

Nathalie Peregrine:Dear all, welcome to the RDS PDP WG call on Wednesday 22 June 2016 at 5:00 UTC  
Nathalie Peregrine:Agenda page: <https://community.icann.org/x/iyCOAw>  
Benny Samuelsen / Nordreg AB:Morning everyone...  
Nathalie Peregrine>Welcome!  
Chuck Gomes>Hello all.  
Maxim Alzoba (FAITID):Hello Everyone  
Chuck Gomes>Welcome to your first WG call Maxim.  
Holly Raiche>Hello all  
Maxim Alzoba (FAITID):thanks  
stephanie perrin:not hearing anything, is that just me or is there nothing going on yet?  
stephanie perrin:thanks Chuck!  
Sana Ali:no  
Sana Ali:not nice  
Holly Raiche:It's a TERRIFIC time for the call  
Sana Ali::p  
stephanie perrin:No and I am at the kids to do baby duty.....so I will be typing not talking, as if I wake him I it will be my turn on deck....  
stephanie perrin:1 am for those of us in Toronto, Hi Sana!!  
Michele Neylon:I'm still on coffee number 1  
Sana Ali>Hello Stephanie!  
Michele Neylon:My new Japanese coffee making kit makes a nice coffee though  
Holly Raiche:@ Michele - we'llwait til you're on No. 2  
Chris Pelling:Good morning all  
Benny Samuelsen / Nordreg AB: two cups ahead of you Michele  
Michele Neylon:yummy coffee <http://www.fat.ie/equipment/kalita-wave-coffee-dripper.html>  
Susan Kawaguchi:@Stephanie is this a new grandchild?  
stephanie perrin:he is almost 9 months now Susan.....still pretty new though!  
Susan Kawaguchi:9 months is a fun age!  
stephanie perrin:and so much more enjoyable as a grandmother!!  
Maxim Alzoba (FAITID):my SOI <https://community.icann.org/display/gnsosoi/Maxim+Alzoba+SOI>  
Ayden Ferdeline:hello. can we please have scrolling enabled on this document. thanks  
Lisa Phifer:@Ayden sync is off  
Lisa Phifer:This document, and all others referenced during this call, can be found here:  
<https://community.icann.org/x/iyCOAw>  
Ayden Ferdeline:gated access  
stephanie perrin:When do we figure out the purpose of the RDS and whether we need a new one?  
Lisa Phifer:@Stephanie purpose is one of the "big three" identified as the first topic of discussion in task 12  
Lisa Phifer:The foundational question of whether a new one is needed is after public comment on the first initial report  
stephanie perrin:Those are purposes of the data, not purpose of the collection use and disclosure of registration data, a far more fundamental question.  
stephanie perrin:data elements  
Sana Ali:yes important distinction stephanie  
stephanie perrin:Thanks Holly, I had indeed not seen it as I have been driving for 5 hours and I am taking this don't text and drive thing seriously.....  
stephanie perrin:very helpful  
Lisa Phifer:"volun-told"  
stephanie perrin:I still have outstanding requirements to send in.  
Susan Kawaguchi:sure

stephanie perrin:Let me make a suggestion, recognizing the huge work already done. Could we have a section on legal requirements that cannot be broken? Such as constitutional requirements for due process and criminal procedure, human rights obligations, data retention restrictions, etc etc

Lisa Phifer:@Stephanie, there can certainly be a group for laws

Lisa Phifer:currently we have one "applicable law"

stephanie perrin:I guess it is a group....recognizing that there are numerous lens one could apply to this

stephanie perrin:In other words, we cannot bury legal requirements in the possible requirements list. Complying with law is not a possible requirement, it is an obligation

Maxim Alzoba (FAITID):I think it might be a good idea to use "applicable law" as a tag - due to some jurisdictional systems have different areas regulated e.t.c.

Maxim Alzoba (FAITID):just to mark it as a reason for the question

Susan Kawaguchi:We do have an applicable law group

Ayden Ferdeline:good point @stephanie - i would like to see both a differentiation in this document between legal obligations and possible requirements

Sana Ali:+1 stephanie

Holly Raiche:Exactly my issue

Ayden Ferdeline:Just a point of clarification, @Holly, an EU directive is a requirement on the member states to achieve a particular result.

stephanie perrin:I think that is what I am driving at. Yes, some of us have signed on to both the Cybercrime convention, and convention 108. That becomes a legal obligation then, subject to applicable derogations, but it should be noted that a significant number of jurisdictions have overriding obligations (which they and their GAC members may or may not be acutely aware of)

Holly Raiche:@ Stephanie -I understand tha, but the EU Directives are requirements on national entities to enact laws- and my point is that it's too hard to put things into a category call laws when requirements may be more orless binding

stephanie perrin:I understand Holly, but regionally at least for the EU, it is useful to summarize via the Directive, and as long as the EU holds together after Thursday, the Regulation will clarify a lot.

Alex Deacon:wouldn't the realm of all "legal obligations" be pretty huge? Maybe lets make sure we focus on relevant laws (??), and dont overwork ourselves....

Holly Raiche:@ Alex - yes, it will be huge - BUT do we really want obligations (or varying 'binding' nature scatered across categories?

Sana Ali: @Alex lets also not waste our work by lumping things in a way that obfuscates the importance of certain requirements over others.

Maxim Alzoba (FAITID):obligations are relevant to registries/registrars of that particular jurisdiction they are based in ... so it is not going to be one size fits it all\

Maxim Alzoba (FAITID):could we use legal requirement as a note and not as a group?

Ayden Ferdeline:@Alex yes, this is a good point. we could make our work easier by deciding upon a standard by which to assess whether or not the RDS complies with, say, data privacy laws. we have to start somewhere

stephanie perrin:I like that idea Maxim, could add a column to t he table, and this would give that requirement a kind of wild card status

Michele Neylon:Applicable laws is saner

Holly Raiche:@Maxim - agree

Michele Neylon:As an Irish company we aren't going to base anything around Russian law

Lisa Phifer:@Maxim, it is possible to sort the list to look at possible requirements that come from a particular source (law)

Maxim Alzoba (FAITID):@Michele, that is why I think it is a good idea just to mark thing being caused by some of laws and not to group by it

Sana Ali:Its a good idea Maxim.

Maxim Alzoba (FAITID):@Lisa it differs a lot from jurisdiction to jurisdiction ... different ideas on what to

regulate

Lisa Phifer:@Maxim for example if you want to see all possible requirements from the Africa Union convention, just filter on "D31"

Lisa Phifer:If you want all from AU plus Ghana + South Africa, filter on D31+D38+D39.

Sana Ali: applicability based on jurisdiction is not really our place to determine...the outcome is going to be internationally applicable. doesnt matter about russiann or irish law. both are 'applicable'

Lisa Phifer:In other words, the coding lets you look at any combo you wish

Maxim Alzoba (FAITID):@Lisa it is more complicated in Russia

stephanie perrin:There are intrinsic TBDF problems though, as for instance an EU citizen can shop globally and will still be entitled to protection adn the defence of his DPA

stephanie perrin:This is why we need to harmonize up, not down

Sana Ali:yes, agreed

Maxim Alzoba (FAITID):@Sana, the issue is, some Registries are outside of US, and thus the local law regulates what is going on there ... and it does not have to be international law ... but outcome affects users across the globe

stephanie perrin:Quite frankly the problem is that this is a juggernaut, with inherent built in contradictions. Any approach is bound to hit walls, and we need to reserve the right to object to various pieces when we hit a wall

Sana Ali:@Maxim, yes i am aware of this. I was responding to Michele about jursidictions being a determining factor in deciding whether laws are a"pplicable" to us or not.

Ayden Ferdeline:Hi @Maxim. It is not reasonable for us to be determining what is applicable in each and every territory. I would suggest that we need to decide on one standard to comply with - I would respectfully suggest, say, the Charter of Fundamental Rights of the EU - and allow for compliance with local laws, where applicable.

stephanie perrin:I do feel like this working group feels like a round of bumper cars like we used to have at the cheap carnivals...

stephanie perrin:Any attempt to approach the problem feels like th rod that tied your car to the ceiling....

Ayden Ferdeline:\* where there is a conflict (not where applicable)

Maxim Alzoba (FAITID):@Adyen , I am not sure this approach would be seen ok in GAC :)

Farell FOLLY:+1 Maxime

Lisa Phifer:Nathalie Peregrine: Agenda page: <https://community.icann.org/x/iyCOAw>

Holly Raiche:@ Maxim - any suggestions?

stephanie perrin:certain members of the GAC, eg the observers from the COuncil of Europe, might be more sympathetic. Unfortunately, most GAC delegations do not have privacy and human rights experts on board.

Sana Ali:well the gac has an opportunity to comment, as do all other so/acs

Maxim Alzoba (FAITID):@Holly - just to use "law" as a tag and not as a group

Sana Ali:should we really pre-empt their comments and shape our work accordingly

Sana Ali:(no)

Nathalie Peregrine:Remote Participation for GNSO sessions (and Cross Community sessions) for ICANN56 can be found here: <https://community.icann.org/x/yCWOAw>

Holly Raiche:@ Maxim - completely agree - I think I've already said that

Marika Konings:correct

Maxim Alzoba (FAITID):GAC is more Telecom ministries than Internation Affairs, I think

Holly Raiche:@Maxim -there is a cerain logic in that

Maxim Alzoba (FAITID):thus they might be more focused on technical part of things

Daniel K. Nanghaka:that's right GAC members are from ministries

Maxim Alzoba (FAITID):than on Human rights

Rod Rasmussen:Week after is 4th of July in US, so lots of folks on vacation then that would be participating anyways, so good call to skip.

Sana Ali:1st of July in Canada  
Sana Ali:;) )  
Rod Rasmussen:Yep, we did our own "Brexit" a while ago. :-)  
Sana Ali:lol  
stephanie perrin:We will find a way to celebrate!  
Maxim Alzoba (FAITID):safe flights  
Chris Pelling:oh the brexit fun tmorrow!  
Holly Raiche:See a lot of you there  
Sana Ali:thank you Maxim and Chuck  
stephanie perrin:Good luck on that Chris !  
Chris Pelling:see you in Helsinki - safe travels :)  
Benny Samuelsen / Nordreg AB:See you next week  
Maxim Alzoba (FAITID):bye all  
Daniel K. Nanghaka:thanks  
Sana Ali:see you next week!  
Ayden Ferdeline:Thank you all. Safe travels to Helsinki  
Fabricio Vayra:thnx  
Farell FOLLY:bye all  
Michele Neylon:ciao