

Next-Gen RDS WG AC Chat Wednesday 22 February 2017 at 06:00 UTC

Nathalie Peregrine:Welcome to the Next-Gen RDS PDP WG call on Wednesday, 22 February 2017 at 06:00 UTC

Nathalie Peregrine:Wiki agenda page: https://urldefense.proofpoint.com/v2/url?u=https-3A__community.icann.org_x_BZ-2DRAW&d=DwlFaQ&c=FmYlu3PjP6wrcrwl13mSVzgfkbPSS6sJms7xc14I5cM&r=PDd_FX3f4MVgkEfi9GHvVoUhbecsvLhgsyXrxgtbL10DTBs0iljYiBM_uTSDzqgG&m=OwWBvjP6KseeHuW88PKYaa1IN0Tqp31SUtIOStxSiY&s=4mai8ReBC5Qq09XkiVleY9wDpa0JwIei1I9LGVquInI&e=

Chuck Gomes:Hello

Michele Neylon:bazinga

Andrew Sullivan:not sure how long I'll hang on. apologies

Maxim Alzoba (FAITID):Hello all

Michele Neylon:define "middle of the night"

Maxim Alzoba (FAITID):it greatly depends on the previous day

Sam Lanfranco npoc/ncsg/cshi:Good morning all

Holly Raiche:Some of us are very happy with the time

Stephanie Perrin:We are always happy to see you on this timeslot Holly, it makes it all worthwhile!

Holly Raiche:Thanks Stephanie

Andrew Sullivan:it strikes me that I haven't updated my soi to note Oracle owns Dyn.

Andrew Sullivan:doubt it matters, but will update anyway

Chris Pelling:Apologiesfor tadriness, its early :)

Stephanie Perrin:DPAs are not likely to be there on Wednesday though, right?

Stephanie Perrin:It is the UN Special Rapporteur....

Stephanie Perrin:We are trying to get Caroline but no word yet...

Andrew Sullivan:I averred to this in list mail, but this overall question automatically implicates accès

Andrew Sullivan:vs collection

Andrew Sullivan:Also long weekend in Canada:-)

Andrew Sullivan:(btw: side remark, not for vox on call)

Holly Raiche:@ Andrew - We're you also impliedly raising questions about what is collected?

Maxim Alzoba (FAITID):3 &4

Andrew Sullivan:my point is that we're supposed to be talking now about collecting, but general questions implicate access to o. inseparable

Maxim Alzoba (FAITID):if the person botes twice and the first one was yes, and the second was no ... what happens?

Maxim Alzoba (FAITID):*votes

Stephanie Perrin:agree with Andrew, we are rarely clear and it is a problem

Holly Raiche:@ Stephanie +1

Andrew Sullivan:I keep not complaining about these questions because I want this part to be over. But existing policies assume undifferentiated access

Andrew Sullivan:so the binary question is a prejudicial baseline (not intentionally so, I know)

Holly Raiche:Thanks Michele

Holly Raiche:@ Andrew - prejudicial?

Maxim Alzoba (FAITID):ICANN is an US entity, to they do not have to care

Holly Raiche:@ Andrew - that was a question - not sure what you mean

Andrew Sullivan:"determining things in advance". trying to be telegraphic :-)

Holly Raiche:@ Andrew - thanks

Marika Konings:Note this is the recent GNSO Council decision on WHOIS conflicts with local law that Stephanie is referring to: https://urldefense.proofpoint.com/v2/url?u=https-3A__gns0.icann.org_en_council_resolutions-

[23201702&d=DwIFaQ&c=FmY1u3PjP6wrcrwl3mSVzgfkbPSS6sJms7xc4I5cM&r=PDd_FX3f4MVgkEli9GHvVoUhbcevsLhgsyXrxgtbL10DTBs0i1jYiBM_uTSDzqG&m=OwWBvjpP6KseeHuW88PKYaa1IN0Tqp31SUtlOSxSiY&s=59gg5s9LVbe6uZ5o8Mz7hrfI1gVNBBFirPRkIfml2Tk&c=](https://urldefense.proofpoint.com/v2/url?u=https-3A_www.theregister.co.uk_2005_02_11_nominet-5Fcourt-5Fcase_&d=DwIFaQ&c=FmY1u3PjP6wrcrwl3mSVzgfkbPSS6sJms7xc4I5cM&r=PDd_FX3f4MVgkEli9GHvVoUhbcevsLhgsyXrxgtbL10DTBs0i1jYiBM_uTSDzqG&m=OwWBvjpP6KseeHuW88PKYaa1IN0Tqp31SUtlOSxSiY&s=59gg5s9LVbe6uZ5o8Mz7hrfI1gVNBBFirPRkIfml2Tk&c=)

Chris Pelling:COMMENT: No one should be put under the bus here, but we are worried that we are conflicting with local law and this needs to be resolved, and not some silly waiver that has been used before that is hard to get

Maxim Alzoba (FAITID):and for ICANN (their local law is California Corp. Code) there is no conflict with the local law :)

Marika Konings:as directed by the GNSO Council the IAG report that triggered this decision will be shared with this WG shortly for your information (although I believe it was already on the list of input documents)

Holly Raiche:@ Andrew - so correct. I think some time back, Jim did say let's back up and look at what data is collected in the first place BEFORE asking who has access to it

Stephanie Perrin:Unfortunately, in my view, the moment one starts talking about "use cases" we elide the two, purpose for running the DNS and secondary purposes.

Andrew Sullivan:@stephanie: do you want to draw a line _in collection _ between "absolutely necessary for dns resolution " and every other thing?

Sam Lanfranco npoc/ncsg/cshi:Question: Do we have an agreed understanding of what we mean by "data processing" in the context of this RDS discussion?

Alex Deacon:mic issues....I'll follow up later....

Alex Deacon:apologies.

Holly Raiche:The issue with the questions on the screen is that we should start with what data is legitimately collected

Maxim Alzoba (FAITID):location of personal data might be an issue too

Stephanie Perrin:Yes I would like to draw that line Andrew...

Michele Neylon:FYI [https://urldefense.proofpoint.com/v2/url?u=https-3A_www.theregister.co.uk_2005_02_11_nominet-5Fcourt-5Fcase_&d=DwIFaQ&c=FmY1u3PjP6wrcrwl3mSVzgfkbPSS6sJms7xc4I5cM&r=PDd_FX3f4MVgkEli9GHvVoUhbcevsLhgsyXrxgtbL10DTBs0i1jYiBM_uTSDzqG&m=OwWBvjpP6KseeHuW88PKYaa1IN0Tqp31SUtlOSxSiY&s=pAvtSRmH2XW66MA9iBmdKsJRfNw_twquHaXML7btIjw&c=](https://urldefense.proofpoint.com/v2/url?u=https-3A_www.theguardian.com_world_2016_nov_17_russia-2Dblocks-2Daccess-2Dto-2Dlinkedin-2Dover-2Dforeign-2Dheld-2Ddata&d=DwIFaQ&c=FmY1u3PjP6wrcrwl3mSVzgfkbPSS6sJms7xc4I5cM&r=PDd_FX3f4MVgkEli9GHvVoUhbcevsLhgsyXrxgtbL10DTBs0i1jYiBM_uTSDzqG&m=OwWBvjpP6KseeHuW88PKYaa1IN0Tqp31SUtlOSxSiY&s=pAvtSRmH2XW66MA9iBmdKsJRfNw_twquHaXML7btIjw&c=)

Michele Neylon:From a few years back ...

Maxim Alzoba (FAITID):the case about localization of data https://urldefense.proofpoint.com/v2/url?u=https-3A_www.theguardian.com_world_2016_nov_17_russia-2Dblocks-2Daccess-2Dto-2Dlinkedin-2Dover-2Dforeign-2Dheld-2Ddata&d=DwIFaQ&c=FmY1u3PjP6wrcrwl3mSVzgfkbPSS6sJms7xc4I5cM&r=PDd_FX3f4MVgkEli9GHvVoUhbcevsLhgsyXrxgtbL10DTBs0i1jYiBM_uTSDzqG&m=OwWBvjpP6KseeHuW88PKYaa1IN0Tqp31SUtlOSxSiY&s=yI4p11YimufS4ubL6ym84xNg5MtbEOhwpg8Sp9F2Kw&c=

Andrew Sullivan:@stephanie: so why isn't random Dynamic Update good enough for registration (==data collection)?

Andrew Sullivan:the difference you describe is the diff between "ok collection" and not (for you)

Maxim Alzoba (FAITID):@Andrew, we need to be sure that we do not face random access :)

Stephanie Perrin:What do you mean by random dynamic update, and why is it not good enough for registration?

Stephanie Perrin:(in other words, when did I say it was not good enough?)

Alex Deacon:I'm not sure a poll is needed for this....

Maxim Alzoba (FAITID):adding "I did not understand the question" to polls? (side note)

Maxim Alzoba (FAITID):as a third option

Lisa Phifer:What requirements might laws place on RDS policies regarding purposes associated with "thin data"? Are these requirements, or are there other requirements?

Maxim Alzoba (FAITID):agree

Andrew Sullivan:@Stephanie & @Maxim: there's something beyond "random person registers in root zone "

Maxim Alzoba (FAITID):@Andrew, the issue is that the difference between legal and illegal is not technical and can not be resolved by tech means

Sam Lanfranco npoc/ncsg/cshi:Re: Q2.3 Does "maintaining" refer to some or all of (a) updating, (b) purging, (c) storage - needs to be made clear at some point

Andrew Sullivan:the difference is the quantum of "necessary collection"

Maxim Alzoba (FAITID):I think it is up to a local law

Andrew Sullivan:agree that legal and illegal is not network-operations technical. they're legal (which is a techne, note)

Holly Raiche:@ Lisa - the laws aren't specifically about RDS - but about a person/corporation having a need for the data in question so as to carry out what it is to do - which leads into Andrew/Stephanie's questions - how to define what data is necessary for a registry/registrar to carry out their function - however defined (another BIG question)

Maxim Alzoba (FAITID):potentially we might face situation where jurisdiction of registry/registrar/accessing party matrix will have to be used (not all combinations would work)

Holly Raiche:@ Stephanie - we can't hear you

Stephanie Perrin:please unmute me

Nathalie Peregrine:You are not muted Stephanie, please try to reconnect your mic

Stephanie Perrin:Nathalie muted me when I redialed

Lisa Phifer:She is reading the example from .EU

Benny Samuelsen / Nordreg AB:mute please

Stephanie Perrin:Sorry, I guess I was skipping ahead too much....

Andrew Sullivan:sorry, must drop.

Lisa Phifer:All, note the handout also includes sections from the registrar and registry agreement pertaining to purpose

Maxim Alzoba (FAITID):ccTLDs are not good examples for gTLDs ... different models (they rely on local legislation and do not have RA with ICANN)

Lisa Phifer:For example, the RAA sections pertaining to purpose of collection, access, consent, processing, compatibility, protection, infringement, and applicable jurisdictions

Lisa Phifer:@Maxim, agreed - however, they are subject to the data protection laws that we have been discussing

Maxim Alzoba (FAITID):do not forget .cn examples too

Kal Feher:there's a chicken and egg situation implied in the .eu statement. whois data is used by several consensus policies to describe how to determine ownership or for domain lifecycle related activities. but that isn't strictly required. if there were different domain ownership dispute mechanisms or lifecycle event notice mechanisms, you wouldn't need whois data as it exists today. with the sole exception of DNS information

Marika Konings:maybe we should put " " around consensus policies to make sure that it is considered the defined term as in the ICANN agreements

Stephanie Perrin:yes that would help as the waters are being muddied these days

Maxim Alzoba (FAITID):RFCs?

Sara Bockey:I need to drop. Thanks all!!!

Stephanie Perrin:Absolutely! We start with the RAA...

Kal Feher:not to be pedantic, but consensus policies are not defined in the agreements.

Lisa Phifer:@Kal implemented?

Marika Konings:@Kal - as I understand it the agreements specify what needs to happen for something to be considered a Consensus Policy. Is that not a definition?

Kal Feher:your obligation to follow consensus policies are contained within the agreements (if you are a contracted party)

Marika Konings:see https://urldefense.proofpoint.com/v2/url?u=https-3A__www.icann.org_resources_pages_approved-2Dwith-2Dspecs-2D2013-2D09-2D17-2Den-23consensus-2Dtemporary&d=DwIFaQ&c=FmY1u3PjP6wrcrwl3mSVzgfkbPSS6sJms7xc4I5cM&r=PDd_FX3f4MVgkEI9GHvVoUhbcevsLhgsyXrxgtbL10DTBs0i1jYiBM_uTSDzqG&m=OwWBvjP6KseeHuW88PKYaa1IN0Tqp31SUtlOStxSiY&s=Ci9JBI2IqI-Dj23AM6GnF9JrrfbshSQQ7Ebi2Xwf5so&e=

Maxim Alzoba (FAITID):also we can not influence RFCs from IETF, and all gTLD registries have to follow it blindly

Marika Konings:From the RAA: "Consensus Policies" are those policies established (1) pursuant to the procedure set forth in ICANN's Bylaws and due process, and (2) covering those topics listed in Section 1.2 of this document. The Consensus Policy development process and procedure set forth in ICANN's Bylaws may be revised from time to time in accordance with the process set forth therein.

Michele Neylon:though I actually I am at home ..

Kal Feher:I was pointing out that the policies are not within the agreement, not the definition of what a consensus policy is.

Marika Konings:ah, ok, sorry I misunderstood you. Yes, you are correct. Consensus policies are listed separately on ICANN's web-site although in certain cases they will replace what is in the agreement.

Lisa Phifer:Regarding iii), does this statement of purpose actually provide a framework that enables compliance with applicable laws? If not, what needs to be added/modified to do so? This ties back to the previous question being deliberated upon.

Kal Feher:@marika, yes. my point, lost now I think, was that your agreement evolves with the policies, not the other way around

Jim Galvin (Afilias):@maxim - ICANN follows RFCs because we choose to. If we wanted something different we could, in principle, specify something different. Also, anyone can influence RFCs by participating in the IETF.

Lisa Phifer:NOTE that ii) is [I think] consistency with OTHER consensus policies, not consistency with existing WHOIS policies

Stephanie Perrin:Have you considered sending the DPAs a briefing paper?

Chris Pelling:Thanks all, have a great day :)

Sam Lanfranco npoc/ncsg/cshi:bye

Daniel K. Nanghaka:Thanks All

Maxim Alzoba (FAITID):bye all

Daniel K. Nanghaka:Bye

Jim Galvin (Afilias):bye all

Stephanie Perrin:I think so too....

Stephanie Perrin:I expect we need to follow up with Peter

Marika Konings:we'll be publishing the GNSO policy briefings shortly that provide some background info that may be of use?

Stephanie Perrin:Might be helpful . a data map would also be great.....

Patrick Lenihan:Thanks to Each and All!