

**ICANN Transcription  
Next-Gen RDS PDP WG  
Tuesday, 07 March 2017 at 17:00 UTC**

Note: The following is the output of transcribing from an audio recording of the Next-Gen RDS PDP WG call on the Tuesday, 07 March 2017 at 17:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.

Attendance may be found at:

<https://community.icann.org/x/i6zRAw>

The audio is also available at:

<http://audio.icann.org/gnso/gnso-nextgen-rds-pdp-07mar17-en.mp3>

Coordinator: The recordings have started. You may now proceed.

Michelle DeSmyter: All right, well great. Well good morning, good afternoon and good evening. Welcome to the Next Gen RDS PDP Working Group call on the 7th of March, 2017. In the interest of time today there will be no roll call as we have quite a few participants online, attendance will be taken via the Adobe Connect room so if you're only on the audio bridge would you please let yourself be known now?

Beth Allegretti: Hi, it's Beth Allegretti on audio.

Michelle DeSmyter: All right thanks, Beth, we'll note that. And as a reminder to everyone please state your name before speaking for transcription purposes and please keep your phones and microphones on mute when not speaking to avoid any background noise. With this I will turn the call back over to Chuck Gomes.

Chuck Gomes: Thanks, Michelle. And welcome everyone to our working group call today. You can see the agenda in the Adobe screen except for the one person who's not in Adobe. Hopefully you saw it in email. The - it's a full agenda, we have a lot to cover as this is our last working group meeting before being in Denmark. And we'll have a three hour meeting this coming Saturday. So let's get rolling.

First of all, does anyone have an update to their statement of interest? Okay. Before I call on Amr, let me welcome him as a part of the ICANN staff team. Many of us have worked with Amr in various other working groups before he came on to ICANN staff. But, Amr, we are really pleased that you're part of the team supporting this working group so welcome. And I will give you a chance to talk now.

Amr Elsadr: Thanks, Chuck. This is Amr. And yes, I just did want to point out that I am now - I've joined ICANN staff and will be supporting this PDP working group. Very happy to be here and please let me know whenever you need help. Thanks a lot.

Chuck Gomes: You can count on that, Amr. We will because we rely on staff probably more than we should but the team is a great help and I know you will add to that, so welcome on board.

So the first agenda item is the question for the data commissioners that are going to be with us and the whole ICANN community in Copenhagen. So if we could bring up those questions, I would appreciate that. Thanks for several of you who contributed to some discussion on the questions yesterday and earlier today. That was appreciated.

Excuse me. Forgive me if I have just a little bit of a cough today, I'm just about over a cold. I'm hoping I will be over it completely by the time I get on my plane Thursday. But forgive the little bit of a hacking cough.

I would like to point out that our objective on this agenda item, especially Part A, is to finalize the list of questions for the data commissioners so that we can send them the questions in advance and so that we can send them to the chair and the GNSO representative on the panel that will be in the cross community session on Monday.

And the chair, as some of you probably know, maybe not all but Becky Burr will be the facilitator or coordinator of that panel and Jim Galvin, who is one of our members, and is on the call today I'm glad you're on Jim, will be representing the GNSO, not this working group specifically but I'm sure he will be able to take advantage of being on the working group. And we're going to send the - Jim will already have the questions so I don't really need to send in to them but the leadership team would certainly appreciate it if Becky doesn't weave in some of the questions that we've posed. We hope, Jim, that you can, as appropriate, do that for us.

There is no way we're going to cover all the questions on our Wednesday meeting with the data commissioners then, so we are hoping that a good number are covered in the cross community session on Monday.

So with that introduction, let's talk about the questions. We are not going to go through them in detail. You're welcome to do that. You have scroll privileges in Adobe. You can scroll through as you like. But what I'm going to do is just referred to the questions and see if there are any comments or questions.

So the first - Question Number 1 is on purpose and Question Number 2 is on purpose. In fact what I think I will do is refer to the categories. So are there any questions or comments on the purpose questions that are on the screen now, Questions 1 and 2? Susan - and let me - I neglected to thank Susan and Lisa for a lot of time put in -- put into this to get this close to final version in front of us.

And thanks to the special group of people who submitted questions because all of these questions came from them except one that I threw in I think. So Susan, go ahead.

Susan Kawaguchi: Thanks Chuck. Susan Kawaguchi for the record. So I just wanted to just give an update on what we've done since Friday. The small team provided all the questions, submitted them. We put them all together in one document. And at that time refined a few when we had overlapping questions and sent those back out to the whole working group. Received some comments, used those comments to synthesize the questions even further.

So, you know, the original drafters may look at these questions and go, that wasn't - that was not my language or my wording, but we did feel that some of the questions - we had too many questions so therefore we needed to drop a few. It was hard to bring it down to 10-12 so I think there is 19, I'm not sure.

And at that point, you know, just in trying to narrow down the questions if there was a question that was extremely similar submitted by two different people we try to combine that into one. But I do appreciate everybody's hard work on this. And I think we've got a great group of questions.

Not sure that, you know, during the panel we will be able to get those all in. But Lisa and I talked about some strategy about doing that with members of the RDS team who are in the audience that day. So that's about it, Chuck.

Chuck Gomes: Thanks, Susan. And note Lisa's comment in the chat - this is Chuck by the way - note Lisa's comment in the chat that any of our working group members that are either the audience for that cross community session during audience Q&A, if you want to suggest one of these questions feel free to do so, that would be fine. And of course I'm not running the panel but I'm sure that they will have a Q&A session for the audience. And let's take advantage of that if we can.

Okay, Questions 1 and 2, and again I'm not going to wait too long, but if anybody - I didn't see any comments on Questions 1 and 2 in my email. In fact, I will look at my email real quick too. I'm not - I'm behind about half a dozen or so emails so if one came in late I probably haven't read it. So any - yes, Lisa, go ahead.

Lisa Phifer: Thanks, Chuck. Lisa Phifer for the record. Given that there are 19 of these questions, we may not want to step through all of them but just ask for comments on specific questions.

((Crosstalk))

Chuck Gomes: Yes, I'm going to do it by category.

Lisa Phifer: Great.

Chuck Gomes: Okay. Okay. Let's go down to the registration data elements questions. And I know we have some questions there, some comments that were be submitted, so let me call attention to those. And Steve and Tjabbe, if you want to jump in on this just raise your hand. And I see Steve is on and Tjabbe is on too. Great.

Okay, so Steve, let's let you start.

Steve Metalitz: Yes, thanks. This is Steve Metalitz. My only -- I had a question about Question 4 but I think that was just basically a typo and it's been cleared up or can be cleared up quickly. On 3, my only, you know, I came to the end of this and it said - the last sentence says, you know, it has a lot of information before hand and it says, "If so, would entities that collect and process this data be considered in violation of the directive of the GDPR?"

I'm just hesitant to ask for legal opinions about violations because we know -- well first of all we've been told many, many times by people in this group that

some of these data protection authorities anyway don't want to give advisory opinions or can't give advisory opinions perhaps. And second, you know, I'm not even sure that these people who are actually going to be appearing here, none of whom, as I understand it, are data protection authority representatives, they are experts on data protection that they don't actually enforce any data protection law that I know of.

I just don't think it's appropriate to ask them well, here I've given you some facts, is this a violation of the directive or is this a violation of the - will this be a violation of regulation that comes into force next year? So my suggestion was just dropped out last sentence. The question before it is, you know, if this stuff personal - do you think this stuff is personal data?

Again, I mean, that is asking for some kind of legal opinion but it's not saying is this a violation of the directive. Because again, just collecting and processing personal data by itself is not a violation of any of these laws as far as I know; it all depends on the circumstances and how the data has been obtained and what consent has been given and so on and so forth. So that was my only suggestion, dropped out last sentence of Question Number 3. Thanks.

Chuck Gomes: Thanks a lot, Steve. This is Chuck. Michele, your turn.

Michele Neylon: Thanks Chuck. Briefly agreeing partially but partially disagreeing with Steve. I think it's important for them to tell us which items of data they consider to be personally identifiable information because sometimes this seems to be a lack of clarity around that. And that's not a question of whether there is a violation or not, it's just simply whether it meets -- whether it falls within the scope of being personally identifiable information or not.

That I think is helpful because there have been some discussion both here and elsewhere were some people say, well this bit of data is personally identifiable, this bit of data isn't. Why is there a problem with this bit? Why is

there a problem with that bit? So if they're able to say okay, as far as we are concerned, you know, this particular element is personally identifiable information, that is helpful. And beyond that then, yes, okay, that's a totally different conversation. Thank you.

Chuck Gomes: Thanks, Michele. This is Chuck. And as I understood, Steve wasn't suggesting eliminating the question about personal data, only the last question. So does anybody object to deleting that last question, which is, "If so, would entities that collect and process this data be considered in violation of the directive and the GDPR?" Anybody object to deleting that? Keeping the previous question. Marc, go ahead.

Marc Anderson: Thanks, Chuck. This is Marc. I guess I kind of object. You know, I don't disagree with Steve but I would rather, you know, have the people on the panel tell us what they can and can't answer rather than as deciding what they can and can't answer. If they can't answer it or they're not comfortable speaking to it they won't but I don't think it hurts us any to at least ask. Thank you

Chuck Gomes: Thanks, Marc. The only hurt I can see is we have way too many questions and so if we can trim it down a little bit it helps us, rather than, as Steve says, possibly asking something that we know they won't respond to and wasting time doing that and maybe them explaining that. So that would be the only hurt I can see. But thanks, Marc. Theo, go ahead.

Theo Geurts: Thanks, Chuck. And this is Theo for the record. I am actually objecting to the deletion of the last part. I mean, the GDPR it came out in 2016, it's going to be leading for many of the stuff that we are doing, and I think it's up to the data commissioners to actually say we can't answer this or were not in a position to answer this, and that will be final. And if they can weigh in I think it will heavily guide us. Thanks.

Chuck Gomes: Thank you, Theo. So we have a couple people objecting to the deletion. Let me do a quick poll to make it easy on the rest of you. Does anyone else object to the deletion of that sentence? And if so would you put a red X in Adobe, and if you're not in Adobe just speak up. And I will allow 30 seconds or so for you to do that.

Okay so I see Stuart, thanks Stuart. So, I'm going to assume that the rest of you are okay with deleting that sentence. And with no offense to the three people who objected, I'm going to suggest that we go ahead and delete it just for logistic sake. Under normal circumstances, if we didn't have so many questions and if we had unlimited time, I agree totally with what you said that lets let them tell us but we're not going to have very much time so I'm going to suggest that we go ahead and delete it with apologies to the three of you.

So let's go then to Question 4, and an edit has been - was not made or needs to be made to what was sent around. And I don't know, Lisa, can you highlight the text that should be deleted in that or is that not possible? Or Marika, whoever's controlling this?

Lisa Phifer: No, Chuck, we can't modify the PDF in real-time.

Chuck Gomes: I'll talk to it, that's fine. So if you go to the second line there where it says, "Interact with general data protection regulation," that would be deleted. That was not supposed to remain in there. So it would read, "Article 5 of the EU Commerce Directive requires service providers to disclose their contact information," period. And then it continues, "Does it supply," etcetera. Any questions or comments on that? And Steve, thanks for catching that, that was appreciated.

Okay, going on - oh yes, Tjabbe, go ahead. I'm sorry, I didn't refer to your comment because you did talk about this and I had a note to do that and I didn't look. Go ahead and speak please.



Tjabbe Bos: Can you hear me?

Chuck Gomes: Yes.

Tjabbe Bos: Okay excellent. If you're looking for questions to be deleted from the list, I would suggest deleting Question Number 4, also with the revision that was just made, because I think the question is not really concern data protection, the e-commerce directive that has been referred to regulate all sorts of other matters but not data protection. And considering that this is a session with data protection commissioners I don't think they would be able to reflect on the application of the commerce directive in anyway. So if you're looking for questions to be deleted, my suggestion would be to delete this one.

Chuck Gomes: Thanks, Tjabbe. And I know you're a lot more expert in this than I am and probably quite a few others in the group so your suggestion is appreciated. Anybody else have a comment before I ask if there's anyone that objects to deleting Question Number 4 in its entirety? Okay, any objections to deleting Question Number 4, just put a red X in the Adobe or speak up if you're not in Adobe. Okay, Question 4 will be deleted. We've narrowed it down some.  
Marc.

Marc Anderson: Chuck, this is Marc Anderson. I just wanted to note Vicky Scheckler notes that she is not on the bridge but strongly disagrees in chat.

Chuck Gomes: Oh thanks, I didn't see that. I appreciate you calling it to my attention, keep me honest please. So you can see what Vicky is saying there, for those not in Adobe, "Would like to understand the interaction between the e-commerce directive and Go Pro." And, Vicky, I'm guessing that that's part of -- that was the purpose of this question. I don't have the original list in front of me but you're probably the one that suggested this one so I appreciate you speaking up.

Let the call on the people in the Adobe and starting with Steve.

Steve Metalitz: Yes thank you, Steve Metalitz. I do think, as Greg Shatan, has said in the chat, I think it's a question of the interaction between the e-commerce directive in the general data protection directive - general protection regulation. My question about this, and I apologize since this may have been discussed last week, this asks about domain name registrars; I thought the issue was registrant. So if you have a registrant who is a business and may be required under the EU e-commerce directive to disclose that information how does that affect the question of disclosure of that information in the RDS?

I thought the issue was about registrants rather than registrars. I mean, registrars have to disclose their contact information, I mean, ICANN discloses the contact information of registrars, that's part of being accredited. So I wasn't quite sure how - and that really isn't done in the RDS, or doesn't need to be necessarily done in the RDS. So I wasn't quite sure if this - about the thrust of this entire question.

Chuck Gomes: Steve, this is Chuck. Note Vicky's answer in the chat. She said it should be registrants, not registrars. So another good catch, Steve so...

Steve Metalitz: Okay.

Chuck Gomes: ...appreciate - we're going to have to hire you I think.

Steve Metalitz: I'm going to follow Amr, right there.

Chuck Gomes: There you go. So thanks, Vicky, I appreciate your participation in this. Let's go to Theo.

Theo Geurts: Thanks, Chuck. I'm actually a little bit confused now, change to registrant, I mean, I was reading registrars and registries. I'm going to drop my question for now.

Chuck Gomes: Okay. Do you think it should be both, Theo? This is Chuck again.

Theo Geurts: Well, okay thanks, Chuck. The first time I was reading it, it was talking about - I red registrars and such I thought it was that - the e-commercial e-directive and I thought okay, this is not applicable to what we are doing because I definitely specifies under which circumstances what we need to put in the Whois or not, and when it comes to commercial use we have to disclose that information. I thought it had to do something with that and I thought that's completely out of our scope. So that's why I agreed with Tjabbe in the first place on the list earlier this morning. Thanks.

Chuck Gomes: Thanks, Theo. And those that have - a couple of you have -- Vicky and Greg have read Xs, leave those in there, we will come back to my question. Well you can put it back in later, it doesn't matter. But I will come back to the question so that your red Xs aren't ignored, okay.

Let's go to Lisa please.

Lisa Phifer: Thanks Chuck. Lisa Phifer for the record. In massaging the original text that Vicky submitted for this question, we may have obscured her original intent which I think was just to understand the interplay between the EU e-commerce directive requiring service providers to disclose their contact information and cases where those service providers might be -- have their data any registration directory service.

So we may have confused the registrar and registrant name, but personally I think it applies to any case where there's contact information for a service provider, would it be required by the EU commerce directive and therefore is there a conflict between that and data protection laws? So that's how I read the question. And hopefully that clarifies things a little bit.

Chuck Gomes: Thanks Lisa. This is Chuck. Greg, go ahead.

Greg Shatan: Thanks. This is Greg Shatan for the record. And this may be a little bit behind the - but, you know, Article 5 does say, you know, general information to be provided just say that in addition to other information requirements established by community law, member states shall ensure the service provider shall render accessible to recipients of the service and competent authorities at least the following, the name of the service provider, geographic address of the service provider...

((Crosstalk))

Greg Shatan: ... service provider, email address allowing rapid and direct and effective communication, I'm paraphrasing, where the service provider is registered, the trade registry in which they're registered and any supervisory authority if relevant. So, you know, the question itself is definitely that - Article 5 is definitely about service providers so I guess the question here is are all of these service, you know, who is the service provider, how does this interact with the GDPR, and so forth.

I did want to just clarify what Section 5 said, you know, I'm sure other people knew that but I just wanted to get it into the conversation because it refers neither to registrants nor registrars but merely service providers. And even registrars or registrants but it's kind of the question of role at some point.  
Thanks.

Chuck Gomes: Thanks, Greg. Chuck again. And note Tjabbe's comments in the chat, rather than taking too long on this one I think I'm inclined to suggest that we leave the question and follow the advice of the two people earlier that let's let them tell us whether they can or can't answer and so forth.

Stephanie Perrin: Can I jump in here?

Chuck Gomes: What was that?

Stephanie Perrin: Can you hear me?

((Crosstalk))

Stephanie Perrin: Can you hear me? It's Stephanie. Yes.

Chuck Gomes: Yes.

((Crosstalk))

Chuck Gomes: I'm sorry, I should have called on you earlier, once you got in the audio.  
Would you please speak up? Yes.

Stephanie Perrin: Yes okay. I hope you can hear me. Stephanie Perrin. I just wanted to jump in, Steve had made the comment earlier that we didn't actually have any data protection commissioners coming. And I wanted to make sure everyone understood that the EDDS, the European Data Protection Supervisor is a data commissioner responsible for enforcing the directive throughout the European Union and its various bodies. So he is a commissioner all right.

And so is the Article 29 Vice Chair. He is the Dutch data protection authority and he is functioning as the Article 29 Vice Chair and he will be coming as well. So I think we may find that they are quite prepared to give general answers to some questions that relate to their own authority. Thanks.

Chuck Gomes: Thank you very much, Stephanie. This is Chuck. And if I understood you correctly, and I think this is the question that Steve was asking, are both of those individuals responsible for enforcement?

Stephanie Perrin: Yes. Absolutely.

Chuck Gomes: Okay...

((Crosstalk))

Stephanie Perrin: ...used to be - yes, apparently the Dutch data commissioner used to be a prosecutor so he's probably well aware of enforcement.

Chuck Gomes: Thank you very much, Stephanie. And I apologize for not calling on you sooner.

Stephanie Perrin: Not at all. And I will mute myself now I guess.

Chuck Gomes: Okay, thanks. So, yes Theo, this is a complex question. Our whole job is complex and will get more complex as we go. I wish I could change that but it is. So let's go ahead and leave 4. It'll be changed to "registrants" instead of "registrars" and we will leave that. Any other questions on this category of questions about registration data elements, which is also includes Question 5.

And just to be fair, 5 is the one I added, okay, I think it would be good if we could get them, if they will venture opinion, to tell us whether any of that's been data elements we've been looking at - if they would consider them personal data.

So going on then to the next category, access to registration data for criminal investigation, okay. And that's Questions 6 and 7, any comments on those? Okay, going to the next category, personal privacy and human rights. There are four questions there, 8, 9, 10 and 11. And I'm hoping that some of you, I know you haven't had this a long time but it was sent out yesterday. So hopefully you had a chance to at least skim these. Any comments, questions, concerns about Questions 8, 9, 10 and 11?

Yes, Greg.

Greg Shatan: Greg Shatan for the record again. Actually sorry, my hand was a little slow and this is with regard to Question 6. And in the second sentence we refer to private cyber security firms investigating crime. I'm not sure if this is the right place to ask about this, but, or then we would have to change the title of this section a bit, about private cyber security firms investigating civil offenses as well as criminal offenses. So, you know, perhaps it only applies to criminal offenses so this isn't the place to ask about it. But want to keep an eye on both criminal and civil investigations.

Also in Number 7, you know, there is a reference only to the economic rights or private cyber security firms, that should probably be "of" private cyber security firms at the very end of 7. And, you know, for the IP industry we are not merely talking about economic rights but also rights to enjoy the fruits of one's creative labors, which falls into a different category and least under the Universal Declaration of Human Rights. Thanks. I think it does at least.  
Thanks.

Chuck Gomes: Thanks Greg. This is Chuck for the edits. Going back to Question 6, are you suggesting an edit so that it includes both criminal and civil offenses?

Greg Shatan: And kind of talking it through as I went through it, you know, the predicate is that only suppression of criminal offenses is an exemption to application of the GDPR, if that is - if that understanding is true, then maybe this is not the right place to ask about the interaction between investigation of civil offenses and the GDPR, but I think we should ask about the interaction between investigation of civil offenses in the GDPR somewhere.

Chuck Gomes: So you would maybe add that as another question here?

Greg Shatan: Right.

Chuck Gomes: Okay. I'll come back to that. Let's go to Rod, see what he has to say.

Greg Shatan: Thanks.

Rod Rasmussen: Hi, Rod Rasmussen. Just putting a little bit of further point on what Greg just brought up is that there are investigations of network abuse or just abuse in general which may or may not in the civil issues from a legal perspective, but they certainly are operational issues when it comes to things like spam or DDoS or things like that, those are typically fall under some sort of statute that not necessarily. And certainly areas the Whois is used for, so this may be a little bit more expansive.

Anatomy be the other question as well is how do you - where would it be appropriate to look at providing information to resolve the abuse and/or even other kinds of technical issues. That gets a little far afield from where this started but just appointed Greg brought up got me thinking along those lines as well. Thanks.

Chuck Gomes: So this is Chuck. Rod, do I understand you to say you would support adding a question like Greg suggested about civil offenses?

Rod Rasmussen: Civil and abuse in general.

Chuck Gomes: So we could say apply to private cyber security firms investigating crime, civil offenses, or abuse in general. Is that - that probably wasn't...

((Crosstalk))

Rod Rasmussen: Correct. Yes, something like that.

Chuck Gomes: Okay. Anybody object to adding that or rewording this so that it covers all three? Speak up now. Otherwise we'll just go ahead and do that. Okay. Lisa.

Lisa Phifer: Thanks, Chuck. Lisa Phifer for the record. Just to be clear, we will both generalize the heading and then the wording of Question 6 itself.



Chuck Gomes: Thank you. Okay, we didn't have any comments on 8-11, we backed up to the other ones so unless somebody speaks up very quickly I'm moving to the jurisdiction category, Questions 12, 13 and 14. Any comments on those? Okay. The next to last category is compliance with applicable laws and that's Questions 15, 16 and 17. Anything on those? Okay. In the last category is consumer protection, Questions 18 and 19.

Okay, again thanks to all of those that made this happen in very short order, ideally it would have been nice if we had several weeks instead of 1.5 weeks or so to finalize this list and probably we should have started earlier but we didn't so here we are.

So let me ask Lisa, Marika and Amr, please speak up now if there's any questions you have so that we can finalize this and get this list of questions out. Okay, very good. Again, a good team effort all the way around including what we did today. So I compliment everybody on that.

Item 2b of the agenda, is our face to face meeting on Saturday, okay. And Lisa, do you have something you can post on - I think you have something to post on this at least a general agenda that we have. I'll let you know while Lisa is posting that, that your leadership team is meeting Friday night to try and finalize the agenda because we know that the progress we make today or don't make today in this meeting will impact what we are doing on Saturday in the three hours that we have.

And we want to make that as productive as possible. So we are going to meet to make any final adjustments to the agenda for Saturday so that we don't waste time in the three hours fumbling around with the agenda.

You can see up there at the draft agenda. Again, you can scroll down. So we are going to ask everyone there to introduce themselves really briefly, name and affiliation if any. In other words, you know, a 15 second interjection,

because some will be - even those that some of us know and other people that are new works in our last face to face meeting may not have seen you, so that's going to be a real quick, and of course we will give an update - a chance for updating the SOI.

We will talk very briefly about our work plan. And we are going to show the progress made including the conclusions, the interim conclusions that we've been reaching over the last several weeks so that everybody can see those. And of course we will explain that those could be changed later that for right now there seems to be rough consensus in the group about these conclusions.

And then we are going to get back into - we're going to continue what we're doing today and have been doing for the last couple weeks in terms of Task 12a and in particular those three categories and the key concepts that we are working on right now. So if we finish a purpose statement today and confirmed that on the list the rest of the week we may not have to do any more on the purpose statement, which is relatively high-level.

And then you can see under agenda item 3, finalizing our preparation for the cross community session with the data commissioners. Hopefully we won't have to do much there, I think -- we will see what happens between now and our workgroup meeting on Saturday. But if there are anything that we need to do to finish preparing for that we will take care of that under 3a.

Three B depends on what we do today, okay, if we're able to finish it today we may still just have a confirmation of the purpose statement in that face-to-face. But we may not have to spend too much time on that, again depending on our progress today.

And you can see the question there, what should be the overarching purpose of collecting, maintaining, providing access to gTLD registration thin data. If, and we'll evaluate this Friday night in our leadership session in Copenhagen,

so far we've been focusing on collection and on thin data, we very well could expand that in our face-to-face session, which should be fun, okay, beyond thin data and start talking about thick data and start talking about maintaining and providing access.

Now that's going to get - that's a lot, we're not going to finish that but it's possible if we have plenty of time that we will start expanding our discussions beyond the limited scope we've been using the last few weeks. Any questions or comments on the agenda for Saturday?

I think that would be a pretty interesting agenda for those that may be observing us. And I think it will be a pretty interesting agenda for us and help us to really start making even more significant progress, not that it will be easy or that we will get it done in that three-hour meeting but hopefully we will make some good progress in identifying the issues that we need to.

Okay, the - and looking at the chat, okay. Another thing that I guess is agenda item 3c, that I should talk about a little bit, I kind of skipped over that. One of the things - and I guess I'm looking at the - I'm looking at the wrong agenda so I'm looking at our today's agenda. So let me stop there, and I think we're okay on the Saturday meeting.

Okay, so our next agenda item then for today is to talk about the Wednesday session, which is 1.5 hour working group session on Wednesday. It's designed to be a follow-up to not only the meeting on Saturday but in particular the cross community session on Monday. Now that's not a working group meeting on Monday, hopefully all of you will be there, but it's not a working group meeting.

But we're pretty sure that all of the questions we posed, I think we're down to 18 now, won't get covered in the 90 minute - the cross community session on Monday. So our goal is to use that session exclusively for interacting with the data commissioners as a working group and asking the questions or even

following up on answers they gave on Monday to the questions we've asked. So that's going to be our primary focus.

Should there be any extra time, which I highly doubt, we will go ahead and we can continue our meeting from Saturday but I really don't think that's going to happen but that would be easy to do if we do that.

And then of course our next meeting, as Marika puts in the chat, after ICANN 58 will be Tuesday, March 28 so we will skip a week like a standard practice after that. Any questions on the Wednesday agenda?

Okay so let's go to agenda item 3 for today, which is to continue our deliberation on the purpose charter question. And we had a little longer poll than usual. We're going to go through the results on that now. So if we could bring up the results for the poll? We didn't have a great response, I think there were 17 people responded.

But one of the things that I found in the results for this poll - I mean, the comments are always useful but I found them for myself to be particularly useful and they made - most of them made a lot of sense. So what we're going to do - and this is coming from the leadership team, we walked through this quite a bit yesterday - what we're going to do is we're going to suggest some changes to the purpose statement and to how we use the data that we got out of this poll.

Questions 2, 3 and 4 in the polls - several people noted that these really aren't purpose - they're really not purposes. They're - and in fact they're - even in the wording of the question they're worded, do you support these as goals for us developing a purpose statement? And that's what they were intended to be.

So it's our suggestion, and we did this primarily based on the comments, that we don't put these goals that are stated in Questions 2, 3 and 4, in the

purpose statement itself, but rather that we identify them as goals for the working group in regard to developing a purpose statement for an RDS.

So, you're welcome, I'm not going to go through them, the comments in a lot of detail. Lisa has sent around the comments and her comments and my comments and so forth, to the comments and so forth. Unless we need to we won't go that route.

But what I'd like to ask, if there's any objection to doing what I just said. In other words, keeping the three things in Questions 2, 3 and 4 as goals of developing a purpose statement, and certainly not forgetting those as we continue so that - and in fact what we would want to do is come back once we have a purpose statement we need to go back and test ourselves to make sure that we have achieved those goals. Any objections to that or questions about that if I didn't make it clear?

Okay, then I'm going to assume that we will just go ahead and do that in our key concepts document and in our continuing work on a statement of purpose. Now going then to Question - that was 2, 3, 4, Question 5, and you may want to scroll down to Question 5 so that you have that in front of you. But it appeared to us that this one was pretty straightforward.

There was a couple people disagreed, but it was a pretty good conclusion. There seems to be very strong agreement about a purpose - and notice it says "A purpose" it doesn't say "the purpose" it says "a purpose" of gTLD registration data is to provide information about the lifecycle of a domain name.

So we think we can accept that as certainly a strong rough consensus purpose. So certainly anybody want to comment on that you're welcome to. Lisa, go ahead.

Lisa Phifer: Thanks, Chuck. Lisa Phifer for the record. I just wanted to point your attention to chat where a couple people were asking for a clarification on what was going to happen with the goals of statements?

Chuck Gomes: And did you want to answer that?

Lisa Phifer: Sure. So it's my understanding that the goals, all six goals, 1 through VI, would move out of the body of the statement of purpose but remain in the same section in our key concepts document to serve just as guidance to this working group as we finish the statement of purpose but not to remain as part of the statement of purpose.

Chuck Gomes: Thanks. Thanks, Lisa. And I'm sorry I didn't make that clear. Okay. All right, going to Question 6, this one we'd like to spend a little time on just because we think maybe it could be reworded better, and we'd like your input on that now. If you look at the comments in particular comments - that's Comments 4 and 6, two different people kind of said the same thing.

If you look at Comment 6, it actually proposes specific rewording pretty much along the lines of Comment 4. The purpose of an RDS is to facilitate the dissemination of authoritative source registration data. So we thought that was pretty good rewording but we want to test it with all of you now. Any problems with rewording that as - so that the - this purpose - this part of the purpose statement would say the purpose of an RDS is to facilitate the dissemination of authoritative source registration data.

Anybody have a problem with that? Does anybody think we need to test that with a poll? We can do that if it's thought necessary. Obviously everybody is not on the call. But it seems pretty consistent to me with what the question was saying in the first place. But maybe cleared up some ambiguity or lack of clarity that...

((Crosstalk))

Stephanie Perrin: Hello?

Chuck Gomes: Yes, Stephanie. Go ahead.

Stephanie Perrin: Hello? Oh wonderful. Thank you, it worked. Stephanie Perrin for the record. Predicatively enough I would like a little refinement to that. Dissemination almost implies status quo. It's the authorized dissemination I would think.

Chuck Gomes: That's I think a good edit. But does anybody disagree with that? Thanks, Stephanie. Okay, so we'll add the word "authorized" in front of dissemination. Greg, go ahead.

Greg Shatan: It's Greg Shatan for the record. I guess if dissemination was out (unintelligible) the modifier assumes the status quo, authorized dissemination assumes a change from the status quo and a particular change involving authorization. Perhaps we need to either say dissemination authorized, you know, potentially, you know, through authorization or dissemination or authorized dissemination as the case may be or something that is a little bit more value-neutral so...

Chuck Gomes: Suggest that rewording again please, Greg. This is Chuck.

Greg Shatan: I'm trying to, you know, dissemination authorized if - or not.

((Crosstalk))

Chuck Gomes: Shall we say as authorized by policy? Some of you wondered in the comments why we had that parenthetical based on approved policy in some of the questions. The purpose of that was just to indicate that it's going to be dependent on the policies that we recommend and if those policies are approved. And this is a case - any dissemination would be based on any

policies that we develop later. So does - I think the authorization is going to be dependent upon our policies and how we implement those policies.

So try that again, Greg.

Greg Shatan: I think if we have the subject to policy at the end of that then we don't need to have the word "authorized" in there because that means something that would be taken care of...

Stephanie Perrin: Can I...

((Crosstalk))

Chuck Gomes: Yes, I'm going to call on you, Stephanie. Go ahead and finish, Greg, if you didn't. Okay go ahead, Stephanie.

Greg Shatan: I was saying that...

((Crosstalk))

Stephanie Perrin: I'm just wondering if Greg prefer "appropriate." Appropriate dissemination or dissemination as appropriate. Not quite as hard edged as authorized. Although I think we're going to get there.

Chuck Gomes: What about Fabricio's suggestion in the chat? How about dissemination of authorized data in accordance with applicable policy?

Stephanie Perrin: It's not the data that's authorized, it's the dissemination that's authorized.

Chuck Gomes: Oh yes, okay. Well what about dissemination in accordance with applicable policy? That at least got a laugh.

((Crosstalk))



Stephanie Perrin: Fine with me.

((Crosstalk))

Greg Shatan: ...suggestion data was authoritative, not authorized, so I think we need to consider his intervention accurately.

Chuck Gomes: So what's your final - notice Lisa's and Fabricio's - they said the same thing, authoritative data so dissemination of authoritative data in accordance with applicable policy. Does that work, Stephanie?

Stephanie Perrin: Well, you're introducing the authoritative aspect, which is really a qualifier of the data quality. I didn't think we were talking about that. The purpose - that's kind of a freebie you're getting thrown in there. I don't think we've agreed on whether the data that we're distributing through the RDS is the authoritative data yet.

Chuck Gomes: Okay.

Greg Shatan: That was in the original language, not just Fabricio's suggestion.

Chuck Gomes: Well it said authoritative source of information. Didn't necessarily say authoritative data. I thought the same thing at first, Greg. So this is Chuck. So - and Sara asks whether we could take authoritative out. It was in the original question or at least the source was authoritative. So that's a fair question. And we'll skip over your last question, Greg. The - yes, Lisa is probably right. And I think this is part of Stephanie's concern is that we're moving a little bit further away from where it started.

The - any - we've got several hands up. Lisa, do you want to start?

Lisa Phifer: Sure, thanks Chuck. Lisa Phifer for the record. Just to point out, I don't think that the word "provide" - I think we struggled with what that word should have been when this particular specific purpose was crafted. But I think the emphasis of this purpose was to provide an authoritative source of information. And what we've been talking about is more about access and how information is disseminated and whether it needs to be authorized and so forth. But I think the original goal was that there should be an authoritative source of information. That may not be what this working group wants to end up with. But that's where I think it started.

Chuck Gomes: Thanks, Lisa. You know, Marc, I think your hand's been up for a long time. Before I go back to Greg, would you go ahead and speak please? I don't want you to report me to my boss.

Marc Anderson: Thanks, Chuck. This is Marc Anderson for the record. You know, listening to this conversation, you know, I think we're, you know, getting into sort of the chicken and the egg we've struggled a little bit with, you know, that it's really hard for us to get comfortable with some of these statements when we haven't yet gotten to defining, you know, what data and under what circumstances it'll be made available.

And so when we haven't settled, you know, we haven't definitively answered those questions yet, you know, it's hard for us to definitively answer some of these purpose statements.

You know, and it's just sort of the circular nature of what we're, you know, what we're wrestling with right now and, you know, I think, you know, Lisa or somebody made the point earlier that, you know, sort of the bracketed statement based on approved policy was in some ways meant to be, you know, a little bit of a placeholder like, okay, we're going to get to discussions about what data is or what that data is we're talking about here and under what circumstances it'll be made available.

You know, and so, you know, I think we're going to have to come back to these as we answer some of those questions later on but that's just sort of my two cents from listening to the conversation and seeing it evolve. Thank you.

Chuck Gomes: Thanks, Marc. I think that's pretty well said. This is Chuck. And as we've said many times, excuse me, not today, we will be able to come back to all of these as we move forward and find out, hey, we should have worded that a little bit differently and tweak it a little bit. So let's keep that in mind before we spend too much time on rewording this one. But it would be helpful if we came to some wording that we can capture now. We may have to test in a brief poll. But the - and again, Greg used the word "iterative" remember, we're doing all this iteratively so we will move forward and backwards and so forth and it'll all get better as we go.

The - let me suggest this rather than beating this horse into the ground, let's - Lisa, are you - Lisa and Marika and Amr, are you guys comfortable with coming up with a statement that we can put in a poll and see if people are okay with it? And ask them if not, in their comments to suggest changes and hopefully in that process we can come up with something that's at least acceptable for now realize we can come back to it later.

Go ahead, Lisa.

Lisa Phifer: Chuck, I think my take from the conversation is that there are least two or three different alternative statements. What we could do is pull on those, let's say three, alternative statements and get a sense of support for them or additional comments back on them. If that would be acceptable.

Chuck Gomes: That's fine. That's better what I suggested I think so thanks for suggesting that. Ok? All right, let's go to Question 7. And see if we can take a look at that. Do you agree that a purpose of RDS is to identify domain contacts and

facilitate communication with domain contacts associated with generic top level domains? And based on approved policy?

So again, everything we're doing is going to be based on approved policy but it's helpful to keep that in mind because we don't develop policy until later. So any suggested edits on this one? You can look at the comments, there was a little bit of confusion, not full agreement by some people. Anybody have suggestions as to how the purpose could be worded better to identify domain contacts and facilitate communication with domain contacts associated with gTLDs?

Marc, go ahead.

Marc Anderson: Thanks, Chuck. This is Marc again. I thought this was interesting when I was responding to this because I think Question 7, you know, purpose 7 here, is probably as close a statement to the original intent of Whois as we have. You know, I think maybe, you know, the original intent of Whois was to identify these contacts and facilitate communication with them.

You know, so I, you know, I thought that was very interesting. But I think this is - this has evolved a little bit over the years in that sort of the old notion of your domain, you know, registrant admin, tech and billing contacts, you know, maybe isn't what is needed going forward and that, you know, what's needed is a way to, you know, is a way to facilitate communication or, you know, is a way to contact, you know, the appropriate person, you know, for a particular need, you know, if you have, you know, if you have a technical, you know, issue with that registration or there's abuse or, you know, there's a, you know, or somebody's intellectual property is being abused. I think there are, you know, more specific purposes than sort of the traditional way that we viewed this.

So, you know, again I thought this was interesting read it because it's maybe close to the original intent of Whois but, you know, just needs maybe a modern refresh there.

Chuck Gomes: So can you give us that modern refresh, Marc? This is Chuck.

Marc Anderson: I started trying to on the fly talking about, you know, some of the purposes that people have already identified, you know, when we talk about, you know, why we would need to contact a domain owner, is there a technical, you know, issue going on, you know, is there, you know, I think we've had, you know, some good conversations on the list talking about, you know, who you should contact in certain scenarios. Do you contact the registrar or do you contact the, you know, the hosting provider? Do you contact, you know, is there, you know, is there, you know, who at the registrant do you contact?

You know, but I think what we need here or what we should look at is, okay, you know, a purpose of RDS is to provide, you know, provide that - if you need to contact somebody related to the operation of a domain name or the registration of a domain name, RDS should be able to facilitate that contact of - that contact.

Chuck Gomes: So - and I encourage others to jump in on this. This is Chuck. Do you agree that the purpose is to identify domain contacts? We're not saying which contacts, but to identify domain contacts? Is that part okay, Marc?

Marc Anderson: I'm not really opposed to it, Chuck, but I'm not sure it's really, you know, I feel like that's maybe, you know, we're locking ourselves into, you know, the old - our old thinking of how Whois exists.

Chuck Gomes: Okay.

Marc Anderson: You know, and Lisa in chat pointed out, you know, the EWG notion of purpose-based context, you know, you know, I don't, you know, like I said I'm

not opposed to it but I don't think we necessarily have to identify a domain contact; I think we need to create a way to contact the appropriate person.

Chuck Gomes: Well do we need to add the word "appropriate" in there? Let's hear from Maxim and then we'll come back to you, Marc. Maxim, go ahead.

Maxim Alzoba: Maxim Alzoba for the record. Do you hear me?

Chuck Gomes: Yes. Hear you good.

Maxim Alzoba: Okay. I think we need to clarify this item a bit because reading it straight it's like we want to introduce some messenger or portal where the parties can communicate. I'm not sure we're going to dive into this because it's whole dimension of troubles there. We can facilitate acquisition of contact information if appropriate. But I'm not sure we want to facilitate communication. Thanks.

Chuck Gomes: Thank you, Maxim. So again I'll let you look at the chat - the comments there. I think it's right that appropriate equals based on approved policy. That's fine. Steve asks an interesting question, Marc, and I'll let you respond to it orally if you would please. "Isn't everything you are saying consistent with this statement in Q7?"

Marc Anderson: Thanks, Chuck. Marc again. Yes, I'd agree with that but I guess I'm really thinking about the, you know, the conversation that occurred on the list around, you know, who to contact and when. I think there's quite a lot of conversation about, you know, do you contact the hosting provider or the registrar, you know, in certain circumstances. And, you know, I guess my feeling is that if, you know, if purpose 7 was being met then that wouldn't have been a debate on the list. I think we'd have already answered that and we'd know who to contact.

You know, but the fact that that was a debate and a discussion on the list makes me think that, you know, we haven't yet answered that question. And I guess that was sort of the point I was trying to make there. Not so much that I disagree with 7, you know, I think Steve's right. I'm not saying anything that's inconsistent with it, you know, but I think we haven't done enough there maybe. If that makes sense?

Chuck Gomes: Well do you think we need to do more in the purpose statement? You're right, we're going to have to deal with the issues you're talking about, but does that need to be in the purpose statement? The purpose statement, at least as a leadership team yesterday, we decided it really should be at a fairly high level. I'm starting to think maybe we just leave it alone for now and if we need to revisit it, we do that later because nobody's really come up with a suggestion of how to change it.

Marc Anderson: Marc again. Fair point. And, you know, on the poll I, you know, I did select Agree on that so it's, you know, again I'm not necessarily disagreeing with it, I just think there's more work to do and, you know, to your point maybe that's work appropriate for later on in the PDP.

Chuck Gomes: Okay. Good. Well let's leave that one alone then and accept it as a rough consensus, not quite as strong as the previous - as some others, but certainly pretty good support for that. And I think the discussion bears that out today.

Let's go to Question Number 8, and take a look at that one. That one I think is another easy one. So unless somebody wants to talk about Number 8, I would suggest that we accept that as a purpose, a part of the purpose statement and a pretty strong rough consensus in that case, a little more than rough maybe. Any comments on that?

Okay let's go to Question 9, the last one. And the leadership team has a suggestion here of a change. And again, I'll let you look at the comments, if you haven't already on your own. They were considered. But we would

suggest changing this goal to - change the word “promote” to “facilitate.” Not a terribly significant change, but we thought it was a meaningful change and maybe appropriate. Any disagreement with that? Okay so let’s go ahead and make that change and accept that as a rough consensus conclusion for now.

And that takes us to Question Number 10, the current draft statement of purpose includes several bracketed passages based on approved policy, we’ve talked about that a little bit, that were not fully agreed in past working group calls. Do you agree that all of those bracketed passages should be included as-is in the statement of purpose? If not, which bracketed passages do you propose changing or deleting and why?

And this one was the weakest in terms of support, 62.5%, so there were only 10 people agreed and six disagreed. Lisa, go ahead.

Lisa Phifer: Thanks, Chuck. Apologies, I need to take you back to the previous question where you suggested a change in wording. But we didn’t...

Chuck Gomes: Yes.

Lisa Phifer: ...get the replacement words - replacement for promote was what?

Chuck Gomes: Facilitate.

Lisa Phifer: Thank you.

Chuck Gomes: Okay. Back to 10. I don't know how important at this stage it is for us to resolve this one. In my opinion, the - those bracketed things are just, you know, to remind people that whatever - however it ends up it’s going to have to be consistent with approved policy. So unless somebody thinks that we need to talk about this further, I’m inclined to move on to the next agenda item. Lisa, go ahead.



Lisa Phifer: I would just point out there were a number of passages in the statement of purpose that were bracketed. The only bracketed phrase that seemed to get any comment was the based on approved policy. So perhaps we could go ahead and remove the brackets from the other passages that is accept those, and leaving just the based on approved policy to further discuss what that means and how it applies.

Chuck Gomes: Any objections to that? Okay, let's do it. Now, that brings us to agenda item 3c, and a couple different people in the last two calls kind of suggested that okay, we've got all these elements of the - of a purpose statement, but there might be more. So now I'm going to ask the question, are there any elements missing from this statement of purpose? And it's your turn, all the members of the working group, to answer that. If you think there's something missing in the purpose statement?

Now what we'll do as a second - I think it's a second poll question for the week, will be to just put the - what we've agreed to as a purpose statement today and ask that question in the poll as well, are there any elements missing from the statement of purpose? So people that aren't on the call today will have a chance to answer that either yes or no and if yes, we're going to go - it's going to be a little different than our poll usually is, it's usually if you say "no" we ask you to make sure you comment. In this case if you say "yes" what are they?

Anybody have any suggestions? And this one may be a tougher one to answer on the spot now, I get that. So you may need to think about it. But if you - but please respond to the poll. If you think we've covered it, again, realizing that if we discover a purpose - a high level purpose later on we can always add it. We're not closing the door. But it would be good if people at least think through the question, are there any elements missing from the statement of purpose? And I'll open it up for discussion.

It'll be easier once you actually see the - what we've ended up with all together and that'll happen in the poll. Now while you're thinking, if the - we'll need to - Lisa, when are we going to need the - for the deadline - Saturday night won't work this time for poll responses because we have our meeting in the afternoon on Saturday. So can you tell us - while I turn to Marc you can think about that and then let us know either in the chat or orally, when the cutoff, I know you're traveling Thursday and Friday just most of us are, so think about that and let us know what the deadline will be for the poll.

Marc, go ahead.

Marc Anderson: Chuck, thank you. It's Marc again. I'm sorry if I'm a little behind here but I'm looking at the bracketed text question, I'm trying to understand exactly what we're talking about here. And it looks like we're just talking about Question 9, that seems to be the only other place where I see bracketed text. And based on what Lisa is saying, the proposal is to leave the text and just remove the bracket? So am I correct in understanding, you know, that the only change we agreed to there was to change Question 9 to, "Do you agree that a purpose of RDS policy is to promote the accuracy of gTLD registration data?" Do I have that right?

Chuck Gomes: I think there are other use - instances of bracketed text, but, Lisa, you're probably best qualified to answer Marc's question.

Lisa Phifer: Sure, just to clarify, Marc, I believe there were a number of clauses in the statement that have - excuse me - brackets around them. For example, in the introduction there's a section - excuse me - a phrase that has brackets around it, and services related to them, if any. There's also a bracketed instance of policy in purpose 5 and I think that might be it.

So the proposal is to get rid of those brackets, leave the text that they contain and then the only bracketed text that would remain is the one, two, two or three instances where based on approved policy has brackets around it.

Marc Anderson: Okay. Thank you for clarifying.

Chuck Gomes: Thanks for asking, Marc. The - now we're coming up to the end of our time and we may actually end on time, which is good. Let's talk about action items. And the decision points. Now let me encourage - this time more than ever we need all of you on the call to do this poll if at all possible because we're trying - remember the wording on the one question, the one purpose, that we need help on. So please, the more responses we get the better to do that.

And then, we need to - all of you to think about whether you think anything is missing in the list of purposes. So please all of you, and we'll do our best to get the poll out today, and you'll have until Lisa tells us - Lisa, 9:00 am - oh is that, okay, that's good. She's being very generous. So, 9:00 am Central European Time, so for those of us in Copenhagen, that'll be 9:00 am Saturday morning for us local time. That will be in the middle of the night for some of the rest of you on Friday night or Saturday morning early.

So please do that. For those of us that are traveling, you might want to try and respond to the poll before you get on an airplane, that's what I'm going to try to do. And I hope you will too. But, I mean, it's okay if you have time after you land, complete it. But it'll really help us to get a lot of feedback. This isn't just confirming some things in the case of the first question, we're actually trying to fix the wording that we're unable to do on the call of one of the elements of the purpose statement.

So help us so that we can - and then when we go into our afternoon meeting what we will do now that we know how much progress we've made today - we'll take a - early in the agenda we will look at the purpose statement and try and incorporate the feedback from the poll. We'll spend time going through the poll results and comments like we did today on the new poll. So hopefully we can get pretty close to a finalized statement of purpose for an RDS in our

meeting on Saturday giving people that aren't involved a chance to comment on it afterwards but we should be pretty far along on that.

Again, realizing that we can change it down the road as we see fit. Any questions or comments on that? Okay. Any other action items following this? Anything I've missed? Okay, I know it took a lot of time to go through the poll results but we thought that it was useful and I'm happy with the results that we've had today and then if we're able to close out the other two items in the poll and in our meeting Saturday that will be great.

Not seeing any hands or hearing anyone, let me adjourn the meeting and thank all of you for your participation. For those of you traveling, have safe travels. And looking forward to seeing a lot of you in person on Saturday. Meeting adjourned. The recording can stop.

END