

**ICANN Transcription
Next-Gen RDS PDP WG Call
Tuesday 03 May 2016 at 1600 UTC**

Note: The following is the output of transcribing from an audio recording of Next-Gen RDS PDP WG call on the Tuesday 03 May 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/gns0/gns0-nextgen-rds-03may16-en.mp3>

Coordinator: The recordings have already started. You may now proceed.

Chuck Gomes: Okay. This is Chuck Gomes. Go ahead and make the general announcement, that would be great.

Michelle DeSmyter: All right thanks, Chuck. Good morning, good afternoon, good evening. Welcome to the GNSO Next Gen RDS PDP Working Group call, 3rd of May, 2016 at 1600 UTC. In the interest of time there will be no roll call as we have quite a few participants. Attendance will be taken via the Adobe Connect room so if you're only on the audio bridge please let yourself be known now.

James Gannon: Hi. James Gannon. I'm on audio only.

Michelle DeSmyter: All right thank you, James. I would also like to remind all participants please state your name before speaking for transcription purposes and to please keep your phones and microphones on mute when not speaking to

avoid any background noise. With this I'll hand it back over to you, Chuck.

Thank you.

Chuck Gomes: Thank you very much. Welcome to everybody to our call today. This is Chuck Gomes. And thanks to Susan Kawaguchi for being ready to fill in for a little bit as I anticipated I might be a little bit late. I wasn't too late. So let's go ahead and get rolling on this call. Thanks, James, for letting us know you are not in Adobe. Please speak up if you want to say something and let us know and we'll get you in the queue.

So the first thing we have to do today - and again, let me say, like I've said on the last few calls, thanks to everyone who volunteered on the small teams for the great work you did and the time you committed to searching out documents and summarizing them and finding key points, etcetera so that was very much appreciated and very impressive work so my compliments to all of you who contributed to that.

So what we're going to do now, we are regrouping as a full working group now. And so this will be our first meeting since we finished the small team work. And so we've asked each of the team leads and with contributions from team members if they like, to give us an update from the work that they did and an overview of the final templates that Lise distributed.

So let me start off with Michele and the data team.

Michele Neylon: Thanks, Chuck. Michele for transcripts and everything else. Okay so Lisa did wonderful work as ever and sent - and she put together a summary of the summary, or she kind of put the summary together, that's better. So that was sent around to everybody I think - depending which time zone you're in you'd have got that at some point in the last 24 hours so I won't even try to work out which time zone. Let me have a look, where is it. I got it yesterday evening so if you're in Europe you would have got in the evening; if you're in the US you would have got it in the afternoon.

So Lisa circulated a summary which is consolidated with all the subteams, including the data subteam. Now, you know, there's some areas within that which probably still need to be fleshed out a little bit but realistically speaking in terms of providing everybody with a kind of a literature review it gives you - well I guess pretty comprehensive list of documents that are there and with summaries prepared by the subteam.

I'm not sure what else I can really say on this. I mean, there's - I think there's one or two people who - or at least one anyway - person who's said that they were going to do some summaries and they would hope to have them to us within the next couple of days. But there's quite a lot of information there for people within the larger group to go over. And as we mentioned on previous calls, you know, this is not like the definitive only list of documents or anything like that but as it gives you a very good starting point and if you use the summaries it can help kind of bring people up to speak. Not much else I can really report on this, Chuck, so I'll hand back to you.

Chuck Gomes: Thank you, Michele. Appreciate it. So any - is there anyone from the data team that would like to add anything or does anyone in the working group have a question with regard to the work that this team produced? Okay, not hearing or seeing any hands let's go to the purpose team and Susan Kawaguchi Kawaguchi.

Susan Kawaguchi Kawaguchi: Thanks, Chuck. So basically everything Michele said and a little bit more, you know, we received excellent support for the subteam. And I appreciate all the work that staff did. And if you're looking at this, if you did not participate on the purpose subteam or, you know, been around ICANN and the Whois debate and the registration data issues for a long time there are several key documents that definitely discuss more than others in the subteam.

And even though we reviewed and summarized - or the team reviewed and summarized many, many documents, and I don't have a total number on that but it must be 30-40 somewhere in there. And but some of them came out as more maybe interesting from my personal point of view, and but just more discussed which - so I just wanted to bring those to the other members that were not on this working group - on this subteam.

So obviously the Registration Accreditation Agreement, the 2013 RAA, was discussed quite a bit and information brought forth from that. I found the European Commission Website definition of data controllers, they provide very - quite a few good definitions that we could utilize.

Article 29 Working Party is always of interest when this - when purpose is discussed. And there's some interesting data in that that would be - that we could use. I also found the 2000-2009 European charter on fundamental rights had some data - some information - language that may be helpful.

The most - I would say the Whois Review Team report was also cited a lot in our work. And but that was sort of a look-back on what could be - what was going on and then recommendations for going forward. And then the EWG recommendations for the next generation RDS was probably the most controversial. And then the SAC055 report, Whois, Blind Men and an Elephant.

So those were sort of the highlight documents I think. I'm sure there's others that hit home to other people on the working group. But if I was new to this I would review those first. And it looks like, Greg, you have your hand up, would you like to make a comment - Greg Aaron? Maybe, Greg, are you on mute? So let's go to Kathy. Kathy, would you like to - you have your hand up.

Kathy Kleiman: Great, thanks. And I'll give Greg one more chance - Greg, off mute? Anyway, thank you, Susan Kawaguchi, great summary and amazing work actually of the subgroup pulling things together. I just wanted to share some of my

personal insights as you review the documents which is that I was surprised as an American lawyer to find out that purpose, which we use kind of in a broad way in the United States, that purpose is a term of art, it's a legal term in the EU and other countries with data protection laws and that it's very carefully defined under the lines of the EU data protection directive, under the Treaty 108 of the Council of Europe and others.

So - and that it's been interpreted very closely by the data protection commissioners. There's a huge opinion - it's a 70-page opinion just on the purpose limitation by the Article 29 working party. So I thought I'd just share my insight on that that it is such a defined term of art in data protection countries. So thank you.

Susan Kawaguchi Kawaguchi: Good comments, Kathy. And, Greg, would you like to try again? Oh, I see he's dialing in another way. And Fab had a question, Kathy, was that document summarized and put forth?

Kathy Kleiman: Yes, it is - it's both highlighted in the list that you referenced and it was summarized by Stephanie so it's in there, Fab, somewhere. I'll post the page in the chat room in just a second. Thanks.

Susan Kawaguchi Kawaguchi: Thanks. So it looks like Greg is having a hard time getting in. Was there any other subteam members that would like to make a comment?

Chuck Gomes: Susan Kawaguchi, notice Kiran comment in the chat. This is Chuck.

Susan Kawaguchi: Yeah, Kiran is just making the comment that the impressions of the document - that wasn't her impression of the document but that she thought the purpose definitely was quite broad. Okay and then Greg, his question is so we had the 2013 RAA data retention is on the doc but is the RAA Whois specification is not there and should it be. Lisa, I'm just looking really quick. Is that - did we not include that?

Lisa Phifer: I'm sorry, which document is the question was about the data retention document?

Susan Kawaguchi: No, the RAA Whois specification.

Lisa Phifer: The RAA Whois specification I believe is on the data subteam's list.

Susan Kawaguchi: Oh.

Michele Neylon: It is...

((Crosstalk))

Michele Neylon: It's Michele speaking. It is one - it's definitely one of the documents that we covered in the data subgroup, just confirming that. I mean, if you want it in both fine, but it's definitely covered in the data one.

Susan Kawaguchi: Which, you know, goes to show everyone that - how interrelated all of these categories are and I obviously need to read all the data summaries. I think that is it from us, Chuck, unless there's any other questions.

Chuck Gomes: Okay thanks, Susan Kawaguchi, and thanks to your team. Anybody else have a comment or a question for the purpose team? Okay well as far as we can tell David Cake is not on the call for the privacy data protection team. So I wonder if I can - is there someone from that team that would like to volunteer or we can ask Lisa maybe if she can give us a status update for that team. So certainly if you're willing to do that raise your hand, otherwise we'll just ask Lisa to kick it off and give opportunity for member of the team to add to it. Lisa, are you able to do that?

Lisa Phifer: Sure, Chuck. So I've just displayed the privacy team's consolidated output. The privacy team also covered roughly the same number of documents as

the purpose team. In fact there's quite a bit of overlap between the purpose and privacy document list, as you might expect. But the summaries were often done from a different perspective by a different person so they do complement each other and it would probably be useful for everybody to make sure that they take a look at the - not just their own team summaries but the summaries of several teams even when it's the same document.

The - in terms of documents which the team found the most relevant after considering all of the identified inputs, the identified list includes the SAC054 report, the EWG recommendations, the EU data protection directive of 1995, the best known of all the data protection laws, as well as more recent activities on new data protection laws within Europe, Council of Europe's Treaty 108 on data protection, Professor (Greenleaf)'s articles that provide some summary of recent trends on data protection laws, not just in Europe but elsewhere across the world.

There were a couple of documents identified by the group but there were varying opinions throughout the group as to whether they were among the most relevant but those include the (Shrem)'s - the data protection commissioner document as well as McIntyre versus Ohio Elections Commission. And I'll let members of the privacy team speak to their thoughts about the relevance of those.

The opinion 2003 of the Article 29 Working Party on Application of Data protection Principles, the same document that was just referenced for the purpose team was also felt to be very important for the privacy team. And in addition thick Whois - the thick Whois PDP report and the legal review that was presented to the Implementation Review Team about thick Whois was also felt to be very relevant.

And then finally of course many other Article 29 opinions especially the correspondence between Article 29 representatives and ICANN over the

years discussing the issue of purpose - or excuse me, privacy and registration data.

I'll stop there. Is there anyone else on the privacy team that would like to add their thoughts? I see Stephanie has her hand up.

Chuck Gomes: Go ahead, Stephanie.

Stephanie Perrin: Thanks very much. Can you hear me?

Chuck Gomes: Yes.

Stephanie Perrin: Very good. Okay Stephanie Perrin for the record. First of all my apologies, I still owe Lisa two document summaries and I would just like to explain a little bit what's been holding these up. The Article 29 working party came out with a number of very extensive opinions as the new regulation was going through the three years of negotiations that just terminated.

And I've already summarized a couple of these documents but I'm still working on the legitimate interest of the data controller which is kind of a critical one for ICANN and for the balancing test on the public (unintelligible). So the reason that has slowed down is I would like to at least know enough about the regulation as passed to be able to say, yes, the recommendations within this paper were upheld in the final regulation. I think that would be useful. So if you can bear me with me for another couple of days that's what I'm doing right now.

With respect to this whole issue - and I believe Steve Metalitz raised it but I can't remember whether it was on the general list or just in our own list, the issue of where does Europe sit now that the regulation is through and the directive will be phased out. And I think the answer to that is the directive still applies. The new regulation could also apply. And we will be getting quite a few documents in the near future explaining the transition between the two.

So I'd just like to sort of put a marker in that as these documents become available, if they're relevant to our work, we would need to take account of them. And so I'll be certainly watching and I'm sure others on the group will be so we can maybe fit those in and add them to the list. Thank you.

Chuck Gomes: Thank you, Stephanie. This is Chuck. And I think everyone understands this by now but I'll say it again. The fact that we've closed the teams and were coming back together as a working group doesn't mean that the sources of information are static and done and we're not going to look at them. It's all dynamic. There will be things changing while we're doing our work. And it'll be incumbent upon us as Stephanie said, to keep up to date on what's going on and to stay current. And we will be doing that. And so just wanted to reemphasize that again.

Kathy, it's your turn.

Kathy Kleiman: Thank you, Chuck. Hello again everyone. Kathy Kleiman. Again, tremendous work I think was done by the subgroup. A lot of materials were analyzed. And I just wanted to share my new insight. I've been working on this for a long time. And I had no idea that in 2015 the balance tipped in the world and that there are now more countries with comprehensive data protection laws than without. And that's what I learned in summarizing Professor Greenleaf's articles that he's made available so we can actually download and read them online and they're connected here.

One is an article - because he's been tracking the adoption of data protection laws across the world. And it's been growing rapidly and the scale tipped in 2015. And then in another of the articles he actually lists all the countries with comprehensive data protection laws. And we'll see them in every region of ICANN except I think Antarctica is a region and, you know, it's not up there.

But - and I just wanted to, you know, the overlap is really great, of privacy and purpose. But purpose, for those of us who are working with the data protection material, purpose is an extraction. It's kind of like a magnifying glass. So where we have the data protection laws purpose became the magnifying glass where we looked at those sections that involve purpose and the definition of data controllers and things you need to understand if you're looking at data through the prism of data protection laws and principles. So just wanted to clarify that. Thanks so much and again, this is - I find this an amazing document this summary and very useful.

Chuck Gomes: Thank you very much, Kathy. It's Chuck again. And I appreciate all the debate that's going on in the chat. That will be particularly important once we get into deliberation of possible requirements so keep those thoughts in mind. We'll have lots of debate in our efforts to try and come up with some consensus recommendations for requirements for an RDS system if we think one is - a new one is needed.

So I want to scroll back in the chat to - if I can find it real quick - to Nathalie Coupet's comment. She noted that she was able to - wasn't able to do the summary of the summaries that she said she would do. But she's going to be working on that and sending it to the list. Thanks, Nathalie for that. And we'll look for that, that will be much appreciated.

Anybody else have any comments on the privacy team's summary or the work they did? Okay, now I want to encourage all of you on those teams - and others too as you review the work that they did, to keep in mind the elements of the various documents, not just the most relevant ones but all of them because those are going to be very useful as we continue our work.

The next - once we finalize a work plan, which we're going to try and do in the next few weeks, hopefully next couple weeks, we're going to be identifying possible requirements for an RDS system if we deem one is needed. And I suspect that in most of those documents there are possible requirements that

will - that we want to jot down. And our first step will just be to identify possible requirements without debate, if you recall the plan that we talked about several weeks ago.

And we just want to get them down and then we're going to start deliberating on them and do the - a lot of the debate that we're seeing in the chat right now. So please keep that in mind. And those who actually reviewed the documents in detail and created summaries it'll probably be easiest for you to pull things out of those as they're relevant to what we're doing. So keep that in mind.

All this time we spent hasn't just been an exercise to keep us busy but rather will be very useful in the weeks and months ahead as we get into our deliberations. Elaine, you're up.

Elaine Prius: Hi. Can you hear me?

Chuck Gomes: Yes.

Elaine Prius: Great. So, Chuck, this question has been on my mind since we started looking at the data requirements. I'm wondering since new TLD (unintelligible) operators have a contract with ICANN regarding collections and publication of Whois data as well as 2013 accredited registrars, they also have contract with ICANN, in our work if we decide that we're not going to collect some information that's required by our contracts and propose that to the GNSO or whoever approves our work, what's the end game of ICANN with our contractual obligations?

Do you know what the outcome of that is going to be? Or do we just have to - in our work do we just consider because we have contracts we have to collect this data and we don't ask that question?

Chuck Gomes: No, it's a fantastic question, Elaine. So the - each of the registries and registrar agreements for gTLDs, as you know yourself, has a requirement that we, I'll say we since I'm associated with a registry as well, we have an obligation to follow consensus policies. That's one of the big steps that registries and registrars entered into when they signed those agreements. So we have to follow consensus policies even before we know what they are.

I mean, excuse me, we commit to following those before we even know what they will be. So what happens in our working group is the ultimate goal, first of all we'll have to decide whether we think a new system is needed, and that's part of our work in Phase 1 after we identify requirements, and assuming that we do, we'll finish our work in the last five or six questions in the - in our charter, and make a recommendation whether to go on to Phase 2 and Phase 3.

Now all the time we're doing this the requirements in the agreements are in place unless they're renegotiated or whatever might happen. I don't think that's anticipated right now. But the requirement to collect the data that's specified in the Whois specification in each agreement, continues unless there's some international treaty that would change all of that because we do have to follow laws, that will continue.

We will then, in Phase 2 of this working group, make policy recommendations based on the requirements from Phase 1, again assuming that a new system - new RDS system is recommended. And Phase 3 will get into how to implement those - any recommended policies that come out of that. Now this is a long process, I get that. I think we all get that. And we will - at the end of all three phases - make recommendations for any policies that we adopt as consensus policies and our charter defines what that means.

We will give those to the GNSO Council. The GNSO Council will decide whether to support those recommendations and whether we follow the appropriate working group principles and PDP principles etcetera, and decide

- they will decide whether to recommend those to the board, they send them to the board. And only when the board approves the policies that are recommended, the consensus policies that are recommended, do they then get implemented into the agreements.

So now I took an awful long time to say that but I wanted to try and give a full picture. And we're talking several years down the road, right? But, Elaine, I'd like to make sure that I answered your question. If I didn't please let me know.

Elaine Prius: Yeah, thanks Chuck, that was really great. I think what I'm really curious about is if the consensus policy that's adopted by the board conflicts with the contracts as they are, and I know that legacies have been through consensus policy updates. I'm just wondering how as registry operators or registrars do we have to renegotiate our contracts. As you said, we've agreed to implement whatever consensus policies come out. Does ICANN just unilaterally fix everybody's contract with the new language?

((Crosstalk))

Chuck Gomes: Yeah, great questions, Elaine. And, no, there's no renegotiation needed, okay. The consensus policies would be incorporated into the agreements of registries and registrars. And there would be some time period allowed for doing that depending on the impact and so forth, the agreements cover that. So once they're approved the board would pass - would vote on a motion and assuming they approve the new consensus policies they would - part of their motion typically says staff is tasked with making the adjustments to the contracts and going - doing an implementation process.

There would be an implementation review team that would be formed with key stakeholders, in particular, registries and registrars but not restricted to them, to implement the new policies in as efficient and as timely a manner as possible. So it shouldn't be any need for negotiation. That's why those

consensus policy terms are in the agreement in advance so that that doesn't happen, doesn't need to happen in that regard. So did that make sense?

Elaine Prius: Yeah thank you. And apologies for the sidebar, it's just been niggling at me this whole time so thank you for that explanation.

Chuck Gomes: Not a problem. And it's important that we all understand where we're headed in this and what the results would be and how the registries and registrars would be impacted as well as the whole community. Any other questions or comments on any of the three summaries from the teams? Okay, so the next item on our agenda - oh, Stephanie, go ahead.

Stephanie Perrin: Yes, hi. Stephanie Perrin for the record. And I'm just actually responding to the chat, sorry for being a bit late. The issue about the protection of individuals that are part of organizations or the protection of organizations is (unintelligible) in some data protection laws, not all. I, for one, don't understand how that's going to play out with the new directive in Europe, but we will find out. But it is also - it's largely covered under human rights law and constitutional law. So, you know, under the rubric of freedom of speech and freedom of association.

And so those protections we haven't summarized because we had a group called Privacy and this is not really privacy, it's human rights. So I'm just putting a marker in that we may want to discuss that in the context of the privacy of groups - use privacy of groups in air quotes. Thanks.

Chuck Gomes: Thanks, Stephanie. Let's keep that in mind as we - especially as we get to the questions regarding privacy and we get into deliberation of possible requirements there. Okay the next item on our agenda then is review of an updated mind map.

Now I think the mind map was sent out yesterday by Marika to the full list and a few edits were made to it maybe after that so the - but the one that's going

to be put on the screen now will be very close with some minor maybe adjustments that were made after the one that was distributed but we'll clarify what those are.

Now what's happened to the mind map, as you'll see, and I think Marika is going to go over that for us - with us - is we've added into there, or Marika has added into there, the - references to the work that was just done by the teams and the resources that are available. So could we get the mind map posted in Adobe?

Marika Konings: Chuck, this is Marika. You should already be seeing it.

Chuck Gomes: I should be?

Marika Konings: Yes.

Chuck Gomes: I wonder - oh I lost my connection. Okay well then ignore me, okay. I'm going to have to reconnect it looks like in Adobe. And get back in there. In the meantime, don't wait for me. Marika, go ahead.

Marika Konings: Yeah, so this is Marika. Maybe as a brief reminder, the mind map is a kind of tool to visualize the different elements that are contained in the charter in relation to the issues and questions the working group is expected to address. So the initial version basically had the, you know, the charter questions. Some of the questions that we identified through, you know, reviewing the issue report and other documents. And we had listed some of the key inputs that were also contained in the original issue report.

So what we've done now is updated that mind map by plugging in the key inputs that were identified by the different subteams, again, you know, looking at what the different subteams deemed to be most relevant to addressing the charter questions but also providing a link to the additional documents and summary that were provided.

And then we also added back in the order in which the charter - or the topics currently identified in the charter as to be dealt with but clearly noting as well that that is of course up to the working group to review and discuss should it deem it necessary to make any changes to that.

Also important to point out that, you know, the questions that are in here are a starting point. So it's really up to the working group to review those and identify if there are further questions that need to be answered in order to address the different topics that have been identified in the charter.

So again, this is really a tool that aims to capture as much information as possible as we can fit into this picture but to really help visualize the working group what is expected to address as part of its deliberations and at the same time trying to break it down as well in manageable pieces of information and linking that, again, with the key input and information that has been identified for the different topics.

So I hope that's enough time for you to get connected, Chuck, although I don't see you back in Adobe Connect yet.

Chuck Gomes: No, you don't because I'm having trouble getting back in. So if you would just go ahead - since I can't see whether people are raising their hands, are you going to walk through the changes that were made in the mind map to highlight for people?

Marika Konings: Yeah, so this is Marika. I think I already mentioned I can do it again, so basically the changes that are made is for the topics of user purposes, data elements and privacy. We added there or we updated the key inputs to reflect those documents or information that the subteams deemed most relevant to address the topic.

And again we also added a link to the full set, the full checklist of information and summaries as I think already noted and, you know, just because some documents were deemed more relevant doesn't mean that the other documents are irrelevant to looking at it but it's just that the first focus point should maybe go to those.

And then we also added back in the numbers to the different topics to reflect the order in which they're currently organized or recommended to be dealt with in the charter in the process framework. That's first user purposes then gated access, followed by data accuracy or data elements, and, give privacy.

Again and we put a clarification as well that those are - that is the way in which the charter questions are currently numbered in the charter and the process framework but this order is subject to change by the working group following the review. So those were the main changes compared to the original version which was shared a couple of weeks ago.

Chuck Gomes: And I'm rebooting my laptop to see if that'll work. This is Chuck. So it'll be a few minutes before I'm back into Adobe. Hopefully I get back in. Did - I can't see whether there's any hands raised but any questions on the mind map?

((Crosstalk))

Chuck Gomes: You can see the queue.

Marika Konings: Yes, Kathy has her hand raised. And I think someone needs to mute their phone. I have a lot of background noise.

((Crosstalk))

Chuck Gomes: There we go. Sounds like they muted the phone. If there are no questions...

((Crosstalk))

Kathy Kleiman: Chuck, this is Kathy.

((Crosstalk))

Kathy Kleiman: I had a question.

Marika Konings: Sorry, Chuck, Kathy has her hand up.

Chuck Gomes: Okay.

Kathy Kleiman: Yeah, I was just waiting until it was quieter so thank you. I think the additions, you know, make the diagram more complicated but more accurate. And this is really becoming a very useful tool. The only question I had was I thought we had removed the numbers but that was one of the questions that are before us is...

((Crosstalk))

Chuck Gomes: Let me respond to that, Kathy. This is Chuck.

Kathy Kleiman: thank you.

Chuck Gomes: I - that - the blame for that is me. I realize we decided to remove the numbers. I only wanted them there so that we see how they are ordered in the charter with the understanding that we're going to discuss the order and we will decide the order, not the charter. But just for the sake of seeing what the charter shows I asked that they be put back in with a note, and I think there's a note somewhere on that mind map, that says that basically. So that's - you can blame me for that.

And but they're not in concrete, they're just there - that's the way they are in the charter. And I like the mind map for looking at the whole picture of the first

five questions so that we can see where they are and as we debate we can see how they could be changed relative to what's in the charter. So that's my doing.

Kathy Kleiman: Great, thank you, Chuck. It would be great -maybe there could be a little asterisk or something but thank you so much.

Chuck Gomes: Okay. And again, Marika, please manage the queue while I'm trying to log back in here. Any other questions?

Marika Konings: No further hands. I'm presuming Kathy's hand is about to be taken down unless she has a new point.

Chuck Gomes: Okay well the - are there any hands, can I go ahead on agenda item 4?

Marika Konings: No further hands.

Chuck Gomes: Okay thanks. Sorry about this. I have no idea why I was disconnected. And every time I tried to log back in nothing would happen; I couldn't get back in so I'm just rebooting everything here on my end. So Item 4 then is the - an update on the latest version of the work plan. Now our intent from our leadership call that we had on Friday was to have another version of the work plan sent out before this call.

We didn't succeed at that. We're still debating a few things. And we will hopefully have one a little bit later in this week. So I apologize for that. But what we're trying to do based on everything that's been done in the teams and so forth is update the work plan from where we last left it with some changes. And there are a few more that need to be made. And the leadership needs - team needs to come together on one particular issue in doing that.

I hope that in the next couple days we can send out a revised version so that in next week's call and in fact in advance of next week's call, if all of you

would review that then before the meeting and then we will try and get as close as we can next week to finalizing the work plan realizing, as we say in the introduction to the work plan, that it'll be a live document. We're going to put some estimates for target dates and we will - those will undoubtedly change lots of times. And we will continually update it to make it more current.

So you should expect hopefully before this week - this calendar week is out - to give you a - give everybody on the working group list another version that you can take a look at and then we - and we won't do a redline because it gets - I don't think because it's going to get pretty messy. But it'll have new - things that we've completed we'll show the completion dates and so forth.

And then we will - next week I suspect the bulk of our meeting will be to go through that work plan, see if we can get close to finalizing it so that we can actually then proceed. Now in terms of that, the - one of the first things that we will be doing is compiling - and some of you will remember this from the plan before - we will be compiling a list of requirements - possible requirements, just no debate, just come up with as broad a list as we can of requirements and associating those as best we can with each of the first five questions.

And the other questions as well but we're going to focus on the first five initially when we start deliberating. And so that's why I said earlier when I was talking about the work from the teams, be thinking about possible requirements for an RDS system from the - from your review of all these documents because you're going to be asked to contribute to this big list of requirements.

And then of course the big step we will get to when we start going through all the possible requirements that's when we will start debating like we've seen good debate in our chat today. So any questions on what I've just said. And

somebody is going to have to help me with the queue because I'm not yet in Adobe again.

Kathy Kleiman: Chuck, it's Kathy. I think I'm the only hand in the queue right now.

Chuck Gomes: Go ahead, Kathy.

Kathy Kleiman: Okay. We've done an enormous amount of work over the past few weeks, at least those people who are participating in the subgroups. And I thought that part of the reason for that work was to help us with the question, which is what is the order of the issues. And so for - so I thought that that was going to lead - these summaries - these very extensive summaries that have been done and documents, was going to lead to a discussion, frankly of these numbers, including what we might look at first, whether it's data elements, whether it's privacy structures, data protection, you know, legal frameworks.

And then of course possible purposes and uses that people would like to put the data to. There had been a discussion early on that a different order might be preferable and that the subgroup work was going to feed into that discussion so I just wanted to check when we're going to have that discussion because it sounds like we're launching into a work plan with the numbers as written. And I thought, again, that was part of the work of the last two and a half, three weeks was that we were going to rethink the numbers in light of the new material.

Chuck Gomes: You are correct, Kathy. That is the plan. And we will start that discussion next week. I suspect the bulk of our discussion next week, when we're looking at the revised work plan, will be on the order of deliberation of those five questions. So you are right on.

Kathy Kleiman: Great. Thank you very much.

Chuck Gomes: You're welcome. And I think I'm just about - I'm hoping I'm just about to get into Adobe Connect so I had to totally reboot so I'm just waiting to get into Adobe and then I'll be able to see the queue again. So okay look at that, I'm back in. My apologies for the technical difficulties. So any - Stephanie, I see your hand up, I can now actually see hands. Please go ahead.

Stephanie Perrin: Thanks, Chuck. And I'm probably - Stephanie Perrin for the record - I'm about to say something that I'm sure will drive people crazy. But this whole business of following a logical order in the work plan - I believe in work plans and I think it's nice to follow a logical order. The problem is, in my view, that the policy issues that we are thinking of tackling, not to mention the technical issues, are inherently iterative and rather circular.

We've had discussions back and forth between the purpose work team and the privacy work team. I think it was Greg who said the Whois privacy - or rather the purpose privacy paper done by the Article 29 group should go on the privacy team, not the purpose team. And, you know, there's quite a bit of truth to that.

On the other hand, you need to eliminate the other side. So what I'm basically putting a plea for is a slightly horizontal approach to our forward planning recognizing that we may have to stop and have a look at what, for instance, purpose means in the other language as we go along and what data elements means in the other language because I think as it's been pointed out before, we are operating from different terms of references and I think we have to recognize that explicitly and understand that it's going to slow us down and drive some people who are linear thinkers absolutely berserk.
Thanks.

Chuck Gomes: Thank you, Stephanie. This is Chuck. And I'm sure a lot of us will go berserk off and on throughout this process because you're absolutely right, it'd be easiest if we could do this in a totally linear fashion, that won't be possible. You said it very well. And in fact if you look at even the older version of the

work plan and the introductory discussion and the principles that are given there on the work plan we say that.

We say that, okay, when we cover the data questions, for example, we don't say it exactly in these words, but this'll illustrate that I'm trying to get across is we won't be done with data until we're done with all of the questions. We won't be done with privacy until we're done with all the questions. We will find ourselves going back and forth.

The idea though of the work plan is to give us some guidance so we can measure our progress and order our work so that it's effective. So the - totally agree with what you said and if you think we need to say that more effectively in the introductory sections of the work plan please make some suggestions in that regard when you see the updated work plan this week. And same with everybody else. So I hope that answers your comments. Just really not so much a question it's what you shared, Stephanie, in my opinion is a fact of life for this working group.

And that'll be true all the way through. We're going to - we're going to, you know, come out hopefully with some requirements out of Phase 1 that we agree on. We may find when - in Phase 2 when there - when trying to develop - when we're trying to develop policies to fulfill those requirements we may run into some snags there and have to regroup and reconsider some of the requirements.

Hopefully there won't be too much of that. But that's the reality of what we're dealing with in this topic and we all have to be flexible and stay up to date and work together to do this iterative process that you're talking about. So thank you for that comment.

Okay any other questions on where we're headed in the next few weeks or the mind map? Keep in mind those numbers on there, that'll probably be the biggest part of our discussion, the 1, 2, 3, 4 5 questions that are in the - to me

it looks like orange boxes, will probably be where we spend most of our time in terms of finalizing the work plan.

Okay, not seeing any hands or hearing anyone so - and you're right, Alan, the world is even more complex now than when we have failed to make progress on Whois in the past. But I think we've got a great group of people in this working group and we're going to do our best to make some progress in - as reasonable a time as we can.

Okay, let's go then to Agenda Item Number 5, which is the outreach. Now the PDP guidelines and the Working Group Guidelines indicate that we're supposed to reach out to SOs and ACs on - and get their input very early in the process. We're actually later in the process than is typically done but I don't see that as a problem. I think we're at a good point right now to reach out to SOs, ACs, constituencies and stakeholder groups.

And as Kathy pointed out weeks ago, to the extent we can effectively do it we'll try to reach out to people that are outside the ICANN world. Now Kathy and others, we may need your help in figuring out how to effectively do that. We have mechanisms and organizations in - within the GNSO and within ICANN as a whole that allow us to do that for participants in those groups. So we will need to talk about that.

But what's in front of you right now on the screen is a - and I think this was sent around yesterday too - there were a few edits that were made on it afterwards so you may want to look at it again and we'll let everybody do that after this call as well. We're not going to ask you to give final approval on this call.

But there's a final edition of it on the screen now that you can scroll through. But, again, you don't have to give your final okay on this. But what we'd like to do is just talk about this. And, Marika, you did the base draft. I wonder without - we don't want to read this right now. But if you could just quickly go

over the main elements of this outreach document and template and that is in front of people, so it is a template that SOs, ACs, constituencies and stakeholder groups and even individuals that aren't even a part of this could respond to.

So, Marika, could you kind of just go through the main elements without reading it just what are the main elements of this request for the SOs, ACs, constituencies and stakeholder groups?

Marika Konings: Of course. So this is Marika. So basically what you see indeed is a template. And this is basically a format that has been used by other policy development process working groups and it was found that was easier to provide groups with a template to fill out or very specific questions to answer to then instead of, you know, giving them the charter and saying, you know, let us know what you think.

So what we've tried to do here is kind of focus on the work that the working group has completed to date and specifically asked for input on that as well as ask for a confirmation or review of input that is known from the different SOs, ACs, as well as stakeholder groups and constituencies.

So that is basically what you see outlined in the question where Question 1 really focuses on information that has been gathered and reviewed by the working group as well as that input that has been identified as most relevant so basically asking groups to provide input on that. Are there any documents that are missing, any information that is not listed, and are there any documents that have not been identified as being most relevant and if so, you know, explain why those should be added to that, you know, most relevant list.

Then the second question focuses on input that has been received by third parties. The wiki clearly outlines those documents as well as the issue report

reflects a number of those inputs as well as, you know, comments that have been received on the preliminary issue report.

So basically we're asking also for SO, ACs, stakeholder groups and constituencies, to confirm whether the input that has been identified is still relevant and if, you know, there's input that is missing or needs to be updated so that the working group is aware of what the latest position is or are of these different groups in relation to the topics that they'll be reviewing.

Then we're also asking the question of whether there's any further guidance that these groups have in relation to dealing with the charter questions. Are there any questions that are missing, any information that needs to be taken into account. And then of course as well leaving a more general, you know, anything you want to provide that may be helpful in Question 4.

So we're hoping that in this way we'll help SOs and ACs and stakeholder groups and constituencies focus on their input so it's as well easier to digest for the working group as that feedback comes in. I've seen the question asked, how long will groups have to respond? The GNSO Operating Procedures describe that that should be a minimum of 35 days so it's up to the working group then to decide whether you want to have that minimum or give groups a bit more time to provide a little bit guidance there.

I think what some groups have done in the past is basically start with a 35-day and if groups need more time they will come back and typically ask for more time and then of course the working group always has the ability to grant that but hopefully at least get a clear indication by when that input is expected as the whole idea is to have, you know, all this input of course as soon as possible as it's really intended to help inform the initial deliberations and discussions of the working group.

Having said that, you know, of course any suggestions or comments you may have feel free to share those and we're happy to make any updates as deemed necessary.

Chuck Gomes: Thank you, Marika. And if anybody has any questions or comments right now please raise your hand or speak up if you're not in Adobe. Let me point out that each of you in the working group are going to be really essential in this process of seeking input from these various groups because if you don't help your particular organization, whether it's the GNSO or the ALAC or one of the constituencies or stakeholder groups in the GNSO, you know, this is going to be hard for them to do even though we've narrowed the scope in terms of what we're asking for, is still going to be hard to do unless each of you in your respective groups act as facilitators.

I encourage you to volunteer to take a leadership role as is appropriate in your respective organization in helping develop these responses. If you don't do that the chances of 35 days being enough is probably not going to be very good. At the same time, if each of you in respective organizations help your colleagues in those organizations respond to this and explain things and give them background and answer their questions, this should go quite smoothly.

So it's really critical in my opinion that each of you assist your various groups in responding to this. And if you do I think it'll go well. So please help your groups out in this regard. That's why we like the broad representation - that's one of the reasons why we like the broad representation that we have in this working group is so that you can serve as liaisons and facilitators in your respective groups on this. So I strongly encourage you to do this.

Now I'm going to make a suggestion here - I'm going to make a suggestion that we have an action item immediately following this call to send this document out to the full working group list and allow 48 hours to - for responses whether it be edits in some sense. And then after that, assuming

there are no objections, and if there are that's okay, if somebody objects to us sending this out until we have one more meeting, we can deal with that.

But if there aren't then I'd like to, by the end of the week then, be able to go ahead and distribute this to the SOs, ACs, Cs and SGs and then in the meantime also we need some feedback from you, and Kathy already said in the chat that she would help in that regard, any suggestions you have as to how we can reach out beyond the ICANN world will be appreciated and we'll try to do that as well. So are there any objections or maybe edits to the plan that I just outlined?

Okay, then let's proceed in that regard with regard to this outreach and hopefully by the - again, if somebody objects to having it sent out by the end of this week if we need a little more time speak up; if not we'll assume that it's okay to send it out.

And feel free in the next 48 hours to suggest any edits because keep in mind you are going to be the ones that are carrying this forward to your group. I mean, we'll send it to them to the chairs and so forth but then they're going to need you to volunteer to help them with it and please do that as quickly as possible in the 35 day period.

And again, as Marika said, that can be lengthened but I don't think we're asking for too much that can't be done in 35 days. If we are it can be extended but please do that.

Okay, new hand, Vaibhav I hope I didn't massacre your name. Go ahead.

Vaibhav Aggarwal: Yeah, no absolutely not. Thanks. Just a request, it's been a mayhem in this part of the world. I am from India. And (unintelligible) 48 hours can we give it a little more time until Tuesday next week? Or even if it's Sunday.

Chuck Gomes: Even if it's - did you say Sunday?

Vaibhav Aggarwal: Yeah, even if it's Sunday just about 96 hours should be good to come back on the document.

Chuck Gomes: Okay I'm okay with that. That's no problem. Let's do Sunday. I threw out the 48 hours. If it helps some to go until Sunday then let's go to Sunday and we won't plan on sending it out until the first of next week assuming nobody requests any further delay. That is fine. And thank you for bringing that up.

Vaibhav Aggarwal: Thank you.

Chuck Gomes: You're welcome. And I always encourage you to speak up. We will try to be as accommodating as we can because we want everybody to have adequate time while at the same time trying to keep moving this thing forward. Okay very much appreciate it, okay.

All right going on then to Agenda Item 6, the Helsinki meeting planning. Marika, can you give us an update?

Marika Konings: Yes, this is Marika. Not a whole lot to update yet apart from to know that discussions are ongoing within the SO AC leadership to fill out the agenda for the Meeting B which is in Helsinki which as I think most of you probably know is a four-day format which is expected to focus on policy discussions. So currently in the latest draft there is a carve out I believe - and I'm just trying to pull this up - of I think a whole morning that is set aside for this working group to meet.

However, there is also a possibility that this topic will be identified as a cross community discussion topic. There are a number of topics that have been identified by the different SOs and ACs and those groups have been asked to prioritize these topics and depending on the outcome of that there may also be - and that's a 75-minute slot set aside for cross community discussions.

However, none of this is confirmed yet. It's still on the discussion and we're hoping to get some clarity about - around that shortly. You know, once that confirmation is received of course the working group will need to start thinking about how to organize its time and how to ensure indeed to take the maximum out of the fact that there is limited time available that, you know, the focus is really on policy development, what kind of preparation should be done.

You know, are there, you know, kind of webinars or documents that should be prepared to help people, you know, gear up for those conversations and especially thinking about the cross community discussions, how can, you know, you make sure that that focuses on substance and much less about providing updates which I think has been a regular complaint in relation to the current structure of ICANN meetings.

So as said, as soon as we have more information or at least the likelihood of when RDS discussions will be taking place we'll of course inform the working group. As always there will be remote participation for those that are not able to participate in person. And I think that's all I have at this stage. So hopefully that's enough.

Chuck Gomes: Thank you very much, Marika. This is Chuck. Anybody have any questions? Okay, very good. I think it's going to be a good test in Helsinki of a different type of meeting. I like the idea that we're going to have a full morning. There will be a break in between two sessions the way it's mapped out now for us. So we will plan on having a regular working group meeting, except many of us will be there in person. Same time there will be remote participation so that others aren't excluded.

So that should be a great time for us there. And I'm relatively optimistic that we will have a cross community session and those I think are scheduled, at least the way it looks now, later in the day. And for those that can't attend our working group session, and by the way, for those who don't know, our

working group session will be open to anybody so anybody that's at the meeting or anybody who wants to dial in.

So - and everybody will be - we will design it so that everybody can participate as well. So and then the cross community working group session will hopefully pick up those who have a conflict during our working group session and we can specifically gear it towards getting their input to what we're doing.

(Jim), please jump in.

Jim Galvin: Thank you, Chuck. Just a question about the scheduling of the - this particular working group's meeting time during Helsinki. Is there an opportunity for discussion about conflict resolution at all or is that pretty well fixed when meetings are going to be held?

Chuck Gomes: Well, Jim, you are raising a sore point with me. I thought - and I've communicated this by way - to the planning committee I thought there were going to be minimal conflicts. And I was - I expressed my dissatisfaction that there is as many conflicts as there are. So I hear you. I reacted the same way. And you of course are on the SSAC and it looks like there's conflicts with SSAC. It looks like there may be conflicts with ALAC and with the GAC and some are maybe unavoidable, I don't know. But I don't think - at least what we've seen so far and like Marika said it's not finalized.

There are more conflicts than I expected. And I think that's unfortunate. But you're speaking to the choir at least in my case so I get it. And maybe Marika can share maybe what progress they've made in that regard because several of us have communicated the concern with the conflicts. There certainly aren't as many as a regular ICANN meeting but there are more than I anticipated. Marika, please jump in.

((Crosstalk))

Marika Konings: Yeah, this is Marika.

Jim Galvin: ...before Marika goes.

Chuck Gomes: Go ahead, Marika.

Jim Galvin: Yeah.

Marika Konings: Yeah, this is Marika. So just a note, I think, indeed that there are, you know, always potential conflicts at two levels. First is within the GNSO and then of course there's across SOs and ACs. On the GNSO side I know that the leadership team for this meeting is basically reviewing all the requests that come in from, you know, the GNSO including stakeholder groups and constituencies, to try and avoid as much as possible, you know, conflicts within the GNSO community.

You know, having said that, I think the conflicts that the two of you are currently identifying are probably those between SOs and ACs. And I think, you know, as Chuck I think said as well that it's still a work in progress and part of the challenge has been there is that the different communities have been developing their schedules in parallel.

So they did not necessarily have all the information available on what other groups were doing, you know, before they finalized their schedule. So I think the hope is as we're getting closer to all the groups having at least on the table the topics they want to discuss maybe this will now then allow for the opportunity to kind of, you know, reorganize some of that to avoid, you know, obvious conflicts where, you know, there's a clear common interest in participating or a lot of working group members that, you know, come from different communities to see if there's a way to kind of adjust it.

But as said, that's currently, you know, a work in progress and I think everyone, you know, needs to keep in mind that this is, you know, the first time we're running a B meeting so, you know, any feedback and input I think will be more than welcome. But there are definitely going to be some growing pains. But, you know, hopefully we'll be able to learn from those.

And indeed I think as everyone knows, you know, the real objective of this meeting is to facilitate and enable policy development and of course the last conflicts that go with that the better.

Chuck Gomes: Thank you, Marika. (Jim), you're back in.

Jim Galvin: Yeah, thank you, Chuck. So thank you for that, Marika. I certainly do understand that. I mean, it's a multitrack meeting. And even if it is intended to minimize conflicts it's a multitrack meeting. There will be conflicts, that's a foregone conclusion.

So I guess my question - my comment to the staff, and I'm sure that you know this, but what I'm looking for is the mechanism. You're right, Marika, the next level of conflict now is between SOs and ACs and what do you do about individuals, and it certainly doesn't affect everyone. But there always a few key individuals who, you know, are active in multiple things and have conflicts across things.

And I'm just wondering, you know, what mechanism will be available to make those conflicts known so that some consideration can be given to see if there's a way to resolve them. And that's a little bit harder to do because, you know, you're at some level you're saying gee, everyone should put in what they think their conflicts are and then somebody is going to sort all that out. And obviously that's probably the wrong way to do it, it's a lot of work. But I think that's the thing that I'm looking for in this.

And I'm hoping, Chuck, that you're sympathetic to that too and, you know, maybe - I don't know what the answer is, I don't know that there's any easy solution. But I would appreciate, you know, the staff sort of taking that sort of issue on board and getting some consideration to how they might handle that leading up to this meeting. Thank you.

Chuck Gomes: Thank you, (Jim). This is Chuck. And I am definitely sympathetic to that. In fact, I have a suggestion that maybe Marika can carry forward with - forth and if I have opportunity I'll do it too. One thing that could be done - because this is a policy focus I think if the working group sessions, whether they be a ccNSO, or GNSO or ASO policy working groups, since that's the focus of the meeting, if those could be firmed up, and I think maybe they already have, I don't know, that would then allow the SOs and ACs that are scheduling their own sessions to design their sessions around those working groups.

Some of those working groups may be more significant for some of them and maybe they can avoid conflicts there. So that would be my suggestion so that, for example, once groups know that the RDS PDP working group is meeting on Tuesday morning, all morning, if that's fairly firm and they think that's one that they don't want a conflict with maybe they can adjust their schedule to deal with that. Anyway that would be my suggestion.

But I'll stay in tune. I'm not on the planning committee but I have provided input to them and I know Marika is staying on top of that really well. So - and if any of you have influence on that planning committee hopefully you can carry that message forward for all of us. Thanks, (Jim), for bringing that up.

And okay so I hope to see a lot of you there. Some of you - a lot of you I haven't met in person. That's always a great opportunity to do that. I know some of you won't be able to do that and that won't impact your ability to contribute but it will be nice to have our first in person meeting for those who can make it. So I think that's enough on item 6.

And we're closely coming up to the end of our time. Our next meeting will be next Tuesday at this same time. And the goal right now - we haven't finalized the agenda -but the goal right now is to try and finalize the work plan. Now we might not finalize it in that meeting but we're going to make a big dent. The big challenge will be the order item so be thinking about that.

And even making suggestions on the list with regard to that. We had some discussion about a month or so ago, maybe a little bit longer, on that and we will re-start that discussion. So please keep that in mind.

Now one thing for the - that I'd like staff to do is to do a Doodle poll for the leadership team for a meeting tomorrow. And as soon as I'm off here I'll certainly tell you what my parameters are. I think I'm - have a lot of open time tomorrow. But I'd like us to meet tomorrow if at all possible so that we can decide how to finalize the work plan and get it distributed this week to the full working group. So if I could request that action item on a Doodle poll so that we can hopefully all be on it, it would be really great if we can. I know that's hard with the short notice but let's try. And we'll do the best we can.

Is there anything else that we need to cover, any questions anybody has? Keep in mind to be looking for a work plan later this week. And please review that. And come prepared in our working group meeting next Tuesday to debate and hopefully reach some consensus in terms of finalizing that so we can push ahead and start our work. And I see some confusion about the Helsinki meeting.

Kiran, do you want to - yes, we are - it is - we are meeting in four days if that's your question. Some of us suggested adding a little bit on and that was next. And that's okay. I think if it's designed right that may be okay and if those added days are helpful maybe that'll change in future meeting Bs, but I don't think you need to worry about early or late meetings, I think it's going to be in four days.

So correct me if I'm wrong anybody that knows more than I do but - and notice Greg's comment there that there is a - for CCWG Accountability there's a Work Stream 2 meeting on Sunday. But if you're not in that you should be able to count on the - there will not be, for example, the GNSO weekend meetings like we've - normally have on Meetings A and C so keep that in mind. Okay?

Any other questions or comments? Thanks for asking that, Kiran. I'm sure that's helpful for a lot of people. Okay, well thanks, everybody. Our time is just about up and I'm sorry I feel like I did way too much talking today but hopefully we're getting to the point where we'll be able to have much broader discussion by lots of you in the weeks ahead as we start really getting down to the nitty gritty part of our work.

Have a good rest of the day. The meeting is adjourned and the recording can stop.

Woman: Thank you.

Man: Thank you.

END