

**ICANN
Transcription
Review of all Review of all Rights Protection Mechanisms (RPMs) Sub Team for
Trademark Claims
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Terri Agnew: Good morning, good afternoon and good evening. And welcome to the Next Generation gTLD Registry Directory Services to Replace Whois call on Tuesday the 13th of June, 2017. In the interest of time there will be no roll all as we have quite a few participants. Attendance will be taken on the Adobe Connect room. If you're only on the audio bridge, could you please let yourselves be known now? And Daniel, we have you noted on the telephone bridge only at this time. Anyone else in addition?

Vicky Sheckler: It's Vicky. I'm on the telephone only right now.

Terri Agnew: Thank you, Vicky. This is noted. Hearing no further names I would like to remind all to please state your name before speaking for transcription purposes and to please keep your phones and microphones on mute when not speaking to avoid any background noise.

With this I'd like to turn it back over to our chair, Chuck Gomes. Please begin.

Chuck Gomes: Thanks, Terri and welcome to everyone. Does anyone have a statement of interest? If so, please speak up if you're on audio only or raise your hand. Okay. Not seeing or hearing anyone, let's move right in on our agenda to

Number 2, and try and complete deliberation of - on data elements for thin data only. Sorry we don't have a new term yet, we're going to deal with that right at the top.

So the first thing we're going to talk about is what should we call what we've been calling thin data instead of that term. Alan Greenberg was nice enough to point out the possibility for confusion in that and lots of you have given lots of ideas. Amr, let me ask you, did you do a little summary of all the ideas that were submitted? If so, would you - could that be posted in Adobe?

Thanks. Okay, and it looks like we all have scrolling capability. So you can see all the ideas - I'm not going to read through them all. But I do appreciate the active participation in that. The one that seemed to get a lot of traction and a lot of support was public or public data set. Now there were some point made against that, pointing - mentioning that the, you know, there may be more data elements that become public in the future and that is true. So we need to keep that in mind.

But, when we make a decision today, let's keep in mind that what we call public data or whatever term we use today, that can change and probably will. We may change it. So nobody should assume that if we use the term "public data set" or "public data" at this point in time that it's locked in concrete. Okay? So if everybody will accept that it would be helpful if we came up with a term other than thin data and start using that. And we're going to try to do that right now. So, Alan, your hand's up.

Alan Greenberg: Thank you, Chuck. You said basically what I was going to say. When these policies, when we finally finish, if we finally finish, the - during the implementation of policies they always come up with far better acronyms and names than we ever think of during the PDP. It happens every single time. Let's presume it does this time, all we need is a term that will not cause confusion in - during this meeting - during this PDP process. And, you know, I suggested a rather whimsical name when I started this discussion; Andrew

has just suggested a different one. It doesn't really matter what it is as long as we're not going to use the term to imply meaning which is not otherwise there. So at some level the more abstract the better but I agree, we should just make a decision and move on with it as long as it isn't the term that has another meaning already.

((Crosstalk))

Chuck Gomes: Daniel, did you want to say something? I guess not, okay. Steve, go ahead.

Steve Metalitz: Yes, this is Steve Metalitz. I'm certainly fine with the term public data set as a working label but it kind of raises the question of where we are in this process. Back when we were talking about thin data, which is a defined set of data elements, I think it was pretty clear what the limits of our discussion were. Now if we're now talking about the public data set, are we at the point of looking at all possible elements and deciding whether they should be in the public data set? I think that would be a bit of a shortcut from what we had planned to do. But that's my concern, when it was thin data and we were sticking with the previously accepted definition of thin data, that was one thing.

Then when the question was raised, what else should be in that? And people started to come in with, you know, DNS SEC and other things, suddenly we were trying to fill out the universe of public data set and if that's - I guess I'm just asking, is that where we are because if we are, I have a about 50 elements to suggest for consideration in the public data set. Is this the time to raise that? Thank you.

Chuck Gomes: Thanks, Steve. And the other point I should have made is, is that we will have to decide whether or not we add any additional elements to the public data set than the ones that we're looking at right now which have previously been called thin in some venues.

So we're not - we're not there yet because it's going to take us a while to go through those. But could we add more public data elements? Yes, we could. Will we? That's not for me to predict, but, I mean, your point is well taken, Steve. So the other thing I should have said beside is that we will look - we have to look at all possible data elements and decide whether they will be public, decide whether they will be gated if we go the gated route, all of that. Are we there yet? I hope we're getting close to starting to look at some of those, but it's going to take a while to go through those. Greg.

Greg Shatan: Thanks. It's Greg Shatan for the record. I think maybe part of the struggle we're having is that the paradigm which needs to be changed slightly in that we're not replacing the term "thin data." The thin data set is an existing data set that's historically is what it is. So we're not replacing the term "thin data" to refer to the current data set that we're creating a new data set called the public data set. So I think presumptively that should be the same as the thin data set, people think it should include many additional elements, some think some additional elements, probably some other think it should have fewer elements. But let's kind of keep the two concepts separate.

The thin data set is an existing data set that will continue to be called the thin data set because it is what it is. This new data set that we are here to create is the public data set but that should not imply that it is the thin data set with a new name; this is not the data set formerly known as the thin data set. We're talking about two different sets. One that exists and is currently in use and another that will be in use in the future when we finally finish our work.

Thanks.

Chuck Gomes: Thanks, Greg. Well said. I don't think I need to elaborate on that except for one thing. So the tentative agreements we've reached so far, that we've reached rough consensus on, several - many of them - use the term "thin data." Whatever temporary term we come up with will replace thin data in those, okay? Alan.

Alan Greenberg: Thank you. I get the feeling that I'm living in another world sometimes. I raised the issue on email after the last meeting because at the last meeting when we had agreed that the stuff that is currently thin data is going to be available without authentication or authorization, and then we started having discussion of what else should be thin data. And I objected saying we cannot change the definition of thin data; it is a well-established defined term. If we are looking at a superset of the current thin data, we need to use a different name, which is what the issue I raised.

So I thought we already were talking not necessarily the final discussion on it, but a, we were having a discussion on should there be other elements that should be included in this available data set over and above what we are currently calling thin? So I thought we had made that decision and moved on, otherwise I wouldn't have raised this issue to begin with. There's no point in renaming thin data if we're still talking about the exact same set of elements. So either I missed something or other people have missed something, I'm not quite sure where we are. Thank you.

Chuck Gomes: Alan, you haven't missed anything. When I said we're not there yet, we're not going to talk about 50 new elements all at once. So let's not make this harder than we're making it. The - I liked one of the terms you gave, ungated data, okay? But it has the same problems of public or any other term we come up with because we're going to continue our work and things will change. Andrew, it's your turn.

Alan Greenberg: I like sparky the wonder dog. I vote for that.

Chuck Gomes: Andrew.

Andrew Sullivan: Hi, it's Andrew Sullivan. So I'm going to avoid expressing my deep frustration that we are still on this rodent hole and instead a little bit of history here because the whole reason we decided to go talking about thin data in the first place is that it was supposed to be trivial and easy and we could agree that

didn't have personally identifying information or personal information or whatever we want to call that, it was not somehow personally sensitive, and it was needed for the operation of the system and so on.

And so we talked about it and then somehow we decided to hive off the question of whether any of it was personal information from the question of like, you know, whether thin data should be available without any authentication and so on. And once we came to this agreement, then the question was, well, which of this stuff is now thin data? So we kind of walked into this trap that we set for ourselves about redefining a term that is apparently in use all over the place.

So what I'm concerned about here is that we're spending a lot of time on what was supposed to be the easy task. So you know, if we can't get through the easy task in an easy way then let's stop doing this and just tackle the hard one because we're doing all of the hard argument anyway. This is well past the point of insanity if we're now going to talk about you know, precisely which name we're going to give this data set that we - we're supposed to not care whether it's an interesting one because it's supposed to be necessary to make this thing work.

The people who think that this is not necessary for the system to work are really people who just don't want Whois to happen at all, and that's fine and that's a position that people can take. But I think what we need to do is call conclusion on that discussion and then move onto the question of what other stuff we're going to tackle. And then I have to agree with Steve, everything's on the list and we just have to have that argument. I think we need to get down to the substance here because I think that we're wasting an enormous amount of time. I am just about done coming to these meetings if this is what we're going to continue to do every week. Thank you.

Chuck Gomes: Me too. Greg, go ahead.

Greg Shatan: Just briefly...

((Crosstalk))

Greg Shatan: Yes, no, new hand. Just briefly it sounds like we're actually in violent agreement that we're done, that the public data set is the thing we're working to populate. The thin data set is an existing data set. And let's get to work on populating that public data set and we have - it seems that we have agreed at minimum it includes the thin data set. And let's talk about the rest. And then I think we can all...

((Crosstalk))

Chuck Gomes: Okay, I have...

((Crosstalk))

Chuck Gomes: Okay I would like to do that. Is there anybody that has a strong objection to using the term "public data set" at this point in our work? Please raise your hand or speak up if you have a strong objection and be prepared to explain it. Okay, I thought we could get to that in about a couple minutes. I'm always wrong on those things. All right so we will use the term "public data set" instead of - wherever we have used thin data in our conclusions. And we will use it going forward. And please, everyone, understand that may and probably will change in terms of what elements are in that, that's what we're going to be working on. Okay, got that one done.

The next sub-item under this one is review the poll results. Now most of you have probably seen that Lisa prepared the poll results in a little different format this time because the regular format, which I'm sure we'll go back to on other polls, didn't serve the purposes well. You can see the results up there and we're going to start with Question 2 which is a - I think a fairly easy one. Okay?

Now there were a lot of comments on that. I thought the comments were, for the most part, very constructive. And also there was a lot of good discussion on the list. And the basic thing we're looking at in Question 2, "Should the expiration date be removed from the public data set" that we have now? And the overwhelming argument in my opinion and the leadership team's opinion is, is that no, it shouldn't be removed.

Now there were people that didn't agree with that. But the evidence in my opinion, and the leadership team's opinion is, is that the - data elements, the expiration date should be left there and that we shouldn't spend any more time on it at this time. So if anybody wants to comment on that or you can. I'd rather not, unless it's really necessary, spend more time on this. Great discussion on the list and good comments in the chat. And you can look at those and so rather than belaboring this one, I would like to conclude it at this point in time.

And I don't know whether we even need a poll to confirm that. Staff, or other - or vice chairs, do you think we need a poll for this or can we just declare an end to this one, in other words, that the expiration date will remain part of the public data set. And that's a conclusion from the - will be a rough consensus conclusion of the working group. I guess we probably should put a poll - well, Alex, does anybody think we need a poll to confirm this conclusion? Just raise a green checkmark - put a green checkmark if you really think we need a poll.

If nobody's concerned about that, we will obviously state it in the minutes for the meeting, and the conclusions, and great, I love it. No poll. Okay on this one. Not that I'm opposed to polls but it's probably - okay, thanks Lisa, like the way you worded that.

All right, let's go to Question 3, "Should DNS SEC be added as a public data element?" Now, Andrew, I hope you don't quit us because you make great

contributions. But I understand the frustration. What I would ask you do, Andrew, if you'd be willing, is to share the reason you shared, I don't know if it was in the meeting last week or on the list or both, why it would be helpful to have the DNS SEC information in the public data set.

Andrew Sullivan: Well I thought initially that that Jim Galvin made this argument. But to me, it's just like the name server data. And the only reason it wasn't an historic feature of the Whois was that DNS had been invented yet. So, you know, if we could magically go back in time to the ancient days when, you know, people still knew how to use a terminal window, then DNS SEC data would most surely have been among the elements that were in the original Whois data and they would have been in the registry database that VeriSign operated and Network Solutions before that and so on.

That just would have been the way it was because the purpose of this thing was the troubleshooting tool and the DNS SEC data gives you that because it allows you the secondary check. Remember that when you're doing troubleshooting what the RDS allows you to do is look in the DNS and look in the registry and see whether there is a gap between the registry and the DNS.

And in a distributed network, we want to push that troubleshooting out as far as possible to the edge and so we have these tools that allow people to detect that problem and then they can contact the relevant operator and say hey, you've got this problem or else they can say, I mean, this is the other problem, if they detect that there's nothing wrong between the registry and the public DNS, then they can detect that there's something wrong on their end and then they can fix it locally without bothering everybody on the Internet to try to fix things. So that's the reason that this is valuable data.

If, however, we are going to hang up on adding this DNS SEC data I am perfectly content to put it to a later discussion so we can, you know, we can have that fight later just so we can declare consensus on this thing right now.

Chuck Gomes: Thanks, Andrew. This is Chuck. So based on the poll results I don't think we need to put it off. But I'm going to go Greg. And then Jim Galvin, if you'd like to add anything, and I apologize if I gave credit where it wasn't due and left you out, but after I go to Greg, if you'd like to add anything, Jim, I'd be more than happy to have you do that. So, Greg, go ahead. Greg Aaron, are you on mute?

Greg Aaron: Yes, hi, Chuck. This is Greg.

Chuck Gomes: Okay good.

Greg Aaron: So DNS SEC was first put into an RFC back in 1999 and as soon as registries started to use it, it eventually did become part of the thin record. And you can see it in thin records at VeriSign right now. And that's in the contracts also. So it's been the thin data element has been published for as long as it's been implemented. And it's required to be published right now.

As Andrew said it has utility for helping people understand what records are signed and you can do diagnostic work and so forth, so it useful. Stephanie had asked the question in the poll, does it hurt anybody? And the answer is no. So there's - also you can obtain this information by doing a DNS query. So it's already out there.

So the only objection I think there is, is that you can't get it some other way and I'll respond that an RDS is a good place to also have this information because it reflects what is in the registry and it's useful to have so there's no reason to withhold it. There's every reason to publish it. Thank you.

Chuck Gomes: Thanks, Greg. Appreciate that. This is Chuck. And Jim doesn't have anything to add to what has been said. So let me just ask, are there - is there anyone on the call who has a strong objection to adding DNS SEC information to the public data set? And I'll say this one more time, I hope it becomes

unnecessary but that means the conclusions we've reached previously about thin data will now apply to the DNS SEC information as well. In other words, it would be accessible without authentication and stating purpose by the requestor, those kind of things.

So all right, so we have another rough consensus conclusion that will go into the record. We've added two today and I'm going to assume that we don't need a poll on that one either. The results in this week's poll were super strong, in fact it was almost unanimous I think the results on that.

So we come now to Question 4. Now this Question 4 was kind of a listing of all the elements except the newly added one. It also included the expiration date that we already made a conclusion on. But there were some other elements that were suggested. And what I'm going to suggest if there are no objections, is the - is that we deal with those as we move forward. Okay?

And so there were several other suggestions so I'll ask staff to see if - make sure we don't forget any of those other items, other data elements. And of course you guys can keep - all the members can keep us honest on that and make sure we don't forget those. Are there any objections to proceeding that way with the other category? If you look at the chart that Lisa did it's on Page 3, I think, of the - in Adobe there. If you look at that chart you'll see those categories. And the results were pretty strong on all of them. The one where there was a little bit more objection was expiration date, which we already covered today. And then the other category is the one I'm talking about.

So and then, again, a lot of good comments on that. If anybody wants to elaborate on your comments or have any questions you can do so. Greg Aaron, is that a new hand?

Greg Aaron: Yes, it is, Chuck.

Chuck Gomes: Go ahead.

Greg Aaron: I think it would be really useful for the group if somebody could circulate a list of the fields that are currently published in Whois excluding the contact data. In other words, the thin data fields by the way. The list that was in this poll was actually missing a few. I mentioned then in my poll response, but it would be nice for everybody just to see what's currently out there. And I think it would be very easy also for the entire group to then agree to that list because it already exists. Thank you.

Chuck Gomes: Thank you, Greg. I'll ask that to be an action item for staff to circulate, if they have any concerns on that they can raise them now. And so - and by the way, I think - and Greg, you probably remember this, last week I think it was Marc Anderson that also brought up the issue of the current list of thin data so it's a good follow up. Okay?

All right, so with that done, we're done with our poll results. And we can go onto purposes for thin data, which we started a long time ago. I don't know how many weeks or months it was. But let's bring up the information - the handout for that, which I think all of us have probably seen before, but if we can bring that up now in Adobe that would be great.

Lisa, do you need some clarity in terms of what Greg Aaron was asking for? I note your comment in the chat. If you do, go ahead and speak up and let's make sure you have any clarity you need and I see that Greg Aaron is typing as well. So and Greg's referring to the 2013 RAA. Everybody I think knows that....

Lisa Phifer: Chuck, this is Lisa Phifer.

((Crosstalk))

Chuck Gomes: ...that's not the RAA out there but, Lisa go ahead.

Lisa Phifer: Yes, this is Lisa Phifer. Just to clarify, so a specification of what is thin data, for example, the one that we've been working from from the thick Whois, doesn't include the additional elements additional elements that were listed in the 2013 RAA. Some of those are non-contact data and so arguably are part of thin data. But what you would you actually get when you query a domain name depends to some extent on the registry and the domain name itself.

So we'll circulate the 2013 RAA with the additional elements highlighted that are not contact data and I think that satisfied Greg's request.

Chuck Gomes: Okay thanks. Yes, okay. Thanks, Greg. And thanks, Lisa. So now let's take a look at what's on the screen now and we want to try and work towards completing our deliberation on the question on data elements for the public data set. Every time you thin data you're going to replace it with public data set. I'm trying to do that, okay?

And the - so we've taken care of Slide 1 here. Okay. And you can scroll down to Slide 2. What is the purpose of each thin data set? Now I'd like to, if we can, and usually we can, but I want to try anyway, is keep this as simple as possible. You'll recall a few months ago we started talking just about the purpose of the domain name and whether it was needed and we got off on some amazing, amazing, I don't mean that in a positive way, discussion about whether we even need a domain name in all cases.

A lot of great work has been done on purposes. The EWG, I think, did some great work. And you'll see that information on this set of slides here that are up right now. They have a table that starts on Page 3 listing purposes, EWG purposes, the collection rationale, the publication rationale, and that was done for all of the elements, except for in the ones we have in the public data set now, I think except for the DNS SEC information.

So we may have to, and I don't recall whether that's in the EWG report or not, but we could certainly fill that in. So what I'd like ask people to do is let's

approach this from a maybe a negative manner, are there any of the purposes in the - that were proposed in the EWG report that you would question or disagree with? In other words, what I'm getting at, can we accept as a starting point, the purposes that have already been identified by some really sharp people in the EWG with a lot of time and effort? And then see if any of those need to be tweaked? Hopefully we can accept them as-is. And if we need to add some, we can. But I'm going to start off that way and see if I can get away with it with you guys on this.

So what are you thinking? Do we need to tweak the EWG list of purposes for the public data elements? Again, realizing that not in the table, I don't think, is the DNS SEC information. So what are your comments on that? Does anybody object to accepting those purposes? Now you've had those purposes for a long time. I know we haven't been focusing on them recently. But you can skim through them now. And we won't finalize this decision on this call; we'll probably - this is probably where - what we'll poll on this week.

But what do you think about the approach I'm suggesting? It would save us a lot of time and it would allow us to take advantage of some great work that's already been done without spinning our wheels and redoing everything. Again, you have the ability to scroll. Anybody have some thoughts you want to share on this? Anybody opposed to the approach I'm proposing? Please, let us know right now.

And I'm going to pause a little bit so be patient if there's some silence so that people can think. Jim Galvin, why don't you start?

Jim Galvin: Thanks, Chuck. Jim Galvin for the record. I just want to ask a question, I think about this, are we going to have at some point in the future more detailed discussion about these purposes so is this just sort of a preliminary you know, let's have some (unintelligible) here so that's one half. The second thing is at some point here at least I would welcome some more discussion

about how important it is to know a complete set of purposes about the public data set in advance.

I know that we might not be able to have a complete answer here to that, but, you know, privacy regulations of various sorts, you know, have all kinds of rules that are coming to bear on us that are certainly going to influence some of our work a bit now and obviously absolutely in the future. But I'm wondering how complete a list this needs to be and, you know, and so that just sort of bears on whether we have to have a list at all. So those are just two questions to put into the discussion. I hope I'm not moving things off track. Thank you.

Chuck Gomes: Thanks, Jim. This is Chuck. Let me share my opinion. My opinion is that we should never assume we have a complete list. The Internet is much too dynamic to ever think that we could come up with a complete list that won't change. So my answer - and if anybody disagrees with me, I encourage it - is that that no, we don't - we shouldn't expect to have a complete list. But considering both what we're seeing in the - in the Europe jurisdiction and also even what the approach that the EWG took with regard to purposes, I think it's important for us to show some purposes. We assume that they're - it's complete. I'm saying no, we shouldn't.

But I think we do need to show valid purposes for collecting and accessing the data. And the table that the EWG did is very good. Now back to your point on are we going to go through these one by one? I'll be very frank with you, I'd rather not because that'll take us months, okay. And do we really gain a lot of value from that? I'd rather approach it from the point of view if there are any that anybody has concerns about, let's talk about those and accept the rest.

Now my approach is a lot faster but if it doesn't work it doesn't work. Okay? So that would be my response. And I think I've responded to the questions you asked there, Jim, please let me know if I didn't.

Jim Galvin: Yes, you did, Chuck. Thanks. Jim again for the record. Let me try to reframe the question that I have in my mind and say this a little bit differently. I believe - I'm expecting in this process that we really only need one process in order to meet one purpose - I'm sorry - one purpose you know, to meet the collection requirements, one purpose to meet the publication requirement, you know, that's what the privacy requirements seem to be, the path that they're headed down and that they need.

So I worry in general the context of providing any kind of list. We might want to provide a list for information purposes but past that it feels like, and I could be wrong here, and I welcome some other discussion and opinions here, you know, why would we need to have more than one and we should identify what we think is the dominant most important publication and collection rationale rather than at all trying to create a list which, you know, as you say, Chuck, is likely to change with time; there's no expectation of it being complete, you know, that kind of thing. So thank you.

Chuck Gomes: Yes, before I go to the great queue that's formed, Jim, it's Chuck again, the concern I would have about just giving - there are two concerns I have about just identifying one. You know how hard it is in this group to agree on something like that, which one's the most important. And I won't even belabor that.

Secondly, I would fear that if you just have one then somebody may ask down the road, whether it be a data commissioner or whoever, that doesn't want something displayed they'd say well, a lot of people are not accessing the information for that reason, they're doing it for other reasons. So I think it's a little safer to have a list as long as we make it clear that list is not intended to be comprehensive. So let's go to the good people that are in the queue. So Greg Shatan, you're first.

Greg Shatan: Thanks, it's Greg Shatan. I think that Volker's notes in the chat kind of point to the question that was in my concern, and maybe in Greg Aaron's concern too which is that maybe, and I don't know if this is the case, under some privacy laws, the purpose for collection has to match up with the purpose for use and the purpose for access. So that if you have Purpose A for collection, that data can only be used for Purpose A accessed for the Purpose A. I don't know if that's the case but I think that's at least been represented as being the case with certain privacy laws.

If that is the case, that doesn't mean that at some point, and maybe this is not the point, we would have to exhaustively define every purpose for which the data might possibly be used or accessed by a registry registrar or any third party, governmental or nongovernmental as long as it's a legitimate purpose.

From a technical standpoint, all we need is one purpose. So the question is do we need to and when do we - and if so, when do we need to, you know, collect somehow the entire list of purposes so that the person providing - and it would need to be a human person - providing the data, you know, knows the purposes for which their data is being - will be used and purposed. But that assumes a legal conclusion that so far is not in evidence, at least not to me. Thanks.

Chuck Gomes: Thanks, Greg. And Chuck again. Before going to Vicky, note how easy it is to jump ahead to elements that we haven't talked about yet. Keep in mind, and I think Andrew this made this point in a comment a little bit earlier in the chat, is that that right now we're talking about purposes for the public data set, so it's a little bit simpler. But let's just keep that in mind. And we're going to - I hope very shortly get into those others, okay? Vicky, your turn.

Vicky Sheckler: Thank you, it's Vicky. And I'm generally agreeing with Andrew and Volker in the chat. You know, as a general principle, when we're thinking about personal data, we do need to think about the purposes for use and

disclosure. I don't think they need to be consistent but they have to have some rationale purpose generally under privacy principles.

That being said, I think we've already identified the purposes to a great extent for thin data generally and we've also identified that this stuff isn't really personal information so I think we don't need to think about it so much if at all anymore for thin data. But as we move onto other data, we do need to think about purposes beyond one purpose. Thank you.

Chuck Gomes: Yes, well said, Vicky. And I think we all know that. Once we move beyond what we now call the public data set, and we haven't ruled out that some other elements will become part of that, okay it'll be more challenging. Thank you. Roger.

Roger Carney: Yes, hi. This is Roger. And I think a couple points on this is, you know, I don't know if it's an exhaustive list that has to be made. One of the things about one purpose is, is what happens to that purpose no longer exists going forward, does that mean you can't collect that data anymore? So if you have multiple purposes, you know, it'll allow for collection of that. Along that line, I think that - I guess a question to this group is, is are we defining purpose from whose standpoint of collecting?

And what I mean by that is are we trying to define the registrar's purpose for collecting this? Are we trying to define the registry's purpose for collecting this? Is that onus on them? Should this group be worried about just the ICANN purpose for that data or purposes? Again, a question, not necessarily trying to direct anywhere. So thanks.

Chuck Gomes: Thanks, Roger. And as you might guess, I particularly like what you said because part of what you said expressed my concern at the beginning of this discussion in the fact, you know, we may be able to get by with only one purpose but by listing more as long as we admit that it isn't assumed to be

complete, it allows a little more flexibility and breadth to our recommendation so appreciate that.

Jim Galvin, go ahead.

Jim Galvin: So thanks, Chuck. Jim Galvin for the record. And thanks for the points in the chat room and of course in the discussion that we've had here. I guess just to go on record here, my view is, is that I'm much more inclined towards, you know, minimizing this final product. I guess I'm not sure what the downstream consequences are and where we are. I appreciate what you said, Chuck, about it can be hard to get consensus on singular items. So being able to give examples of lots of purposes you know, certainly does speak to that particular concern that you would have as chair which is most definitely a concern and I do appreciate that.

On the other hand, you know, we've seen some discussion here even in the chat room you know, Andrew is pressing on this point in particular but, you know, once the data is out there, you really can't control what people do with it. So I'm struggling with understanding why we at all need to enumerate you know, multiple purposes. And I'm going to just leave that question out there for now. I don't expect you to do anything with it, Chuck, for the moment.

I don't have any problem listing examples. I would, you know, what I would do in this process is at somewhere down the road when it's going to become a formal part of something, it'll depend on where we stick all these examples as to whether or not I raise this question again. I'm interested in making progress at the moment on things, and maybe this will sort itself out. So I hope that's helpful and at least I'm clear on how I feel about this. Thank you.

Chuck Gomes: Thanks, Jim. This is Chuck. A couple follow up questions to you. So hang in there, please. First of all, are there any of the EWG proposed purposes that you would disagree with as a valid purpose? And secondly, what is the harm of listing multiple purposes as long as we agree that they're valid purposes?

Jim Galvin: So thanks, Chuck. In response to your first question, you know, it's a public data set, I have no issue with any purpose you might be inclined to put on the list. You know, I had the one in particular in my own mind that I think you know, justifies the public data set. And that's namely all about (unintelligible) operation and abuse mitigation on the Internet and all of the elements that are there seem to apply in that context and I think that those are fundamental and basic consistent with, you know, our charter, ICANN's bylaws, commitment in general that the community has to the Internet at large, etcetera.

On your second comment about what are the consequences of listing them, I worry about the issue of - the kind of administrative things that have been mentioned here. I'll categorize them that way. You know, what if we misdefine a purpose? What effect does that have downstream? What about purposes that become obsolete with time? What about purposes that get missed? You know, if we're going to have a list it feels like there have to be some rules about how the list is managed so how do I add things to it, you know, that kind of thing.

And then lastly, I worry about what a list - having a list of purposes how that impacts on the ultimate privacy requirements we're going to meet. If we start listing purposes I mean, I'm just thinking out loud here, what if the privacy requirements you know, start to - they carefully evaluate all of your purposes and then they - it brings additional rules to bear or what if they change their requirements because they're different when you have multiple purposes than singular purposes. You know, I mean, I have no idea what might come down the road.

So I worry about making this more complicated for ourselves than we need to, that's the only downstream consequence that I see. Thank you.

Chuck Gomes: Thank you, Jim. Anybody else want to comment? Okay, Chuck again. So staff or vice chairs, help me out if you'd like; feel free to jump in. But we have the list of purposes for the public data set, except for DNS SEC, right now. Jim is kind of suggesting there may be disadvantages to listing multiple purposes. I'm suggesting that maybe there's an advantage to that. Where are the rest of you? Think about that and respond. And let's go to Lisa.

Lisa Phifer: Lisa Phifer for the record. Thanks, Chuck. I just kind of wanted to replay how we got to the table Slides 3-7 of the handout that we're looking at which was during our face to face in Copenhagen, the sort of overarching agreements that we have such as thin data being needed for technical issue resolution, wasn't seen as detailed enough to explain why those data elements were really needed.

And so my understanding of the - of what happened next was that Andrew had proposed for each thin data element a description of why it was necessary, why do we have to collect it? And because now we decided it's public, why do we have to make it public. And so I think that's the gist of Slides 3-7 is trying to drill into that question on the data element by data element basis.

Chuck Gomes: Thank you, Lisa. And let's - so take a look again at the table, okay, and in particular the work that Andrew initiated I think it was via an email several months ago on this very topic. And so, you know, and that's what's shown in the table, okay, the - it was a table that was merged from Andrew's purposes and detail in the EWG report. And that's what we're talking about here. So you have the four columns, okay. The thin - it's called thin data element in the table, the public data element, the EWG purpose, the collection rationale and the publication rationale.

And what I'm trying to do here is find out are we - can we as a group kind of support this as-is? Or do we need to go through any parts of it and dig down a little deeper? What do you think? Vicky, go ahead.

Vicky Sheckler: I think that, you know, perhaps a way to go is to say that unless anyone objects in the next week we will take the EWG recommendations from the purposes as our baseline. Imagine, you know, people want to have a chance to read through it one more time...

((Crosstalk))

Chuck Gomes: Good suggestion, Vicky. And for sure, we need to give people a little time because it's not a short document. And would you include in that suggestion I mean, obviously we're not just talking about the EWG purposes but the collection rationale and publication rationale that's also included in this table that Andrew prepared.

Vicky Sheckler: Yes, and what's in the table. Thank you.

Chuck Gomes: Good. Okay, I was pretty sure that's what you meant by I didn't want to presume that unfairly so okay. So that makes for a good poll question I think. Now it'll be (unintelligible) some reading so and this is not - this is too big to put in the poll so people - we'll have to provide a link in the poll to - in this. And Lisa, you usually create the first draft of the polls, do you need any clarity in terms of what the poll would ask with regard to this table?

Lisa Phifer: I'm sorry, Chuck, could you repeat that request?

Chuck Gomes: So the suggestion - I've made a suggestion and in following up to what Vicky just suggested, that we poll the working group membership on whether or not - and I'm not sure this is the best wording - whether or not we accept the things in this table, the purposes, the EWG purposes, the collection rationale, the publication rationale for the public data set elements as-is or are there elements that need a little - we need to dig down on a little deeper? Did that make sense?

Lisa Phifer: This is Lisa Phifer. Yes it does. And so let me repeat it back to you in a slightly different way to make sure we've got it. So for each of the thin data elements that are listed, we would ask whether the EWG purposes that are listed are accepted, and if not why? We'd also ask if the collection rationale and publication rationale are sufficient and if not, why?

Chuck Gomes: Well, I wasn't going to break it down in that much detail. Now maybe we need to and we'll let the members on the call help us out there. I was going to take - tackle it as a whole; is this table with its four columns, and the elements in those columns, acceptable as-is by the working group? Or are there elements of them that we need to dig down in further? And then I would let them list the elements. If we go - if we look at each data element separately and each column separately, etcetera, it's going to be a huge poll, which people won't have time for in one week.

Now if the poll results, the way I'm proposing it come back and I mean, the ideal and quick solution is everybody's comfortable with it, that's terribly naïve I'm sure. But that would be really easy. But if they identify certain elements that they'd like to probe a little bit further, then we would follow up and probe on those elements and discuss those. Did that make sense? Go ahead.

Lisa Phifer: So there are seven rows in this table. And I think if we poll on each of the seven rows we can get comments back that are a little bit more granular than polling on the table as a whole but yet still result in a workable poll.

Chuck Gomes: And I'll let the members on the call decide. Is everyone comfortable with that approach? Anybody not comfortable with that approach? I'm fine with going that approach. If you are uncomfortable with that approach, put a red X in the chat or speak up if you're not in the chat - in Adobe. So Stephanie, you're not comfortable with that approach? You're on mute so if you would explain that would be great. And, Ayden, you're not comfortable?

Who wants to raise their hand first? Ayden, you want - explain why you're uncomfortable with that and what you'd do differently? Okay, we're not hearing from Stephanie or Ayden. Red Xs without explanation are not accepted. I'm being a little bit facetious but we need you to explain yourself. Still not hearing from Ayden or Stephanie.

I'm - okay, Stephanie, your red X went away. I guess possibly from Lisa's explanation. Ayden, yours is still up. But if we can't hear from you or see anything in the chat we're just going to go ahead and proceed with this direction. So I'll allow a little bit of time if you want to put something in the chat. Stephanie, go ahead. You're on mute so - okay, there you should be good.

Stephanie Perrin: Stephanie Perrin for the record. I'm really quite confused as to what we're doing at this point, Chuck. And I do not believe that we can accept the EWG purposes as stated. Lisa did explain what she meant by purpose, i.e. the permissible purpose column. I've explained to everybody's nausea how this would be regarded from a data protection perspective and if we don't want to go there then we're not going there. That's why I - I still had to register an objection, I can't say this is great. But I don't think people actually want to understand how this would be regarded from a data protection perspective so, you know, thanks.

Chuck Gomes: So, Stephanie...

((Crosstalk))

Chuck Gomes: Stephanie, I need to probe a little bit here. First of all, you're aware that these all for the public data set. Are you aware of that? Stephanie? All of these elements in the rows, each element in the row, is part of what we've agreed to call the public data set as defined now, not future potential items. Are you aware of that?

Stephanie Perrin: I thought we were looking at the EWG report - between trying to follow the chat and trying to follow the reference here without dragging up the EWG report, I'm confused.

Chuck Gomes: Okay. Focus on the table, please? Okay, the table that's in Adobe. Elements of it came from the EWG report, elements came, I think, from Andrew inserting some things there.

Alan Greenberg: Chuck? Chuck, it's Alan. What page of the Adobe display are you looking at?

Chuck Gomes: Starts on - I think the table starts on Page 10.

Alan Greenberg: Thank you, just wanted clarity. It was Alan speaking.

Chuck Gomes: Well, of course I know your voice well but others probably didn't so that's - thanks, Alan. So we're talking about that table. Lisa, jump in please.

Lisa Phifer: Sorry, I had to get off mute. Lisa Phifer. So the - I do see that there's some confusion here and there's two different tables that some of us have been referring to. There's the table on Pages 3-7, which is the table of thin data elements and the purpose and collection and rationale - collection...

((Crosstalk))

Chuck Gomes: And my apologies, I meant the - that one. My mistake. I wasn't looking closely enough.

Lisa Phifer: Okay, so that's what I was assuming we were talking about...

((Crosstalk))

Chuck Gomes: Yes, you were right and my mistake.

Lisa Phifer: So that's what I thought we were talking about. And that has a column that lists EWG purposes. Now if you want to know what, for example, domain name control meant, the tables that are on Pages 10-12 do describe each of those purposes a little bit more. But that's...

((Crosstalk))

Chuck Gomes: Okay, I forgot that there were tables in here.

((Crosstalk))

Chuck Gomes: So, Alan, it starts on Page 3. And Stephanie, it starts on Page 3. And it goes to Page 7, 3-7 is what we're talking about. So Stephanie, are you saying that there are elements in that table that you don't think apply to the public data set as we define it now? If so, what we will be doing in the poll is asking each of you to identify any of those elements. So I'm real puzzled as to why you would be opposed to this approach. Same with Ayden. Okay, rather than continue to belabor this, let's go - oh, see there was - okay, so I'm glad - I'm glad we got the clarity.

Someone had suggested in chat or in email I think a few weeks ago that we just accept the EWG report as a whole. And I rejected that outright. We couldn't do that; there's too much in it. Okay, and that is definitely not what we're talking about now and I apologize for the confusion in that regard. So I'm reading that we will take - that it's fine, we don't have any more objections, I think is what I'm reading, to using this approach in our poll this week so we will do that.

Okay, now where are we at in our agenda? So let's see, I need to look up in the agenda area so Item 2C was the purposes of thin data and that's what this table is all about. Okay? Now Alan Greenberg, go ahead.

Alan Greenberg: Thank you. Isn't the question right now not do we accept the EWG report as a whole but do we accept the rationales for collection and publication of the thin elements as identified in the EWG report.

Chuck Gomes: Yes, precisely.

Alan Greenberg: You know, asking people to identify errors, places where they disagree and having the group deliberate on those I think would be a more concise way of doing it.

Chuck Gomes: That's, okay. That's what we're doing. What am I missing? So the poll would list the seven items in the table starting on Page 3 and people would be asked whether they agree with those and if not, to identify elements that they question. Is that different than what you just said, Alan?

Alan Greenberg: With the addition that you want to ask are there are any additional rationales that people want to add.

Chuck Gomes: Oh yes.

Alan Greenberg: But yes.

Chuck Gomes: Yes, of course we'll have to - and maybe in the poll we should ask for that at the same time because it'd probably be easy to do at that time, so that's a good point. And also we have the one data element, DNS SEC information that is not in this table so I don't know the best way maybe to ask for two or three volunteers who would fill that in or if it's in the - if there's something in that - in the EWG report it could - it could be pulled from there as well. Lisa, go ahead.

Lisa Phifer: Chuck, if we're going to poll this week we have to get the poll together today; I don't think we have time to spin off an effort to reframe things.

Chuck Gomes: Okay, that's fine. We can follow up with that later. And plus we really don't want to make the polls too big because all of us have other lives and that are very busy so we want to make it realistic for people to respond. Okay. So, Lisa, use your best judgment on that and in terms of the first draft and we can follow up with other things later. Okay?

All right, is there anything else we need to cover today with regard to the purposes for thin data? Okay. Then we don't have an update on Agenda Item Number 3, the four - the proposal from Rod and VA because they did get a response back from ICANN staff but it wasn't very helpful so they're going to have to continue working on that. You'll recall that had to do with one of the statements we made many weeks ago now.

So I think that the - let's go over the action items that we have from this meeting, if one of the staff members can go over those with the group please? And you can use the notes to do that.

Lisa Phifer: Chuck, I think you've asked staff to go over the action items? I'll do that now.

Chuck Gomes: Okay thank you.

Lisa Phifer: So we have the proposed agreement on adopting the term public data set, which I think did - I'm not sure whether we agreed that we needed to test that in a poll this week or just go ahead and use it.

Chuck Gomes: On which one?

Lisa Phifer: To adopt the term public data set.

Chuck Gomes: Well, we can - I thought there was no objections on the call. I think just accepting that, we could debate it and look at more ideas and again, I think there's better ways we can spend our time so unless somebody strongly objects to my decision here I would say we don't poll that.

Lisa Phifer: And just to note, there was some objection to it in the chat.

Chuck Gomes: Okay. I've done a better job on the chat today but I didn't see that. What was the objection?

Lisa Phifer: Rod Rasmussen actually voiced an objection.

Chuck Gomes: Rod, could you communicate that so I don't have to scroll back through the chat? Rod Rasmussen, are you still on? Looks like you are.

Rod Rasmussen: Yes, I am. I had to get my mic set up on my computer. Can you hear me?

Chuck Gomes: Yes, it's a little bit...

Rod Rasmussen: Can you hear me?

Chuck Gomes: Yes, I can hear you but it's not real clear.

Rod Rasmussen: So I'll be brief. Rod Rasmussen here. Yes, it's in the chat. My problem was that if we define a specific set of data as the public data there are other data elements which may either by the direction of a registry which is unique, or more likely due to the nature of the domain holder and their contacts, they may want to publish more data elements than that, quote unquote, public data set in the unfettered access area so to speak. So that, you know, for example, a company will likely want to have much more data published publicly without need for gating or anything so that they can take advantage of anti-spam checks and things like that.

So my proposal is to call it the minimum public data set instead of the public data set. If we call it - they have a set of elements whether it's a dozen or 15 or 2, you know, it just so that there is the ability to add additional ones by choice of the domain holder, that's my point. Thanks.

Chuck Gomes: Oh thanks, Rod. And I hope everybody got that. Either you were too close to the mic or something but it wasn't coming clear - coming out terribly clearly. But if I understood correctly, you're suggesting that we call it the minimal public data set. Did I get that right?

Rod Rasmussen: Correct, yes.

Chuck Gomes: Okay thanks, Rod. Anybody object to adding that word on the front, minimal public data set? And again, if you had trouble hearing, I think it was you know, the point was is that in certain situation with some registrars, registries or communities or something, they might actually display more but from an RDS perspective, the minimal public data set is what we're talking about. I hope that that - that I captured that correctly.

So and Greg Aaron put it in the chat and I thought Greg Aaron's description was good in the sense that it was - which means a list of fields that will always be public no matter the TLD. Okay. No objections, I better scroll back up in my - or scroll through the Adobe. Yes, so no objections to adding that word. So that's fine so we'll accept the - Lisa, go ahead.

Lisa Phifer: So we're going to accept minimum public data set as the working group agreement without polling? Correct?

Chuck Gomes: Unless there - is there anyone on the call who thinks we need to do a poll on that? If not, we'll accept it. Please put a green checkmark in the Adobe or speak up if you're not in Adobe if we think we need to do a poll. Okay, I'm not seeing anyone so, yes, let's - Lisa, let's accept it with the new add-on of a minimum and thanks for pointing that out.

Lisa Phifer: And you asked us to review the other agreements from today and action items. So we agreed that DNS SEC would be added to that minimum public data set; staff has an action to circulate the 2013 RAA showing the additional

data elements that we'll consider as part of our ongoing deliberations, not right now. The working group - we have a working group agreement that today's registration data elements classified as thin, that is the minimum public data set we just defined, are sufficient at this time. And we have an action to draft a poll question regarding the tables on Slides 3-7 and the purposes and rationale given for each thin data element, so I suppose that's each element in the minimum public data set.

Chuck Gomes: Okay. Any action items missed? All right, then let me give a brief update of the legal review. You'll recall after we got the answers back from the European privacy - the senior European privacy experts, several of you requested that we have an independent review. I sent a message out yesterday in that regard, hopefully all of you saw it, if you haven't you can look at that, I won't reread that. But we are proceeding and trying to get that going this month so that we can use fiscal year '17 funds.

You'll note that we have five advisors that the leaders have - was able - were able to get - volunteer to help to advise us so that we have people from different perspectives helping us as we do this, and it's got to be done very quickly to get in the - get it into fiscal - at least started in fiscal year '17 so that is - we are moving forward or hoping to by the end of the week narrow it down to one firm and go ahead and try and finalize an agreement with that firm. So that is proceeding. And we will keep you updated on that as we get more news.

And last of all then before we adjourn, Marika, you want to give the group an update on planning for Johannesburg again and where we're at on that?

Marika Konings: Yes, this is Marika. I think in the meantime, information has been shared by the secretariat team in relation to the meetings that have been scheduled for this group which is on Monday in the afternoon, the cross community discussion and on Wednesday morning, the face to face working group meeting. So we should have the details on where that takes place as well as

where you can find the remote participation details for those of you that may not be able to participate in person.

In addition, the leadership team has been working on the structure for the cross community discussion which will basically focus on soliciting input from the broader community on the agreements that have been achieved to date and in order to do so the proposed structure is to basically divide it up along the different - that we have been discussing and have presenters from the working group giving a brief update on where things stand and what the rough - or the preliminary agreement consensus agreement is on that specific issue followed then by a community input - input and debate. So I think that's where things currently stand.

Chuck Gomes: Thanks, Marika. Any questions on that? Just curious for those in - still in Adobe, how many are going to be able - if you could put a green checkmark if you're going to be able to attend the meeting in person just to get a - just for my own interest, if you could put a green check in there that'd be great. And we get Xs, that's good if you're not going to be able to. And hopefully, I know the hours won't be great, but some of you that can't attend in person will be able to participate in the sessions. Certainly the working group session would be great if you could participate in that.

I think you'll find the cross community session interesting if you're able to do that one and our main objective there is to allow the community to give their feedback and ask questions regarding the tentative conclusions that we have reached over the last several months. Okay.

Certainly look forward to seeing some of you there. And we of course have what is it, one more meeting and next week's meeting will be on the 21st at the alternate time so please be aware of that. Are there - yes, Klaus, go ahead. You're on - there you go.

Klaus Stoll: Sorry, just - I pressed the wrong button. Sorry, apologies to everybody.

Chuck Gomes: Oh okay. All right, anything else before I adjourn? Thank you, everyone. A pretty productive meeting, I believe. And look forward to the meeting next week and then seeing some of you in person in - and again, those who are not going to be there in person in Johannesburg we do plan to move forward in our in person meeting and take advantage of that time so don't know whether we'll be in the - what we've been calling thick data by then but we might be so if you can at all participate I hope you will.

That said, thanks again and let me take a last look at the chat, make sure I didn't miss anything there. Have a good rest and watch for the poll. Hopefully it'll come out later today. And shouldn't be a surprise at least to those of you who are on the - in the meeting today. Meeting adjourned. The recording can stop.

END