eliminate that overlap what we asked the – each of the teams do is really focus on the parts of those documents that are most pertinent to the question being addressed by that subteam.

So in particular there's a fairly hefty chunk of overlap in the area that starts with Article 29 working papers on down through European Commission documents and international working group documents on data protection. For all of those documents, though, what we asked is that the team leaders see that the actual data protection summarization happens within the privacy teams since that's their primary focus.

But that the other two teams take a look at those documents and try to call out specific parts of those documents that were relevant to maybe specific data elements and how data protection law applies or to the question of purpose and how data protection law applies. So that was sort of our overall approach in trying to identify the – or deal with that overlap so that we don't sort of artificially constrain anyone from finding something in those documents that are particularly relevant to the question that that team is focusing on. I know that's imperfect but that was the solution that we came up with.

As far as what we're looking for in terms of a template, if you look back at the templates from last week's call, which are posted on the wiki in those Phase 1 documents link already posted to the chat, we did give some suggestion of what a summary might look like and, yes, Steve, we were kind of looking for a paragraph each for each of the documents as documents are being summarized. It's clear that that's probably not sufficient.

But we are looking for something fairly concise and tying the document back to the question at hand, not just attempting to summarize the entire document itself. I hope that's somewhat helpful in answering your questions.

Steve Metalitz: This is Steve…

Chuck Gomes: Thanks, Lisa.

Steve Metalitz: It is somewhat helpful but if you could provide the link, I mean, you're referring to a lot of different lists and documents here and I'm quite confused about what's available. When you talk about the template you're not talking about the checklist, you're talking about something else. So if you could provide the link to these summaries that have already been prepared that would be great. Thank you.

Lisa Phifer: So…

Chuck Gomes: Thanks, Steve.

Lisa Phifer: Let me just respond directly to that. If you follow the link to the Phase 1 documents, which I'll copy again down to the bottom of the chat, you'll see that there's a very short set of links to both the templates for each subteam as well as the ongoing checklist. So to clarify the template is an overall structure of what each small team would produce and that might include a list of documents of course as well as summaries and then any statements that the small team would like to make providing additional background or direction for the full group.

The checklists are just the list of documents and then who is tackling them within your group. So one of the checklists is on the screen here. So you'll find all those on the link that I just posted at the bottom of the chat screen.

Now the summaries themselves that are being produced, because each small team is still working them, reviewing them, discussing them, deciding if any edits need to be made to them and so forth. We have not tried to compile those into an actual document for each of the small teams' outputs.

Our hope is that if each of the small teams can focus this week on actually generating those summaries then next week, following the next week's working group call we can start consolidating that information back into your team's template and every other team's template in order to produce that output document you're looking for.

Chuck Gomes: Thank you very much, Lisa. This is Chuck. Steve, is that good for your questions?

Steve Metalitz: Yeah, so those summaries are not yet available, that's the answer to my question. Thanks.

Chuck Gomes: Thanks, Steve. And before I go to Kathy, if one of the team leads wants to invite Volker he's looking for a group to join and help so please feel free to…

((Crosstalk))

Michele Neylon: This is Michele. I'll take him.

Chuck Gomes: Okay. I thought I should get a volunteer there. Thanks. Okay, Kathy, it's your turn.

Kathy Kleiman: Thanks so much, Chuck and all. Actually, first just to follow up briefly on the question Steve asked. Lisa, would it be possible to post what you just said to the entire working group because there are so many people who aren't on this call but to tell them where to find the checklist, where to find the template.

And actually it would be really good if we could link to the summaries as they come through because otherwise you have to kind of go back through a lot of materials. I mean, if there are – we have names for people who are summarizing and maybe it would be possible to link to the summaries.

And that's where my question comes from. And I know Susan is not on the call and I know she'd want to address it but let me ask Chuck and the others on the leadership team. That some of the summaries are coming back with questions that are being raised about them. So someone is summarizing the Whois Review Team for purpose, yet the Whois Review Team expressly did not review purpose. That was outside the mandate.

So you can maybe derive what the Whois Review Team might have thought the purpose could have been but it was expressly outside the scope of the review of the Whois Review Team to look at the purpose of Whois. We had to address the system the way it was.

So my big picture question is how are the questions that are being raised about the summaries being handled, because this is not – this is not kind of an objective right answer thing. This is different people's perceptions and perspectives. And how are we going to work with all of that which I know compounds the difficulty of our problem. Thanks.

Chuck Gomes: Thank you, Kathy. This is Chuck again. And I'll quick go to Michele. But I just wanted to say the questions I think will also be useful if they're in the summaries in the sense that when we start deliberating we're going to have to deal with those questions. So I think the questions themselves don't necessarily have to be answered in this exercise that we're in right now. If they can that's nice but if not they will probably help us focus on them when we start deliberating. But let me let Michele respond.

Kathy Kleiman: And actually I'd like to respond to. Thanks.

Chuck Gomes: Okay.

Michele Neylon: Do you want to go first, Kathy?

Kathy Kleiman: No, I'll wait, Michele. Thanks.

Michele Neylon: Okay. I'm getting nervous now. Okay it's Michele for the record. Objectivity I suppose is in the eye of the beholder. I think, you know, the key thing here is if there are issues, questions and things that need to be raised then we really need to address those when we bring those summaries and those documents and everything back to the main working group.

I think the main thing that we don't want to have happening is for a subgroup to start getting into the weeds on some of these finer details, which I know can be quite tempting but probably isn't a very good use of our time. But I think, you know, there's no such thing as an invalid question, it's just a matter of when and where is the best place to raise it.

And once we get all those – once the subteams have – excuse me – once the subteams have brought their work back and we're able then to address and discuss it that's probably the best time to raise these things. Thanks.

Chuck Gomes: Thanks, Michele. Kathy, is that good?

Kathy Kleiman: No, not really because – I had to disagree with Michele. But if the questions are being raised…

Michele Neylon: You do so often – you do so often.

Kathy Kleiman: But I agree with you so often too. In this case if the questions are being raised it seems like that the summary itself should not be a locked document, that the questions about the summaries, particularly if they're coming from

people who were involved in writing the documents, should be part of the summary that's coming back.

So that the group – the larger working group can know both about the summary and not, I mean, we're not talking about questions being raised about the validity of the summary but questions being raised about the scope of the work of the group that did the summary, you know, that – sorry, that did the underlying report.

Because, again, we're looking back to what I said earlier, we're looking in a world that has changed a lot in the last 15 years since we've done a lot of this Whois work. And so we have to look at both the issues that were looked at in these underlying documents and also kind of the context in which they were looked at.

And the scope that they were looked at. So I would combine everything. And that's why if the summaries were available in some kind of editable form we could have people kind of adding layers of questions and insights and perspectives on top of the summaries and then the working group could come back with kind of this very layered document coming back in. I don't know if that makes sense but I think it would expedite what we're doing later to summarize the whole of the subgroup's work and bring that all to the working group rather than raising it in individual email – raising questions in individual emails later.

Chuck Gomes: This is Chuck, Kathy. One of my concerns, if I'm understanding you correctly, is that we could stretch this teamwork out for a couple months really easy. And my own personal opinion is that where as much as we can do in what you're suggesting in the next couple weeks that would be great but let's not stretch it out so far because actually some of what you're suggesting be done if it happens in our deliberation that will be okay.

And I think it is important for us to get to a point where we can finish our work plan at least at this stage of the game and get moving on the deliberation sooner rather than later. So I'm saying yes, if we can do what you're talking about in the next couple weeks good. But I suspect we're going to be limited in two weeks in doing that and that we can do what you're suggesting in our ongoing work. Michele, your hand your hand up, is that an old hand or a new hand?

Michele Neylon: Oh it's a new one. It's a new one. Kathy, it's Michele.

Kathy Kleiman: Michele.

Michele Neylon: Kathy, we love you dearly, you know that don't you? I think you're trying to kind of reiterate something that's already been stated I think several times in different ways. And there's nothing wrong with it but I think the point has been made and I think we're all happy with that. I mean, your point about, you know, it's, you know, the perspective on privacy and Whois has evolved over time. We all agree on that.

You know, if it makes you happy, I mean, I don't know what – how best to address this but I wouldn't want to be getting into something overly complex and overly engineered. But essentially, you know, the – if something – if a newer document replaces what's – what was said in a previous document then whatever summary just simply say, you know, this is an update on X.

I mean, I wouldn't want to get into too much on that. I mean, ultimately we need to, you know, bring – have these summaries with the idea being that subgroups would help to educate the larger group in as objective a way as possible and to just kind of keep things within the – within a factual framework so there wouldn't – so you don't have, you know, too much kind of person looking, you know, whatever brought into it. I mean, it's very clear where various people come from in terms of what things they are interested in, what views they support.

But, you know, just keeping it as simple as possible, I mean, if a document was from 1989 and nobody's touched anything on that subject since then that document is still going to be valid. But if it's something on say, for example, privacy more likely than not a document from 1989 is probably no longer as relevant as a document from 2015. So I think we agree.

Kathy Kleiman: I think we do. Chuck, may I respond briefly?

Chuck Gomes: Go had.

Kathy Kleiman: Okay, yeah. Quick note. No, definitely not trying to extend the subgroups for another two months, Michele, definitely trying not to over-engineer. Just trying to say that the summaries when they come out of the subgroups should probably include the discussion of the subgroup on the summary, not just the summary itself because that discussion is providing some additional context and background.

((Crosstalk))

Michele Neylon: …just something like, okay, this was, X, Y and Zed was discussed. There was agreement on X, there wasn't agreement on Y. I mean, it's just a note really isn't it? I mean, it's a covering note or some kind of background to it.

Kathy Kleiman: You kind of have to see the – not crazy discussions, important discussions going on in the subgroups but I think it would be make sense in the subgroup. And then the question would just be physically how do we layer the discussion. It's probably something to take place in the subgroup. And I don't – I don't – now that I'm listening to kind of – it's not as difficult, it's – I think it's pretty straightforward.

I'll talk to Lisa if it's okay to see how we might layer input and comments on summaries so that we can kind of capture quickly, quickly concisely capture the discussion taking place in the subgroup on some of this.

Chuck Gomes: Thanks, Kathy. And remember, I'm not opposed to the back and forth dialogue that happened like just now but remember to identify yourself because it makes it really hard for the people, you know, recoding who's speaking in transcripts and so forth. So please remember to do that.

And I want to call attention to Lisa's response to Kathy. I think it's a – with regard to the status column, something that she suggested doing in response to what Kathy suggested. Please make sure you see that as well. And let me go to David next and then we'll go to Lisa and Stephanie.

David Cake: Yeah, I just wanted to – so this is David Cake. Just we – I mean, think back to the purpose of what we're doing here. We're trying to help people navigate through a huge number of documents, which we knew – we know that not everyone – we saw this huge number of documents but (unintelligible) is not complete. We're trying to find ways so that we can navigate through to the most essential documents to different parts of the argument and most – both find, you know, different documents were useful in different ways.

Some will be good summaries and starting points. Others will be more exhaustive discussions. Some will be useful references. We're just trying to find that sort of thing which I think which documents you need to look at and what and how they're relevant. I think suggestions about whether or not the discussion in the working groups, I mean, I realize it's important but to an extent I would like to – I mean, I'm focused on keeping those summaries short and distinct and useful.

I think is – and if there are disagreements we can – notable disagreements within the subteams we can sort of – yes we can attempt some sort of synthesis of competing summaries. We can attempt and make where there's

no full agreement but where we should – I think we should not, you know, if we're getting into that sort of level of disagreement we probably are drifting off the reason for the subteams in the first place.

I think Kathy's suggestion that we need to sort of summarize some of that disagreement and so forth, I'm not sure is really helping the goal of this whole process, that's all. Thanks.

Chuck Gomes: Thanks, David. Lisa.

Lisa Phifer: Thanks, Chuck. This is Lisa Phifer for the record. Just quickly responding both to what Kathy suggested and to David's follow up, there – if you look at the template the template was an attempt to give guidance on what the final output of each of these small teams might look like. It's, you know, not cast in stone and each small team, I suspect, will have to work with it a little bit to figure out exactly how far to go in terms of level of detail and where to put things.

But we did leave an open ended section at the end of the template for each small team to incorporate information that, you know, sort of didn't fit elsewhere but they felt would be helpful to the full group in reviewing the output of the small team.

And specifically with regard to, you know, maybe summaries where some team members have, you know, expressed disagreement with the document being summarized, I think it's useful to flag which documents may have that kind of – I will say contention, that kind of, you know, mixture of reactions to it within the small team.

Not necessarily go into the arguments about why a document, you know, may be biased or wrong or whatever the opinion might be but to flag the documents that are like that because that will help us as we come back to the

full group understand which documents we may need to, you know, pay more attention to try to understand what the disagreements are.

But we can do that understanding of what the disagreements are back on the full group level so that everyone hears that deliberation and has an opportunity to either voice their opinion or understand what other people are saying when they have a different opinion. Thanks.

Chuck Gomes: Thanks, Lisa. Stephanie, your turn.

Stephanie Perrin: Thanks, Chuck. Stephanie Perrin for the record. I just wanted to register a couple of points here. Number 1, I'm really heartened to hear that we can bring documents as they arrive because as lots of people are aware there is a new data protection regulation in Europe. And the Article 29 group that has (unintelligible) so many opinions before is now reforming itself into a board.

How they're going to handle advice about ICANN is as yet to unfold. So there will undoubtedly be new documents coming. So that's point Number 1, we'd like to get them in there.

Point Number 2, and I regret that Greg Shatan is not here today as near as I can see because I hate to put words in his mouths but – only one mouth, sorry there – he did mention a while ago show me the case law or words to that effect. On the data protection side, and as Michele said, you might know what my view is by now, on the data protection side we're lean on case law but, again, under the rubric of one as case law and lawsuits get filed we will of course want to bring them in and add them to the pile.

Thirdly, many of the civil liberties arguments that are worth arguing in terms of the Whois database actually take place in terms of the constitutions of various countries. So compiling the case law on that is a much bigger task. And I can tell you right now I'm not going to get it done in the next two weeks. And I don't know who else was working on this. But those cases are

extremely relevant particularly with respect to not data protection but confidentiality that protects freedom of speech. Thanks.

Chuck Gomes: Thanks, Stephanie. And as several people have pointed out – this is Chuck speaking. The laws and documents and so forth are being updated continually. And in fact we're really going to have to do a thorough job and I think it's already in the task for Phase 3 of this working group in terms of implementation of policies that are developed in this working group.

We're going to have to do a thorough cataloging in Phase 3 for sure. That doesn't mean we shouldn't stay current in the meantime but that is certainly anticipated in Phase 3.

David, is that an old hand or a new hand? Thank you. All right well we've used up our hour. We wanted to give you a half hour back today and we felt we could achieve that. We've almost achieved it. Our last agenda item is to talk about schedule.

Now after this meeting staff is going to send out a schedule of our meetings and times for the meetings taking us up to June and the Helsinki meeting. So you'll see that. But the leadership team, assuming there's no big objections, has decided to make one change in when we do the alternate time for our meetings.

We had said the last Tuesday of each month; that becomes a little bit confusing when we have a Tuesday – when a Tuesday is the last day of the month like it is, for example, in May. And to avoid confusion, because it'll be the first day of the month – the last Tuesday of the month would be followed by the first day of the next month.

To avoid that kind of confusion when that occurs two or three times a year we decided to do the alternate time on the third Tuesday of each month starting this month, which would mean the 19th of April would be the alternate time to

accommodate those who are in especially the Asia Pacific region. So – and make it not so undesirable.

So please notice that. That schedule will be sent out. And if you need to take a look in note that on the 19th our meeting time will change. All the other meeting times will be as we've been having them. So please not that. And if anybody has any comments on that we can take them now or you can send them to the list. Let's go to Stacie.

Stacie Walsh: Hi. Stacie Walsh here. I have a quick administrative question about the summaries. And I apologize if I've missed this somehow in the emails. But exactly who or where do we submit these summaries? Is it by email? Is it on the wiki?

Chuck Gomes: Good question, Stacie. And those can be sent to your team list. Did that – does that make sense? Each of the teams has their own email list. And be careful, though, we have a logistical problem depending on what browser you're using. I know for me the reply to all does not work. And so you may have to manually enter the, you know, a cut and paste on the team list when you respond otherwise it'll just go to the individual. So please be careful of that.

But there's a team list for each of the three teams. Please send them to that list. And, again, make sure when you hit reply to all if it doesn't show the whole team list please insert that in there. Sorry about that. We have – the leadership team has made it clear that we really need that problem solved because some of us are going to periodically forget to do that and so people will miss messages. So in the mean time try to be diligent about that.

Any other questions or comments before we adjourn? Any other business we need to cover? Okay. Again, my compliments on the great work going on. It's really encouraging to see all the effort being put in and it's much appreciated. And notice what Lisa says there, PC Outlook users, like me, have to be

particularly diligent on the reply to all thing. And it is being worked on by ICANN IT, as Lisa says.

And we, as a leadership team, said that it's really not acceptable for this to be an ongoing problem which was kind of the first thing. They just wanted everybody to manually deal with it. We didn't think that was satisfactory so we're certainly pushing on our end to get a resolution to this.

Okay, thanks everybody. Have a good rest of the week. And look forward to seeing all the work that'll be going on between now and next week in developing summaries. And we'll follow up on that in our meeting next Tuesday at the same time as today. Thanks, all. Meeting adjourned.

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