ALAN GREENBERG: Hello? If someone is speaking, they're on mute.

UNIDENTIFIED MALE: I can't hear anyone except you, Alan.

BRENDA BREWER: I apologize, Alan. I am speaking. Once again, I will start with the welcome everyone to RDS-WHOIS2 Review Team Meeting #4 on August 3, 2017, at 11:00 UTC.

In attendance today, we have Alan Greenberg, Chris Disspain, Erika Mann, Lili Sun, Susan Kawaguchi, Thomas Walden, Cathrin Bauer-Bulst.

We have apologies from Dmitry and Volker.

From ICANN Organization, we have Alice Jansen, Karen Mulberry, and myself, Brenda Brewer.

I'll turn the meeting over to the co-Chairs. Thank you.

ALAN GREENBERG: Actually, to the Chair. We have a Chair and Vice Chair, as was decided last time.

Thank you. Welcome. Does anyone have any updates to Statements of Interest? Actually, can I confirm with staff that we have Statements of Interest from all participants? Perhaps not. All right, we'll get confirmation.

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.

KAREN MULBERRY: Alan?

ALAN GREENBERG: Yes, go ahead.

KAREN MULBERRY: I was just going to let you know that we're in the process of double checking all of that because there were some changes in the Statement of Interest form, to make sure everyone has the latest. And we will report out on the list to everyone.

ALAN GREENBERG: All right. If it's a new form, I may not have one. So please let anyone know if we don't have Statements of Interest for this particular function.

KAREN MULBERRY: We will do that. Thank you.

ALAN GREENBERG: Okay. Thank you very much. Are there any comments on the agenda or Any Other Business anyone would like to record? Hearing nothing, seeing no hands, we will accept the agenda as presented and go on to the first item.

The first item is a discussion on role of observers. Can I ask, I suspect Lisa but I'm not sure, to quickly review for the rest of the group what the concept of observer is, what implementation has been used in other groups, so we can start a discussion on whether we'll use something similar?

KAREN MULBERRY: Thank you, Alan. Lisa is on holiday today, so she will not be joining us. I will make a valiant attempt to [inaudible].

ALAN GREENBERG: Do we allow that?

KAREN MULBERRY: You know what? She really needed one, so she's allowed a few hours. I will go over the role of observers. I know that the review team itself has touched upon how you want to interact with observers on a few occasions, and we thought we'd bring this all back together for you to have a more concrete discussion. And in particular as you move into your Terms of Reference, you'll need to document how you view the role of observers and how you would like them to interact with the review team.

What you have in front of you is the example from the SSR2 Review Team. In particular, the role of observers has changed or maybe it has been enhanced a little bit under the new Bylaws where as we form review teams, they have some finite boundaries around the size of the

review team itself and the process to become a member of the review team.

The Bylaws do encourage as many observers as possible to become part of the process. Now it doesn't define how they become part of the process. That's really up to the review team and how you want to interact with them or how you want to allow them to contribute questions or comments because they run their separate Adobe room for them so that they have their own chat pod and everything else. So they can talk amongst themselves, but they really don't interact with you until you've defined what the process is you would like that to be.

I know in particular for the SSR2 folks, they take comments from the observer room and read them into the review team record. Our Secretariat pastes them in the chat so everyone can see that. You can determine if you want to consider them, note them, however you want to handle them. There are many different ways you can do this.

What's in front of you is how SSR has documented their interactions for their Terms of Reference on observers. It's also on their wiki page as well so that anyone who might be wanting to see what the review team is up to, they can see [this is] the process for them to become engaged and follow your discussions and deliberations.

Cathrin?

ALAN GREENBERG: Okay, thank you.

KAREN MULBERRY:	Oh, I thought I saw Cathrin's hand up. I'm sorry.
ALAN GREENBERG:	I don't see it on my machine in any case. A question about the mailing list. You said observers can send an e-mail to the review team. Does that mean all observers are on our standard mailing list, or is there some other mechanism?
KAREN MULBERRY:	They have a separate process that we can contribute then into the review team. They don't [inaudible].
ALAN GREENBERG:	How does that get to the review team?
KAREN MULBERRY:	We shepherd it to you.
ALAN GREENBERG:	Okay, fine. It's done by staff.
KAREN MULBERRY:	Yes, as well as monitoring their separate chat room. So if they have a question or comments they post specifically to be directed to the review team – now there again I'm using the SSR2 process – we then post it in the review team's chat so you can see it and read it into the record.

ALAN GREENBERG: All right, or the review team's e-mail if appropriate I presume?

KAREN MULBERRY: Yes.

ALAN GREENBERG: Okay. All right, if I can summarize, essentially we're saying they're operating as a separate group. They're not on our Adobe Connect chat. They're not on our list. There's a mechanism by which they can request things be forwarded to us. I presume we are allowed to subscribe to that list if we want to watch what's going on in the observers list or the observers Adobe Connect room. But other than that, until the volume is such that we feel it is disruptive to our own processes, there's not really much effect. Is that a reasonable summary?

KAREN MULBERRY: Yes. In terms of the experience with the SSR2 Review Team, they've had a few comments come in from the observers and some suggestions on some of the materials that they're working on. But it hasn't been a horrendous amount or overwhelming.

ALAN GREENBERG: Okay, thank you. Erika said in the chat that she thinks Chris and Susan raised their hands. I don't see it on my screen. I see [inaudible] phone

bridge, but I don't see them as raising their hands. Maybe someone else is seeing something else. Good morning, Carlton. Welcome.

I certainly have no problem with accepting that as our current practice with the understanding that should this become an impediment to our doing our work that we may well change the rules or the process, but at this point I have no problem with it. Assuming we are allowed to do that, given we have no experience at this point, I'm willing to accept it. I'd like to hear input from other people if there is input from other people. Otherwise, I assume I am echoing the will of the group. I'll give you a moment or so.

My sympathies to Carlton, yes. Hotels and in fact many homes still have bad connectivity in this modern world.

All right then. Hearing nothing, seeing nothing, nothing in the chat, no one with their hand up, no one calling out, let's assume that is our practice, essentially echoing what the SSR2 group is doing with the caveat that as we find out the impact if any we may have to make a subtle adjustment to it.

Let's go on to the next item, which is the review of the draft Terms of Reference. Now the Terms of Reference is a relatively new document that is now required. It includes, among other things, the scope. I believe I've been told that it also includes a brief history of the scope discussions up to this stage. So as we go through the Terms of Reference, I will ask staff to put particular focus on that part because that will be the lead-in to a major item on our discussion on the scope. I presume Karen is doing this one also.

KAREN MULBERRY: Yes, I am. I thought I would walk you through a little bit of the draft Terms of Reference that we touched upon briefly at the last plenary call to introduce the document to you. It has been sent out to you as part of the package of materials to prepare for this meeting today.

There again, the objective of this document is really to capture what the review team is focusing on [for its] accomplishment and what you want to do with the resources that you have and the time estimates that you think you need to conduct as you frame what it is in the Terms of Reference.

Now it's clearly there just to provide some guidance, but we have in the draft template as the initial draft for you is some examples. You can replace the text with whatever you would like to replace it with. We try to capture best practices so that you in essence have some sense of operations and what should be in there as well as to provide some consistency because this is going to be something that will be used going forward with all the review teams. So if there is a very similar form and format, it becomes easy then for the community to locate information and easy for you to locate information because it will be in a similar format and laid out very hopefully clean and concisely for you.

Now this is just the starting point. It was never meant to be that this is the final document and all you have to do is review and approve it. It is a starting point for your discussion. We've populated it with boilerplate text that we could locate. As Alan noted in the "Mission and Scope," what we have there is the text out of the Bylaws that frames the review

and provides guidance on what the review should focus on. But those are solely out of the Bylaws and the actual scope of the review is up to the review team to determine what that should be.

There again, it is a template. It's divided up into different sections. The first section is just to identify some basic information. So we populated it with text that we located that was associated with this review. There again, you can feel free to change it, modify it in whatever way you feel is appropriate. We just tried to capture text to give you some sense of what populating this section would look like.

Then Section 2 is the "Mission, Purpose, and Deliverables." So it starts off with the Bylaws text, and it mentions what the requirements are. We also have in there for your discussion summary of the Limited Scope Proposal. We've tried to lay out some objectives based on the discussions that you've had to date that we've captured. This is here where you will finalize what you think the scope of the review is that everyone has agreed to, and it will be moved into this section. Once the document itself is done, this is what gets sent to the Board in response to their ask when they formed the review team.

There again, if you go through the different sections, the "Formation, Liaison, Leadership, Other Organizations" that you're going to interact with is another section. What you're decision-making in and methodologies you're going to use is captured there too so everyone has a sense of how the review team members are going to approach these things.

So that's a general overview of the document itself, the information we've tried to capture to at least start your discussion and provide some examples of context for each of the sections or the subsections so you get a sense of what should be in there. Any questions?

ALAN GREENBERG: I don't have a question. I will propose a way going forward at this point. I would like to suggest that, other than the scope which is a substantive discussion that we need to have, that we ask everyone on the review team to go over this document, submit any comments or thoughts they have. I would presume since it has been distributed as a Word document that adding either proposed change text if appropriate or simply comments to the text be submitted in time for staff to incorporate them into a single document for our review for the next meeting two weeks from now.

Does that sound like it's doable by anyone on the call? Essentially that means, I'm guessing, that the work has to be done in approximately a week and a half to give staff a few days to consolidate whatever is received. Erika asks what the deadline is. We can make one up as we go along. It is the 3rd today. The next meeting is the 17th. Karen, if we get it all to you by the 14th/15th, is that enough time for you to do that?

KAREN MULBERRY: The 14th? If you can do the 14th, and then that gives us Tuesday to process [everything and get it back out to everyone].

ALAN GREENBERG: Two full days.

KAREN MULBERRY: Yes.

ALAN GREENBERG: All right, let's say by end of business by Tuesday, but preferably earlier than that, to give Karen or whoever is doing it a heads up to start their work. But let's say the 14th, close of business or 23:59 UTC. Whatever is convenient from a staff point of view.

KAREN MULBERRY: I also want to note, Alan, if I could that in the document you'll see some highlighted sections. That's just to call out specific areas where you might want to – the review team – might want to consider adding text.

ALAN GREENBERG: Thank you very much. I note that under where you now have the discussion on scope, we'll eventually replace that whole thing, the history of it, with simply what we decide I assume.

KAREN MULBERRY: That's correct.

ALAN GREENBERG: All right, then. There's a homework assignment. If you can make sure that goes out to the mailing list to give some clarity so the people who

aren't on the meeting are aware of it. I'm optimistically assuming people read all of the e-mails.

KAREN MULBERRY: We've got it captured as an action item, and we will send out the [action item list] to everyone.

ALAN GREENBERG: Thank you very much. Any further comments? We will go back to this document because it does capture a nice summary of the scope discussion when we get to that agenda item.

                    The next item is review of the overall WHOIS implementation reports. Again, I'll turn to Karen.

KAREN MULBERRY: Thank you.

ALAN GREENBERG: Only having one main resource person on a call is really nice. I don't have to guess.

KAREN MULBERRY: Thank you, Alan. This one is particularly tied to the documents that I sent out earlier to the review team. There are two documents that are produced to track the implementation of WHOIS1 recommendations that were approved by the Board. There is an Executive Summary

document, actually, which has the most detail in terms of the steps that were taken to implement a recommendation. It has links to various activities and materials to show how they've been addressed and how they've been integrated into the ICANN processes and organizational, operational activities.

Then below that, the second document is just a high-level summary. Even though it's called a Detailed Quarterly Implementation Report, that was the old format that we used to report the status of implementation on. Then as a result of some recommendations from ATRT2, we changed the reporting process. So the Executive Summary process took over. But a lot of people found the shortened version, the Implementation Summary, to be of value so we maintain both versions so that they are similar in a lot of content but in some respects one has a little bit more than the other one.

Those are the two documents that were sent out to you to review. Then we are in the process of working with various groups that were a part of that implementation within ICANN to prepare briefings for you. So they can come and show you what they have done to address the recommendation when it was first introduced, how they went through steps to implement it, and what's happening today as a result of that recommendation.

So we hope to have some of those set up for you. I don't know if we can do that for the next plenary meeting, but probably for the one after that we should have at least some of the recommendations prepared so that you can have a portion of your agenda to talk through those and be briefed on them. Any questions?

ALAN GREENBERG: Thank you, Karen. I'll point out that if you go through the implementation report, it says everything has been done. It is 100% completed to the extent, I mean, some things are ongoing and some things have been referred to other groups. But to the extent that staff could implement these things, the reports say that they are 100% done. So if we agree with that, then a large part of our task is already done and we just have to essentially echo what the staff reports are saying.

Of course, if we disagree, there's a much larger task ahead of us to work with the implementers and try to understand where their view of what they were supposed to do was different than our view or their belief of completion is different from our belief. And that will, of course, be a large part of our focus.

To aid the people who are going forward who will be coming and presenting to us, it would be good if as the review team members go over these documents, if there are any questions to raise that we get a heads up to the presenters ahead of time and not just spring them on them at the meeting. We don't have the timeline right now of when people will be coming, but as people go through these reports – and I think that should be done moderately quickly over the next month or so – that we be in a position to forward any comments or questions we have to the people.

I see a hand up from Erika.

ERIKA MANN: Alan, thank you. I have one question. I was looking for an overview about all of the difficulty with [WHOIS] implementation experience. What I would love to see would be just a simple overview. Maybe it doesn't exist, but I would be surprised if it [does]. So do we have this at hand, and can we review this? Thank you.

ALAN GREENBERG: Thank you. Lisa is probably the best one to answer because she is probably from a point of knowledge about WHOIS and has done the most review of these. I've done a fair amount a long time ago because I did the ATRT2 review of the implementation and it was early in the implementation at that point.

But nevertheless, at that point it was obvious there were some things that in the view of staff the recommendation could not be implemented as written and therefore they re-jigged it and did what they believed was implementable. There are a number of adjustments like that.

Also, there was one interestingly enough where the initial review said it is not implementable and then they went ahead and did it, and last time I looked did it pretty well. But I don't think there's a document reviewing it from that perspective. I think that's built into the analysis and review as far as I'm aware anyway. Erika, your hand is still up. Do you want to get back in?

ERIKA MANN: Not really because I think you've made your point.

ALAN GREENBERG: Okay.

ERIKA MANN: That's what I heard as well. I would love to have – maybe we can have a five-minute time when Lisa is back and just focus on this point. I just would love to hear a little bit more about it.

ALAN GREENBERG: Sure, if we can have [inaudible].

ERIKA MANN: I'm interested in the methodology how this change was done. Thanks so much.

ALAN GREENBERG: If we can have an AI for that please.

All right, I don't think there's anything else we can do other than suggest that people really do need to read over both what the recommendations are, which show up in the Executive Summary which has been pointed to, and the Detailed Analysis of what was done, at least detailed to the extent it's documented in these reports, and be prepared to submit questions prior to the presenters coming if at all possible. Any further comments?

As we go forward, by the way just for your information, I will try to if I have substantive input into any discussion as opposed to brief chair comments and there's a queue, I'll put my hand up and go into the

queue to indicate that I'm speaking without my Chair's hat on. I won't necessarily do that if there's no queue at all, but I will try to keep it orderly when there is a queue.

Thank you, someone who is echoing. That's Stephanie's mic. Stephanie is now on the call and she was unmuted. Welcome, Stephanie.

All right, if we may go on to the next agenda item. We're getting through this meeting, and it looks like we will be able to hold to the one hour target. What is the next agenda item? That is the discussion of review of the background and various comments that have been made on the scope as a method of eventually getting to closure on what our scope is.

Probably, the best place to look at that is around about page of the Terms of Reference, around page 5 of the Terms of Reference I believe is where the history started. If we could go to that document, I would appreciate it. Everyone has their own scrolling rights, so if you could go to page 5.

All right, the history is when the new Bylaws were written, there was no flexibility provided whatsoever in terms of the timing of these reviews. It says the new review must start five years after, I think, the last report was submitted. I'm not sure if it's the last – no, I'm sorry. It's five years after the last group was convened, and the last group was convened somewhere around April 2013. No, I'm sorry. It was convened at the time he beginning of 2012. That put us in violation of the Bylaws at the time the new Bylaws came into effect because it was now at that point

more than five years, and the Board felt compelled to initiate a new review because of the Bylaws.

The previous AoC had a similar apparently hard limit, but in theory there was an ability of the Board to negotiate with the NTIA and come to an agreement to defer, and that was done on some of the other reviews. But no such flexibility was provided at all when the new Bylaws were incorporated, so we were stuck with the situation of having to do a review of WHOIS and RDS in parallel with a number of implementation activities, such as the privacy proxy process going on, and moreover in parallel with the RDS PDP, which was although it's well over a year into it at this point admittedly is not a lot far from just starting. Certainly, in terms of making decisions that was the case. So a discussion began of what to do about these two situations.

Stephanie, I see your hand up. Would you like to get in right now or wait until I finish? Stephanie is muted.

STEPHANIE PERRIN: Sorry, Alan. I'm having terrible connection troubles.

ALAN GREENBERG: Okay.

STEPHANIE PERRIN: Can you hear me?

ALAN GREENBERG: We can.

STEPHANIE PERRIN: No, just ignore the hand. I don't know what's going on with the system. Thanks.

ALAN GREENBERG: All right, thank you, Stephanie. All right, and now if we can mute Stephanie. That's good. Thank you.

The proposal was made – and for complete clarity, I was the one who made the proposal – that we limit the scope of the review to essentially a postmortem of what the last review did. That is, we don't try to investigate again whether WHOIS is something good. The Expert Working Group came to a conclusion. That's why the Board chartered the Expert Working Group. And following that, a PDP was initiated. Plus, there are other activities in parallel that are going on. From my perspective, I thought that was going to be sufficient.

That position was accepted by the SSAC and by the ALAC. There was some feedback from the GNSO and following that from the GAC. There have been a number of other discussions since then, particularly in this group, that have talked about other ways that the scope could be formed. I think the intent at this point is to go through those comments and come to some closure.

From my perspective, I don't believe we have a choice but to do the postmortem. The review of past review team's recommendations and their implementation I think is one of the solid items in concrete in our

review process. So I don't think that one is something that we can negotiate. But the question is, what else are we doing over and above that?

As I said, there are the GNSO feedback. I have made comments on it, and then there were further comments made, I believe by Cathrin, on the same subject. I'm happy to first of all of through the GNSO comments and then the things that had been said about them unless someone else would like to propose some other methodology going forward. Leave the [inaudible] to see if anyone else wants to suggest something different. And I see no hands, hear no voices – even though it takes people a bit of time to unmute.

All right. Can we have Karen? Can I ask you to go through the items on the GNSO list as presented by them? And just so we're familiar with those items. And then perhaps I will go over my comments and on how relevant they are or how reasonable it is for us to look at those comments and follow them.

KAREN MULBERRY: Yes. Certainly, Alan, I can do that. In what we have captured here as a summary in Terms of Reference, we know the list of items that the GNSO suggested that the review team considered as they look at their scope and assess whether you want to add that into the scope and the review or how you might want to address a certain point.

Now, one was the RDS efforts to meet the legitimate needs of law enforcement promoting consumer trust and safeguarding registrant data. How RDS current and future recommendations might be improved

and better coordinated. Privacy and proxy services. Accreditation issues and implementation. That's another one. Another is the progress of WHOIS across departmental validation implementation. Compliance enforcement actions, structure, and processes. Availability of transparent enforcement of contractual obligations data. The value and timing of RDAP as a replacement protocol. The effectiveness of any other steps ICANN Org has taken to implement WHOIS recommendations. And that was the list of suggestions that they have for the review team to consider.

ALAN GREENBERG: Okay. Thank you very much. Unless someone has an objection, I'll go through what my thoughts were on it. Because I strongly agreed with some of them and strongly disagreed with others. And then we can go forward to the group in general.

The first one was assess the RDS efforts currently underway. I don't see how we can assess a PDP that is – and that's the major effort that is going on. A PDP [inaudible] is underway and try to pass judgment on it. They are nowhere near the point of making any recommendations at this point and I just don't see how we could do that. And moreover, I don't see what the Board could do with our answers or our analysis even if we do that because the Board has no jurisdiction to alter the PDP. So I'm a little bit of a loss what this means and how we would do it.

The second one is assess – sorry, now I'm confused. Sorry, the first one was assess the process underway to see whether they're on target and we'll meet legitimate needs. Well, I don't think we have from the

[inaudible] perspective identified what the legitimate needs are nor have they made any recommendations. So I think that as I said, I don't think that is indeed possible at all.

The second one is a somewhat differently worded thing but also assess the RDS efforts that are currently underway or planned in the future for making recommendations whether they might be improved or better coordinated. And again, I don't know how we could do that. So I guess I'd like anyone from the GNSO in both these cases to explain a little bit more just what it is that they envision us doing.

Certainly there are small aspects of it that such as the privacy proxy services mentioned in that #3 where the PDP is largely done and we can assess that. But we have to do that anyway as part of the review of the implementation because privacy proxy was one of the items that was recommended in the review team.

So Item #3 in the GNSO list I think again has to be done because it falls within the scope of the last review team's work. Susan, you have your hand up. Was that to address the issues of the first two items?

SUSAN KAWAGUCHI: Yes, Alan.

ALAN GREENBERG: Sorry, I didn't notice you earlier.

EN

SUSAN KAWAGUCHI:	No, no problem. Especially bullet #2 – how RDS current and future recommendations might be improved and better coordinated – there is a lot going on with WHOIS. And so I think WHOIS is a prime example of… the PDP ended what, 2013 I think, but we still don't have this implementation.
	So I think that right there is something that the review team could take a look at and provide recommendation to the community on how to speed things up, how to make sure put in timelines. Whatever we decide for things to happen instead of – it's just sort of slogging on for years upon years. Because at this point it's still moving at a glacial pace. So bullet #2… Yes?
ALAN GREENBERG:	Yeah. If I may – you're saying make sure that we cover any PDPs that has completed and comment on whether they seem to have met their target need and whether the implementation is proceeding reasonably?
SUSAN KAWAGUCHI:	Correct.
ALAN GREENBERG:	That sounds like – I think that is not unreasonable. That particular PDP didn't come out of the WHOIS review. It came out of one of the UDRP reviews, if I remember correctly. Not UDRP, the inter-registry transfer review. But I think looking at closed PDPs that are partially implemented is not an unreasonable thing to do, and there's two of those. So I think that's a reasonable one, yes.

SUSAN KAWAGUCHI: So I don't view this review team as being limited to just issues coming out of the PDP. I can sort of see why you would define it that way, but any issue in the WHOIS when it was created through a contractual means or through a PDP, I mean, and this is… It's early for me, so my brain's only thinking halfway here. And I'm not suggesting we look at the GDPR now but GDPR is going to impact the WHOIS. And so therefore, some of that just complying with GDPR in the future will impact, will provide a review for the RDS 3 Review Team in my opinion.

So I think that we could definitely look at PDPs that are closed and the implementation of them, where they're going. And then we could recommend ways to move things forward faster.

The EWG was not that well accepted with the community. And do we want to see that again? That was Board-initiated and the RDS PDP was a Board-initiated PDP, which is rare. So do we want to comment on the Board taking action outside of the community? I think this is the right thing myself but those points could be up for discussion.

So almost everything on this list, I feel like we should touch. I do not think we should get into a long drawn out discussion on whether the current WHOIS protocol works. And we need another one or not. That is what RDS Working Group is doing.

ALAN GREENBERG: Okay. Thank you. Just to clear, my original proposal was to limit the scope to jus the postmortem. That's dead at this point because that was

not accepted universally. So I was presenting that as history. I personally would feel like limiting things as much as we can. But I'm not trying to sell that proposal at this point. So we don't have to rehash that.

So you're saying we should not be trying to evaluate ongoing PDPs or how well they're doing. But we can look at issues that are past the PDP stage and do they meet the needs. And in fact, some of them certainly the privacy proxy already falls within our domain because that was one of the results of the first WHOIS Review Team.

Stephanie, go ahead please.

STEPHANIE PERRIN: Thank you very much. I agree with much of what Susan said. I think that while we don't want to get bogged down here, the word "assess" can be construed in several ways. And I think the whole WHOIS history has suffered from a tendency to where there has been a giant disagreement and only certain items have succeeded in getting rough consensus. There's been a tendency to say, "Okay, right. We'll leave that other stuff behind and go ahead and do these studies. Come up with these accuracy reports." And that in turn has increased the turmoil.

So if this group doesn't actually "assess" progress on certain things or at least comment on when things aren't moving forward because as Susan says, the second implementation is solved and it's partly because of the GDPR, to ignore that turns this whole review into a very shallow exercise.

Now, let me go back to my agreement. We do not want to get bogged down. But comments on why things aren't moving, I think for those of us who actually want to get somewhere on these other processes we're mired in, would be I think irresponsible on our part. And that goes for the RDS struggle as well. We got to say something about why it's not moving. Thanks.

ALAN GREENBERG: All right. I see Chris has his hand up and I'll put my hand up. I would have liked to go through the list first but we seem to have gotten heavy into the discussion.

Chris, go ahead.

CHRIS DISSPAIN: Thanks, Alan. I think the challenge here is that these review reports to the Board. One of the goals of this review is to make a series of recommendations to the Board.

Now, you guys can do what you like. But if you're going to make comments made on stuff that's already happening, what would you expect the Board to do with that? If you want to have an effective review, merely making a series of comments – I would suggest – is not going to be particularly helpful. If the Board has no way of interfering as far as I'm aware – using the word interfering is not meant to be pejorative in any way – the Board has no way of interfering with a GNSO PDP.

I take Susan's point about it being [inaudible] initiated one but there were good reasons for that and it was done in consultation with the GNSO. But I'm a bit lost as to what [inaudible] or what the review team thinks it can say in its final documentation to the Board that makes recommendations that can deal with something the Board has no power to deal with at all. And as I said, I'm not against it. I just don't understand. Thanks.

ALAN GREENBERG: All right. I have Susan in the queue and I'm in the queue. That was one of the points I was going to make, that I really have a problem with us just putting things in the report which will get filed on the shelf and not looked at again. There's been plenty of those already. And I also have a real significant problem looking at an ongoing process and saying it's not working. The only reasonable answer is: get involved in that process and make it work if you think you know better. And some of us are of course involved in that process or in the process already.

In terms of the Thick WHOIS, last time I checked and although I'm on the implementation team, I haven't attended any meetings recently. Last time I checked, it is not bogged down. They did choose to implement a timeline, which I didn't agree with, which took the three tasks of implementation in order to them so the actual Thick WHOIS part was the last one. And they're now onto that task but it was a long time coming and I don't disagree with that analysis at all. I don't think it is bogged down because of the GDPR. It may be ill-advised today because of the GDPR but I do believe it is going ahead.

Yes, we should review that implementation. I don't think it's quite as bad as was presented. But I have a real concern that we will spend a lot of time analyzing ongoing things that we have no ability to affect. And that does concern me very significantly.

Susan, go ahead.

SUSAN KAWAGUCHI: I agree somewhat that we don't want to analyze things that we can't provide effective recommendation. But until we at least do a cursory review of those issues, we won't know what if we have recommendation and actionable recommendation. And I do think we have quite a few members that just may be – the WHOIS topic may not be so well known so I think we need to walk through the issues and make a decision as a team. That's basically what we're doing somewhat. But I don't want to just make a bunch of comments we want from recommendation. But most of these issues that the GNSO provided a feedback on and I can help daft. Parts of this I definitely did not – all of these points were definitely not my points. I think we have a duty to at least take a look, spend a little bit of time, and then make a decision on whether we should be moving forward with an in-depth analysis.

ALAN GREENBERG: Thanks. Thank you, Susan. And I think that is what we're doing right now. I'm certainly giving my opinion and I think we need to assess not only on this call but over e-mail over the next little while other people's opinions and then come to a conclusion. Eventually, we are going to have to put something in writing as to what our scope is. And I want

that to be as clear as possible. So not only we understand it, but the Board in looking at what we're presenting them understand it and can at least give us back some thought as to whether this I believe will meet the targets if they have imagined as it were when this group was chartered.

So from my perspective, one in two on the GNSO list of assessed current efforts is something which is I won't say a fool's game but is both going to be difficult and since it's a moving target and passing judgment over things that are not completed, I have no problem with looking at completed PDPs and saying what did they assess. And for that matter is the implementation proceeding or is it completely on hold.

Chris, go ahead.

CHRIS DISSPAIN: Thanks. I find in these circumstances that often following a specific example might be useful. So if you look at say the current – there are a couple of examples that I think either Stephanie or Susan mentioned that they prefer to in terms of you know they are stalled and I don't disagree with that. My question would be will follow that logically through, and say that this review team does an in depth [inaudible] and does come to the conclusion that it's stalled.

My question would be, and then what? Because what can the Board do? If you back a recommendation, if you make a comment that says these things are stalled, and there's too many people involved or it doesn't seem to be making significant progress or it's going to be years before

it's sorted out and all of it but all of that stuff, that's fine. But what would you recommend the Board actually does?

The Board can't prevent the GNSO from taking the steps that it takes running the PDP that it runs. And neither can it change the PDP's process. We could make some comments. And in fact, the Board might make some comments going back about the fact that that thing seems to be taking a very long time. But I'm not clear as to what this review team could say that would be a benefit to anybody in respect to things that are currently underway.

Thanks, Alan.

ALAN GREENBERG: Thank you, Chris. I'll give a quick answer to that. I believe that it is [correct] for ongoing PDPs. There have been cases where a PDP was completed, approved by the Board, and implementation – nothing was done on implementation by staff for a year and a half. I'm not saying it's an RDS issue but there had been some cases. And there we could have very valid recommendations to the Board.

CHRIS DISSPAIN: Completely agree. Sorry. Perhaps I wasn't clear. I was talking specifically about stuff that's ongoing. There's no issue or whatsoever stuff ongoing.

ALAN GREENBERG: Well, PDPs that are ongoing.

CHRIS DISSPAIN: Okay, but you understand what I mean. The distinction I would make is if you look at something that's already being settled in a series of recommendations that's been made. If you want to comment about the slowness of those things being put into actually implemented, I'm fine with that. That's what I'm talking about. It's more to do with the ongoing stuff. I'm not suggesting that this review should not look at the implementation of completed processes.

ALAN GREENBERG: Okay. We are not disagreeing. Stephanie?

STEPHANIE PERRIN: I am reminded of the time that the GAC asked ICANN staff I guess to explain to them what was going on with WHOIS because they had lost track. This was probably two years ago by now, maybe even GAC 3. And Margie Milam at the next plenary meeting gave something like a 47-page PowerPoint on all things WHOIS. But is still recommended reading in my view. There's a lot going on with WHOIS.

We have choices here to either stick to reviewing what the last WHOIS review did and only talking about that or assessing at a much more high level bird's eye view level trends that are slowing things down in my view. Because as someone who participates on a few of these but certainly not all, I can see some trends that we are possibly not managing as ICANN the three-headed monster, the corporation, the

staff, and the stakeholders. In a way, that is leading us to a conclusion or solving a lot of standing problems.

That's what I'm looking for, is some kind of meta-analysis. Whether that is the recommendation that the Board could act on, I don't know. But in my view, the outcome of the EWG review could have been dealt with perhaps more positively with comments on the final report and more of a community discussion. Because things kind of went quiet for about a year and then there was the joint [forward] GNSO group that struck the Terms of Reference for the new committee.

I thought those Terms of Reference were great. But we're still [at the] community discussion that may help solve some of these range wars that are going on and poor Chuck has been very good handling them and Susan and [Michele] and David as well as co-Chair. But if you don't try to at least make clear the issues that weren't resolved, we're just going to keep getting deeper and deeper in the muck in my view.

ALAN GREENBERG: Thank you. Erika, go ahead.

CHRIS DISSPAIN: Can we get a specific example at some point, Alan, if that's what Stephanie means it will be – help me a moment to understand if you could refer to something specific rather than generalities.

ALAN GREENBERG: I'm going to have to leave that up to Stephanie. I can't. Please, Erika, go ahead.

ERIKA MANN: I thought you wanted to give back to Stephanie because I think [inaudible].

ALAN GREENBERG: Go ahead, Stephanie.

STEPHANIE PERRIN: Let me give you a couple of examples. The data commissioner came to the Copenhagen meeting. All of the questions that were fired to them, we have now fired off the same questions to independent Council for their answers. We have not yet reviewed or discussed the answers from the data commissioner.

I don't know what the plan is when we get outside Council's answers to those questions but the way that the Board and the review teams and the groups have handled advice on the data commissioners in the past has not been one that has produced a fruitful discussion. Unfortunately, for most of the examples that I know, the best are data protection issues.

It is often stated and it stated in a summary that was recently published in all kinds of references to the EWG report that we reported and [reached] agreement. There were many compromises made in that. Everybody made some. I certainly made some. But then my objections

to the final report have been referred to as the blog or an appendix. The objections really which I get – the very same objections now – I said the opportunity to read the history while I do my [dissertation]. So the same objections that have been raised on previous WHOIS arguments. And they are the same objections that are going to be facing us all when the GDPR comes into effect in May of next year.

And so I think that these fundamental problems – we have a tendency to declare a victory where there's victory and move on and try and get something implemented so that we can provide to a Board a sunny picture. And I'm not suggesting that we live in the entrails of the failures all our lives. But let's at least acknowledge that there might be a common element or two or three that are causing these disagreements and sketch out the frame of the disagreement. If you can't get agreements, then at least sketching out the long-running frame of the disagreement and saying, "Okay, let's [inaudible] try to address this."

This is a positive way to handle a lack of consensus. I don't think ICANN actually handles the lack of consensus in a positive manner. I hope that explains an example or two. And I don't bring those examples out so that they can be [shot] down. I'm trying to contribute [constructively] to this conversation. Thanks.

ALAN GREENBERG: Thank you. I put myself in the queue, Erika's next.

ERIKA MANN: I think Stephanie raised a valid point and I give my support for what Susan said. This issue we are having because we are operating and to some degree in such a novel environment in designing, [developing] quasi laws. I know that some people don't like to hear this. But that's what we do. I say quasi laws, I'm not saying laws.

We tend to sometimes overlook and not sufficiently precise enough there's non-consensus. Non-consensus opinions often indicate that something is wrong with a general perception in how certain developments shall evolve. And this is not just true for ICANN. This is true in other environments as well. So I think she is right. Where we have this tendency and where we see these trends evolving, it would be good for this team to look back onto the PDPs which are concluded and even to some degree that we observe similar trends evolving right now. I think we have to be careful because we don't want to become – you're not the kind of evaluation Board evaluating a policy. But I think we should mention this. So I give support to two – being cautious that we have to define the methodology, how we do this, and quite [inaudible]. Thank you so much, Alan.

ALAN GREENBERG: Thank you. And I put myself in the queue. Old hands are still up. If you want to raise them, please lower them and raise them again. Couple of things.

First of all, on the EWG, the EWG was not recommended by the last WHOIS report but was a creature of the Board's imagination as a step in the process to addressing long-term WHOIS now renamed [PD] RDS

issues. And a major component of the RDS PDP is to assess the EWG report and incorporate aspects that they believe are reasonable into any future WHOIS related recommendations. So, us doing that in parallel I believe is completely wrongheaded because the only way to assess what parts of the EWG are reasonable and should be incorporated is going to be within the RDS PDP.

To do it in parallel with that, I just think is both duplicating effort and duplicating in such a way that certainly it's going to be addressed. So, as difficult as it is – and I agree with Stephanie on a lot of the aspects of it, and I did not support parts of it – but I think that has to be addressed within the PDP, not here.

Regarding GDPR, I would love to think that we're going to be finished by May. At this point, we are not. And any "solution" to the GDPR issue is going to have to become fabricated well before May if it's to be implemented by registries and registrars.

So, that's an effort that's going on in parallel. It might be a fool's effort within ICANN. It might be successful. I'm not going to comment on it because I don't know the details of what's going on.

But yes, can we comment on GDPR if it is relevant as we go forward? Certainly. I don't think it is our job to design the fix but we can certainly comment on it if it is still applicable as we move forward. So I think we need to be really careful of what we're doing in our scope. Thank you.

If I don't see any new hands, then we will proceed. I'll proceed with looking at the other GNSO issues.

Stephanie, is that an old hand or were you meant to get in again?

It was before my hand, so I'm assuming it's an old one. Thank you.

Number three is ongoing work back on the GNSO list. Number three is look at ongoing privacy and proxy work, and that is in fact one of the recommendations and I completely agree that is within the scope.

I don't see any hands, so I'll keep on going.

Progress on cross validation implementation, Recommendation 6 and 7. Again, to the extent, we're talking about recommendations of the PDP, we are obliged. Of the last review team, we are obliged to look at those.

Review compliance efforts, to the extent again, it's part of the recommendations. It is no question we have to do that, so I think compliance is very much a relevant issue.

Availability of transparent data – I'm not sure what that means. If either Stephanie or Erika as part of the GNSO can explain what #6 means, available of transparent data concerning enforcement of contractual obligations of WHOIS. I don't know what that means. Is there anyone who can explain what it means?

Yes, go ahead, Erika.

ERIKA MANN: I cannot answer this fully because I wasn't been on the GNSO Council but Susan and Stephanie can. But if you look to other companies, I mean, if you look to other companies, you can get an example how data

can be made transparent. Most Internet companies publish when it comes to [involvement] data that publishes once a year. You don't [drill] down precise enforcement location data but you have to give a general overview of how many request you receive, for example.

Something like this could be done. Maybe a little bit harder at the ICANN because many more players would be involved but maybe this is what it meant, otherwise, please ask I think Susan, she will be listening or she might [inaudible].

ALAN GREENBERG: Yeah. Sorry. I should have mentioned Susan as well.

ERIKA MANN: It's okay. She said she [inaudible] with me, so [that would be us]. The same is true for compliance. You can publish a compliance data. Again, you don't mention the [players] that you publish once a year or how often you agree you publish this information.

ALAN GREENBERG: Yeah. That's already I believe within the compliance recommendation, so I don't have a problem with that.

ERIKA MANN: I think it is. I mean, I think it is.

ALAN GREENBERG: I mean, when the compliance recommendation said, "Do this professionally," in my mind, that includes making available data to demonstrate what you're doing. I don't have any disagreement with that.

ERIKA MANN: No, not automatically but –

ALAN GREENBERG: Well, I believe it should –

ERIKA MANN: Don't forget [inaudible]. Okay, I go in mute and then you –

ALAN GREENBERG: Okay. Thank you, Erika.

So, to the extent that talking about availability of compliance data to demonstrate that they are in fact doing a reasonable job or that they're not, I have absolutely no problem with that. That's certainly part of the review of compliance. And, the first review team made it very clear that having a good compliance operation was a critical part of WHOIS.

I'm seeing no hands. Number seven, assess the value and timing of RDAP as a replacement protocol. That one I had a major problem with because you cannot assess it as a replacement protocol unless you know what it is going to be doing and we don't have that at this point.

So, certainly, whether selecting RDAP as the replacement protocol is part of the PDP or is part of the PDP implementation is not clear right now, is not clear to me. But I don't believe we are in the position to assess its applicability not knowing exactly what it's going to be doing.

If the results of the RDS PDP are that the only thing we publish about domain names in WHOIS is the domain name and the name servers, then RDAP is a completely suitable protocol, as is the current WHOIS protocol. But until we know what it is they're going to be doing and how it has to work, I don't think we're in the position to do that. So I would really like to understand what this means and this sounds like – to me anyway – something that is not only out of scope but impossible.

Comments from any GNSO people? Go ahead, Stephanie.

STEPHANIE PERRIN: I don't disagree that our job is not to redo what the IETF has done. However, you are on the RDS and you're there all the time, you will know that [RDs] on the RDS have actually come out and said they hate RDAP, it's no good and we shouldn't use it. Those are parties that are not in favor of tiered access.

A mere endorsement from this group that – and this is a pretty good example I think of the kind of review we can do of questions like this. We can say it's premature to determine how RDAP might be implemented. We're waiting for the RDS to report, RDS group to report. However, it seems fit for purpose for tiered access and we would encourage other groups to continue working along these lines. That would at least be helpful.

The other example I gave where I basically objected strenuously to the EWG report because of the concept of consent. We are fighting that battle on the RDS and had there been some kind of recognition somewhere, either through the recognizing the comments within commissioners acknowledging court cases or acknowledging that that consenting was a valid concern, we would not have to recite that on every front. Thanks.

ALAN GREENBERG: Yeah. I still don't see how we can be commenting on something that is ongoing. To make an evaluation that the IETF did a yeoman's job and was very successful at coming up with a protocol, which will meet certain needs but were not quite sure what the needs are, sure. We've just done it. We can write it up and it's done, and if that's what you're talking about, I have no problem with that. But to do it a detailed analysis of whether it is suitable to implement a protocol that we haven't to implement a set of specifications that we haven't designed yet, I find very problematic.

So, I'd like to say something more concrete in that. And, again, the Expert Working Group, evaluation of its report and the merits of what they are suggesting is exactly what the RDS PDP is doing. So, whether it was wrongheaded or right on spot, I don't think it's something that we can look at and do in parallel. I'll take that position and I don't think I'm going to switch now. What we end up doing obviously is not just my decision.

And the other part of #7 is the timing of RDAP. Well, if RDAP is currently suitable, then it's done. Other than implementation of the code within our contracted parties, it's a done deal. On the other hand, if the PDP ends up coming up with a requirement, which is not currently satisfied by RDAP, then we have to go back to the IETF. ICANN doesn't write protocols and that's not a timing that we have the ability to assess either, so that's why I find #7 rather problematic.

Cathrin?

CATHRIN BAUER-BULST: Yes. Thank you, Alan. Can you all hear me?

ALAN GREENBERG: Yes, we can.

CATHRIN BAUER-BULST: Thank you. Just two quick points, one on this RDAP issue. I think in terms of what we're supposed to do as I understand it is we're supposed to test the effectiveness of the [inaudible] as it stands out. And so, I think we can say something about whether RDAP as a protocol would work well to implement the current WHOIS as it exists now whether Thick or Thin.

And, as you were mentioning before, an e-mail IDN is one issue that might be better addressed with RDAP, so maybe we could say something about that. But I do agree that they're very difficult to make any speculation about what would come out as a new RDS policy and

how RDAP would be fit for purpose for that new policy. So, I do agree that that might not be a useful thing to do but that's to assess whether or not it's useful for the current purposes of the WHOIS that it exist now, it probably won't take us very long and might be a useful statement.

And then, just in terms of the discussion that's going on at the second point about how we might or might not influence what's going on with the next generation RDS PDP, I'm just wondering whether Stephanie's expectations that we might say something that actually influences the way the discussion is going now whether that is something that we might reasonably expect to have any success with.

Because I'm just wondering in terms of the binding nature of our report, we would make recommendations that understand of a certain binding nature upon the board perhaps but we can probably not decide contentious questions for the RDS PDP. I mean, we might provide another argument to one or the other side of an ongoing discussion there but could somebody enlighten me as to whether if we make a given recommendation on one of the issues that is currently contentious in the RDS PDP, whether that would actually have any sort of binding or authoritative nature in that PDP. I'd be really grateful because I think that's an important consideration for our scope.

ALAN GREENBERG: I think Chris has made that clear but I'm sure he's willing to say it again. The Board has no scope whatsoever to influence the direction of a PDP. It can tell the GNSO that it doesn't think things are going well. It can

remand – if a PDP comes out with recommendation the Board doesn't like, the Board can't change them. All they can do is remand it back to the PDP and say have that discussion again.

There is no authority to directly influence it.

CATHRIN BAUER-BULST: So, yeah. Is that correct? I was a bit [inaudible] at that because somebody – I don't remember who but of course, you have [inaudible] in Johannesburg after Steve Crocker expressed some concerns about how the process was going that they were expecting direction from the Board to be given to the PDP. So, that is in fact not something that's legally possible.

CHRIS DISSPAIN: Sorry, Alan, when you're ready.

ALAN GREENBERG: Go right ahead.

CHRIS DISSPAIN: The answer is no, you can't do that. [Inaudible] Steve is speaking for himself, not the Board. Secondly, there's very little the Board can do. It can make comments but it can't provide any sort of direction.

And I just wanted to make one other comment, which we [inaudible] in respect to this particular Item #7 which – and it may just be me misreading the way that Item #7 is put. But I would ask the question,

what complications do the members of this review panel and [inaudible] myself had to be able to make an assessment to whether RDAP has set the purpose.

I don't think any of this are technically competent enough to be able to do that. But I'd stress I may have misread it and misunderstood what is meant by it. Cathrin, I'll happily answer any other questions that you have on respect to the Board's view but I hope I covered that now.

ALAN GREENBERG: Yeah. Thank you, Chris.

I think we are actually capable of assessing whether RDAP is fit for purpose for the current WHOIS. And, I think it's rather paternalistic for us to tell the IETF they did a good job at meeting the minimum requirements, never mind the maximum requirements, but we can certainly do that. But I'm not sure what it says to the IETF watching us if we feel necessary to say that to them.

CHRIS DISSPAIN: This is a review team. It's a team that is making serious recommendations to the Board. If the review team wants to include that at its scope and assessment of RDAP that benefits to the Board, we, the review team, have assessed this and we think it should be used or we, the review team, have assessed this and we think it should be used.

Well, then, fine, so be it. But I [inaudible] that's what you said, Alan, which is on what basis. And, if we all know that the scope is in some sense is likely to change, what is the benefit of saying assessing it in

respect to the [inaudible] – when I say scope, I mean the scope of WHOIS related to [inaudible] changed. Then what's the benefit of assessing it in the current environment.

ALAN GREENBERG: Yeah, I mean, if the current environment is suitable, then WHOIS is suitable, why change? But in any case, Stephanie, is that a new hand or an old one? I've lost track.

STEPHANIE PERRIN: That's a new hand, Alan.

I think that assessing our scope narrowly in terms of making recommendations on which this can take a precise action judging from the review that I have done at the previous WHOIS reviews is very narrow scope indeed because almost everything that we've come up with is within the scope of the GNSO and its PDP. And, if you're going to say that, well, the Board can't do anything about the backlog, the slow down, the impact that the RDS is having, if the Board cannot do anything about the implementation of the IETF protocol, then we'll soon be washing our hands and going home.

However, if we construe our role as making broader recommendations that for instance somebody, oh, let's say the SSAC take a look at the RDAP in the current complex environment of what needs to be done with WHOIS and see whether it's – how they see it could help us move forward, I don't see why I'm going to make that kind of a recommendation.

So our people who are technical here, Dmitri for instance and some on the call today, so I think that we each bring particular expertise to this group. Thanks.

ALAN GREENBERG: Again, I'll ask, are we assessing it for an unknown use in the future or are we assessing it for the current WHOIS? Stephanie?

STEPHANIE PERRIN: You can assess it as to whether – yeah, I don't know how you assess it as a current WHOIS because it hasn't been implemented, right?

ALAN GREENBERG: No, the current WHOIS is implemented.

STEPHANIE PERRIN: You can assess it. Sure. But the RDAP isn't, right?

ALAN GREENBERG: No. Well, there's all sorts of implementations of RDAP. So, it's been used, brought for WHOIS for a number of ccTLDs for instance.

STEPHANIE PERRIN: Yeah. But well, you could do that then if you feel it is the limitation of your scope. But I really do think and I would hate for us to just get into a very nasty dialog of about arguing about the scope here between the Chair and those of us who have the scope to be slightly broader, and I

feel some sort of responsibility to endorse some of the recommendations of the GNSO recommendations, being a member of the Council.

So, why don't we leave this because we're not drafting our scope at this moment. I have duly noted that the Chair does not agree with me and I'll come back with better ammunition for some of these arguments [inaudible].

ALAN GREENBERG: Just to be clear, it's not a matter of the Chair. We will have to come to closure and we will do that through a more consensus-based room than me having one-on-ones with people. But what I'm trying to do is understand what the words mean and I still don't quite know what it means.

Cathrin, you're next.

CATHRIN BAUER-BULST: Yes, thank you, Alan.

I just have one more general point as we're coming the [inaudible] on this. It's what I have raised before that the GAC feedback is not related to the proposed limited scope but rather to the GNSO proposal for the scope that we should adapt. So, in the document, it should be moved logically below the GNSO feedback because that was what the GAC was referring to and its reaction to the limited scope proposal. We're actually not as much in favor of the limited scope proposal but rather of the GNSO feedback and then they added this point that there were few

issues that we probably couldn't exclude from the outset that may also be touched upon by the RDS PDP. Thank you.

ALAN GREENBERG: Thank you, Cathrin. That was understood. That's despite the order in the document, that's why we're talking about the GNSO first before the other comments. That was understood.

CATHRIN BAUER-BULST: Right. Thank you.

ALAN GREENBERG: Okay. The next item is to the extent. Now, this I find rather intriguing to the extent time and bandwidth permit evaluate Recommendations 3 through 11 of the PDP. In my mind, we don't have any choice. Time and bandwidth, we'll have to permit as to evaluate the recommendations of the PDP. So, I don't see a choice on that.

And then, the last one is ensuring no duplication of work and that's the one that I supported but the GAC said no, we should not do that. There may be places that we want to overlap. Or I'm not quoting GAC verbatim but they disagreed with Item #9 and maybe Cathrin could step in and give us a little bit more insight as to that.

CATHRIN BAUER-BULST: Right. So, as the thinking of the GAC was – this was along some of the comments that Susan and Stephanie, and Erika have already made

previously is that there are issues that we may want to comment as the review team. And in some cases, even possibly provide recommendations that would hopefully be helpful to the work of the RDS PDP on certain issues that would be difficult to ignore in terms of assessing, and having any sort of meaningful assessment of the effectiveness of the WHOIS.

I mean, one common example and Stephanie has already mentioned it is the data protection issue because it's already having an effect on the effectiveness of the WHOIS, for example, .amsterdam has now stopped providing WHOIS services to my understanding.

So, there is an immediate impact on some present functioning of the WHOIS of certain issues that are also of concern to the RDS PDP. And for those issues, the GAC was of the opinion that we, as the review team, should not include them outright from the scope but rather look at to what extent it would be sensible for us to take a look at them and provide targeted recommendations possibly to the RDS PDP via the Board, knowing that this report will probably also be looked at by other members of the community including those participating in the RDS PDP, and therefore did not just want to use those [inaudible].

ALAN GREENBERG: Okay.

CATHRIN BAUER-BULST: Does that help clarify? I'm happy to answer any questions you have.

ALAN GREENBERG:	Let me ask you a follow on and then we'll go to anyone else from the queue.

CHRIS DISSPAIN:	Yeah, if you could put me on the queue please? [inaudible] when you're finished [inaudible].

ALAN GREENBERG:	I will do that. I guess I would like to understand are you thinking of something of the scope of us making a statement saying data protection and GDPR must be addressed by ICANN and that's an implementation issue in a timely manner, number one. And number two, the RDS PDP must factor in privacy issues that are applicable. If we're talking about some statement like that as opposed to spending four months deliberating on it, then I have no problem. If we're talking about something in a lot more depth, then we are doing the either policy design or the implementation for the current WHOIS that has to be addressed by May and that I see as an effort that is not our job.
	So, towards which side are you aiming? Is this the short saying we can't be silent on it or we should be doing in-depth work on it?

CATHRIN BAUER-BULST:	Right. I cannot speak for the GAC as a whole. But my understanding, it was more the former. It will depend also on the work that we do here. I mean, depending on where we [inaudible] the issues with the effectiveness of the current WHOIS to meet the purposes that it was designed for or that is being used for, then, we will possibly have

recommendations that grow out of that for the RDS PDP that we cannot anticipate at this point in time. I think there's few very obvious ones and then there are some that might come to us as we do this review where it actually might help that we are taking a fresher look as a smaller group and are taking a bit more of a bird's eye view.

There's an understanding – the view of the GAC was to do more the former to look at the principles but to also leave room where we saw a need from more detailed recommendations that might grow out of our work. I agree that there's a couple of very blatantly obvious issues such as the GDPR where it probably wouldn't be good to just rehash everything.

ALAN GREENBERG: Thank you. We are now over time on the hour and a half, and have not made a lot of progress. Stephanie, is this a brief comment you want to make right now before we look for a way going forward and wrap up?

STEPHANIE PERRIN: I apologize once again for my extremely slow line speed that's making any kind of typing very clumsy.

I think Chris was ahead of me. He was in the queue, Alan. So [inaudible].

ALAN GREENBERG: I'm sorry. You're right. Chris [inaudible] that.

STEPHANIE PERRIN: I'll just [would like to] comment that compliance with the GDPR is square in our mandate under compliance with law. And it's not an implementation issue. Unfortunately, it's a policy issue that pervades everything and that's why it's so difficult. Thank you.

ALAN GREENBERG: Chris, last word.

CHRIS DISSPAIN: Really? Okay.

ALAN GREENBERG: On this call.

CHRIS DISSPAIN: All I wanted to say was that I [inaudible] to this review team to continually keep in mind by [inaudible] of its recommendations to be effective, those recommendations need to be able to be acted upon. And, it is not going to be effective to make recommendation on this review team that simply doesn't go anywhere. It's just an awful lot of efforts for no good reason.

So, I think making statements at the high level about it would be really good if this happened, it would be really good if that happened. If that's what this review team wants to do, then that's fine. But understand that recommendations that go to policy will not be affected in this review team because this review team can make policy. The individuals

on this review team can take part in a Policy Development Process to make an influence within that way. But this review team cannot make policy and cannot make recommendations in respect to policy. Thanks.

ALAN GREENBERG: Thank you, Chris. I will ask of the people on this call and anyone listening to the call in the next week that we have some input for our next meeting in two weeks. Can you put together a short paragraph that you believe should be in the scope covering the issues that you think need to be covered over and above the mandatory review all aspects of the last PDP, last review team's recommendations and their implementation?

So, let's move forward and try to put real words to something, so that we can have some substance to debate in this group and we can make a decision. So, I ask that as an action item from all members.

I'll call this meeting to an end slightly late. I'm sorry we didn't make the target of either the hour or the hour and a half. We'll try. I'll certainly try better next time.

Thank you all.

CATHRIN BAUER-BULST: Thanks, Alan. Thanks to all.

[END OF TRANSCRIPTION]