

ICANN Transcription
GNSO Next-Gen RDS PDP WG – Privacy Sub-team Session
Tuesday 26 April 2016 at 16:15 UTC

Note: The following is the output of transcribing from an audio recording of GNSO Next-Gen RDS PDP WG Privacy Sub-team Session call on the Tuesday 26 April 2016 at 16:15 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-privacy-26apr16-en.mp3>

(Michelle): Thank you. This is (Michelle) thank you. Actually we're ready to go Zack, we are ready to start the privacy session please start the recording for us now. Thank you.

Chuck Gomes: Thanks. This is Chuck. And I'm going to call on David. David are you able to lead this discussion or do you want me to jump in at all? Just let me know. I know you weren't able to make our leadership call yesterday. Please let me know.

David Cake: I'm happy to lead the discussion Chuck but if you want to get us started.

Chuck Gomes: No go ahead. It's all yours. The Privacy Sub Team document is up in the screen now and there will be live editing on that so take over.

((Crosstalk))

(Michelle): The recording has started you may continue.

David Cake: Thank you. The recording's started? So...

(Michelle): Yes.

David Cake: Hello? Whois – so it's (unintelligible) Whois from the Privacy Team is on the call? I know we have Stephanie I know we had a number of others. We have Kathy and...

((Crosstalk))

Chuck Gomes: David this is Chuck. One of - I don't think you were on when Michele did it but it worked pretty well. Would everybody in the on the Privacy Team raise your hands in the Adobe so that we can get a quick look at...

David Cake: Yes.

Chuck Gomes: ...which members of the team are there? Thanks. And then it's back to you David.

David Cake: Okay so Steve, (Aggie), (Sana), yes, so Stephanie. But thank you those on the team. All right, Greg well so really we have a fair representation from the team here. But our first question is did the input produce any insets from former working group's work plan? This was discussed a little bit just on the data call I know about the order we're just finishing up. Does anyone - is that - Kathy you wish to speak to this point? No? Steve no? (Unintelligible) your hand...

Woman: (Unintelligible) down hand.

David Cake: Got, okay so we've got no one wants to discuss that issue at this point. So we'll move on to the main question of which inputs are likely to be the most relevant during working group deliberations and why? (Unintelligible) discuss – we'll nominate the (unintelligible) input to start with also go through the inputs that we have already mentioned and we can each discuss it in order. Steve?

Steve Metalitz: Yes thanks. This is Steve. Yes I'll just start this off. I mean there are a lot of important documents here. The real question is which ones are likely to be the most relevant to what we're supposed to be doing? And I had raise the question about the Schrems and privacy shield documents. I guess this is the sixth bullet down. And I think in what Chuck circulated it was put in brackets. And I expect that's because I had raise this question. I think that's obviously a very important, you know, decision by the European Court and very important how the US and the EU have reacted to it creating this new privacy shield and so forth. And there have been opinions issued about that. But I don't think it has a lot of relevance to what we're doing here or perhaps as much because as far as I know the Schrem's decision had struck down the safe harbor that had been established the, safe harbor regime that had been established by the US and the European Union in I believe 1999 or 2000.

And but to my knowledge no one that was collecting or making available Whois data really relied on that safe harbor in order to do so. So I don't think it really striking it down. Obviously it's a very important development for a lot of businesses and for a lot of data collection and dissemination but I think Whois is probably not as important for it. So again I'm not saying it's not relevant but if we were ranking the top ones in terms of relevance I'm not sure I would put that one on there right?

This whole list is kind of European heavy which reflects what's in the overall copulation our 56 or however made page summary that we have. But I do think this one is a bit peripheral or more peripheral than the others. Thanks.

David Cake: Yes thanks Steve. And that's a good point relevant to the Schrems and the (Crosby) shield. So I would also note that this is likely to be a very quickly changing area so exactly which documents are most

relevant possibly going to be changing over the - yes we need to track this issue over the course of - it will change during our year of deliberation. So the specific documents may change in their relevance. Kathy?

Kathy Kleiman: Hi, thanks. Can you hear me David?

David Cake: Yes.

Kathy Kleiman: Great, hello everybody. I think Schrems is critical and particularly where it is in the order. And I'll explain it. It's not the Schrems. The Schrems and the US privacy shield and the Article 29 Working Party opinion on the privacy shield which is less than a month old.

So if you go through looking at Bullet Point Number 3 we're looking at the EU data protection directive for 1995. And that, you know, involve, creates a baseline for data protection laws throughout the year. Then actually a prior document is the council of your 1981 treaty 108 on data protection principles. But it's been signed by 47 or 48 countries I forget. So going beyond the EU to Eastern European countries as well as others.

And then Professor Greenlee articles and books he's been tracking this for years. And what he tells us is that in 2015 last year the tipping line, the tipping the scale tipped. And there are more countries in the world with comprehensive data protection laws than without based on the principles largely in the EU Data Protection Directive in the Council of Europe's treaty 108. So these two are the foundational documents.

And what Schrems tells us is that -- and frankly this is my own personal commentary -- but after hearing in the United States the law, the EU, the safe harbor which had to do with data flows from the EU to the US was mocked for two decades. I heard it laugh that. What

Schrems is telling us is they're not laughing at it anymore. Enforcement is now the bottom line. The top court in the EU, kind of like the Supreme Court in the United States has now rolled that, you know, has now ruled on the issue has invalidated something that it stood for almost two decades and said, you know, basically kind of reading between the lines because I'm not going to quote the opinion, you know, we're serious about this, we're serious about the principles we've established and the data protection directive and we're watching now.

And so I think that what comes next then the US privacy shield I can't imagine anything, the EUUS privacy shield we're now talking about data flows, data coming in and out, personal data, sensitive data coming in and out of the EU and other countries with data protection laws.

And as we look to our work we're thinking about Thick Whois. We're thinking about a possible EWG, hypothesize the possible centralized database of all gTLDs Whois, nothing's more important than data flows. That's the underlying basis. This data will no longer stay with the registrar. It will be transferred outside of national borders. So nothing's more important than the decisions and the opinions that govern that. And so I think we'll see that with both Schrems and with the Article 29 Working Party opinions. And there are people here on this group who certainly know more about those than I do. Thanks very much.

Michele Neylon: I think I was next in the queue and just very quickly if the data flows safe harbor and your replacement of it is important from both registrars and registry perspective because it essentially allows or forbids us to transfer the data legally. One of the issues that a lot of the registrars faced and while we still do still face I suppose is that our mountain as the only escrow provider at the moment that ICANN pays for but what we pay for but the ICANN then covers the cost of doesn't

provide and servers within the EU. So all our registration data has to be transferred outside the EU which is problematic.

And as an Irish company we have to be - we are registered with the Irish data protection authorities and we have to make a declaration as part of that registration as to our transfers abroad. And while our data protection people are quite nice in that they don't go hunting us down due to third-party obligations it is kind of important. Now whether it's should be the most important or something else I'm not going to get into that but I think it's something that is definitely worth keeping an eye on but also add it's also something that is currently in flux.

Thanks.

David Cake: Thank you Michele. Steve you assume that it's you back in the queue. I assume you want to respond?

Steve Metalitz: I'm back in the queue but since I've spoken before I'll be glad to defer to (Susan) and then speak after that.

David Cake: Okay then (Susan)?

(Susan): Well thanks Steve and thanks David. And actually I am not a member of this group but I just wanted to make that comment and sort of a question. So thank you for deferring. But so Kathy in all of the documents that you quoted you keep saying personal data. And I think we have two different segments which is sort of an old discussion point. But I'm wondering how we're going to look at the privacy concerns for a commercial entity. So there's in my opinion there's personal contact data and there's commercial contact data.

And I don't think that we should be treating all data in the Whois record for all domain registrants as personal data because Facebook doesn't have any right, any personal rights as far as I understand privacy law to protect their data. In fact we have in a lot of countries it

- almost extraordinary duties to provide contact data to our users, anybody viewing the site. So I'm wondering how we sort of thread the needle between dealing with personal contact data which I absolutely agree with and dealing with commercial contact data?

Kathy Kleiman: David can I give this a shout? This is Kathy.

David Cake: I prefer to...

((Crosstalk))

David Cake: ...go back to Steve first please.

Kathy Kleiman: These are good questions.

Steve Metalitz: Yes...

((Crosstalk))

David Cake: Yes I let you – yes, if you can answer (Susan)'s question.

Kathy Kleiman: Great. Kathy Kleiman for the record and (Susan) great questions. Just a note actually I used two terms together which is personal data and sensitive data because of course personal data and individual's home address is personal. But sensitive data would be a mosque, the address of a mosque located in an area that doesn't like mosques. And the mosque may be concealed in certain areas of the south so it's hard to see. In fact even in Fairfax, Virginia there's a number of trees around a very large mosque that's nearby my house.

Sensitive data would be location of battered women shelter. Sensitive data would be the location of minority political group. And so actually the treaties address this as well, Treaty 108 in particular the European, the Council of Europe Treaty addresses sensitive data.

And there are a number of documents. I can go through the list afterwards if you would like that address the question of sensitive data that might involve political organizations.

So what we found actually in the Proxy Privacy Accreditation Working Group was that the line between commercial and noncommercial, the line between personal and commercial is not so clear. And that the privacy interests including those very much protected under data protection laws and even under the United States First Amendment -- and I'm sure if we dug deeper many other countries -- that ability of minority political speech, ethics speech, sexual speech, religious speech often which is done under corporations because in the United States you can't have a 501(c)3 charitable educational research status unless you're a corporation. But the line was not so clear and that the Whois Review Team found as you know because you were on it that all forms of - all entities, organizations and individuals and corporations have some level of established legal need for privacy. And what we're finding out is that the data protection laws and other laws protect that as well. Thanks so much.

Steve Metalitz: David are you managing the queue?

David Cake: Yes. So that was Kathy's response to (Susan)'s question. Now we'll turn to Steve in the queue I think.

Steve Metalitz: Thank you. Steve Metalitz. Just very briefly, I didn't hear anything on what Kathy said that really responded to by concern which is that yes this is a very important development. But unless an entity was relying on the safe harbor to justify data flows to the United States then the striking down of the safe harbor isn't directly - doesn't directly impact it. So, you know, she - I think she's saying that this is indicative of a higher level of enforcement. I don't know whether that's true or not but to the extent that is true it remains the case that there has not been

any enforcement action taken by any European data protection authority with respect to Whois data to my knowledge.

So again I would not consider this of the highest relevance. I guess I'd just like to ask one other question which is I heard at the very end of the discussion over the last subgroup there was some discussion about whether the order in which these points are listed and the order which these documents are listed whether that was or was not relevant? I'm assuming we're not trying to rank these in order of importance. We're just trying to rank, you know, trying to identify what we think are the most at this point are - seem to be the most relevant documents. So I'd be happy to be corrected if I'm wrong. I just think ranking them in order of importance is going to be a lot more difficult even than saying these are among the most important. Thank you.

David Cake: Oh yes, no that's a good question. And I don't think this - other than some are more important than others I don't think we're any for - any much - any ranking stricter than that. But (Susan) I think your next in the queue. I think she may want to respond to the same question. So carry on (Susan).

(Susan): I just forgot to take my hand down. Sorry about that.

David Cake: Oh okay, no worries. Stephanie?

Stephanie Perrin: Thanks very much. Stephanie Perrin for the record. I'll try to be brief. I wanted to just add a couple of things to what Kathy had said. Number one, one of the interesting things to note in the Schrems decision is a new phenomenon that is people complaining and demanding enforcement. And number two with response and to me that's almost as important because I know he's chanting to go with a whole lot of other complaints so take notes, you know. As Steve says there has been no high profile enforcement actions against ICANN. That is because in all of the documentation that ICANN has received from the

Article 29 group it has basically been negotiation documentation. It has not been enforcement against ICANN as a data controller.

If a data commissioner were to take an enforcement action against ICANN as a data controller then of course the issue of the escrow and the failure to provide and the issue of safe harbor would become relevant from the perspective of a European data commissioner wondering whether transport to the United States to Iron Mountain was considered adequate.

So I mean I think these are important almost markers as much as the substance and I'm not saying there is no substance in it. I'm just saying there's a turning point coming here in terms of enforcement of action. Second - the third thing I wanted to add in terms of what Kathy had said it's important to note that the European economic area states also pretty well copy the directives and are now busy copying the regulation so that the impact as Greenlee says in his papers of the directive is extremely broad. Everybody is drafting even though their legal tradition is probably different, common law, civil law -- you name it. They will draft in such a way as to be deemed adequate. So that's one of the reasons that the directives have had such a profound impact on other data protection laws. And I think that's all I need to say at the moment except to say that it's really difficult figuring out a list, a short list of important documents because the documents are important for different reasons and it depends on what we're working on which document we're going to refer to.

So I think I said in an email earlier from my perspective with a discussion of the order and the discussion of the overall purpose of what we're doing in the collection use and disclosure of registered data under ICANN's authority as the data controller there's nothing more important than that purpose document because it helps you decide what the purpose of the collection of data is. Thanks.

David Cake: Thank you Stephanie. Michele.

Michele Neylon: Thanks. Just very, very briefly Michele for records and all that. I think this has come - it's come up in a few places from a few different people. And I think it seems to be something that for some people is more of an issue than it is for others. You know, the idea that what we're trying to do here is to highlight, you know, some documents and some studies and things like that. That doesn't mean that any of the other documents or studies are not important. It's just more a case of, you know, if you're given like a floor to ceiling stack of books to read as a college assignment and somebody said you have to read all of these books your head would probably explode. Well that's okay, some people's heads would who probably just go yeah, this is fantastic. But I think most of us our heads would probably explode where if somebody were to say to you look, please start with these three or four texts but, you know, please note this is the rest of the library or something.

I don't know it's just the fact, that, you know, we're asking you all to choose some documents or to highlight certain documents does not take away anything from any of the other documents. And remember this is just an exercise to just kind of try to kind of highlight things. It also helps some people who may not be as familiar with the background material as others to try and get up to speed. Thanks.

Kathy Kleiman: It's Kathy. Should I go next David?

Chuck Gomes: Go ahead Kathy.

Kathy Kleiman: Okay. I just wanted to support what Michele just said even though I was already in the queue when he was saying it. And I wanted to ask there are people on this call who have summarized there seems to be a lot of other documents in our summary. And I was wondering whether there are others that we should be adding. And so it's a shout

out to whoever did the summaries on the African Union convention outside the security and personal data protection and to (Sana) who did the IWG opinions. Are there other opinions we should be adding in here that from, you know, because again there seem to be so many in the summaries. Is there something other things that should be going in that really rise to the top as very relevant arguments, discussion points? Thanks.

Chuck Gomes: Go ahead Stephanie.

Stephanie Perrin: Yes thanks very much. I actually forgot one of my more important points when I spoke earlier. This is Stephanie Perrin for the record, sorry. And that is the whole debate over personal information versus commercial information. And then becomes in my mind yes commercial organizations in many jurisdictions are required by government regulations to have a public listing. The question is is that within ICANN's remit? an organization that is operating on the Internet may be forced by its government to have its address, phone numbers, directors, business number and all of that listed on its Web site. But that's not ICANN's business looking at what has to be up on a Web site any more than ICANN determines what Web sites have to provide under public services for handicapped access, you know, that's not within ICANN remit. So I think the discussion is very interesting and it is certainly one that the data commissioners are aware of. And they are not likely to take an enforcement against a company. But it is important to note that under European data protection law employees have rights so that an employee of a German organization for instance is not required to put his contact data up on an industry Web site so or release it in the Whois rather so either way.

So I think that is an important thing to note that once we need to get into the details and in some jurisdictions they cannot even consent to it's a proportionality thing. So let's try and be clear about what is

ICANN job to publish and what is the government's job to publish or required a publication of. Thanks.

David Cake: Thank you Stephanie. So at this time we don't have anyone else in the queue and I'd also like to say I don't think – I think we're drifting into discussion of, you know, the discussion of the actual issues rather than the documents so we're drifting outside of the sub team remit. And we also and we have – we've used about half of our time and we still have sort of several issues to discuss.

So I think as quickly does anyone I take it that documents like SAC 54 and AWG recommendations uncontroversial, everyone agrees that these are quite important documents regarding privacy. The – there's a whole group of documents that sort of go together about the EU data protection and so on. There is some contention that still raised about Schrems and privacy shield. We're also perhaps we take that back on to the list that we've got, you know, so that we have some idea of which inputs are likely to be most relevant and we've got some discussions to take back on the list as to exactly which. So let's move on to some of those questions which inputs have only generated the most discussion within the small team, which inputs may be obsolete or superseded by previous by subsequent work and are there any gaps in the stuff we looked at to be addressed later? So do people have any thoughts on those questions?

Chuck Gomes: Go ahead Greg.

Greg Shatan: Thanks my hand's actually been up a while. It's up on the previous point and with regard to which are our top most relevant documents. And I wanted to state that I don't believe that McIntyre versus Ohio elections commission should be considered one of our most relevant documents. The holding in that case related to the requirement that political pamphlets have name and address of the pamphleteer on them. What's stated here is actually dictum, in other words not the

actual holding of the case and not entirely accurate. So I will submit a redraft of that we'll hopefully take, you know, for our general list.

But I think that the overall applicability in terms of this being in our top five is not even close. And I think that, you know, and if we do look at it it certainly states that not all anonymous speech – or not all but yes, but beyond that liberty of speech is not always protected, that there are types of speech that are not protected or have any, you know, right to anonymity. And those include many types of speech that do come up on Web sites to the extent that we've been looking at what's on Web sites or not which gets us into other questions. But generally I would strike that one off the list not to say again that it should be irrelevant to all of our discussions but not top-five in terms of understanding, you know, US privacy law and the like. And happy to discuss that, you know, the particulars of it at another time. But in terms of discussing relevance highly – whether it's highly relevant or not my vote is no. Thanks.

Chuck Gomes: I'm going to - this is Chuck. I'm going to jump in. We're getting down to less than 15 minutes in this team call. And like David suggested please try to get at least a start on some of the other questions that are on the screens so that it will facilitate the work of the team in the next seven days. Thanks.

David Cake: I will. Thank you Greg and I think good point made about that particular document. I have to admit for various reasons that document might not be in the my top five relevant either. But as Chuck said we need to move on and particularly sort of interested in this question of which inputs might be obsolete or superseded by subsequent work and input gaps about things that we need to get onto in this call. Steve you're next in the queue.

Steve Metalitz: Yes, thank you. I'll address Question 4 very briefly. I've already raised this on the list. A lot of the documents in our compilation are based on

the 1995 data protection framework directive including (unintelligible) that are listed under Roman 2. that instrument is going to be superseded by 2018 by a general data protection regulation. And I think even optimistically that will be before anything that comes out of this working group has been implemented. So I just wanted to flag that we need - we ought to look at whether the supplanting of the data protection directive by the data protection regulation impacts any of the opinions issued under the framework directive.

And we've already discussed on the list and Stephanie said she was going to check into that with some of the authorities in Europe. So hopefully we will have a little better sense of that as we go along. I'm not suggesting that the everything that came out of the Article 29 Working Party is now obsolete but I am saying that we need to take into account that it was interpreting or applying a legal instrument that will no longer be in force as of 2018. Thanks.

David Cake: Thank you Steve that is an excellent point and it has been discussed on the list but it's worth noting. Kathy you're next.

Kathy Kleiman: Hi. Kathy Kleiman to several different points. One is – and this is a shout out to (Lisa) to please add (Peter Kimpian) to our subgroup. He keeps trying to join he says. He is a member of the Working Group. He comes from the Data Protection Commission of Hungary and I wrote him this morning per Steve's question. And he said the principles of the EU data protection laws and the Treaty 108 and here I quote will not change with the new GDPR with the new law but will become even more strict. So in our next call in our next discussion hopefully we'll have (Peter) with us because he can comment directly on this. So same principles even stricter enforcement per Schrems and others. Circling back to what Greg said McIntyre versus Ohio elections commission could not be more on point. You do not have to put your name and address on any kind of speech – cultural, social, political as a condition of entering the debate.

They commenting predict him on the long history of input of anonymous speech throughout the world. That is dicta, but they went on and on and on. I only gave a few quotes in the summary. But that's the law. They invalidated a requirement to put name and address which is exactly what we're doing here or at least that's the most sensitive of the data we're working on is name and particularly address. I just wanted to say with the EWG and I would prefer to put it in the top set of bullet points but we can put it in terms of what is superseded or obsoleted or needs to be included. And I would certainly say the EWG dissent. It's very unusual not to publish a dissent with the opinion. There've been complaints to ICANN about this all along. But with EWG recommendation should come the EWG dissent so people can read it as a single package. Thanks much.

David Cake: Thank you Kathy. And Stephanie?

Stephanie Perrin: Thanks very much, Stephanie Perrin for the record. I see that (Pham) has asked in the chat is this an opinion or a fact? I think given that kind of question that the best recommendation we could make is to write the RD9 group and ask whether we should continue to consider their opinions relevant. Because I don't think any hearsay that I get or that I got from our discussions today is going to be useful in that regard.

So I would suggest that we draft up a little letter and ask them what's going on because quite frankly I think that it - we will not get much attention from the Article 29 group at the moment. They are very, very busy checking the different language versions of the document. It's 400 pages in the English, some of them are only halfway through figuring out the invitation. The different nations states have to change their national law. There's a lot happening and quite frankly ICANN is not top of mind nor are the most important privacy issue in the world. So if we want an answer if we want to disregard all arguments then

we better write them and say can we disregard all your previous work? I think it's timely to do that. Thanks.

Chuck Gomes: David are you still there?

David Cake: Yes I had muted myself. Thank you Stephanie for that input. And I think we'll discuss this issue hopefully on the sub team, next sub team call whereas Kathy suggested (Peter) may be present, may be able to help us deal with issues relevant to the Article 29 Working Group and the incoming data protection regulations. Do we have - and just a (unintelligible) we are running short - very short on time so (unintelligible) feel free to address any of the remaining questions that we have. Thank you. Steve?

Steve Metalitz: Yes thank you, just briefly on five I think this is an input gap and but it's already been referenced a couple of times in our call which is that there have not been any enforcement actions by data protection authorities claiming that the current system of Whois violates the data protection laws of their country. And, you know, the terms of the Article 29 group again I'm not discounting what the relevance of what they say. But it is important to remember they are an advisory group. They don't enforce any data protection law. So realize the national data protection authorities that do that in Europe. And so I suppose in a sense it's a gap or maybe we can just simply note as an important factor that there have not been these enforcement actions during the 20 years that the data protection framework directive has been in effect and during the 18 years that ICANN has been steward of the existing registration data system called Whois. There have not been any of these enforcement actions so I think that's a highly relevant consideration for us so I don't know whether it belongs under Roman at 5 or somewhere else but I just thought I would mention it here. Thank you.

David Cake: No, that's interesting point. I'm not sure how we as a discussion group deal with the absence that none – so much documents that absent in consideration that documents are absent from existence. But it's a good question. Kathy?

Kathy Kleiman: And follow-up to Steve but taking a different side of course under five or four where it seems to be typed in I think we should include the Article 29 opinions that we've received because they're actually not all advisory. And I read one of them which says that it is a unified form of written guidance from each of the 28 national data protection authorities in Europe and the European data protection supervisor. This is writing to (John Jeffrey) at ICANN. This provides a single statement for all relevant registrars of, you know, doing whatever they were writing on that involved Whois and data retention in Europe. So it's much more than advisory. This is a legal guidance. So I think we'll hear from (Peter) and others that the Article 29 opinions especially all of those written directly to ICANN which are in our summary should be included very clearly and at the top of our list for the – for full working group evaluation because they are speaking very strongly.

And I keep questioning Number 5 the input about the Whois registration ID study. I'm not sure how relevant that is having been one of the people who designed the terms of the study. I think we may be using it for something that wasn't intended. Thanks.

David Cake: Thank you Kathy. Stephanie next, just now we are running short on time so everyone please be brief and continue to address your line of questions. Thank you.

Stephanie Perrin: Well Stephanie Perrin for the record. Obviously I agree with Kathy that, you know, all purpose of the Article 29 working group was to coordinate. And the fact that ICANN has ignored their attempts to coordinate and provide a unified is mind boggling. Now we had this argument already those of us who were on the Whois conflict with law

group. It is mind boggling that we had disregarded advice from the data commissioners.

We are forcing them to take judgment action. And unfortunately we've been playing chicken with the registrars. It is the registrars who the enforcement action will be taken against. And the reason why there has not been wholesale enforcement action in my opinion has been that there has been accommodations made in the form of the privacy proxy services available. And so they have focused mostly on the Whois.

But we are playing chicken with the registrars. The other two aspects that could be the cause of an enforcement action of course is the over collection and the escrow and data retention requirements. And, you know, quite frankly the fact that there hasn't been enforcement action A, you don't necessarily know because privacy complaints are handled in private and there are a great many companies - countries rather. I would not know if there has been a complaint in a province in Canada. And I try to keep up on this. So getting - gathering the statistics on this is extremely difficult because of the private nature of the investigation process. Thanks.

Chuck Gomes: Okay. Stephanie this is Chuck let me jump in where we've run out of – we've about run out of time on this team. Now keep in mind that we want you to continue these discussions all this week on your list and generate some closer to finalized responses to each of the questions. I would like to just give a minute to David for any instructions he has or direction he wants to give the team before we take a few second break to switch the recording for the next team David?

David Cake: Thank you Chuck. No just (unintelligible) this has been a very useful discussion. I think it's shown that there is definitely some issues in which the team does not agree. My feeling is we'll have to – we'll handle that in discussion over the next week that I'm probably inclined

towards the where there is deceit the team should not - where there is some dissent the team may be trying to look at issues outside the team's remit a little in terms of whether or not deciding what is relevant might depend on questions that should go to the broader working group that we'll discuss that in team.

We didn't get to key takeaways from the input and (eventually) the team we should just share with the broader working group. And that is something that I think we really need to work on in this working group is see if we can come to a couple of paragraphs or something discussing the broader issues that we have come up during this documentation discussion.

So we'll have to get - be an active week on the working group at least until the next meeting. And thank you all for a good discussion this evening.

Chuck Gomes: And this is Chuck again. Please try to get your additional input on your list by the end of this week, in other words by Friday so that on Monday the team can kind of pull together what they want to share with the full working group in our meeting next Tuesday. Thank you very much everyone. It's been a great discussion and participation. We're going to take just a few second break to switch recordings for the next team which is the Purpose Team. And everyone's welcome to stay on if you'd like. So let's take a pause, stop this recording and start a new one.

Woman: Great thanks Chuck.

Chuck Gomes: Thanks.

END of Privacy Sub-team Session