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UNIDENTIFIED FEMALE: Good morning, good afternoon, and good evening to all. Welcome to the Privacy and Proxy Services Accreditation IRT Registrar Subteam meeting on the 16<sup>th</sup> of May, 2017, at 14:00 UTC.

In the interest of time today, there will be no roll call. I would like to remind all participants 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 will turn the call over to Amy Bivins.

AMY BIVINS: Hi, everyone, and welcome. This is Amy Bivins from ICANN staff. Today I'm going to provide an overview of the first draft of the Applicant Guide, which we created in response to your initial input on the accreditation process a few weeks ago. I sent the document around on Friday. Hopefully you've all received it.

Back in April, we began discussing the process of evaluating privacy and proxy service providers and accrediting them. We gave you an overview of the registrar accreditation process because that was referenced in the final report. We wanted to provide an overview of that process as a starting point for our discussions.

During that meeting and in a related poll, you told us that ICANN should adopt a process similar to the registrar accreditation process, so that's

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

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what we started with in creating this document. Many of you recommended that the process could be streamlined where possible for providers that are affiliated with registrars. So that's something that we'll be talking more about.

You told us that completion of an educational program should be a prerequisite to a provider being accredited. This is one point where the process will be different than for registrars because, for registrars, there is a required educational program, but it's not required until after they sign their accreditation agreement. So that will be different for the privacy/proxy accreditation process.

Finally, you told us that we could potentially have some sort of initial application window, which is different than what we do for registrars. [They] handle the initial rush of applications that we're expecting, but you told us that there should not be any sort of eligibility restrictions on that window. For example, eligibility should not be limited to providers that are affiliated with registrars or in any other way that would potentially exclude providers from being able to apply at the beginning.

With those thoughts in mind, we went away and drafted this first version of the Applicant Guide that we'll be talking about today.

Okay. With the Applicant Guide, if you haven't had the chance to look at it yet, you'll see that the document includes a description and an estimated timeline for the additional application window. It also includes a list of high-level accreditation criteria – just a second. Steve is asking, "This is the full IRT meeting and not the meeting of the Registrar

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Subteam?” That’s correct. Yeah, sorry about that, Steve. We just had the wrong text in there. We’ll correct that.

So the Applicant Guide includes a list of high-level accreditation criteria and also a list of sample accreditation application questions. We’re going to provide an overview of that today. We’re not going to go through the questions line by line. We want to give you an overview of what the document is so you can take a look at it and provide your feedback over the next week or so.

So we’ll walk through the document today, and then we’re requesting your feedback. We want to hear any comments you have on this document regarding any aspect of the document. Especially we’re hoping to hear from you about the proposed evaluation criteria, the proposed process and timeline for the initial application window, any areas where you think the application process could or should be streamlined for registrar affiliates, and, finally, any area where you think that implementation adjustment might be needed for providers that are not affiliated with the registrar.

Those words, “implementation adjustment,” were used in the final report as a means to identify areas where we might need to have different processes or criteria for non-affiliated providers. If you believe there are areas where you think we should thinking about adjusting our processes for non-affiliated providers, this would be the time to be thinking about that when you’re looking at this document.

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Okay. I'm going to put this document up on the screen so that you can see it. The document should be unsynced, so you should be able to scroll. If you're not able to scroll, please let me know. Or, Michelle, can you double-check and be sure that they can scroll? I have an issue with that sync button sometimes.

Okay. Thank you for letting me know, guys.

Okay. This document is the first cut that we took at designing an Applicant Guide. Ultimately, once this document is finalized through discussions with you, this will be part of what we put out for the public in terms of the information and for the community about the application process. We're anticipating that, eventually, when we go to public comment, this document will go out for public comment along with the accreditation policy and the agreement later this year, hopefully.

The first part of the document just has a high-level executive summary which introduces the program. In that, I would encourage you to pay close attention to the definitions of proxy and privacy services because I know we've had some discussions in this IRT about what those words mean. The definitions that are in this document now are modeled off the language in the final report, but some of you told us that the way the words "privacy" and "proxy" are used don't always reflect what's happening in the market. So if you think that we need to take another look at these definitions, please let us know. We can take another look and discuss them further

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Okay. Next, the guide goes through a proposed timeline for the initial application window. I want to warn you that the timeline will likely change based on our work on the criteria, but we wanted to give you a more concrete proposal to look at so that we could have something more substantive to talk about because I know it's difficult to talk about this in the abstract.

In terms of the timeline for the initial application window, we're proposing that, on the initial announcement date, which we're calling Month 1, we can post the final accreditation agreement, the policy, and the application for accreditation. This will be similar to the announcement date for all policies. When ICANN announces a final policy, there's a bit of a waiting period. This is where this waiting period would start: Month 1. So we would post everything. Applicants would have a chance to see the application and know what they'll need to answer and what they're be evaluated on. Then there'll be a waiting period before they start to submit applications.

Theo? You raised your hand? You can go ahead.

THEO GEURTS:

Thanks, Amy. Is there also going to be a portal where you have to file your application, just like with the registries back then for the gTLD round, where you just log in and fill all this in and supply all your documents, blah, blah, blah, etc., etc.? Thanks.

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AMY BIVINS: Thank you very much for the question, Theo. In short, that is a question that we are still trying to figure out internally: how we're going to manage that process in terms of the infrastructure. There will be a process for submitting the application. What that process looks like and what the actual technical process looks like remains to be determined, but we're working on that internally and hope to have more information for you and the rest of the IRT and the community in the short term as far as what that will look like.

Greg, your hand is raised? You can go ahead.

GREG DIBIASE: Hi, Amy. I had a question. If a privacy proxy provider misses the initial window or defers, what happens to their registration? Can they keep their registrations under privacy proxy, even though they're not accredited, or do they have to drop their privacy proxy until they reapply? I guess that same question goes to privacy proxy providers that miss the initial deadline. Are they allowed to keep their WHOIS as privacy-protected until they apply? What's the procedure there?

AMY BIVINS: Thank you, Greg, for the question. Obviously, that is a complicated question that we need to discuss as part of this IRT. Obviously, in publishing this document, we're not envisioning that, as of the day the application window opens, there would be some sort of date where providers that exist now can no longer service their customers. We've had some discussions about that in the IRT already, and we have to

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figure out to handle this process because there are existing customers and it will take time to onboard them. We're envisioning that there will likely be – obviously we need to discuss this with the IRT and the broader community and figure out exactly how this is going to work – some sort of delayed enforcement period. For example, what could happen would be that the final requirements are posted but they won't be effective until some date in the future to provide time to get providers onboarded.

With respect to the issue of providers potentially missing the application window, that is an issue that we need to discuss. We'd be interested to hear the IRT's feedback on that. Obviously, it's something that we have to figure out because there has to be a cut-off date at some point, or else providers don't have an incentive to become accredited. What that cut-off point is, I don't know. I don't think that we know internally, and we want to discuss that with you, the entire IRT, to see what you think is reasonable in terms of a time period here because obviously the goal is to get providers onboarded. The goal here isn't to disrupt service, but we need to get the providers accredited because that's the goal of the program: to get them onboard.

Steve, your hand is raised?

STEVE METALITZ:

Yeah. I think you do have a deadline here. It says, "Month 6: Deadline for Applications." As I understand this, between Month 6 and Month 12, an entity could not apply. If they missed a deadline, then they have to

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wait until the program maintenance phase. So as it stands now, that's the deadline, isn't it? A provider that hasn't applied by that deadline is subject – once the compliance phase kicks in, registrars shouldn't be accepting registrations from that provider. I think that's the way you've structured it here. I think six months ought to give ample time.

That's obviously not the only way you could structure it. You could keep the window open continuously, but the way it's set out here is that the deadline is six months, and, if you miss that, until the window opens again, you're not going to be eligible for accreditation. Therefore, your registrations shouldn't be accepted. Thanks.

AMY BIVINS:

Theo, your hand is raised? Thank you for that, Steve. I'll respond to you after Theo has had a turn to comment.

THEO GEURTS:

Thanks, Amy, and thanks, Steve. I think you touched upon something important here. I think, if that would be the case, then we would make sure that we have some kind of solution there because I think there are going to be some people very unhappy if we somehow get into a process where providers cannot apply for it and cannot accept registrations. That's not going to go over well with some folks in the community, I guess, if we can't provide them privacy due to some procedural reason. I understand where you're coming from, but I'm also looking at the other side of the coin that we might run into issues during the comment period. Thanks.



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AMY BIVINS:

Thank you, Theo, and thank you, Steve. Steve, you're correct that the proposal that we have in here was our initial attempt to try to draw a line. But, obviously, there are additional issues because it's not just the accepting of applications. It's also that there are existing registrations that are with these providers as well. So that would be an issue we'll also have to sort out because providers that are operating now have customers. So the question will become: what happens to them if they don't apply within the given period in which they are required to apply?

In the document that we have put out for discussion, what we're proposing here, and what we want to hear back from you on – ultimately we will be asking the community this, too – is asking, “Do you think the three-month period is reasonable? Do you think this would be an adequate way to handle the situation of having a finite period of time where providers have a responsibility to apply for accreditation if they want to continue to offer the service?”

If you don't think that's reasonable – Theo, you mentioned that, from your perspective, that may be a challenging situation – if you can think of other solutions, we are definitely open to them. This is not to say that this is the staff's recommendation for how the process should go, necessarily. We just wanted to put something out for discussion to see what you think. We're very open to your suggestions on this.

Does anybody else have comments about this topic?

Okay. I'm not seeing any hands. Theo, it's a good point. It requires some thinking. Obviously, this is going to be an ongoing discussion because it's going to be a challenging process to figure out how to do this. So the more discussion we can have, the better. This is just the starting point of the discussion.

Okay. With the timeline, the way we have put it out in this document, we're proposing to have a three-month window where we will be accepting applications. At some point, this application window would close. We propose to keep it open for three months, so in Month 6 it could close. In Month 6, we would be processing these applications, so we wouldn't be accepting more. We would be trying to get through the initial round of applications as efficiently as we can to get these providers evaluated, and, if they meet the criteria, then accredited.

As you'll see, with the timeline, in terms of what happens after Month 6, when the application window closes – or whenever it does close – our discussions surrounding the criteria for evaluation will have a significant impact on how long it takes to screen the providers after that point.

For purposes of discussion at this point, we're proposing that we could possibly be able to finish processing these applications by Month 12. But I'll warn you that this is an extremely, extremely arbitrary number and that it could change and likely will change, depending on our discussions surrounding the criteria.

Again, we're proposing, in Month 1, we post the application and the contract and the policy. In Month 3, we would begin accepting

applications. All of these applications would need to be in by the end of Month 6. In Month 9, we are proposing bake in a formal update to the community to let the community where we are in the processing. That doesn't have to be the only update. We thought it was important to bake in at least one formal update so the community knows they will be updated on the process and the status. If you think more updates would be better, we obviously we can bake in more formal updates. We wanted to emphasize that we think it's important to update the community on the status.

Month 12 – again, we're proposing that that could be the end of the preliminary application window, depending on where we land on the criteria, which we'll be talking about in a minute.

Regardless of where the date falls for the end of the preliminary application window, we're proposing to immediately transition to a rolling application period or an ongoing application period in the way that we do for registrars. So it wouldn't be a situation like it was for new gTLDs, where you have applications and then they're processed and then there are months or years before we accept more. We would immediately transition to a rolling application period.

I want to pause here to see what you guys think about this very-very-much-in-draft-form timeline. In terms of overall process, what do you think about this? Do you think that three months is enough time to accept applications? Do you think three months is enough time before opening the application window?

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Okay. Theo says it looks good for now. Steve, your hand is raised? You can go ahead.

STEVE METALITZ:

Yeah. Just to be clear, it's really five or six months because you publish in Month 1 and it'll say, "This is the application. Here's what you have to do." You won't open the window immediately, but basically everybody will have five or six months during which they can prepare their application. That just seems to be ample and maybe even more than needed. But certainly I think it gives people plenty of time to get their application together.

Correct me if I'm wrong. It's really a six-month period, as I understand it. Thanks.

AMY BIVINS:

Hi, Steve. Yes, that's accurate. You'll see when you get a little bit further into the document that one of the prerequisites to completing the application process will be completing this educational program that we will be developing that we talked about a couple weeks ago. Depending on what the program looks like, it may be difficult for providers to wait until one day before six months to apply because they may need some time to do the educational program. But in general, yes, from announcement to the date when the application is due, it would give them six months.

Roger, your hand is raised?

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ROGER CARNEY:

Yes. I think this is okay. I guess my one question is: why wouldn't we allow, to Steve's point, providers to start as early as they can? It looks like, by this timeline – and I think it's one of the things here that we could probably be a little more clear on – a two-month education prep period in Month 1 and 2. In Month 3, they can start applying. Is there a reason why we wouldn't allow them to start applying as soon as they wanted to?

AMY BIVINS:

Thank you for the question, Roger. In short – I drafted this myself in consultation with the Ops Team – my thinking behind this in drafting this was that, generally, ICANN provides some sort of notice period when a policy or new contractual requirements are posted before contracted parties are required to comply with them. So that was one piece of it: to give providers time to fully understand the requirements before they're required to start applying.

The other major aspect of it is that, on the ICANN side, we're going to need time organizationally to ramp up and to have the infrastructure ready to being processing applications. So there will be a period of time after we know the final requirements where we'll be building the evaluation processes. Obviously, now we're preparing, but we can't completely finalize the entire process until we know what the final requirements are. We won't know what the final requirements are until

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after we get through public comment and announce them. So we'll need a period of time internally to ramp up that process, too.

Does that help, Roger? Does anyone else have comments or questions on that?

Greg, your hand is raised?

GREG DIBIASE:

Sorry. Just to follow up on what Roger said, when you make the announcement, presumably you're going to already understand what the requirements are. I guess I'm just reiterating Roger's question of: why not just allow registrars to start submitting applications after the announcement as opposed to having them wait three months and then submit? If you guys start reviewing them at Month 3, that's fine, but giving the whole six months just seems like it gives more time for registrars to submit.

AMY BIVINS:

Thank you, Greg. I'll take that back and we can go through it internally. Your mention of possibly receiving applications before we begin processing them is also definitely something that we can consider. So I will take that recommendation and we will discuss it and bring it back to discuss more with you guys on a future call. It does sound reasonable and I see your point about providing more time or letting the providers apply if they want to as soon as the requirements are announced.

Does anyone else have comments on this? This is helpful.

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Okay. So that was it on the timeline for the initial application window. The next item in this Applicant Guide document was just a brief mention of the program maintenance phase, which is to ensure it'll just be the routine processing of applications that will begin to occur after the initial application window. So that description itself was fairly short. We'll be doing the same type of screening. It'll just be on an ongoing basis.

Okay. The next item in the guide is a list of proposed accreditation criteria. This is a really important piece of the document that we want to hear your feedback on. I know we're not going to be able to go all through the criteria today, but I encourage you to look through the document this week and provide your feedback, especially considering the discussions that we've had about similarities to the registrar screening process.

You'll see that the criteria align fairly closely with the registrar evaluation criteria. We encourage you to look at these and think about whether you think these criteria make sense in terms of the scope of the services that a privacy proxy provider is offering.

Theo, your hand is raised?

THEO GEURTS:

Yes. Thanks. I'm looking through these criteria and they look fine, except that I'm looking for the tier-three data center certification. We got registrars in underdeveloped regions, and I'm not sure how it all works done there, but I find that tier-three data center certification is

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something like a huge step to take for something like a privacy [via] service. That sounds kind of steep. You cannot really compare it to – of course, we could agree that what goes for a registrar goes for a privacy service. Now, I'm not sure if we want to mess around with this, but I found it was kind of high for some regions in this rule. But if they also apply for the rest of the rule, I don't see a problem. Just thought I'd point it out. Thanks.

AMY BIVINS:

Thanks so much, Theo. This is exactly the sort of feedback that we're looking for here. This requirement is copied and pasted from our evaluation criteria for registrars, so that's why we included it here. It doesn't have to be here. So the feedback on this point and all the others is helpful.

Does anyone else have comments about that piece of the evaluation criteria regarding the data center certification?

Okay. I encourage you to look at these criteria this week. I'll read through them quickly, but I know it'll probably be helpful to have some additional times to think about these and whether these seem to be appropriate evaluation criteria for screening privacy proxy providers.

In the document, you'll see that the main criteria for evaluating privacy proxy providers that we're proposing are, first, that an applicant should demonstrate that they understand the policy and contractual requirements. Also, applicants should have sufficient capital available to support their privacy and proxy business. The third criteria that Theo



already mentioned was that applicants should be using at least a tier-three data center. The fourth one is that applicants should have robust and scalable operations that are capable of handling the volume of customers they're expected to have. We'd be asking about their business plans and comparing their business plans to, for example, the number of employees they have and their customer service offerings and their overall infrastructure.

Another criteria would be that applicants should have reliable and readily-usable data backups and that applicants should have an adequate number of employees to handle their operations. This, again, would be compared again to the proposed scope of the business plan that they're presenting in the application, just to see whether the number of employees appears to be reasonable in light of the scope of the applicant's business operations.

Finally, applicants should also be able to demonstrate that they have plans in place for the occurrence of security breaches, natural disasters, and infrastructure and business failures.

We anticipate that this one will be a very important one. It is the registrars screening process. This one, in addition, I think will be very important in terms of where an applicant is not affiliated with a registrar, being able to demonstrate plans for if the provider goes out of business or is de-accredited – what the provider's plans are for taking care of those customers and given the goal of protecting the customers' privacy to the extent possible. We will be screening that pretty closely, or at least we're proposing to.

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Does anyone on the call have comments about these criteria at this point? If not, obviously we'll give you a good week. If you need more time, we can give you more time to look at them, too.

Okay. We look forward to your comments on these this week on the list.

The remainder of the document includes a draft application for accreditation. This piece of the document is most of the reason why the document is relatively long. In the document, you'll see it tracks pretty closely to the current application that we use for registrar accreditation. We're asking you to review this draft application and provide your feedback on the questions that we could potentially ask if we were to follow the process that we use for accrediting registrars.

It would be especially helpful when you're looking at this application and the questions to hear any areas where you think that ICANN could streamline the process for registrar affiliates. There was some discussion a few weeks ago when we first started talking about the accreditation process that there may be areas where registrar-affiliated privacy or proxy providers should not be screened, potentially, because they're already complying with the requirements of the registrar.

The questions that are in the draft application we believe are modeled fairly closely to privacy proxy requirements. We've reworded them a bit, but if there areas where you think we could potentially streamline and not ask as many questions for registrar affiliates, please let us know that.

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As importantly, if you believe there are any areas where you think more screening may be needed, especially for providers that are not affiliated with registrars, that would be very helpful to hear from you as well.

Finally, if there are areas when you're reading through the application where you think that we should consider using the educational program as a means to reduce the number of application questions – for example, if we did some sort of educational program where the applicant has to take a test at the end – that could be one way where we reduce the number of questions in the application. If you think that would be appropriate, please think about that possibility when you're looking at this application and provide feedback on that and, obviously, anything else you would like to identify areas for further discussion, please do.

You'll see that this is quite a lengthy application. Just keep in mind that the more questions we have in an application, the longer the evaluation process is going to take and the more expensive it will be. This is not to say we should not be asking all these questions. We just want to go into this with our eyes open and be very clear that, if you think this level of scrutiny is needed, we'll do our adequate due diligence. So we just want to be clear that this will take time.

Greg, your hand is raised?

GREG DIBIASE:

Hi, Amy. Just a request. Is there any way you guys can do a comparison to the current registrar accreditation? You said you pulled this primarily

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from the current registrar accreditation process, but it might be helpful for me at least to see if there are places where this goes beyond the registrar accreditation agreement or in which it say, "All right. That registrar requirement isn't applicable here." I think that'd be interesting to align with A) what registrars do not have to provide, given our current accreditation, and just to see the variation between the two processes.

AMY BIVINS:

Sure. Absolutely, Greg. I can do that, and it won't take a significant amount of time. I should be able to get it out to the IRT this afternoon or, at the latest, in the morning. I'll just do a compare document and send it out the group. Thank you for that suggestion. We will do that shortly.

Does anyone else have questions or suggestions? Eric, your hand is raised. You can go ahead.

ERIC ROKOBAUER:

Yes. Hi, Amy. Thanks very much. Yeah, I think, going back to the comments you made about the possibility of having some way of streamlining, it'd be interesting to see if we can find a way of maybe removing the background screening if the applicant does say they are affiliated with the registrar. Maybe there's opportunity, whereby saying in their application that, if they are affiliated with a registrar, it gives staff the authority to review what that registrar mentioned and that's

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how they can do the screening. Then you can quicken the process, the application. Thanks.

AMY BIVINS:

Thanks, Eric, for that suggestion. We will take that back and discuss it. I can tell you now that, during the registrar screening process, sometimes we face this issue where we have a registrar who has applied for accreditation and already is accredited who applies for new accreditation. So that's something where, if the registrar or the entity hasn't been screened within a certain period of time, we would not rescreen them. If that process were to be applied here, it would certainly beat [out] the process. That's something we can bring back for discussion and talk about process and criteria for that. Thank you.

Alex, your hand is raised?

ALEX DEACON:

Yeah. Good morning. I thought Greg's comment or suggestion was a good one. I was thinking something similar. I'm wondering if we could maybe map this document, the guide, to the policies that were agreed on in the final report of the PPSAI, just to make sure we know that we have all of the things covered that should be covered in the guide that we've agreed to in the final report. Thanks.

AMY BIVINS:

Thanks, Alex. We can certainly do that as well. It may take slightly more time for me to do that this week, but shouldn't take a significant

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amount of time. I will do both of those and get them out to you within the next day or two.

ALEX DEACON: That's great. Thank you.

AMY BIVINS: Does anybody else have ideas or suggestions for ways we can make this easier to review, or just general questions or comments?

Okay. I don't see any hands. This was all that we had on our agenda to discuss today, so I can give you back roughly half the meeting time so you can go and review the document if you'd like.

Thank you for your suggestions today. They've been incredibly helpful. The action items for me: I'll issue a comparison of this draft privacy proxy application and the registrar application. I'll map this to the policy recommendations. I'll get that out to you in the next day or two.

We have requested that you submit your feedback to the list on this document by next Monday. If you need more time, that's fine. We can extend the time period. I just chose Monday since we have a meeting next Tuesday. But if you need more time, just let me know.

Our next IRT meeting is scheduled for next Tuesday, the 23<sup>rd</sup>. I will be distributing information about that meeting by the end of this week. Based on our discussion today and based on your feedback on this document, it could be that we continue to discuss this topic next week.

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If not, we'll let you know what our topic will be for next week by the end of this week.

Does anyone have questions or comments before we wrap up for today?

Okay. Excellent. Thanks so much, everyone. Have a good rest of your day.

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