ICANN Transcription
GNSO Next-Gen RDS PDP Working Group
Tuesday 10 May 2016 at 1600 UTC
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RDS PDP WG call on the Tuesday 10 May 2016 at 16:00 UTC. Although the
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http://audio.icann.org/gnso/gnso-nextgen-rds-10may16-en.mp3

Coordinator: Recordings have started you may proceed.

Michelle DeSmyter: Great thank you, Good morning, good afternoon and good evening. This
                     is the GNSO Next-Gen RDS PDP Working Group call on the 10th of May,
                     2016 at 1600 UTC. In the interest of time today 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. Thank you. I'd also like to remind all participants to please state
                     your name before speaking for transcription purposes and also keep your
                     phones and microphones on mute when not speaking to avoid any
                     background noise. With this I'll hand it over to you Chuck. Please begin.

Chuck Gomes: Thanks (Michelle), much appreciated. Welcome everyone to our call today for
                 the RDS PDP Working Group. I didn't hear anybody say that they were not in
                 Adobe so I'm assuming then that everyone can see the agenda on there. So
                 if you have any comments on the agenda I'll give you a chance to say that in
                 a little bit. Let me give opportunity for anybody who has updated an SOI or is
                 going to update an SOI to do so right now. Michele?

Michele Neylon: Thanks Chuck, Michele for the record. I was mentioning this on last week's call but completely forgot. I updated my SOI just to clarify a couple of minor things -- nothing major. I haven't turned into anything strange but just to clarify that we do - well we as my company do have contractual arrangements with several of the parties who from parts different parts of the circus including ICANN itself. Thanks.

Chuck Gomes: Thanks Michelle. Anyone else? Marika? Did you update your Statement of Interest? Just kidding.

Marika Konings: Still part of ICANN staff. Just no I just wanted to take this opportunity to remind everyone to make sure that your statements of interest are up to date. It has come to our attention that at the end of the Statement of Interest there is a field in which you can manually put the last time you've updated the Statement of Interest. And I think it's something that many people may easily overlook when they do their update so please try to remember if you make updates to also reflect that in the data at the end of the Statement of Interest the form. I am happy to report that for any new Statements of Interest we've been able to introduce an automatic way of reflecting those updates. But for all of you that are on this call and already have statements of interest that is not the case. So when you do your updates make sure as well that at the end, the bottom of that page will also note when you made those last update so it's easier for people to review when changes were made. Thank you.

Chuck Gomes: Thank you Marika. This is Chuck again. So let's go on then. I'm not saying anyone (unintelligible) Statement of Interest (unintelligible). Sorry about the echo. I can't know myself and talk so that's better I think. So remember to keep your phones on mute if you're not speaking. That'll help avoid echoes and other interferences as we're going along. So you've had a chance to look at the agenda. Any comments or questions or suggestions on the agenda? Please raise your hand if you have any.

Okay then let's go right to agenda item to which will I think will be brief unless there are comments or questions. Thanks for the feedback on the list on the outreach message and I think it's just about ready to go. There's some logistical information that we might need to add to it like the identification of the SO, AC, et cetera, but nothing with regard to the message itself. And I'd like to ask the Leadership Team if we have time at the end to stay on the call so we can just finalize that and it'll probably take no more than five minutes to do that so that we can get that out tomorrow. That would be the plan. Does anybody - okay Kathy Kleiman go ahead.

Kathy Kleiman: I was just going to ask Chuck I know there's a long discussion coming up on about order. And I wasn't sure whether that - the results of that discussion might impact what goes into this letter. I just thought I'd throw that out thanks.

Chuck Gomes: Thanks Kathy. No, this is Chuck. Again no I don't think it would because until we discuss that as a working group I think it would be premature to call out to the various groups and ask for their feedback on that. Of course all of you in the group you're in can seek their input as we're deliberating on that. Now keep in mind that what we're going to do throughout this working group is have quite a few different outreaches with smaller bites in each one so they're more realistic for the groups to respond.

And so once we get a work plan finalized or close to finalized we could go back and we don't necessarily have to do a formal outreach to do that but talk about that. But I think it's best that we grapple with that first and then decide whether we want to do some more outreach. But all of you please keep your groups informed and feed what they're saying, not just what you're thinking into our working group activities and that'll be very helpful. So the message that's going out really is asking three questions plus an open one if they want to provide any other input and just as was distributed a week ago so thanks for the question though. The and hopefully we get that out - getting it out tomorrow will allow us to get some feedback hopefully before Finland, the

Finland meeting. We'll see. And I think that would be desirable. Any other comments or questions on the outreach message?

Okay let's go then to Item 3 which is the main topic for our meeting today some an updated version of the work plan was distributed and is on the screen right now. Hopefully all of you took another look at that and you have the control on the screen yourself so feel free to glance through that. I think the main - the items that we're going to need to talk about are down in the document although there were some made in the introductory page, the introduction to the work plan as well. So let's just kind of scroll through the draft outline of phase one where - but keep in mind we're only dealing with phase one and we're really only dealing with part of phase one in the work plan because depending on how we answer the first five questions you can - it determines what we do with the additional things as the decision point there. So on Page 1 which is on the screen right now - and thanks (Lisa) for putting the link into the chat if somebody wants to pull it up there. And are there any questions or comments on the introductory page there, Page 1?

Okay moving down the introduction continues on Page 2 and take a glance at that if you haven't already scrolled there. The - any comments or questions before we get into the table? Okay then the table I think we can scroll down. Stop me if I go too fast but a lot of the initial steps of the work plan are already completed based on things that we've done previously. So scrolling down to I think we can scroll down and again we can backup if I go too far but if we scroll down to Item 6 which is develop the work plan which is what we're working on right now we already did discuss the approach way back in February and got consensus on the working group on the approach. A draft plan was put out the 29th of February. And we're beginning the - a revised work plan was distributed on the 5th of May last week for comments. And our goal we'll see whether it is overly optimistic would be to approve a final work plan. Now let me qualify the word final okay? The work plan's going to change as we go. We - our - we'll miss target dates. We'll need to extend them.

Every once in a while we might even beat one and get done earlier. But that'll probably be the exception. So don't be bothered by the word final but our goal today if possible is to finalize a work plan that we could then publish. And if we can't we'll deal with that but so that's not an absolute but that's the target date right now. Any questions or comments so far? All right and I'm trying I'll try to watch the chat too.

The -looking then at Item 7 we've hopefully finished those action items for the first outreach message okay? And that'll hopefully go out tomorrow. And you can see there are targets. We need to give at least 35 days. I think the - if it's going out tomorrow - I don't know we may have - we can adjust dates. We need to have a minimum of 35 days based on the working group procedures so we'll make sure that happens.

And then we will - the comments will be put into the review tool and then we will review those - review the comments and incorporate them into our work and probably send out a response so that people know that we did take their comments. And I say probably. We will need to respond when people give us feedback so that they know we consider their feedback and if for any actions were taken or if not what the rationale was. Any questions on Step 7?

Now the next part of the work plan, step eight is to develop an initial possible requirements list. Now I want to emphasize the word possible. We wouldn't be doing any debating on the requirements. Just let's put together all possible requirements relating to the various questions in our charter for the goal in a later step of actually deliberating on those requirements. And of course that's where the order question that Kathy Kleiman raised earlier today will come into play. So what is on in the work plan right now it starts with step 8A where a first draft of initial possible requirements would be prepared by the Leadership Team and distributed for the working group strictly as a starting point. Now there's couple rationales for that. Number one, it's a very comprehensive document. It doesn't have everything and we won't

necessarily agree with the requirements we pull out of there. But it gives us a big start in doing that.

The second thing is the board actually suggested in their request for a PDP that we start with the EWG report not meaning that we have to agree with everything in the report. So right now in the work plan is Step 8A that the Leadership Team would by Wednesday of this week provide an initial possible requirements list that was derived from the EWG report. The next step that would be to send that draft to the full working group for your review and comment.

So by Thursday of this week that would be done. It might be able to be done on Wednesday -- will see -- if we keep the work plan as is. And we're going to talk about that. None of these things are in concrete yet okay? Step 8C then for the full working group between the 14th and the 24th of May would be to review and comment on that first draft and ask all of you to supplement the list drawing from other identified input documents. And this is where the documents that the three teams prepared will be very useful. There may be requirements and probably are requirements in some of those documents that don't come out of the EWG report. There will be some that probably duplicate keeping in mind all the way that everybody's input, every possible requirement from all of these documents are put on the table to start with and then we'll deliberate on them later okay?

Step 8D then based on the input from the full working group we would create a draft, a second draft that would include all the input from the working group. Now let me qualify again like I've done in a lot of meetings is that when we do this so we're going to create a second draft but we'll probably come up with some requirements after that second draft. That's okay. We're trying to do a thorough and complete job in our work and so at no time are we going to close the doors for new information we get okay?

So staff would repair that - prepare that second draft based on input from the working group. And in the meeting next week we could use that meeting to talk about that effort. We haven't prepared an agenda for that meeting but that would be a possibility for that meeting. And then Step 8D we would confirm that that list of possible requirements is sufficiently complete to serve as a foundation for our deliberations okay? Now notice then there - and let me stop there - well I'll go ahead because I'll - Step 9 then is a possible second outreach that is right now proposed to be more of an informal than a formal outreach but where we could actually send out our draft work plan, post it and ask for any input at that point. So let me stop there and invite discussion on step 8.

And thanks Marika for responding to Steve's request. That's what I tried to indicate earlier when I said that we would adjust the dates to make sure that it's at least 35 days. I see a question from (Aiden) on how many comments we anticipate receiving? Well I'm going to answer that in a unique way. It probably depends on how good a job all of you do that are part of the various groups in facilitating the development of comments in your groups. If you just sit - if we just sit back as individuals in these various groups -- SOs, ACs, Cs, SGs, et cetera, and expect others to jump in and come up to speed on what this working group is doing and develop comments we probably won't get very many comments.

Kathy Kleiman: That's right.

Chuck Gomes: Okay? In fact I'd be willing to stick my neck out and say we won't get very many comments. But if each of us will act - serve as facilitators in our respective groups I think we'll get some comments. Now what - how can you facilitate the getting comments? Well, you know, hopefully your group either on email lists or in meetings will give you an opportunity to kind of bring them up to speed, tell them what we've done in terms of the input we've - the new documents we've identified. And give them a chance to do that. And it doesn't have to be terribly complicated but if you act as facilitators, those of you who

are in groups whether you're a representative, an official representative in the working group or not it would really we probably will get some feedback.

Now the feedback may be - this would be nice but it may - you know, probably won't happen is they said "Hey, you guys did a good job. We don't have anything to add. That's okay." But help them answer the three questions and then there's an open question on Number 4. So let me stop babbling and go to Kathy Kleiman.

Kathy Kleiman: Thanks Chuck. Okay so looking at eight I have a question. I'm trying to get my hands around it. And so we're collecting initial possible requirements. I'm going to call those initial possible requirements purposes of the directory because I think that's what we're talking about. And what you said…

Chuck Gomes: I don't think that's true Kathy Kleiman.

Kathy Kleiman: No okay.

Chuck Gomes: It doesn't necessarily have to be related to purposes. Any requirements of a director, RDS of a Registration Data Service whether they're related to purposes or data or privacy or whatever it may - any possible requirements, it can even be requirements related to the questions after the first five questions. And probably what we would do is try and categorize the questions or the requirements with one of the questions. Now there may be overlap, it may be hard to tell in some cases and it's okay if they duplicate but we're - it doesn't necessarily relate to purposes.

Kathy Kleiman: I don't know I think according to some analysis it might. And so that's where my question comes in which is I think we're merging process and substance here and I don't understand how people are going to know to submit both or even if both fit. What we're asking for, what A through E appears to be asking for is substance, what do you want in this directory? And what the subgroups have shown in the information that was gathered, particularly the privacy and

purpose subgroup is that there's actually an analysis, there's a process during - before during and after that collection process which does not fit in a definition of possible requirements.

Possible requirements appear to be substance. But the analysis is procedural and so it doesn't fit. So (Peter Tempe) of the Council of Europe and also the Data Protection Commission of Hungary wrote to us I think earlier today, yes early today that he says every data processing must be fair and lawful and for every data processing activity the controller must have a valid legal base. That doesn't seem to fit in the 8A through E that we're talking about. We appear to be looking for substance and yet we've got a lot of process issues that need to be raised. And I don't see how they fit together. Thanks.

Chuck Gomes: Kathy I don't see that as this is the step is substance at all. All it is is a possible list of requirements including the one you just mentioned. That's a very good requirement to put on the list and then we will deliberate on it. Where the substance will come in and where the analysis and so forth you're talking about will come in the way this work plan is designed right now is in our deliberation.

Kathy Kleiman: So you're saying this is the place to bring in the legal framework analysis of how one could…

Chuck Gomes: (Unintelligible).

((Crosstalk))

Kathy Kleiman: …analyze this data the requirements of the data itself?

Chuck Gomes: We're not doing any analysis in Step 8 the way it's mapped out right now. The analysis will come in in the deliberation.

Kathy Kleiman: But the steps to that analysis which could be the possible which could be a definition of possible requirements. So that's kind of a very broad term. You're saying the steps of that analysis you would like to see in 8A through E?

Chuck Gomes: So the statement that you mentioned that was put on the list today -- and I read that okay -- is a very good candidate for this list okay? All we're doing right now if we follow this plan would be to list it there. Okay now then we're going to decide how we deliberate and in what order and we may go back and forth. And we're going to try and reach consensus that that is a requirement.

No just speaking personally my own view is is that we can accept the fact that registries and registrars have to follow laws in their jurisdictions. And so the bigger challenge is not I don't think whether laws have to be followed but how we will do that in an RDS in an effective and an efficient way. That'll probably be more challenging. I don't think there is - I suspect there's nobody in this working group that thinks that laws don't have to be followed. I mean our contracts -- I happen to be associated with the registry right -- require us to follow laws in our jurisdiction plus laws in other jurisdictions where we do business so that's a given okay? Let me let others jump in. Michele go ahead.

Michele Neylon: Thanks Chuck. Okay because when I put my hand up I was kind of thinking about one thing but I'll do two things I suppose, so Michele for the records and transcripts. First off when it comes to the just talking about the feedback from the SOs and ACs, you know, from the Registrar Stakeholder Group there's quite a few of us involved in this particular PDP for obvious reasons. And we - I'm not sure whether as a Stakeholder Group we will be sending in something formal in this phase. We haven't had a chance to discuss that yet. We would definitely be submitting comments further down the line. But the reason I say that is because - I mean this is speaking with my hat as chair of the registrars as opposed to of co-chair anything of this group.

But any comments that we would be submitting will be something that would be developed by multiple members of our stakeholder group in coordination with those within the stakeholder group who are actively involved in a particular PDP, and so that kind of goes without saying and that's what kind of happens naturally. Now speaking as an individual dirty filthy registrar to who happens to be in Ireland I have to disagree with Chuck about this thing about law. The reality is that at the moment the ICANN contract mandates certain requirements on both registries and registrars that are illegal in Ireland. The fact that nobody's ever been prosecuted for them doesn't make them any less illegal but they are illegal and they - and that I - and the only little tariff that ICANN jazz has provided is the waiver process around data retention which is excruciatingly painful where you're basically asked to prove a negative which I find quite hard to do and the other one which is laughable is the one around the Whois process which nobody's able to use because again it's impossible to trigger.

So the legalities of this just because something has been done for years doesn't make it legal. Just because nobody's ever been sued for something doesn't make it legal. Thanks.

Chuck Gomes: Thanks Michele this is Chuck. I always have trouble when you disagree with me finding out where you disagreed because I don't disagree with anything you said. The fact that it hasn't been enforced is something that maybe this group needs to deal with. One of the requirements is that registries and registrars maybe we decide to say that you have to follow the local law of your jurisdiction. And if we agree on that and put that forward as a requirement and policies developed around that in phase two and implemented in phase three or implementation plan in phase three and then implemented later then we can rectify the problem you're talking about or ICANN as a community can. That's what we're heading towards to deal with issues like that. Holly go ahead.

Holly Raiche: Yes really it's a process comment more than anything to get comment back. Number one I would hope there would be an open meeting in Helsinki so that people could attend, members who are not part of this group to get a feel for it. But would it be helpful, rather I am suggesting it may be helpful to have a Webinar or some slides or something so that particular SOs and ACs will have additional materials when they go back into their groups, there's some material there that we can talk to that will help develop some feedback? Thank you.

Chuck Gomes: Thanks Holly Raiche. This is Chuck again, very good suggestions. And this was later on the agenda today but since you brought it up now and Michele notes it in the chat we're - it looks like it's probably going to be on Monday. The schedule is not totally finalized but on Monday in Helsinki we're going to have two sessions with a break in-between on Monday morning I think is the way it's going to fall out where we will be able to have a working group meeting and anybody will be invited to that. And so we will design that meeting to take advantage of that fact just like you're suggesting.

                 There will also be a cross community session. And I may be mixing up my time so don't hold me to it on the Monday morning thing. But there will also be a cross community session for our topic for this working group that won't have any conflicts. There won't be any GAC conflicts and there won't be any ALAC conflicts. And so we can design that meeting however we want. So once that's schedule is finalized we will be probably doing what you're suggesting designing our sessions both our working group sessions and the cross community sessions to take full advantage of the those that are in person but those that are participating remotely as well that may not be part of the working group either as an observer or members okay? Thanks Holly Raiche.

Holly Raiche: Terrific.

Chuck Gomes: Okay Steve?

Steve Metalitz: Yes thanks. This is Steve Metalitz. First just for the record I will say I disagree with a lot of what Michele says although I know you agree with it Chuck. Second I'm having a little trouble understanding what exactly we'll be commenting on. This is a document that's in 8B the Leadership Team is going to send us on Friday a document and then we will have like one or - like ten days to respond to that. And then that it seems will be sent out to the SOs and ACs as the draft Number 2 or the - and they'll be asked to respond to that. It's hard to know whether this is a realistic timeframe or not until I get a better understanding of what this document is going to be. I mean is it, you know, in the hackneyed phrase is this bigger than a bread box? So if you're going to send out this document on Friday I assume it's already in draft form. Is it…

Holly Raiche: Yes.

Steve Metalitz: …a two page document with ten possible requirements? Is it a 20 page document with 50 possible requirements? What is it that well be looking at and are we being asked to only to add possible requirements or to say this shouldn't be a possible requirement which is a little hard to say because you're trying to be inclusive. So I'm not that clear on whether this is a realistic timeframe or not. It might be but I wonder if you can provide, the Leadership Team can provide a little more clarity on what we can expect to arrive in our inboxes in about 72 hours? Thank you.

Chuck Gomes: Yes thanks Steve, great questions. This is Chuck again. And first of all let me answer one negatively. People are not going to be asked to evaluate the requirements on the list. So they're not going to say this one shouldn't be a requirement. We're going to get to that when we deliberate on it.

So if you as an intellectual property interested person put in a requirement that a privacy person doesn't like they're not going to be asked to say that shouldn't be a requirement. We'll get to that when we deliberate. But mainly

what you're going to be asked to do then is just are there any missing? Can you think of some possible requirements that you want to add? And those will be added without discussion okay?

Steve Metalitz: Okay.

Chuck Gomes: And then we'll of course…

Steve Metalitz: Thank you.

Chuck Gomes: …go back and see well there's probably some duplicates and we'll consolidate…

Steve Metalitz: Yes.

Chuck Gomes: …it so it's a little simpler. How long is a document? There is a draft that is very early on for my own sanity. I went through the EWG report and just listed what I thought were possible requirements from there. Staff has done some editing to that and we'll probably do some more editing in the next day or two. I don't remember how long it is. It's - there's quite a few possible requirements but all it is is a list of possible requirements -- nothing more. So it's not, you know, saying there's no rationale, there's is no defense or argument against. It's just this is proposed as a possible requirement. Does that help Steve?

Steve Metalitz: Yes, yes thank you. That is helpful and both in terms of what to expect and what we're being expected to do with it. Thank you.

Chuck Gomes: You're welcome okay. Stephanie?

Stephanie Perrin: Thanks very much, Stephanie Perrin for the record. Please let the record show that I wholeheartedly agreed with Michele on this. I'd like to just make the point that as we look at these requirements we should always have in the

back of our mind and a requirements of quotes here when you're looking at this with the data protection law lens there is what's the registrars gather collect, use, dispose in the course of their business and what ICANN forces them to collect, use, dispose retain as a prerequisite for accreditation?

That action of mandating that makes as we all know who worked on all of these documents now makes ICANN a data controller. And I think that that distinction is not necessarily well understood or agreed on here but it's a fundamental one. If Michele wants to ask - seek consent from his customers to knowing their birthday so he can send them a birthday card and a reduction on a domain name that's his business decision that he has to justify within his own jurisdiction blah, blah, blah and his own data protection supervisor. What ICANN demands be done in the name of public interest in all of the other excuses for this data collection some good excuses some not so good that's a whole separate matter. And we had a couple of shots back and forth on this last night. I think it's a very important distinction because as we look at a lot of these air quotes "requirements" they are requirements for secondary and subsidiary uses that ICANN is forcing that have to be justified within that ICANN frame, not within the registrar frame okay? Thanks very much. And on the matter of knowledge of data protection law I would offer to do a little quiz and see who can pass because it's difficult and a lot of people couldn't pass. Thanks very much.

Chuck Gomes: Thank you Stephanie. I'm sure I couldn't pass. But I'm sure when we get into the deliberation phase that a lot of us will learn a lot and I am counting on that so I appreciate that. And keep in mind all we're doing in this exercise Step A is just coming up with this list of quotes, possible requirements that we will deliberate on and we will have to better understand data protection law when we do our deliberations. And that will happen. Alan?

Alan Greenberg: Thank you. Chuck you had pointed out that there were no conflicts with the community sessions in Helsinki. Last I have heard is that was still an open issue and the meetings people have not passed judgment on that. So it is

conceivable there might be conflicts if the group does not think the subject is of interest.

Chuck Gomes: Yes thanks Alan. And that's a good qualifier because what I was trying to point out at least from the drafts that I have seen -- and I've seen several -- the cross community sessions at least what's shown on most of them right now have minimal conflicts whereas the working group sessions there are conflicts. Like you know very well there are ALAC sessions - there's an ALAC session going on while this working group is meeting.

Alan Greenberg: Yes that…

Chuck Gomes: There's a GAC session going on while this working group is meeting and other working groups as well at different times during the week. But so far at least the cross community sessions have minimal or no conflicts. Now another thing that I have seen in the plan and I know you have as well Alan is that they've identified for particular topics which SOs and ACs are particularly important to be a part of that. So if the SSAC isn't needed for one for example they could have a conflicting session but your point's well taken Alan. Thank you.

Alan Greenberg: Yes thank you. There have been in earlier versions conflicts. And the ALAC is looking at potentially having conflicts on some of them. So it presumably only with groups that have no interest in the topic. So the overall intent does not change but the fact that may. Thank you.

Chuck Gomes: Well said Alan, thanks. This is Chuck again. Stephanie is that a new hand? If you - okay thanks Stephanie. Now let me take a look. I've been talking and listening and haven't been reading the chat. I am looking at Kathy Kleiman's chat. First she would figure out the purpose of data collected as a legal term, analyze the data collected against the purpose and then figure out whether the primary uses are legal and propose secondary ones too. I think Kathy Kleiman what you're talking about there gets down in the deliberation phase

rather than the collections since we're not passing judgment in the collection phase of that. And (Lisa) says that in her response.

Keep in mind Step 8 isn't - there's no decisions being made so were going to get to the decision point. That's going to take a lot of time on that. We may have a few easy ones. We'll probably have lots of hard ones. And that's where we need to be cooperative and collaborative and creative to try and come up with ways that we can come up with final requirements that best meet the needs of the community as a whole including abiding by laws, including meeting the needs of different groups in the community, et cetera.

And (Carlton) you're right. We're going to have to get into publication display storing. You didn't say storing but all of these things we're going to have to deliberate on. So all the discussion that's been going on in that regard please don't think that we're not going to cover those. We have to cover those to do a thorough job in what we're tasked with. And it's going to take us a while to do that but we will do it.

I know there's a certain amount of mistrust because of everything that's gone on on this topic over the last 15 years but let me say as chair unless you kick me out -- and that's okay because I'd have more time then -- but as chair I guarantee you that we will do everything we can to cover all of these issues that you're talking about and to do it fairly. And if we don't at the end our recommendations won't fly so we have to do that. So I expect there to continue to be mistrust in terms of where we're going and where we're heading and we'll have differences of opinions on how to get there. But everybody and every issue needs to be thoroughly vetted otherwise any results we come up with will not be accepted by the community.

Any other comments on Step 8? Okay let's go to - Step 9 I think is fairly straightforward and we'll refine that one of course once we finish eight. And we could decide maybe we don't need to do an outreach or we can do a simple little outreach. And we may just use those of you that our

representatives and those groups to seek out and bring feedback to us. Right now it's intended to be informal unless anybody has any questions or comments on Step 9. Okay Steve?

Steve Metalitz: Yes I hear you that this is tentative but I just didn't understand what was tentatively being suggested here because if we're going…

Chuck Gomes: In Step 9?

Steve Metalitz: Yes. If we're going to send something out on May 31 are we - then we're expecting to have input back from the SOs and ACs on June 7 and incorporate this the following week? I - it just seems like a very truncated timeframe here if there's going to be outreach. Now if there isn't outreach at this stage then it's the working group working on this. But I didn't understand if there was going to be outreach and nine is called outreach number two informal I see.

((Crosstalk))

Chuck Gomes: You're absolutely right Steve. The dates, the target dates are way off on Step nine. We'll fix those.

Steve Metalitz: Okay.

Chuck Gomes: That's why we're having this call.

Steve Metalitz: Okay.

Chuck Gomes: Okay?

Steve Metalitz: I just wanted to make sure I was reading…

Chuck Gomes: And I could've been the one that put those faulty dates in there so I may be the guilty party but you're absolutely right. Thanks. So action item for the Leadership team and staff let's make those dates realistic so that there's plenty of time. Thanks for the feedback, appreciate it. Michele?

Michele Neylon: No, just echoing what you're saying about the dates. There's no way that we'd expect a turnaround of a week, I mean absolutely no way. I don't know what those dates are but they're - but if they're showing something like a week or two weeks they're wrong and they should be fixed. So thanks.

Chuck Gomes: Okay, appreciate the input. This is Chuck again. So we'll - and that's an action item for us to fix the dates work on Step 9. Thanks a lot Steve for bringing that up. That's why we want all of you to look at this. Okay Step 10 then - and this'll - the date's going to be wrong on that one too obviously because it flows from nine. We will need to, you know, finalize our list of requirements after getting input from the second outreach and then you'll see as we get going here. They start disappearing because it becomes harder and harder to even guess what they might be.

So then Step 11 there are some - there's a - in the charter there's - we have to decide what method we're going to use in terms of deciding on a consensus. We don't need to talk about that now but that's a step that's, you know, with regard to so if we take the requirement that was brought up that (Peter) put on the list, okay he didn't put it forward as a possible requirement but it fits very nicely in that. So we're going to have to deliberate on that and decide whether we can reach consensus on that as a requirement of an RDS system. And then we will - but how are we going to do that? How are we going to decide on consensus? That's going to - so Step 11's an important Step before we actually start deliberating. So you can see 11A decide how and when to determine consensus requirements recommendations and 11B decide how to apply the debating methodology contained in the charter for deliberation. And then we won't go after that now but those are important steps before we get into the actual deliberation.

And then we get to Step 12 which is the big one, the deliberation. And notice all of the dates in there. You see them all? We don't have a clue. To set target dates would be naïve okay? But as we get going we'll maybe be able to give some estimates to the community in terms of what's happening. It'll help once we actually do some deliberations.

Now take a look at this one carefully because this is probably the one where the most discussion may occur. A lot of modifications have happened on Step 12 since the first version of the work plan was put out because we were listening, the leaders were listening and watching and everything else. So notice that Step 12A is the first pass at deliberating requirements for questions 1 through 3 and note the three areas that those questions relate to -- purpose, data, privacy. All of you will recognize those terms.

Now we - the work plan used to be more precise in terms of order of, you know, what comes first. We tried to make that a little more flexible so that we can do it iteratively. And we'll have to refine that just for functionality so that we have a way forward. But we can be iterative about it. We can move back and forth between those, and for meeting scheduling and agendas we'll have to pick some requirements to work on. And the way this is designed right now is to allow some flexibility. And notice 12B then is to take a second pass at deliberating those questions. Twelve C then would after we've grappled with the first - with questions one through three then we get to the questions on gated access and data accuracy which the Leadership Team thought those didn't come up so much when we were talking about order okay? We could jump ahead to those if we need to up above in 12A and 12B but the thinking is that it might not be necessary to do that. But again we'll be flexible so that we can do this the best way possible with input from all of you as we do it.

And then there are some general requirements that don't necessarily relate to one of the first five questions. That's Step 12D. And then 12E is - and this is a long ways out I'm sure because it's going to take quite a while to deliberate

on the questions is to deliberate on the fundamental question is a new NexGen RDS needed or can the existing Whois system be modified to satisfy our requirements for Question 1 to 5, Questions 1 to 5. Now a lot of you already have an answer to that question I know. I probably do too. I have my own opinion but ultimately after we've come up with this list of requirements for Questions 1 through 5 we have to answer that question okay. And it may be the same answer that you have in your head right now but we will get to that in Step 12E.

So again I apologize for doing so much talking today. When we get into deliberation I will do much less talking and let you guys talk but let's entertain discussion. Stephanie?

Stephanie Perrin: Thanks Chuck. Stephanie Perrin for the record. And I do think it is although it's kind of painful to do so much process it is important that we understand the iterative nature of this thing. And this is where I'd like to bring up a what I think is a very vexing problem. And that is the costing. I mean being someone who likes to look on the good side of things it does occur to me that the reason why ICANN has been in my view breaking the law on data protection for all these years is the - one of the drivers is that it's the cheapest option. And any privacy protective framework that I can come up with that protects this data once it's gathered that provides tiered access is going to be expensive.

So one of the key problems that I have in having any discussions about this stuff as we go along is where the heck is the money coming from? Then you will note if you read the EWG report that we got that question. There was a costing study that was done but that was only one - on one narrow piece of it. And it wasn't on running a dream system, a new RDS. And I'm just concerned that if we ask ourselves that basic question about is a new RDS necessary or will Whois work it seems like Whois is broken. The SSAC guys have been telling us is been broken for years. The question is can we afford what needs to be done or is that going to be one of the main drivers? Thanks.

Chuck Gomes: Thank you Stephanie. And this is Chuck again. This is a chicken and egg problem in the sense that it's very hard to estimate costs until you know the requirements and the policy around those requirements and so forth. So notice if you go to Step 15 in the work plan once if we decide that a new RDS is needed or modifications to the existing system are needed we're going to have to deal with costs. And that's in Question 6 through 11. I think it's Question 9 is cost, what costs will be incurred and how must they be covered? I agree with you personally Stephanie. It's not going to be cheap. In fact it's probably safe to say it's going to be expensive and we're going to have to figure out where that comes from. But at the same time it's hard to really estimate the cost until we get more of a handle in terms of the requirements. So no argument with what you're saying but it is included in phase one to start talking about that. It will be included in phase two and it'll be included in phase three of the working group. Susan Kawaguchi you're up.

Susan Kawaguchi: Yes I just wanted to talk about the cost and yes the EWG did - and this is a personal opinion not as my - in my role as vice chair but we did have a lot of discussion about that. But my contention is is that there is already extraordinary cost due to the inaccuracy and availability of information and that, you know, impacts users and companies and sole proprietors -- everyone in that ecosystem. So yes it may be expensive but I think the money's already spent. It may be reallocated and we'll have to figure out what's there. But it would, you know, we already are spending the money. It just depends on who's spending the money at this point so…

Chuck Gomes: Thank you Susan Kawaguchi. Chuck again. Michele?

Michele Neylon: I think today is the day that I get to disagree with my co-chairs. Michele for the record. I think I have to disagree with Susan Kawaguchi. The thing is yes if you are in a position where you feel that you need to use a lot of domain names and you need to do a lot of stuff with data around domain names and you're paying for third parties to provide you with data and that kind of thing

then yes you are paying for things. But the vast majority of our clients are small businesses who don't like paying more than a couple of euro a year for a domain name and don't like paying more than a couple a euro a month for hosting email and other services. And if you look at the way them - at all the companies out there competing in the marketplace I mean the margins on most of these things are incredibly thin.

So if we end up in a situation where ICANN obliges registrars and registries to use some system then logically somebody's going to have to pay for it. And if that means that the registrars and registries are going to be paying for it then we're going to have to pass that cost on elsewhere. So I think that definitely does have a negative chilling effect which probably some people won't care about but I think quite a few people will care about. Thanks.

Chuck Gomes: And this is Chuck. And to follow-up and I'm putting my registry hat on now instead of my chair hat, you know, if we want support from the whole community on this by the whole ICANN community in other words - and in particular the GNSO if registries and registrars have to bear all the cost and pass it on to registrants it's probably going to be hard to get a package passed. I mean maybe we can. I'm not ruling that out. But so these are issues that we're going to have to deal with. Now there - I'm going to let Alan go but then I want to come back to some points that (Aidan) - questions that (Aidan) and (Richard) ask in the chat. So Alan go ahead.

Alan Greenberg: Thank you. It's really easy to have these kinds of conversations of what do we want and how do we want to do it in an isolated way and, you know, to use an American analogy to design a Cadillac when a Volkswagen will - might suffice. What Michele is talking about is real. You know, the costs are going to have to be borne by real people and there aren't a lot of ultimate sources for the money in this business. We can say nominally, you know, ICANN will pay for half of all of the costs per registrars but that comes out of the same pool. So as we're doing - going through the work we are going to have to be pragmatic. We are going to have to consider cost and

implementation, complexity and all those things as we go forward. There's really no choice. Thank you.

Chuck Gomes: Thanks Alan, Chuck again. And just to give a budget fact for those that don't know in this working group in the fiscal year '17 operating plan and budget that was out for public comment till just a little while ago 97% of ICANN's revenue comes from gTLD registries and registrars, in other words from gTLD registrants. So keep that in mind when we're thinking about the cost issue. And Alan said something that's really important, to think that ICANN's just going to pay for that means that registrant fees for gTLDs are going to pay for it. So that kind of sets the reality picture I think of what we're dealing with.

Now not to be negative on that, it's an issue we've got to deal with and Stephanie's right about that. So let's go to - I'm going to go to (Aidan) if you can look at her comments in the chat there, target dates yes, they're important. But if we - as you can tell if we start setting them right now for deliberation we'd have to have a specific order of covering the questions and the requirements with possible requirements in the questions and so forth which we don't know right now. Do we have a total deadline? No we don't. You'll find that as chair and hopefully with the cooperation of the vice chairs in this group that we're going to continually be trying to keep us moving forward because if we're not careful this thing could take way too long.

At the same time we can't over rush it otherwise we won't do the deliberation. It's not going to be easy to come up with recommendations that most or all of us can support on some of these issues okay? And that's where creativity and cooperation's going to be critical. So no we don't have an overall deadline. I'm sure the board would like it to happen this year, not going to happen okay? And I won't go any further than that. I mean we've got a ton of work in front of us. And so as leaders we will be pushing the group to try and continue to make progress to not repeat things, to take advantage of work that's already been done and not redo it. It doesn't mean we have to agree

with it all. But so as a leadership team we're going to try and balance the need to keep making good progress while at the same time thoroughly covering the issues that we need to cover. And (Aidan) I know that's not a very good answer but I think it's a reality for this keeping in mind that discussion of the issues we're dealing with have been going on for 15 years. So it's a challenge and that's why we need everybody's cooperation to work together on that.

Now (Richard) the cost I don't think there's any document and maybe Michele or others in the registries or registrars or registries can speak up on this. Each registry or registrar incurs costs for Whois and there's a variety of costs there. I don't think there's - and it probably varies by registrar and by registry. But incorporated in the registrant fees that they pay the registrar a name for gTLDs is that cost for operating the existing Whois system and for dealing with the issues that arise from that. And like Susan Kawaguchi pointed out there are costs that have nothing to do with the registrants themselves that law enforcement incur, that intellectual property folks incur, that privacy folks and data protection agencies incur and so forth. So I don't think there's a good handle on what those costs are. So unless somebody has a better response I don't. So but I did want to at least talk about that. Michele go ahead.

Michele Neylon: Thanks Chuck. Now just back again on this thing around costs and everything else but what costs are involved. So just generally speaking we as a registrar would collect the same amount of data more or less whether we're dealing with a gTLD domain registration so .com or .tip or .whatever as we would for most country code registrations. The difference at the moment is that for the gTLD registrations we have to do two things. For both .com and .net we have to publicly available who is servers that are available both with a Web interface and with a command line interface. We also have to package up the registration data and (esscrollis) using Iron Mountain or an alternative provider. Those are kind of the key kind of differences. Now the thing with say if we move to a system which let's say is run so let's say that hypothetically

ICANN is paying the bill and ICANN turns to VeriSign and says to VeriSign and the other registries in order to cover this we're going to cover you X million extra per year or whatever, VeriSign intern will then probably increase what they charge the registrars.

At the same time ICANN could also decide to increase how much they bill the registrars per transaction number per annum per accreditation and they can hit us on both sides. That could get quite interesting. I don't entirely agree with being a kind of a registrant cost thing for one for the simple reason that a lot of us will charge and bundle and package and repackage and do things you know depending on how we're positioning things.

So for example if you were to buy a one of our more expensive hosting packages you end up paying well below cost for the domain name. It's just a tiny amount of money. We actually make our money from the hosting. So that's something different. We also have in terms of like dealing with the data in the current contract we are meant to provide bulk access and various other things. And companies that mine that data and charge everybody for access to the mine data don't actually pay the registrars just so we're clear. Thanks.

Chuck Gomes: Thank, point well taken Michele -- appreciate it. This is Chuck again. Now I – we've got about ten minutes left and I want to reach some sort of a conclusion in this part of our agenda. The - if you look at the work plan once we get past the deliberation phase, you know, we'll have to depending on the results of Step 12D or I guess that's – I think that's an error. I think that should be 12E. So another action item for us on that in Step 13 if we can get – capture that so we don't forget it. We're going to have to expand the work plan okay? And that will involve - and we may have another outreach there. And notice out – Step 14 is a third outreach. My guess is we'll probably have several outreaches before we ever get there. So don't worry too much about that number. We probably we may find during our deliberations that we want to reach out to the community to get more feedback. And again I emphasize that all of us should be doing that with our groups throughout this so that

they're not surprised by things at the end of our work and we get their input throughout.

Step 15 is that deliberation on the other questions, the other Question 6 through 11. We talked about it a little bit when we were talking about cost. And you can look for yourself there at Step 16. And then of course we have to produce an initial report for phase one after which the GNSO council makes a decision with regard to whether to move on to phases two and three. So I covered that very quickly because we'll have to add detail to that depending on what happens through Steps 12 and 13. So we will do that now.

The - I'm going to ask a very important and big question now that we need responses on. Do you – is there anything in this workplan that we've just gone over and discussed that anyone seriously objects to? And then the alternative is is this work plan as it's outlined right now understanding that it will be dynamic and that it will change sufficiently good enough for us to consider it final and to post it for the community to see and for the board to see and to see what we've mapped out? And let's talk about that – those two questions right now. Is there anybody that has any serious objections? And please do if you have them I want you to communicate them. I'm not just looking for a blessing of this work plan. It would be nice if we can finish this today but if we can't we can't. We'll deal with that. Steve?

Steve Metalitz: Yes just to say as we've already discussed some of these dates I would have a serious concern about until they're changed.

Chuck Gomes: Yes.

Steve Metalitz: But you've already agreed you're going to change them so…

Chuck Gomes: Yes.

Steve Metalitz: …thanks.

Chuck Gomes: They will be changed before we post anything. And they will probably change Steve after we post it.

Steve Metalitz: I understand that. I understand that. But you are asking if we had any sort of objections.

Chuck Gomes: Yes.

Steve Metalitz: That's the only one I could see.

Chuck Gomes: Thanks Steve. Chuck again, and Kathy Kleiman your turn.

Kathy Kleiman: Yes. I just wanted to make sure I understood where – and I think I know where it is but you've got all these numbers memorized. It's amazing Chuck.

Chuck Gomes: I wish I did.

Kathy Kleiman: So we get a list of possible requirements back and it includes let's say my mother's maiden name and the names of my children and other things that I consider or some of us consider inappropriate. Where do we go through the process of taking things off the list? I think I know but I wanted to ask you where in the task list?

Chuck Gomes: That's in the deliberation phase Step 12. As we look at the requirement for your children's names okay, when we get to that one we're going to deliberate on that and decide whether that's a retirement that we support or not. And in your case I think we're probably going to support that one.

Kathy Kleiman: Well one of my kids just turned 18 so I don't have the same rationale for privacy that they get.

Chuck Gomes: You know, I'm kidding. So yes it'd be in the deliberation phase. And we may find Kathy Kleiman that we deliberate on one specific requirement and make a decision and we may find ourselves having to come back to that decision after we deliberate on some other requirements. That's okay. Okay?

Kathy Kleiman: Okay.

Chuck Gomes: So we keep using the word iterative and it's going to be the story of our lives. Does that help Kathy Kleiman?

Kathy Kleiman: Yes it does. Thanks Chuck.

Chuck Gomes: Okay. Alan?

Alan Greenberg: Thank you. I think we should also deliberate on the quality of the names that Kathy has picked for her children not only whether we should include them or not.

Kathy Kleiman: They're wonderful names…

Chuck Gomes: Put it on the requirements list Alan. Go ahead and continue.

Alan Greenberg: Well this is a ten page document with a table with 57 lines in it. I personally think that level of precision in a work plan is crazy at this point, I, you know, my style tends to be outline the basic parts and then expand each of the sections when we get closer to it. But fine that isn't what we did. Let's put it out and get comments from the community. We are not going to revise it radically at this point and I don't see the merit of fine-tuning. Let's get it out.

Chuck Gomes: Thanks Alan, much appreciated – appreciate that comment. This is Chuck again. Anybody else want to comment? So if there's anybody on the call and we should put this out for the - those who aren't on the call as well right after this call so that's another action item. Is there anyone on the call that objects

to what Alan just suggested? Let's fix the dates, the target dates as best we can right now per Steve's point and let's get it out and so that others can comment on it if they want to. Now anybody strongly object to that? If you do would you put the - just check – put the disagree mark, the little red X in the Adobe. And I'll scroll down to see if I can see anybody or if - you can speak up too, I don't care, just so we know. Okay and I'm not going to – I'll try not to rush to fast on that as some of you may be thinking.

I'm not seeing or hearing anyone. I do see a green checkmark. Thanks Carlson. The – so I'm going to conclude as chair that there's no opposition to going with the plan we have out in front of us - in front of us with fixed dates. And I think there was one other edit that we had on 13. And so let's put out a message to the working group list saying that those on the call support this work plan and for now. And we will – it'll change as we move forward and see if there are any concerns expressed by others. And let's give a firm response time.

I know last week I think I suggested a 48 hour deadline on the outreach message. I don't want to stretch it out too long but should we stretch it out to the end of the week? Is that good enough? Any problems if we say by the end of this calendar week in other words by through Friday for that? Should we do it sooner? Is that okay? I'm not hearing any comments so let's give people on the list a change to review it through the end of the week and then we can move forward with this work plan as it is now with the changes made.

Okay thanks everybody. The - and if somebody has problems with that they can communicate on the list. So that brings us to the next agenda item on the Helsinki meeting. Now we talk about that a little bit earlier but let me turn it over to Marika in our last few minutes here to talk about the Helsinki meeting as best she can understanding that I think it's just about getting close to final but it's still a work in progress.

Marika Konings: Yes this is Marika so yes Chuck you're absolutely correct. I think yesterday was the deadline for the different SOs and ACs to identify whether they saw any conflict or any issues with the draft schedule as was being proposed. And as I noted in the chat before one of the that will likely get changed compared to the draft that was circulated and the link that was also shared in the Adobe Connect Room is that a community session is going to swap around with one of the other cross community sessions to allow for that session to happen prior to the working group face to face meetings. The Leadership Team discussed that that sequence may work better and would allow them the working group as part of its face to face meeting to actually review and discuss the input that would be received during that cross community deliberation session.

And so I put those dates as well in the notes, you know, still noting that this is tentative. We're still waiting for a final confirmation on whether things will stand as they currently are or whether there are further changes that will need to be made. And then probably as a next step I think the GNSO but also that the working group will need to start considering, you know, how those sessions will look like. I think there's some questions already from different SOC and ACs particularly in relation to the cross community session of who's going to be responsible for organizing those? You know, for example you know on the one on RDS is the working group expected to structure or organize that meeting or is it going to be kind of organizing committee between, you know, different SOs and ACs that have indicated that they have an interest in this topic to see, you know, how that could work?

And also some further thought will need to be given to how to ensure that people are prepared for these meetings. And so we need to be able to clearly articulate as well what the expectations are, you know, what do we intend to discuss, what do people need to review or read before they come to this session if the instructions have been very clear that these sessions and are not intended to be one-way update sessions. These are really intended to be, you know, very interactive and allow for broad participation. So some of the

things, you know, staff is of course thinking through that as well to look at, you know, what kind of, you know, background briefings or policy briefings do we need to make available in advance?

You know, is there any, you know, value in seeing if we should have some specific Webinars prior to the meeting, you know, both from a more general perspective, you know, what is policy development about and what does it look like but also from a (stock) perspective and, you know, what does the topic actually, you know, addressing are where is - our initiatives currently at? So those processes that we're currently going through as it's likely that it's kind of uniform approach it will be taken with regards to the different PDP are up for discussion in Helsinki. But of course we're intending to, you know, very closely involve the Leadership Team as well as and the working group in those discussions.

And, you know, any ideas that the group may have in how to, you know, make this work best I think you all know that this is the first time that the meeting is run in this format. So, you know, we're going to learn as we go along. But of course any ideas or suggestions that people have on how to and make sure that we, you know, get the best out of this meeting and are able to give all the tools and information that people need to prepare accordingly are of course more than welcome.

Chuck Gomes: Thank you very much Marika. This is Chuck again. And we will as a leadership team be coming back to the full working group to explore ways to take full advantage of the meeting in Helsinki. I personally am really optimistic about this new format for, especially for working groups that are in process and also of getting people involved that aren't observers or even members of the working group. So I think we have a chance to design the sessions to capitalize on that and I – in a very positive way like Holly Raiche suggested and possibly even scheduling some Webinars like Holly Raiche suggested in advance of Helsinki so it makes it easier. But we'll be working together on those things and involving the full working group in that regard.

And I'm a firm believer in interactive in these – and in all sessions but in particular in person sessions. So I personally don't want it to be just a presentation session of updating people. But actually our working group meeting being real active working group meetings except that we will allow anybody in the room to participate. So that'll be good. Any questions or comments on Helsinki? Our, let's see, our next meeting, today is the 10th so next week is the alternative time meeting. Am I correct on that so we've…

Holly Raiche: Yes.

Chuck Gomes: Was that Holly Raiche?

Holly Raiche: Yes.

Chuck Gomes: Okay. So remember that. Our meeting next week…

((Crosstalk))

Chuck Gomes: We don't have an agenda on that yet but one will come out before then. And we will – that will be communicated. So anything else we need to cover in this meeting? And I would like the leaders to just stay on for just a few minutes to resolve an issue with regard to the outreach message. And then if there's nothing else then we will close the working group meeting and the recording can stop on that. Thanks again all of you for participating in this. I'm sorry you had to listen to me so much today. So we will

Holly Raiche: Thank you.

Chuck Gomes: You're welcome. So just pause a couple minutes before I - the leaders will continue.

Man: Thanks Chuck.

Marika Konings: (Michelle) can you also make sure that the recording gets stopped?

END