
CCWG-SO/AC ACCOUNTABILITY SUBGROUP

Thursday, July 27, 2017 - 13:00 to 14:00

>> Cheryl again. A minute has passed and we have more than our requisite 5 so we might as well start and hopefully a few of our group will join us to go through the beginnings of the meeting. So if we can get the recording started, please. Thank you.

>> This meeting is now being recorded.

>> Thank you. It's Cheryl again. Let's just get started with the usually administration involved in these meetings. First of all Steve and I would like to welcome you to our 26th meeting of the workstream 2 support organization advisory committee accountability working group. We've got a slim but nevertheless important agenda for today's call and what we'll need to do to begin is do our usual request to people let us know if you are only on the audio, if you're not able to join the adobe connect. Let us know now. Not hearing anybody, we will take the roll call from the Adobe Connect room and I will now ask if there's anyone who needs to make an update with the statement of interest. Not hearing anybody tell us they've got a change in their employment or some substantial matter that may affect the working with us, so we'll now move beyond the basic administration and ask if there's anyone having looked at the draft agenda that wants to make a proposed change to our agenda. Excellent. I do like silence in these circumstances. So, now I'll ask if there's anyone to nervous they have any other business that they want to raise. We will be asking for any other business again at the end of the call. Good. Efficiency. Thank you everybody. I'm going now go to Steve for the bulk or important parts of today's call. The first thing we're going to do on our agenda is very briefly notice at our last meeting we had excellent discussion and some comments discussed and developed based on the public comments and discussions at the meeting in Johannesburg and an action item

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after that, two things. One some edits are going to be made to our documentation. That was done and promptly distributed to those and repeated earlier today. And that is the main reference documents for today's call and the other action item was to make any comments and interventions we might want to make in the intervening time to the global doc and I believe that Steve will correct me if I'm wrong that we didn't get any, if we got any substantial comments on that. So Steve over to you to bring us up to speed on those documents and we will move straight into the business for today which is beginning of the conversation for good practices. Over to you Steve. Can we get an audio check, Steve? Because I'm not hearing you?

>> STEVE DELBIANCO: How about now, Cheryl?

>> Perfect. Go ahead Steve.

>> Thank you. Steve here. Thanks everyone for reviewing the modified report pursuant to the last call that we had. Brenda has displayed in Adobe the red line.PDF I circulate first about 10 days ago and again yesterday. There were no comments on the Google doc or that I saw on email among our group. So this is the last call on these comments because we're going to be looking at this document in its entirety before we recommend it to the full plenary in the next couple weeks. But it would be best if people had any questions about the changes in the red line in front of you that we try to get those out of the way before we move to today's substance call which is to look at the public comments of changes that some have suggested to our good practices. I will remind you that in this particular document, the one you have on the screen right now, we changed best practices to good practices and put it in brackets to show that it's a temporary term. I did update our track 2 recommendations which is not to recommend mutual accountability roundtable and on track 3 we didn't change our IRP recommendation,

but we went further to explain that the openly buds office is the appropriate place and they are chartered to handle challenges to an action or inaction. So I thank Herb for his help with that. I think right now Cheryl I would be happy to take a cue from anyone who wants to comment on these changes and if not we'll be able to move ahead.

>> Thanks, Steve. Cheryl, for the record, waiting for anyone to step forward or put their hand up for the cue.

>> Herb, you and Sabastian pay attention to 1 about the ombuds office and the end of the report. Cheryl seeing no hands I think we're probably

>> Let's move on Steve. We're good to go. Thanks to you, Steve. Over to you again.

>> All right so I'm going to scroll ahead in this report to the section of track 1. As far as indicated we have public comments in the document I recirculated yesterday. This is a document that Bernie prepared for us summarizing the public comments according to the tracks of the report which makes it easier to work a track at a time rather than to take one particular commenter and run around that report to find where it belongs. So if you're able to look at track 1 on the screen, I'll scroll down to that. We only really need to look at this table, folks. The table that appears right here on pages 6 and 7. In that table all the recommendations that folks were commenting on and we only have 5 comments on track 1 that we would need to get through today. Cheryl and Farzaneh would it be appropriate where I could describe the suggestion by public commenter then we would all debate how we want to respond? Would that be all right?

>> I think that's a good way forward, Steve. Cheryl. What about you Farzaneh?

>> FARZANEH BADI: Yes, thank you Steve. I think that's a good effort.

>> STEVE DELBIANCO: All right. So the ISP internet service provider and connectivity provider that's a constituency in GNSO. They had reservations, one key item and the recommendation 4 under transparency. I will scroll the screen up. So take a look on the screen. You will see transparency number 4. Regarding meetings and calls, the ISPs believe everything we have here is perfect for face to face meetings but they believe that for conference calls which is the majority of constituency meetings, but for conference calls the default should be members only and of course the chair could open it up to general public on a call. So just to reiterate we have written both meetings and calls should normally be open. The ISPs are suggesting the face to face meetings should normally be open and that we would add that conference calls of the constituency or group should normally be closed. Happy to take a cue on that. Cheryl, please.

>> Thanks Steve. I know I am actually cueing. Cheryl for the record. And I'm cueing because I want to clearly make sure everyone realize says I'm now speaking as a way of channels on behalf of the larger advisory committee and community. I think perhaps on this we may want to have a small variation to the proposed text which may indicate something on the lines of unless otherwise annotated or outlined in the rules of procedure of the advisory committee or support organization. And then go on to the proposed text. My reasoning is that while this may work perfectly well for the ISPs and various other components parts of the ICANN community and in particularly the GNSO the at large advisory community work in the exact opposite. Whereby default in our rules, absolutely everything is open, all conference calls, et cetera, et cetera unless we deliberately go in camera and we have rules as to how we report about what happens in in camera. So I want to make sure our group was aware of that and while I've got the microphone I should note one of the reasons I'm doing that is that normally

the one leading the charge is traveling home from his annual vacation so wherever ease driving around ease not able to join us. So he owes us an apology. Thank you, Steve.

>> STEVE DELBIANCO: Thank you for that Cheryl. So what we would like to note is if we were to modify this good practice for the ISPs we would be going into the opposite direction from the A LAC. Did I get that right?

>> Cheryl again. Yes, Steve I think that is correct but we can manage that with appropriately drafted text.

>> STEVE DELBIANCO: Okay. Let's go next in the cue. Greg Shatan.

>> GREG SHATAN: Hi this is Greg for the report.

>> Sorry I was next in the cue.

>> STEVE DELBIANCO: Farzaneh I missed you. My bad.

>> FARZANEH BADI: I just wanted to make the point they are actually saying they're recommending at the stakeholder group and constituency it makes sense that the meetings won't be open. So they don't have a problem with transparency by default at the SO and AC. They think it should be transparent by default and I think what they're arguing is whether we should have a transparency rule by default or whether it should be closed and then the chair can make the meeting open. And for we have transparency by default and the chair can decide whether to have a closed meeting. I think ISPT is arguing the other way around but as Cheryl said we could say that these good practices, they should not go against operating procedures of groups. And if groups have in their operating procedures that they will have closed meetings

unless otherwise stated by the chair then that might be an option. But I for one prefer by default the meetings being transparent and open and if the chair sees that in some circumstances it should not be they close it. But it might be good for businesses and other groups. Thanks! Thank you. Greg.

>> I think here there is no good practice. I think it's equally appropriate to have an open or closed meeting of the SG or constituency level. I think stating one thing is a good practice and the only is stated in the procedures. Tips the balance one way or the other. Speaking in my role as President our meetings are membership meetings except at the actual ICANN meetings and we have closed meetings as well as open meetings at those meetings. So, I don't think there should be a prejudice or preference in either direction for this. So I would put a bit of a variance on the ISP's suggestion and just think whatever we have here should be basically straight down the middle. And say SGNC meetings can be either open or closed at the discretion of the group. Either in their rules or as they desire. Thanks.

>> STEVE DELBIANCO: Thank you, Greg. You sound like you're mobile. Perhaps not looking at the actual recommendation. But in the context of what are called good practices we say meetings and calls should normally be open. So we are being normative about what we think is good. We are not neutral in our recommendation. Now, the very next sentence says when a meeting is determined to be members only, that is to say a meeting or call, that should be explained publicly and we give typical reasons, not the only reasons but typical one. So we do bias towards openness being the good practice. But then acknowledgement that the ACSO group can close it but should do so in good practice, the reason, and it should publicly state that reason. So you're not just discussing how you feel about the ISP's recommendation,

you're expressing a recommendation with a recommendation we approved earlier. Do I have that right?

>> GREG SHATAN: That would be correct.

>> STEVE DELBIANCO: Thank you Greg. Christopher.

>> Hi, good afternoon. Thank you, Steve, thank you Cheryl. I'm not comfortable with the ISP's suggestion of I know which subgroups I'm a full participant of and usually manage to make their conference calls. But there have been several instances where one or other subgroup of which I'm not a full participant have raised issues to which I have participated through email and through contact with members of the group. And when those particular issues have come up for discussion in a conference call I have made an effort to join that conference call without any wish or aspiration to become a full member of the subgroup. So I'm going to read carefully the text that you just referred to, Steve. It's 30 pages long in small print and I'll get to it very quickly. But, [Indiscernible] sort of reserve I would not like to be excluded from a conference call in another subgroup if there was an issue which I was particularly concerned with. Thank you.

>> STEVE DELBIANCO: Christopher it's on page 6 of our document and also in Adobe if you happen to be online. And our plenary

[speaking at the same time]

And our plenary support, this is a good practice. Under the good practice we've already supported the business constituency could say the following meeting is going to be closed or call and at that point you would not be eligible to get in. That's the way the world work today

for many of the constituencies. So you have the privilege of getting into any open meeting or call. But the way it works today if the AC or group decided to close the call you could not get in. So you might be over stating the status quo.

>> Okay I get it. I've never been excluded from a meeting I really needed to participate in. So I'll see. But I just did not want to have a general principle that conference call could be closed. Thank you. I'll read the document and come back to you.

>> STEVE DELBIANCO: Thank you. And Christopher I will ask you to keep in mind the way things actually work, today. Then separately looking normatively about what we're saying our good practices are not required, but they are good, we are preserving the discretion of a group to close its meeting or call and suggesting they do so with public disclosure and that they explain why. And again let me remind everyone that we do have specific text on what these good practices really mean. In other words we are not insisting that they become part of the Bylaws. These good practices must be implemented, instead, the way we all agreed on our last call, the way we all agreed to say this I'm very sorry for the jumping around here.

[echo in audio]

It's not as easy to control as I thought it would be. Here we are on page 1. Every time I touch the cursor it's jumping around everywhere. I'm very sorry for this. What we said is we do not recommend implementation of these practices be required. Nor do we recommend any changes to the ICANN Bylaws. We do recommend the operational standards for periodic organizational reviews conducted by ICANN could include an assessment of good practice implementation. And earlier we had suggested that groups should implement to the extent the practices are applicable and an improvement over present practices. That doesn't really

accommodate the notion that if a group wants to close all of its meetings by default, if an organization review 5 years from now said their operational procedures actually don't match what these good practices are, it would be a legitimate point. It would be brought up in review. We aren't really saying none of these practices matter if your operational procedures say the opposite. I think the implication everyone is that a good practice should be considered by your groups and if it's an improvement over what you're doing you want to change your procedures and your operating procedures. So it's not really it's not really saying that anybody's operating procedures can say whatever they want without regard to the good practices. The good practices are supposed to have some influence over what we think over what a group does. So let's not just throw it out without worrying about the implications. We aren't requiring anything. Nor are we saying everyone should ignore what we've come up with here. All right. Now next in the cue, Greg your hand is up.

>> GREG SHATAN: This is Greg again for the record. I guess I'm thinking back to some of Allen's remarks and sorry he's not here. Maybe I'm misinterpreting them in terms of our thought of good practices versus best practices. But conceptually I think the idea is or was that these practices that this is not one size fits all and some of these practices may legitimately not fit certain groups. So I guess the whole concept of normativeness and that it will be a legitimate criticism that a group is not following the good practices starts to make them sound very much like best practices. So I think we're kind of losing the distinction there with how normative we intend to be. So I think that needs to be taken into consideration in terms of how we're phrasing all of this. Because I'm getting a bit uncomfortable with the idea of kind of basically seems like favored and disfavored practices is how it's kind of breaking out. And I'm not

entirely comfortable with the idea that for a particular group if their practices are different from these practices that they're disfavored.

>> The word disfavored never shows up anywhere. Let me remind you what we agreed upon with the language last time. This reflects Allen's caveat. You see it right on page 8. So, we suggested that the practices documented here could be reflected in the operational standards. They should also reflect recommendations. The groups are only expected to implement best practices to the extent they're applicable and improvement. We do not recommend it be required. The word applicable doesn't mean in conflict. It means if you never have meetings well it's not applicable to look at transparency of meetings. If you do have meetings and we have transparency good practices then it's applicable. You may feel in your opinion that the good practice is not an improvement over your present practice and could explain that easily. Because what we said in this caveat, this was Allen's key caveat right there on page 8. It says whether they're applicable and an improvement in the view of ACSO participants. Not in the view of ICANN hired consultants or some other ACNSO or public comment. But in the view of the group participants. So Greg, I think that should give you some cause to relax. Because we are not recommending that normative, favorable, unfavorable and we are preserving the discretion about what is an improvement and whether it's applicable. We are resorting that discretion to the group itself, the IPC will determine whether they thought this was an improvement. Cheryl's indicating a check Mark. Avri I believe you were on the call when it was put on the table. There were no objections. If you have a concern about it please get in the cue and speak to it. And the answer is yes. Avri noted in chat you could ignore this altogether. It might be pointed out in the review and that would cause you to probably respond in writing as to why you decided it's not applicable and an improvement. Avri go ahead.

>> I wish it weren't so and I don't remember whether I was in the meeting and I'm not really disagreeing with the caveat. I'm just indicating by putting the caveat in we've basically made it a null proposal and one that can be easily ignored. That's all I'm saying.

>> STEVE DELBIANCO: It can be ignored Avri, I hope no easily. That was the balance we sought to strike because if these are in the standards staff uses then they hand those operational standards to the consultant that does the 5 year review, the consultant examines those good practices versus what is actually happening in GNSO in the case of you and I and might indicate there's differences. But their view cannot force under our concept here. The consultant's view cannot force adoption of the best practice.

>> This is Avri again if I can continue. And I'm responding. I think with the assurance that you're giving now to Greg that it isn't even normative, that it isn't even an expectation or something, I thought you were saying that it isn't something one can be judged on because it's not normative. If you're saying that this is recommended but you can do otherwise, i.e. there's a caveat if you really have a good reason, then what you're saying is it is normative but there are exceptions, it's a should not or must. And that's fine. And so, a caveat turns a must into a should and that's fine. But if you go on to say, no, it's not normative, it's not the better practice, it's just something we're saying, then I think we've lost that. Then the caveat has really overcome the recommendation is what I'm saying. I think the caveat is fine as a caveat but it remained a normative recommendation if I understood it before. But, you know, that's all. I'm really trying to understand how we're softening it as opposed to necessarily disagreeing.

>> STEVE DELBIANCO: Thanks Avri. Let me see if I can recap and page 8 is the no useful to be on. In the earlier recommendation we said to the extent they are applicable an and

improvement they should be implemented. That's what we all approved. Then we did two things to it. We added a little bit of permanence to the good practices by suggesting that ICANN staff could put them into the operational standards and I noted where all those come from. Then we added the Greenberg caveat to say that the judgment about whether things are applicable is judgment of the ACNSO group and not the outside consultant. So it's more complex than to suggest whether it's normative. It's kind of normative if there's such a thing as that. And the caveat is mostly about whose judgment applies to the question of whether it's an improvement. So perhaps this is a call to each of you to go to page 8 and read that over, put some comments in the Google doc or respond by email because we do need to get to the next item on our agenda. So we've got off track on transparency because now we're examining the degree to which these are normative or recommendations. If there are no further comments on that I'll look forward to well, Avri, sorry, I don't agree it is much softer than what the plenary approved. Because we have strengthened the degree to which it is examined as part of the organizational review as opposed to an ATRO review. There was a lot of respect putting it in the ATRT and we are saying it can be put into writing in the operational standards and at the same time we added the Greenberg caveat. So I think the change we've made is a balanced change. It's not much softer in my opinion. Okay? We're back to the question what to say about meetings being open and closed. Again, under transparency on page 6, what we had so far was that meetings should normally be open and we indicate the kinds of reasons by which the ACSNO could close the meeting and we tried to comment on both sides of that. And I'm not actually sure where we stand. I will be grateful for anyone that could summarize where we are on this question of meetings. The IPC said they prefer it be normally closed if it's a call. They were fine with face to face being normally open. I heard Greg didn't agree with the word

normally to even be there. And Farzaneh and Cheryl seem comfortable with the way it's phrased right now. Christopher I think that you reserved judgment and will get back to us. Anyone else? Okay. I think we're going to note we have a mixed reply on this one. The next public comment, and thank you Avri. She's noting okay with the way it is.

>> Greg, this is Cheryl. Is that a new hand?

>> GREG SHATAN: A new hand. I agreed with Steve's characterization of where we are in terms of the level of normativeness here. And that we're kind of at the should level overall. On this point specifically before we leave it, I think that the ISPCP, I wish there was one of those members on the call to talk about it directly but the way I see it is that having accepted that these are normative, at least at the level of should, maybe called better practices, then they would rather have their normative practice be the normative practice and have to explain why you're not doing what they do rather than have the opposite. So, that even you have to argue somehow about whether it's an improvement or not and have to make an argument or a reason as opposed to just discretion which at least in legal documents needs you don't need to explain why you're doing it. So, I think that's why the ISPs came out the way they did. My concern was that, you know, or my suggestion was we don't set a normative practice at all. I can see that's, you know, I'm alone in that at the moment. I'm uncomfortable with the ISP's suggestion but I'm also uncomfortable with the opposite. Because, either one is a judgment about what I consider to be membership meetings. And I think the ISPs have kind of done what they've done because they're taking the normative field and playing with it in order to, you know, basically state that their practice which I will say is also the IPC's practice, you know, should be the normative one. So that's the problem of course with making normative statements about groups that have different practices. You're saying some people's practices

are better than others. So, the norm I see Avri said they would like to flip the norm on its head. I don't know what the norm is for stakeholder group and constituency meetings. I've never tried to attend a registrar stakeholder group meeting. So I don't know what the norm is among stakeholder groups and constituencies of the GNSO and how that has played out. So if we're going to make a judgment about stakeholder group at constituency meetings I think we need to be clear about normative about this. And I think maybe we rolled a little too quickly over this. So... .

>> STEVE DELBIANCO:

[speaking at the same time]

>> In case you're not in Adobe, the ISPs said they're fine with the recommendation when it comes to face to face meetings. But they want to flip it on its head for calls. That when they have calls they would normally be closed unless open. All the ISPs are doing is sort of trying to bifurcate recommendation for transparency number 4 so that we would have two sets of norms. The norms for face to face are different than the norms for a call. I think that is their recommendation. I realize the rest of this discussion is completely inbounds and appropriate but it's really not what the ISPs are recommending.

>> I understand what the ISP's recommendation is. I'm saying in a sense it goes too far. I don't think we should be making a normative judgment that meetings should be closed for all groups, that calls, rather, should be closed for all groups. So I'm uncomfortable with that. I'm also uncomfortable with the idea of saying it's essentially a not good practice to close phone calls. So that's ultimately my concern. So I'm not sure where that leaves us. You know, in a

sense I could support the ISP's recommendation that at least puts the norm, you know, takes the judgment away from closed member phone calls.

>> STEVE DELBIANCO: No. No. No. Let's not take judgment away. In both cases whether you're face at that to face or closed the judgment of whether to switch that is completely in the hands at the time of the constituency or stakeholder group itself. It's appropriate for us to respond to comments at the time of the meeting, Greg. Right. So the judgment is all still there. And it's appropriate for us to respond to public comments in a way that shows that we're listening. But I don't think we can go back to the plenary and say on second thought we never meant meetings and calls should normally be open. The public comments we receive don't support a reversal. The ISPs are asking for more fine grain detail between face to face and calls suggesting that they're different. So, I'm less comfortable telling the plenary that 3 or 4 of us got on this call and decided to undo what we all approved earlier and would probably bias against changing it at all if we can't come up with a better reason that's supported by public comment. This is a plenary document but we are the drafting team at this point determining how to respond to public comment.

>> Cheryl here, Steve.

>> STEVE DELBIANCO: Please.

>> Cheryl for the record. I think it brings me back to some extent to exactly what I said in the beginning when I intervened wearing my advisory committee representative hat rather than my co rapporteur and that's in response to this particular public comment. I think we note and recognize their concern and that we clarify that the ability to have internal rules that best suit the entity is maintained, but that the primary directive, the normative, the greatest support

from all of us is that the default be open, they've been keeping with ATRT2 and ATRT1 recommendations as everyone has pointed out. But that we say unless otherwise decided, agreed or enshrined in the rules of operating procedures of the entity that this normative good practice be the case. So it's not giving the open wiggle room which I see everybody is justifiably concerned about. But it allows for let's say what are component parts of one support organizational, be it a very important one. That it is this sort of multifactoral approach we have to take because of the differences between not only the contracted and non contracted party has but then the GNSO but in the subsections of those with the variability of their rules. So I would hate to see that a third and forth level rule set is impinging on an advisory committee or council behavior. But, I'm happy to find text that allows for such variability to still be seen as good practice. Thank you.

>> STEVE DELBIANCO: Thank you, Cheryl. I'm going to move on to the registries public comment because it's related to this topic. The registry's point out and they support the recommendation under transparency. They're wondering how we can reconcile the transparency of meeting minutes with confidential matters that give rise to the closure of a meeting in applicable way. Number 5 under transparency says quote notes, records should be made publicly available and they go on to the next section which is participation where number 4 under participation said, for any meetings be they closed or open the members will have access to notes, minutes and recordings subject to exceptions for confidential matters. So the way we've worded it we probably have an inconsistency and there were others who pointed this out in the past. And we probably need to reconcile this. We said here that the members have access to the notes, minutes and recordings. We didn't satisfy that everyone in the general public has access to notes, minutes and recordings. Then we said subject to

exceptions for confidential matters and we don't actually describe what what are confidential matters. In the third public comment asked us to explain what confidential matters was. Potentially indicating that we point to the same list of reasons that are in the 5 bullet points under transparency item 4, trade secrets, sensitive, invasion of personal privacy, potential harm to security and stability, et cetera. So we had from the transparency group we imported 5 standard reasons for closing a meeting or call and I would submit to you that we would point to the same 5 reasons with respect to the word confidential under participation. That clarification doesn't solve the inconsistency. The inconsistency is under transparency item 5, publicly available notes, minutes and record versus participation number 4 that notes minutes and recordings which is different than the record records, recordings are available to members but not to the general public. So this is partly a reflection of fact that we went through quite an extensive list of operational procedures for all the ACs, SO's and subgroups and they differ because they differ when we boiled them together into the good practices we have inherited an inconsistency. So the dilemma is what to do about recordings, notes and minutes of a meeting if it contained the kind of confidential matters which we acknowledge are appropriate reasons to close a meeting. Cheryl.

>> Thank you Steve, Cheryl for the record. And I did mention it one of my earlier intervention that is in the case of at large advisory committee and the at large community we should include the original at large organization because they are by default open and public as is absolutely every transcript, every recording, every dotted I, crossed T and joke and everything else. It's in perpetuity out there on the internet. However, when they do go in camera they go in camera under the rules of procedure so that they state they are going in camera for the purpose of, recordings are stopped, only those the appropriate members. So that would be perhaps in the

case of the at large advisory committee the ALAC and not other leadership. Or it may be the leadership team if they're talking about personality issues of who's got to be elected to what and why and recommendations and things. But regardless, why the meeting is closed at that time, for what purpose, it is in closed recordings are stopped, no transcript is maintained. There may be separate and confidential notes but they are held separately and then in the public record it could be the member record just as easily, the outcomes of that in camera session is recorded. So it would be closed to the purpose of suggestion of individual nominated for X, Y, Z position, blank space in the record, time stamped within the at large advisory committee met and discussed blah blah blah and we'll now go to a vote. So it allows the continuity of what happened without the detail. Now I'm not suggesting that we need to go into that type of detail. I think what that outlines is that the flexibility of developing good practice within the component parts of ICANN we can manage this. But I would also encourage us to recognize that if one makes something available to the public it is by default therefore available to our members but one could certainly make it available to members and not be a public archive. Thank you.

>> STEVE DELBIANCO: Thank you, Cheryl. On page 18 of our document is the detail we received from ALAC which I believe was submitted by Allen several months ago. And there's no discussion there, this in camera option. It might be in the written procedures but it didn't make its way into the document. All it says about ALAC under transparency is meeting recordings and transcripts are published. It doesn't acknowledge the in camera exception which sort of would take it out of the recording, right, if you turn the recording off, I get that. And we don't clarify whether it's published to the public or only to membership. And so we're still back I mean I appreciate that you clarified for us what it is that the ALAC actually does versus what

we documented but I don't know that gets us any closer to resolving the inconsistency in our own report with respect to if we have allowed something to be closed, if the whole meeting is closed, well then the minutes and recordings include everything that is said. Not just an in camera for a few moments as we discuss a sensitive matter and I've done it that way on other boards I've served on. The way we've written this here is the entirety of a meeting that is closed, that we're not clear about whether the entirety of that meeting is published only to members or published to the general public. And I would say this is probably surfacing a vulnerability in our recommendations that had been caught in the public comment is that we need to reconcile the notion of is the entire meeting closed or only a portion of it. And if they are recordings, minutes and notes taken are they available to the general public or in some cases are we saying it's fine for them to be restricted only to the membership? We have to take a cue on that. I need to see, it's a clarification, not a reversal of what the plenary approved. Avri.

>> Avri speaking. I think that if we do anything it should be parallel. That any section of a meeting and I know this creates a technical issue and I don't want to get into how we solve the technical issue though it's probably doable, but basically if you close a section of the meeting with proper reason, explanation, et cetera as per everybody's rules, then that portion of the recording should also be restricted to that same audience. In other words if it's closed to members then that bit of the recording should only be open to members whether that means stop and start a recording or what have you when you go into closed session. But, you know, one way I've seen meetings start is you start you have a decision at the beginning that one part of the agenda towards the end is going closed and at that point you close recording and

open another and have different distributions. But I think we can come up with something that parallels the other rule. Thanks.

>> STEVE DELBIANCO: Thank you Avri. Farzaneh you're next in the cue but Avri I did want to note in GNSO the stakeholder groups when we close a meeting then the entirety of the meeting includes the kinds of discussion would be redacted as opposed to getting to an open meeting where a tiny segment on it. And that's just a noted difference and would require some significant adjustment if we ended up saying it's the portion of the meeting that is subject to redaction in the recording, transcript and notes. And as a practical matter I don't know who on the ICANN technical staff would go to the portion of the recording and then somehow cut out that audio for the MP3 that's published to the public. I think there was a technical concern there as well. Farzaneh.

>> FARZANEH BADII: Thanks, Steve. Just wondering should we change the recommendation number 5 to be consistent with number 4 that the recording and [Indiscernible] should be open to public unless otherwise stated or like there are reasons and then also we clarify under what circumstances it should be or it can be closed and only available to the members. Just for just to say our practice, what we do is our mailing list [Indiscernible] this is open and we put the recording on the website but sometimes we have closed meetings when there are reasons to have closed meetings such as like when we want to talk about like a candidate for a position or something like that. Thank you.

>> STEVE DELBIANCO: Farzaneh I want to note what you described is exactly what's on page 6. It says meetings and calls should be open to public observation and number 5 says notes, minutes and records should be made publicly available. So you're restating exactly what was

in our recommendation but we need to address the inconsistency between that and what is under participation number 4. Participation number 4 is not consistent with that. All right we have our work cut out for us and there's only 3 minutes left. We aren't going to get it done today. And I would submit we probably aren't going to solve this unless more members of this group do a little thinking and reading and writing between this call and our next call. I would so encourage the members of our group to give it some thought and put recommendations on an email list. I will volunteer to start it. I'm just giving you each a tiny little segment, an excerpt from what the registries have said, what the ISPs have said and we'll try to tee up this inconsistency in a single email and hopefully that thread will stimulate reaction to it and it would be my request that that thread stay focused on the inconsistency between transparency and participation. And maybe a separate thread if you wish on whether the default is open or closed. So with that Cheryl I'll turn it back to you.

>> Thank you Steve. And thank you everybody for what I think has been a useful progression of the fine tuning of our report. [Indiscernible] continuing on with the next few meetings. As Steve suggested let's get some of this work done on the list. Please do interact with the Google doc if you are able to do so and next steps are outlined in the agenda and I don't think we need to review them again now. I do need to assure you, however, and what we might do is transmit to the list if you don't mind Brenda the PowerPoint slide that shows the current time line for a June 2018 work stream project. That's not too much of a problem from our point of view but I think it's important that we are brought up to speed with what will be key milestone dates and meetings times. We will finish our work as the current budget allows. With that I want to remind you all that in today's agenda is the dates and times for all of the August meetings and the next meeting will be on Thursday the third of August at 19:00 ETC and I will now ask if

there's any other business anyone wishes to raise that they weren't able to raise earlier. I don't believe there is. And with that then not seeing anybody raising their hand and waiving frantically to get our attention, I want to thank you all for the time, energy and effort you put into today's call and encourage you to put a bit more time, energy and effort into this work between now and our next meeting and with that we're at the top of the hour and we'll close today's call and stop the recording. Thank you!