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RECORDED VOICE: This meeting is now being recorded.

MICHAEL KARANICOLAS: Alright, so welcome once again. So, welcome, everybody, once again. For the record, this is Michael Karanicolas. I'm Co Rapporteur for the Transparencies, and this will be our third meeting. Chris Wilson, my Co Rapporteur, sends his regrets. Obviously, the time zones shifting around was quite convenient for me in Myanmar, since this is the middle of the day here, but it's 1:00 AM over on the East Coast, so less convenient there. And my apologies as well for the changing schedule, which was also due to this trip, since I had a flight scheduled for that. But I'm glad that we seem to have gotten a good turnout here, and I look forward to the conversation.

I have sent around just about two minutes ago a revised working document – a revised thematic overview of the issues on inputs that we've gotten since the last session, since our last conversation. Just to review where we are in the process so far, we began by asking our participants to submit general ideas for themes that we needed to explore under the [inaudible] that the group was tasked with discussing. Based on that feedback, we established a set of areas to look into, which we discussed at the last meeting. And then since then, we've solicited feedback for more specific areas of examination. And specifically, we were looking for sub-themes within those major themes and areas that were [inaudible] and where we should be looking to improve.

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*Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.*

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So, I sent around a document – I’m not sure if it’s possible; I only sent it around a second ago, so I understand if things are still getting organized – I really just wrapped it up now, based on the feedback that we got. I was wondering if it – hopefully, those of you who have access to your email can pull that up – and I wonder if it might also be possible to upload it to the main screen that we’re looking at.

BRENDA BREWER:

Hi, this is Brenda. I just got it, and I’ll have it uploaded here momentarily.

MICHAEL KARANICOLAS:

Wonderful. Okay, thank you. So I just think it would be helpful for now to follow along and see if anybody has any inputs to it. I will mention that responses to this [inaudible] were a little bit less energetic than the last stage, maybe because there was a little bit of confusion about the scope of this part of the consultation. It’s easy to just brainstorm vague ideas, but when you ask people to map out specific problems, it gets a little bit more challenging. Essentially, the point of this stage of the consultation was to nail down specific areas where people think improvement is needed. Specific areas preferably within the identified sub-themes, but we’re open-minded and didn’t want to limit it to that.

So, with that being said, and now that this improved document is on-screen, I think that it would be useful just through this carefully and see if, first of all, if there are – first and foremost, to see if there are additional areas that people want to in, areas where they think there should be improvement, and second of all, to discuss whether there are

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areas that are wrongfully included, or areas that need to be clarified more, or just any general feedback to see if this is the right direction for us to go in.

So, with that being said, the first area is the scope of transparency, and one of the specific areas that was transparency measures applied to the staff, as well as the board. One of the major areas that we'll be looking at as part of this process will be the exceptions to disclosure that are contained under the DIDP. That includes both overuse of exceptions, and in a previous stage of the consultation, we specifically had participants point to legal privilege as an exception that gets used too much. It is interpreted in an over-broad manner. We are open to any additional areas where people think, in their own experiences, exceptions have been overused.

The next major challenge in terms of exceptions that was identified is exceptions which are framed in an over-broad manner. This was an area that I was able to feed in my own impact, my own input as somebody who works quite a bit on transparency rules and identified that so far, for information that relates in any way to the security and stability of the Internet, this is not an exception that's pointed in the wrong direction, but we have identified this as being over-broad because there's no requirement for harm. So rather than saying, "We will classify information if its disclosure will harm the stability and security of the Internet," it's more broadly framed, captures a whole bunch more information which doesn't necessarily need to be caught. It's agreements, contracts, emails, or any other form of communication.

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BRENDA BREWER: Excuse me, Michael. This is Brenda. I just thought I'd bring to your attention that your sound quality is cutting in and out, so – can you hear me, Michael?

I don't hear you at all now, Michael.

MICHAEL KARANICOLAS: [inaudible] is accepted from [inaudible]

[AUDIO BREAK]

[inaudible] which also seems over-broad. Let me know –

BRENDA BREWER: Excuse me, Michael. This is Brenda.

MICHAEL KARANICOLAS: – if we are losing part of the conversation, because what we do – can you hear me? [Inaudible] makes it a bit better, so you can barely – just one second. Yeah. Just one second, okay? Can you hear me now?

BRENDA BREWER: Yes. We hear you. I'll let you know if your sound is consistent or not. If you'll just go ahead and continue speaking. Thank you.

MICHAEL KARANICOLAS: Hello. I'm just trying to see if this works. Any chance that the audio has come through?

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BRENDA BREWER: Yes, very well. Thank you.

MICHAEL KARANICOLAS: Okay. Alright, great. So we'll try to muddle through and hope –

BRENDA BREWER: Michael, excuse me if I'm interrupting, but we can't hear you.

MICHAEL KARANICOLAS: [inaudible] this doesn't happen again.

BRENDA BREWER: It's happening.

MICHAEL KARANICOLAS: And again, my apologies. So I think that we left off at draft formation, which we think needs further clarification. There's an exception for information requests which are not reasonable, excessive, overly burdensome, not feasible, abusive, or vexatious, or made by a vexatious or querulous individual, which – shoot, I'm sorry about that. Is this any better, or is it still dropping in and out?

BRENDA BREWER: Michael, this is Brenda. If you would like to private chat me your phone number, I'll dial out to you to see if we get a better connection.

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MICHAEL KARANICOLAS: [inaudible] No, I mean, it's not –

So, let me just type that in.

BRENDA BREWER: Michael, this is Brenda again. Were you able to hear me, that if you private chat me your phone number I'll dial out to you? Would that be helpful? We might get a better connection. Thank you.

RECORDED VOICE: The host has left the meeting to speak with meeting support and will rejoin soon.

MICHAEL KARANICOLAS: Hello? Can you hear me now?

Alright, can you hear me now? It seems to be working faster on my end. Is there any chance that that is translating into clearer speech?

CHERYL LANGDON-ORR: We can hear you at the moment quite well, thanks, Michael.

BERNIE TURCOTTE: Yeah, usually – this is Bernie – you start off well, but as you speak, we get a lot of choppiness.

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MICHAEL KARANICOLAS: I'm not sure if this sounds good. Alright, well let's work with this while we can, then, please. So maybe rather than having me read through it, since hopefully the last minute or so, or five minutes or ten minutes [inaudible] have given you guys a chance to review. Do you want to let me know if there are areas that you think should be clarified, or any feedback that you have?

DAVID MCAULEY: Alright, so – it's David McAuley –

MICHAEL KARANICOLAS: Okay, I see David McAuley with a hand up. Great.

DAVID MCAULEY: Thank you. I mentioned in the chat that I had [CROSSTALK]. I think the new document with respect to DIDP – that's only as far as I've gotten in the new document – I think it looks good. I have a question with respect to appeals. It sounds in the appeals section as if the group may be steering towards a new independent review body, and I guess that's worthy of discussion. I think we need to, at some point, address whether a denial of a DIDP request from anyone in the community is subject to a reconsideration request – is subject to IRP, specifically. And the reason I say that, in the IRP section of the bylaws, it appears to me between reading section 4.3 and then reading section 22.7, subsection D, that an appeal may only be with respect to decisional participants, and not to the entire community. And so – I'm not saying one way or

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the other what's best – but I think we need to just note that as an issue and maybe expand the section in the new document on appeals, that we need to discuss a little bit further the reach of IRP to DIDP request denials. Thank you.

MICHAEL KARANICOLAS: Okay. I absolutely agree that this section needs to be expanded quite a bit. I hadn't myself started to dig into the IRP section, so that's great that you flagged that, because we can absolutely look into that as part of the next stage of the process. I think that there's a lot of consideration about how an oversight system would work and how an appeal system would work – whether the [inaudible] is the appropriate body, or whether a new body should be constituted. And that's one of the things that we're going to start digging into – probably one of the next things – and also, obviously, that intersects with what other working groups are going to be looking at, so there are also questions about how our research is going to dovetail with them, and how our recommendations are going to dovetail with them, and [inaudible] need to conduct some outreach. So thanks so much for that input, and that's certainly an area of further research. Are there other [inaudible] – sorry, I have a call. Maybe I'll just switch to the call, just to – for communications.

AVRI DORIA: We heard that it's better and that sounded good, but nothing after that.



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MICHAEL KARANICOLAS: Sorry, my apologies. The reason why I just switched to phone is, I just – okay, this is very distracting because I’ve got a very big – I’m hearing myself twice. Alright. I’m going to go back to the – hi, can you hear me?

BRENDA BREWER: Yes, we hear you.

MICHAEL KARANICOLAS: Alright, I just hung up with the phone because the feedback was too much. And it wasn’t yours, in the sense that I don’t have speakers on on the computer; it was just – I’m not sure what was going on. So let’s just keep going with this while it seems to be working well.

So, thanks so much for that feedback. Hopefully, my answer also came through. Is there other feedback in terms of our discussion of the DIDP?

So, once again, anybody who wants to offer anything about this DIDP thing are welcome to do so now; or, alternately, you can write something in as well, and I’m always happy to accept feedback. But for now, I think I’m going to move on to the proactive disclosure systems.

You’ll notice that this one is a little bit sparer, in terms of pointing out specific problems, mostly because it was a little more challenging to dig into. And also, our identification of problems here is going to be, I think, more easily conflated into the discussion of solutions, because when you talk about proactive disclosure, isolating a problem, basically, is proposing a solution. When you say, “Well, the problem is, this isn’t being published,” the solution is sort of implied that you start publishing

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that. So we have a little bit of explanation on that, where we talk about the need to expand out publication of legal transparency, contract [inaudible] and expenditures, operational transparency, venues, hotel/travel arrangements, fellowships, etc. that we got as part of the feedbacks mission. But we're open to any other suggestions that people have in terms of specific areas that we should be identifying in terms of proactive disclosure. So, just give people a moment, in case they want to weigh into that.

And as to the earlier question about whether Myanmar's Intelligence Services are listening in on this call, I don't have any promises or any information on that, either way. We have a reasonably good working relationship with the government, so my hope is not. But I don't think that what we're talking about now is necessarily going to be too controversial to them, anyway.

Alright, so without seeing any hands, why don't we move on to the third area of discussion, which is improvements to the existing whistleblower policy. I was able to dig a little bit more deeply into this, mostly based on previous recommendations that have been made through an earlier assessment, as well as through broader standards for whistleblower protection that I was able to apply a little bit. One of the previous recommendations that we saw was that international dialing numbers are not as accessible as they should be, so [inaudible] discussion of it be to expand their availability.

In terms of the scope of what counts, though, as a whistleblower – some of the issues that were flagged were the fact that reporting is limited to serious issues, as opposed to any issues with ICANN, and that

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the hotline policy scope is limited to employees, which means you can't use the hotline if you're not an ICANN employee, which could be problematic in terms of independent contractors, or other people that have a relationship with ICANN. In terms of the operation of the system, it's been previously flagged that case management software is not currently being used in terms of flagging reporting; however, this may be connected to a related problem, which is the fact that the hotline has only received three reports since its inception in 2008. So low use is also potentially an area of concern, or an area that we're going to want to dig into a little bit more in terms of finding areas of improvement. And it's also a little bit difficult to track information about the systems operation, like statistics on reporting. So this idea that there have only been three reports basically came from a separate audit. We also flagged the fact that anonymity is limited to "the extent allowed by local law," which is, itself, problematic, because ICANN shouldn't be relying on local legal protections; it should be providing its own guarantees of anonymity. And that's simply mentioned.

So, those are the additional areas that we flagged in terms of whistleblower protection, and again, I would throw it open to see if there is anybody that wants to add anything or discuss anything – concerns, areas that we might have left out, anything at all, any feedback on what we just mentioned?

Okay, so I'm not seeing any hands up at the moment. I'm going to cautiously assume that this document is viewed as acceptable by the people on this call. Obviously, I've now circulated it to the list, and so I will certainly accept any feedback that people want to offer, going forward. But I think that that, barring any additional feedback, wraps

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up our discussion of this document. Although I see a couple of people typing [inaudible]. Okay, great.

So with that being said, I think the next step is to discuss avenues forward. So just to review, we had substantive discussions – we'll expand things out in certainly the next step – so just to review, we have the first stage of the process, which is to identify issues and then to identify specific problems. And the next stage of the process, which is the substantive one, and far more important, is about proposing solutions and recommendations within this current framework.

So with that being said, what I'd like to do is ask for any specific volunteers who want to look into and maybe come up with more substantive – take a first shot at recommendations, or examine a little more closely how things should be improved. We have a lot of different topics to look into. Chris and myself will be digging into all of them and are happy to look into any of them – well, any or all of them. But what would be great is if there are any specific volunteers to take a particular avenue of discussion or area of interest that you see that you want to do a little more research on. Are there any areas that people want to dig into themselves, or want to provide – to push the process forward?

I see typing, so let the moment sink in, and hopefully [inaudible] the rush of volunteers that I'm sure are going to be – are we going to have specific discussions based on this list? That would be another option. Does that sound like an idea that – ? I could essentially, basically open up maybe three different threads for each of these topics, just to allow people to comment on an ad hoc basis, throw ideas out. I mean, my personal preference is, if there are any volunteers that want to dig in a

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little more substantively and deeply into any of these issues, it's always good to have people devote a little bit of research, if people are willing to dig more deeply and provide more targeted comments on the specific themes. But in the absence of that – or sort of as a complement to that – we can also just start the thread going and allow people to submit ideas as they want. And hopefully, volunteers will emerge.

Alright. So that's certainly an avenue forward in terms of creating three different discussion threads for NSAC sets [33:05]. Okay. So I guess that's our avenue forward, really, for the next couple weeks until our next meeting, when we can hopefully have some more concrete ideas for how the system should be improved and how we can build on these areas that we have identified; and at this point, I guess – oh, I see Avri with a hand up. Please go ahead.

AVRI DORIA: Yeah, thanks. This is Avri speaking. I just wanted to quickly mention what I started doing with the other –

MICHAEL KARANICOLAS: Avri? I see you're muted.

AVRI DORIA: Yes, Avri. No, I have unmuted myself.

MICHAEL KARANICOLAS: Oh, there it is. Alright. Please go ahead.

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AVRI DORIA:

I cannot be heard? Okay, sorry. I thought I had unmuted myself before. I started going through each of the [inaudible] and basically doing an extraction of all of the ATRT to relevant words on those tracks. I haven't gotten to this one yet, but I expect I will have before our next meeting, and I am working my third at the moment – just going through them and doing an extraction of the ATRT, so I should have – that may add items to your list. At the moment, I don't see any, and that's why I didn't mention it. But I just wanted to let you know that that should be coming. Thanks.

MICHAEL KARANICOLAS:

So for me, your comments were sort of cutting in and out – I'm going to say that's probably my line rather than yours – but as I just typed, it would be great to see – yeah, it would add items [inaudible] research, and great to have whatever you're doing feed into this work, and any additional relevance [inaudible] are more than welcome.

Okay. Are there any other comments? Okay, well, without seeing anybody else, I'll open it up for any other business. If anybody has anything they wanted to share? Okay, well, in that case, thanks to all of you for joining us, and again, my apologies for the technical difficulties. I should be back in Canada for the next call, so hopefully this won't come up again. And again, thank you all for joining us, and I look forward to taking this conversation forward with all of you.

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AVRI DORIA: Thank you, and thank you for trying. Bye.

BRENDA BREWER: Bye.

[END OF TRANSCRIPTION]