

Michelle DeSmyter:Dear All, Welcome to the Next-Gen RDS PDP Working Group call on Tuesday, 03 May 2016 at 16:00 UTC.

Michelle DeSmyter:Member page/SOI:
<https://community.icann.org/x/I4xlAw>

Michelle DeSmyter:Agenda page:
<https://community.icann.org/x/j0uAAw>

Michelle DeSmyter: If you do wish to speak during the call, please either dial into the audio bridge and give the operator the password RDS, OR click on the telephone icon at the top of the AC room to activate your AC mics. Please remember to mute your phone and mics when not speaking.

Stephanie Perrin:Hi everybody!

Lisa Phifer:Hello all, we'll be starting at the top of the hour

Volker Greimann:Someone has Skype unmuted

Chris Pelling:good afternoon all

Daniel K. Nanghaka:Good morning, afternoon and evening

Chris Pelling:Hello!

Sam Lanfranco:hello

Alan Greenberg:great sound effects today!

Michele Neylon:Adobe connect hates me

Alan Greenberg:Sounds like a Scfi-Fi movie!

Berry Cobb 2:Sani Ali, please mute your AC Romm mic

Stephanie Perrin:sorry everyone, noisy kitchen with a whole pile of people here, forgot to mute

Marika Konings:@Sana - it appears you have an open microphone

Daniel K. Nanghaka:The sound is perfect

Kiran:Hi all!

Sana Ali:Sorry!

Alan Greenberg:Michele, it is not just you!

Stephanie Perrin:I keep muting and it is not holding. So will sign off and try again.....

Chuck Gomes:I am on.

Michele Neylon:I switched to using Safari - I couldn't login with Chrome

Stephanie Perrin:Actually let me clarify, it says it is on mute

Stephanie Perrin:can I do a test shout?

Jeffrey Eckhaus:Chrome issues logging in

Marika Konings:@Stephanie - you may scare Chuck ;-)

Jeffrey Eckhaus:need to download a new plugin

Michele Neylon:Jeff - works in Safari

Chris Pelling:we doing roll call ?

Lisa Phifer:@Stephanie no longer hear background noises

Jeffrey Eckhaus:I downloaded the plug-in - started working in Chrome

Marika Konings:@Chris - roll call is taken from Adobe Connect

Michele Neylon:Jeff - which plugin??

Jeffrey Eckhaus:Adobe Flash strikes again
Stephanie Perrin:I am saying hello hello
Stephanie Perrin:guess it is muting now....
Lisa Phifer:@Stephanie you are successfully on mute
Sana Ali:cant hear you stephanie
Stephanie Perrin:Good thanks!
Jeffrey Eckhaus:go to this page . it will do a connection test
and then prompt you to download
https://icann.adobeconnect.com/common/help/en/support/meeting_test.htm
Holly Raiche:And in Sydney...
Lisa Phifer:All sub-team outputs are on the call agenda page:
Lisa Phifer:<https://community.icann.org/x/j0uAAw>
Michele Neylon:Jeff - thanks - I'd have expected it to throw an
error when I tried to login :(
Michele Neylon 2:there are now multiple versions of me :)
Greg Aaron:not on mute but Adobe audio not working
Greg Aaron:dialing in another way
Fabricio Vayra:@Kathy, was that document summarized and put
forth?
Greg Aaron:adobe still not working
Fabricio Vayra:@Kathy, thnx
Kiran Malancharuvil:@Kathy, that wasn't my impression in the
documents that we reviewed. I thought the purpose definition was
quite broad.
Greg Aaron:My question is: 2013 RAA Dat Retention is on the
doc. But is the RAA WHOIS Specificaiton is not on there --
should it be?
Michele Neylon 2:Greg - that's in data elements anyway
Kiran Malancharuvil:I'm not on audio but we should actually
look at text before we make any judgments about how
narrow/specific something is
Greg Aaron:OK, thanks
Kathy:@Frabricio, Article 29 WP Opinion 3/2013 pg. 32
Kathy:in Purpose Subgroup Summariies
Nathalie Coupet:I wasn't able to do the summary of the
summaries for today. But will send the work later in teh week.
Susan Kawaguchi:@ Kathy and Fab language from that Article 29
WP spells out the framework for analysis of purpose
specification, namely that collection must be specified, explicit
and legitimate purposes.
Carlton Samuels:Howdy all. Apologies for late connection.
Carlton Samuels:My ISP is a challenge
Carlton Samuels:Silence..
Kiran Malancharuvil:@Susan - yes that was my impression
Kiran Malancharuvil:about the purpose specification

Kiran Malancharuvil: not that purpose was so narrowly defined and restricted

Kathy:@Lisa, I think it may be a different Article 29 Opinion - this one from 2003 directly on application of data protection principles to Whois

Carlton Samuels: I have a crappy connection. Maybe due to my ISP than anything else

Fabricio Vayra:@Susan, that's helpful and seems to fall more in line with what Kiran thought this said.

steve metalitz:@Stephanie, my understanding is that the data protection regulation will supplant the framework directive, not coexist with it. (Once the regulation comes into force in 2018)

Kiran Malancharuvil: I think the privacy team should include more documents about limitations of privacy rights. Article 29 WG in 2006 stated that companies do not necessarily have a right to privacy and that imposes an obligation on us to explore that limitation and others

Kiran Malancharuvil: I'm remiss for not putting documents forth for that already but I didn't have a chance to review the documents before and I see that is necessary now.

Fabricio Vayra:@Kiran, Article 29 WP 76 Opinion 2/2003 is in the summaries and does say "o "registration of domain names by individuals raises different legal considerations than that of companies or other legal persons registering domain names" ... "the publication of certain information about the company or organisation (such as their identification and their physical address) is often a requirement by law in the framework of the commercial or professional activities they perform"

Fabricio Vayra: so maybe we just need to add that statement to the summary?

Kiran Malancharuvil: The 2006 letters to ICANN say something similar

Kiran Malancharuvil: I sent an email to David Cake, but haven't heard back

Kiran Malancharuvil: I think we should add some of the legal analysis that was presented to the PPSAI group

Carlton Samuels: Audio gone...back again!

Kathy:@All, we will also need to outline the protection provisions of "sensitive speech" which includes religious, ethnic, sexual and racial expression, particularly by minorities. This is protected expression as well.

Fabricio Vayra:@Kathy, huh?

Harold Arcos: Thanks Marika. I was connect through cellphone and I lost link to AC.

Holly Raiche:@ Elaine - there are really two issues in the question: what data is needed (purpose of collection will focus on

why the information is collected) and then what of that information should be available - and to whom

steve metalitz:@Kathy, is it your view that any data currently collected and disclosed via Whois meets the EU definition of "sensitive data"?

Daniel K. Nanghaka:@Holly this is the same question that came up in the previous meeting we heard, and something came up on categorisation of data

Kathy:@Steve and Fabricio, this is a really important and key issue.

Daniel K. Nanghaka:Which data would then be termed as private data or sensitive data

Michael Palage:Section 2.2 of the Registry Agreement

Kathy:It's not just the privacy of individuals that is protected under data protection laws, but of course, that of human rights groups, minority political groups, minority ethnic and sexual groups.

Michael Palage:2.2 Compliance with Consensus Policies and Temporary Policies. Registry Operator shall comply with and implement all Consensus Policies and Temporary Policies found at <http://www.icann.org/general/consensus-policies.htm>, as of the Effective Date and as may in the future be developed and adopted in accordance with the ICANN Bylaws, provided such future Consensus Policies and Temporary Policies are adopted in accordance with the procedure and relate to those topics and subject to those limitations set forth in Specification 1 attached hereto ("Specification 1").

Kathy:I know that we have put these materials into the summary. Let me pull them out and share them with the WG.

Holly Raiche:@ Daniel - this is the set of issues that this WG will be looking at. What we are doing now is getting our heads around the issues. Then we need to agree on the responses - through the processes Chuck is describing

Alan Greenberg:Consensus policy recommendations, once approved by the Board, are de facto part of the existing contracts (subject to implementation timetable)

Susan Kawaguchi:I agree we should make a distinction between personal data of individuals and data from a company or commercial enterprise

Kathy:... after the call.

Fabricio Vayra:@Kathy, re: privacy, UN's website on Right to Privacy in the Digital Age states that the "right to privacy under international human rights law is not absolute" and one can interfere with the right to privacy where it's necessary, legitimate, and proportional."

Fabricio Vayra:So a bit more focus on purpose and consent,

please

Fabricio Vayra:and all I've read in A29 seems to support this

Kathy:@Frabricioo: Article 19 - Freedom of Expression extends to organizations as well as individuals (and many organizations are organized as "companies" for tax purposes.

Susan Kawaguchi:@ Kathy not understanding how Freedom Expression relates. REgistration data would not prevent a company from expressing itself

Fabricio Vayra:@Stephanie, thanks for confirming that these protections arn't universally adopted.

Kiran Malancharuvil:Correct Susan. Article 29 does not actually agree with what Kathy is saying here which is why it's important to put forth the statements for our further exploration.

Fabricio Vayra:+1 Susan. @Kathy, you are conflating two principles.

Kathy:@Fabricio, no, long discussions with data protection experts on this.

Stephanie Perrin:COstitutional protections do vary from place to place Fab, according to national law. However, the UN declaration is a good reference point.....

James Gannon:Nope

Fabricio Vayra:@Kiran, agree, I put the actual language of A29 into the chat which shows a difference of treatment

Sana Ali:I think it is a good point, Kathy. It calls on us to introduce some nuance into how we talk about individuals vs companies' right to privacy

Kathy:"Sensitive speech:" also has privacy protections, especially when the organizations are engaged in categories of expression protected under law.

Kiran Malancharuvil:I don't know how we are expected to rely on "long coversations with data protection experts" rather than text

Daniel K. Nanghaka:+1 Stephanie I agree the UN Declaration was very comprehensive

Kathy:@Kiran, we've identified the documents in our summaries, and I've already said I am happy to pull them out after the call.

Fabricio Vayra:Agree with Kiran. Hard to rely on "long conversations" and I doubt you would rely on similar assertions from us.

Stephanie Perrin:National law provides more rights to employees in some jurisdictions than in others....but that does not invalidate the principle that we must consider the implications of protection, use and disclosure on groups and individuals.

Kiran Malancharuvil:@Kathy - I don't really know what you mean by "I doubt you would rely on similar assertions from 'us'"

Klaus Stoll:Sorry for lateness, due to WISIS participation.

Kiran Malancharuvil:Who is us
Kiran Malancharuvil:I am reading Article 29 as containing a strong statement for separate treatment
Kathy:@All: I'm listening to Lisa and the WG discussion as we move forward... I've already offered to summarize material after the call -- material in our summaries.
Michele Neylon 2:Kiran - that was Fabricio not Kathy
Chris Pelling:Kiran, the US was said by Fab, not Kathy
Kiran Malancharuvil:You are correct, my apologies.
Lisa Phifer:@Kathy see yellow bubble at top left with "1" noting that numbering is subject to change by WG
Kathy:@Lisa: tx!
Kathy:@Chuck: when do we talk about the order of the big opening issues?
Sam Lanfranco:The order of the issues is essential for those not knee deep in the history of this process. We raise the wrong issues at the wrong time)-:
Volker Greimann:We should publish a new play: Waiting for Adobe
Kathy:@Chuck: everyone's been having trouble with Adobe today!
Daniel K. Nanghaka:I am using adobe very well on Chrome
Sana Ali:likewise Daniel
Alan Greenberg:Fine with Firefox as well.
Stephanie Perrin:Thanks Chuck, I will do so....I think it is a necessary reminder.
Alan Greenberg:WHOIS efforts have stalemated before. And the world is a lot more complex now. This will not be easy, but we HAVE to succeed.
Kathy:Is next meet at the normal time or alternate time?
Kathy:meeting
Lisa Phifer:normal time
Stephanie Perrin:We all have theories about why WHOIS stalemated, but I do think that attempting to scope it narrowly spelled failure in a couple of instances
Kathy:@Chuck - sure!
Kathy:@Lisa: tx!
Kathy:@Chuck: but groups outside of ICANN often need a little longer time to respond....
Kiran Malancharuvil:How long will the SOs/ACs/Cs have to respond?
Kathy:@Stephanie: how long do you think Data Protection Commissioners might need to respond?
Chuck Gomes:35 days
Stephanie Perrin:You don't want to know.....they tend to think in months, not weeks. We need to write to them and ask for input, and take what we get when we get it in my view.
Chuck Gomes:35 days for SO/AC/Cs/SGs

Michele Neylon 2:Anything involving government agencies = super slow

Stephanie Perrin:There are processes that need to be followed, particularly for Article 29 group, as it is a consensus committee formally constituted under the Directive.

Michele Neylon 2:Stephanie - yes, but they're still damn slow :)

Stephanie Perrin:I would suggest that we also need to consult the Conference of data commissioners, meeting is in Marakech this year and the new DPA is very keen....Morocco has legislation now for those not up on the latest laws...

Stephanie Perrin:That would get it on their agenda in time for the fall meeting, and you might see a resolution.

Holly Raiche:Happy with the proposed plan

Nathalie Coupet:+1

Daniel K. Nanghaka:I will be going off adobe connect but will be on the call

Michele Neylon 2:more GNSO than SO/AC

Michele Neylon 2:cos there's no emails on the SO/AC list ..

Stephanie Perrin:Is Michele 2 Jekyll or Hyde?

Michele Neylon 2:yes

Stephanie Perrin:I love this multiple thing MN, more ways to enjoy Michele....

Michele Neylon 2:Stephanie - the first one was Safari, but I managed to get in via Chrome so I duplicated myself

Michele Neylon 2:so now in Highlander fashion there is only one

Michele Neylon 2:though it's called "2"

Greg Shatan:As long as the organization is done in parallel tracks by SO/AC, significant cross-community conflicts are inevitable.

Michele Neylon 2:Greg - well at the moment we're having "fun" trying to get time / space on the schedule

Greg Shatan:Just bend the time-space continuum.

Kathy:@Greg: I support that plan!

Kiran Malancharuvil:Chuck I'm confused after all this conversation aboutt the Helsinki meeting

Kiran Malancharuvil:are we definitely meeting within the 4 days?

Kiran Malancharuvil:I'm not on audio

Kiran Malancharuvil:Yes thanks. want to know whether we need to book earlier or later

Greg Shatan:Other than the F2F of the CCWG-Accountability on Sunday to kick off Work Stream 2....

Michele Neylon 2:Kiran - current draft schedule has 2 sessions one day for this group

Marika Konings:at least not in their traditional format

Kiran Malancharuvil:Thanks
Kiran Malancharuvil:just asking for a quick clarification which
I received from Chuck
Nathalie Coupet:Thank you
VAIBHAV AGGARWAL:Thanks Chuck
VAIBHAV AGGARWAL:Doshare Pictures
Richard Padilla:Thanks Chuck
Sara Bockey:Thanks all
Sam Lanfranco:Bye...
Fabricio Vayra:Thanks, Chuck. appreciate you keeping us on
track.
Kathy:Tx Chuck!
Marika Konings:So 1 meeting for WG F2F discussions and possibly
1 cross-community discussion meeting
Sana Ali:Thanks Chuck!
Greg Shatan:96 Hours in Helsinki....
Michele Neylon 2:see y'all
Richard Padilla:Bye all
Vlad Dinculescu:thanks All
Chris Pelling:thanks all