

Michelle DeSmyter:Dear All, Welcome to the New gTLD Subsequent Procedures WG Call on Tuesday, 10 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/8QGOAw>

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.

Chuck Gomes:Hi all.

James Gannon:Hey Chuck

Michele Neylon:afternoon boys and girls

Nathalie Coupet:Hi

Carlton Samuels:Howdy all

Sana Ali:Hello!

Susan Kawaguchi:Good morning

Maryan Rizinski:Hi all

Ankur Raheja:Hello all

Ayden Férdeline:Hello to all

Stephanie Perrin:Howdy everyone!

Carlton Samuels:Audio getting lost and my chats too!

Carlton Samuels:AThis is a FLAKY patform today!!

Carlton Samuels:We haveing serious issues here

Lisa Phifer:Work plan link:

<https://community.icann.org/download/attachments/59638257/RDS%20DP%20WG%20Draft%20Outline%20of%20a%20Work%20Plan%20-%20Updated%205%20May.doc>

Fabricio Vayra:thanks, Lisa

Harold Arcos:my apologies for late connect

Carlton Samuels:Maye its just me but the audio is cutting out every now and then!

Ayden Férdeline:Hi. re: 7.e What is the "comment review tool"?

Marika Konings:15 June would take it to 35 days

Scott Hollenbeck (Verisign):@Carlton: working fine for me...

Marika Konings:if it goes out tomorrow

Ayden Férdeline:Is the comment review tool like a matrix with all the comments received?

Lisa Phifer:@Ayden yes

Marika Konings:@Ayden - it is a document that is used to systematically go through each comment and provide responses

Marika Konings:and yes, takes the form of a matrix

Carlton Samuels:@Scott: OK. Seems to be a local latency condition then

steve metalitz:7 e is not 35 days after 7 d

Marika Konings:@Steve - we'll need to adjust that date based on when the request actually goes out.

Ayden Férdeline:Roughly, how many comments do we anticipate receiving?

Marika Konings:@Ayden - in relation to the outreach message to SG/C/SO/AC, typically all SG/Cs provide input, as well as ALAC and in this case possibly GAC.

Marika Konings:but as Chuck notes, this is usually the result of WG members actively working with their respective groups.

Ayden Férdeline:thanks

Lisa Phifer:@Ayden, each group will probably respond, but we cannot know how extensive the comments will be within each response

Lisa Phifer:Draft possible requirements will have a section for each of the first five questions at least, making it clear that input is welcomed for all of those questions.

Lisa Phifer:@Peter's statement is a possible requirement

Fabricio Vayra:+1 Chuck. Exactly!

Michele Neylon:FYI there is a meeting scheduled in Helsinki

Michele Neylon:for this group

Michele Neylon:on the draft agenda for Helsinki

Ayden Férdeline:Tuesday morning

Marika Konings:@Chuck - Donna has requested a change so that the cross-community discussion takes place before the WG meeting

Michele Neylon:FYI the schedule in Helsinki has way fewer conflicts

steve metalitz:can someone put link to Helsinki schedule in the chat pls?

Marika Konings:Assuming that the requested is honoured, it will look as follows: Tentative F2F WG meeting - Tuesday 28 June from 8.00 - 12.00 Tentative Cross-Community discussion - Monday 27 June from 17.00 - 18.30

Michele Neylon:so most meetings will be more "open" to everyone in terms of physically attending

Marika Konings:@Steve - [https://community.icann.org/x/\\_o5CAw](https://community.icann.org/x/_o5CAw) but please note this is still a draft.

Lisa Phifer:The list is POSSIBLE requirements - whether they will become requirements will be determined by WG after deliberation

Fabricio Vayra:@Stephanie. Disagree re: ICANN being a data controller.

Fabricio Vayra:The people or bodies that collect and manage personal data are called "data controllers".

Fabricio Vayra:See [http://ec.europa.eu/justice/data-protection/data-collection/index\\_en.htm](http://ec.europa.eu/justice/data-protection/data-collection/index_en.htm)

Fabricio Vayra:ICANN doesn't collect it etc. etc.

Fabricio Vayra:we had this same discussion for months during EWG

Carlton Samuels:@Stephanie: +1. The hurdle from the data protection perspective is to adjudge purpose of the entire RDS dataset can be justified

Kathy Kleiman:@Lisa: from a data protection perspective, we are following the wrong order. First you would figure out the purpose of the data collected (as a legal term), analyze the data collected against the purpose, and then figure out whether the primary uses are legal, and proposed secondary ones too.

Lisa Phifer:@Kathy we are not deciding anything yet, just collecting inputs

Kathy Kleiman:@Fabricio: ICANN is setting out the rules for collection and publication- that makes it a "data controller" under data protection laws

Fabricio Vayra:+1 Lisa

Carlton Samuels:I think we must decide on the publication/display of the data elements as secondary from the data protection perspective

James Gannon:Its PPSAI all over again

Fabricio Vayra:@Kathy, lets just say that many of us don't read the definition as you're presenting it.

Fabricio Vayra:this was the case on the EWG as well.

Michele Neylon:Fabricio - my position has changed - I now firmly believe that ICANN is the data controller :)

Kathy Kleiman:@Fabricio: more than half the countries in the world do read the definition that I am presenting...

Fabricio Vayra:@Kathy - Show me a list and accompanying definition.

Kathy Kleiman:All in the subgroup materials - particularly Privacy and Purpose

Michele Neylon:Irish DPA has a simple FAQ  
<https://www.dataprotection.ie/docs/Are-you-a-Data-Controller/y/43.htm>

Michele Neylon:Fabricio - that link is for you :)

Carlton Samuels:@Michele: For what we call the "WHOIS dataset" yes! ICANN giveth and receiveth! It has always been hesitant to accept that in giving it has the duty of care...and the duty TO care.

Fabricio Vayra:@Michelle, thanks. Seems to mirror the link I circulated earlier, so not seeing it.

Stephanie Perrin:I think the appropriate document to look at Fab is this one: Opinion 1/2010 on the concepts of "controller" and "processor".pdf(172 kB) Choose translations of the previous link - WP 169(16.02.2010)

Fabricio Vayra:@Steph. Thanks. Will review.

Lisa Phifer:[http://ec.europa.eu/justice/data-protection/article-29/documentation/opinion-recommendation/files/2010/wp169\\_en.pdf](http://ec.europa.eu/justice/data-protection/article-29/documentation/opinion-recommendation/files/2010/wp169_en.pdf)

Stephanie Perrin:Michele saw the light Fab...and now there is liability attached so I predict unusual conformity of views in the registrar stakeholder group

James Gannon:I shall be leaving the call at the top of the hour unfortunately. Looking forward to the F2F on this

James Gannon:2 years, 3 years? =)

Richard Padilla:sorry for being late

Carlton Samuels:BTW, yesterday I sent to the list a document from the US FCC that goes into extraordinary - and remarkable - detail id'ing what they think qualify as personal Identifiable Information (PII). They claimed to have collated this from various authoritative USG sources.

Michele Neylon:Carlton - the FCC's views are very close to what you'd get from an EU based DPA

Kathy Kleiman:@Carlton: It's a great document!

Lisa Phifer:@Carlton would you like to summarize it for the privacy team and have it added to that sub-team doc?

Holly Raiche:Ys, thanks for the document - interesting

Carlton Samuels:@Lisa. I think I could. Good idea!!

James Gannon:Marika or Lisa, I know this is being picky but any chance we can get this workplan as a gantt chart to try and visualise it a bit better

Marika Konings:it currently only exists as a word doc, but we can give it a go after the WG has finalised it?

Marika Konings:Berry will need to give me a crash course though ;-)

James Gannon:If its only a word doc that fine, I can make a whack at gantting it once we are finalised

James Gannon:haha

Marika Konings:but if you can do it easily - even better!

James Gannon:Yeah once we have finised I can do it (Wonder if I can invoice berry for that :P)

Alan Greenberg:Regarding 12.e, I really am not sure there is a difference other than in perception. and nomenclature.

Carlton Samuels:@Steph: Yes, recall however that the reason for not following thru on a full costing was because of the perception that a PDP would likely make some costs a crap shoot!

Ayden Férdeline:With other WGs, like the CCWG-Accountability, they had a clear mandate that they had to do things right - but they had to do it by a deadline. When do we need to end this WG's work by? If we do not have target dates for many of the steps, how do we ensure our work remains focused and does not stretch on too long?

Richard Padilla:As the newbie here can someone avail me of what exactly are the cost are presently

Stephanie Perrin:There will be a significant re-allocation of costs Susan, I agree...

Stephanie Perrin:But at the moment we have no accurate metrics on cost

Lisa Phifer:@Richard, it is not known what the total cost of WHOIS is currently - it is a highly distributed system

Carlton Samuels:@Susan: True, there was this sense that SOME of the real costs are already in play and may be reallocated. But a few of the key new costs could not be fully determined.

Marika Konings:@Ayden - that is up to the WG to set a realistic timeline. There is no external time factor here as with the CCWG-Accountability related work, but obviously this is an issue that has been discussed for many years now, so hopefully we do not need to add many years more ;-)

Carlton Samuels:@Susan: I'm referiing to the costs to build a gated access system for global access

Marika Konings:Also, as the manager fo the PDP, the GNSO Council may also check in from time to time to see what progress is being made and what the expected milestones are.

Stephanie Perrin:The only problem being that some of the issues have not been discussed in a meaningful way, so a certain amount will be de novo....purpose, for instance

Susan Kawaguchi:@ Alan absolutely agree

Nathalie Coupet:@Alan +1

Richard Padilla:@Lisa so if no metrics exist and knowing we are discussing said issue , syrely there must be an idea of what is or how the cost is achieved or distrubed at present if this makes sense

Lisa Phifer:@Richard I think you are suggesting possible requirements for the cost question

Carlton Samuels:@Alan: +1. Which is why we think a PDP anchored in reality MIGHT make some practical decisions that affect cost of implementation.....and how these might be realized.

Kathy Kleiman:Registrants are the base of the DNS pyramid. Individual, small organizations, small businesses will all be harmed by a rise in costs of domain names.

Stephanie Perrin:If you cant afford to protect it, you cant afford to collect it

Ayden Férdeline:To be provocative (and also because I do not know the answer), if we have neither the existing system nor a gated access system, and instead only collected a minimal amount of data (i.e. DNS servers), what would be the cost? Would it be cheaper for registrars?

Ayden Férdeline: Thank you for your comments and response to my previous question, Chuck

Carlton Samuels:@Steph: Almost like "if the glove don't fit, you must acquit"! :-)

Richard Padilla: Thanks for that Chuck

Stephanie Perrin: Ayden yes it would

Lisa Phifer:@Richard you may find it useful to read this cost analysis - it identifies a number of factors that contribute to costs. It also estimated the cost of two alternative models, but it can be useful just as a way to see what some of the costs are: <https://community.icann.org/download/attachments/45744698/RDS%20Cost%20Analysis%20Summary%20IBM%206June2014.pdf>

Richard Padilla:@Lisa thanks for that

Carlton Samuels:@Michele: Thanks for emphasizing the key implementing differences between cc registrant data and gTLD registrant data; publication & display!

Stephanie Perrin: Right now, requestors of data are not paying...

Rod Rasmussen: Note that the FCC document in question is NOT an official position yet, but rather a request for comment on rulemaking of the FCC. There is both sharp dissent within the FCC itself (see the commissioners' statements) and already substantial pushback on that list within the US ISP community. Jurisdiction and overreach of the proposed standards seem to be the primary responses so far. So while this is an important and groundbreaking step by the FCC, I do not expect it to come out the other end of the process with near the same requirements as being proposed.

Carlton Samuels: Now we have the imperatives: a contractual requirement and national legal frameworks, including data protection laws

Kathy Kleiman:@Carlton: I think you have boiled it down perfectly.

Holly Raiche:@Carlton - and they don't always sit well together (she said politely!)

Stephanie Perrin: Thanks for that Rod.

Carlton Samuels:@Rod: Read the commissioners' statements and even contact Ms Clyburn directly for a response on why she issued the separate statement; met her years ago when I lived in DC.

steve metalitz: @Chuck we have already identified some areas where dates need to change.....

Nathalie Coupet: What about the data protection of children? Is it any different from that of adults?

Stephanie Perrin: Yes it usually is Nathalie.

Nathalie Coupet: Is there another mechanism we need to take into account?

Lisa Phifer:@Kathy note that policies are not detailed until phase 2, guided by requirements agreed in phase 1

Michele Neylon:+!

Stephanie Perrin:Age of consent varies by jurisdiction, some states have separate legislation to protect kids online

Michele Neylon:1 even

Michele Neylon:i like the idea of judging her names

Nathalie Coupet:@Stephanie Thx!

Kathy Kleiman:@All - my kid's name are great, but for privacy purposes... :-)

Carlton Samuels:@Chuck: endorsing Alan's suggestion. +1

Michele Neylon:We should ask your kids

Stephanie Perrin:We should recruit her son for this group, now that he can consent for himself!

Holly Raiche:Agree with Alan - let's get it out

Richard Padilla:@Chuck: Agree with Alan's suggestion.

Michele Neylon:Stephanie is he over 18 now?

Alan Greenberg:Kathy, Sorry, but all children's name should be anonymously queriable. Along with their birth dates and applicable national identity numbers and birtmarks.

Stephanie Perrin:Yes and a Brandeis scholar. I would like to warp a young mind in data protection directions....

Kathy Kleiman:@Rod, the FCC has longstang piversity rules for telecommunciations carriers clearly within its jursdiction and remit. It's all the CPNI - Customer Proprietary Network Information - and has a very high level of privacy protection under FCC regulation (as I am sure you know...)

Kathy Kleiman:end of week is good

Kathy Kleiman:gives others time to respond

Ankur Raheja:Thanks

Holly Raiche:end of the week is fine - or sooner

Carlton Samuels:@Kathy: Yes, you're right! What was remarkable to me was its adoption in its reasoning of what others call PII, which extends theirs A LOT. And, then for them to declare the list they're contemplating it is not exhausted

Richard Padilla:OK folks I will see you next week got to go ciao for now

Carlton Samuels:@Richard: Good deed! See ya

Alan Greenberg:When is the meeting next week?

Sara Bockey:thank you all

Ayden Férdeline:Thank you to all

Roger Carney:Thanks!!

Marc Anderson:thank you

Stephanie Perrin:Bye all!

Susan Prosser:thank

Vlad Dinculescu:Thanks all

Carlton Samuels:Bye all  
Fabricio Vayra:thanks, Chuck!  
Maryan Rizinski:Thanks everyone!  
Iliya Bazlyankov:Thanks and Bye!  
Chris Pelling:Thanks all :)  
David Cake:dialed in now