

Ozan Sahin:Hello, welcome to NCPH Intersessional Meeting! My name is Ozan and I will be monitoring this chat room.

Ozan Sahin:Please kindly note that remote participants are considered to be observers in the NCPH Intersessional meeting. You may still post comments or questions in the chat box but they will not be read out loud by the remote participation manager. On the other hand, in-room participants may bring these questions or comments forward during the discussion.

Ozan Sahin:All chat sessions are being archived and follow the ICANN Expected Standards of Behavior: <https://meetings.icann.org/en/expected-standards-behavior>

Ozan Sahin:Intersessional delegates will reconvene at 13:00 PST for their session with ICANN CEO, Göran Marby

Cheryl Langdon-Orr (CLO):loud and clear Ozan

Ozan Sahin:Delegates are coming back to meeting room. We will start momentarily.

Olevie [NPOC]:ok

Olevie [NPOC]:Bon appetit ! Bonnedigestion !

Olevie [NPOC]:Greetings from Lomé, Togo dear Marby !!!

Olevie [NPOC]:elo Farzi ! Keepup the great job !

Mary Wong:For remote attendees, besides Goran Marby (CEO), we also have senior executives Theresa Swinehart, John Jeffrey and Akram Atallah in the room here.

claudio:Thxs, Mary

Olevie [NPOC]:OK. Greetings to all the senior Executives.

Olevie [NPOC]:Hi Akram

claudio:why can't the board make the decision?

Lori Schulman:For a secure and reliable DNS.

Lori Schulman:We are FOR that.

Olevie [NPOC]:Please, who is seaking now ? Is it Martin ?

Olevie [NPOC]:Speaking*

Ozan Sahin:Christian Dawson

Olevie [NPOC]:Thank you Ozan

Ozan Sahin:You are welcome Olevie

Lori Schulman:Awesome graphic.

claudio:thats a great graphic

Steve DelBianco:Graphic courtesy of Dustin Phillips at ICANNWiki

Jeff Neuman:Is that a mushroom for legal persons?

Brian J Winterfeldt:pineapple

Brian J Winterfeldt:yes sorry mushroom

Marie Pattullo:Garlic - no?

Jeff Neuman:I think ICANN Wiki is showing its preference :)

Olevie [NPOC]:which graphic, please ?

Elsa Saade:HEre you go Olivie: https://urldefense.proofpoint.com/v2/url?u=https-3A_pbs.twimg.com_media_DVD1KUoW0AEB4KX.jpg-3Alarge&d=DwIFaQ&c=FmY1u3PjP6wrcrwl3mSVzgfkbPSS6sJms7xcl415cM&r=SJoAZJPf4sll7c5HM-90jeUSDBNV8i1H6DgoihUn1_U&m=nfjiiJXTmeDzjVGwL6rB_6gLynkDTZseEvJNQDwMD-0&s=d-gSxLt4USUMjq50S4c3mUDcSpf0BtKV3_wRM-EQJeA&e=

Greg Shatan:"Swede Spot"?

Olevie [NPOC]:thank you Elsa

Greg Shatan:I don't want to make a snap legal judgment, but I don't think ICANN owes a fiduciary duty to the contracted parties....

Anne Aikman-Scalese (IPC):The complete suspension of the enforcement of the RA provision re WHOIS does not appear to be compliant with or necessary to comply with the GDPR as explained in the European Commission letter of January 29 or the letter of December 11 from the Article 29 Working Party. The Commission pointed out in its letter the availability of approved Codes of Conduct. To quote the Commission - "Rather than offering "binary" solutions whereby data processing operations such as access to the WHOIS system are either allowed or prohibited, data controllers and processors can work within this framework to develop pragmatic solutions, for instance by trying to differentiate between those categories of data that CAN BE MADE PUBLIC (emphasis mine) from those which cannot."

Anne Aikman-Scalese (IPC):The European Commission also said: "As the GDPR only applies to personal data of natural persons, in a first step, a distinction should be made between data that fall within the scope of the GDPR and other data elements." Based on the Article 40 language re approved Codes of Conduct, it appears that ICANN should be working with the DPA in Belgium to obtain an approved Code of Conduct due to the location of its office in Belgium as suggested in previous advice to ICANN. If ICANN is prepared to "adopt a Model" because they are "forced to do so", it would seem prudent to treat that Model as a Code of Conduct to be approved as recommended by the European Commission.

Anne Aikman-Scalese (IPC):Obtaining an approved Code of Conduct would likely make things much easier if the threat of numerous lawsuits by different DPAs were actually to come to pass.

Claudia Selli:but would not the country be chosen on the basis of the main establishment,? meaning where the processor or controller is based or where the processing is happening? Would that be Belgium?

Anne Aikman-Scalese (IPC):Article 29 Working Party letter of December 11 says "One Stop Shopping" will be available. However, this requires that ICANN admit it is a joint data controller. That would facilitate a solution. From the Article 20 Working Party letter of December 11 - last Paragraph:

Anne Aikman-Scalese (IPC):Should ICANN be considered as a joint controller, it would also need to comply with the requirements of art. 4 of the current Data Protection Directive. This notably means that ICANN must either indicate one or more relevant establishments in the EU, or appoint representatives in the Member States. It is up to the data protection authorities to decide which party they will address if there are joint controllers. From 25 May 2018, ICANN may benefit from the one-stop-shop principle in the GDPR, and suffice with the appointment of one lead establishment or one representative in the EU. The DPA in this Member State will then be the lead DPA and the point of contact for ICANN.

Mary Wong:All three of the GNSO PDPs that have been launched since January 2016 have well over 100 members each (plus dozens, and more, observers)

Cheryl Langdon-Orr (CLO):well said Paul! we need to look at 'In-Service' training as well as new outreach for diversity

Mary Wong:This is the joint ccNSO-SSAC report that Goran mentioned, resulting from the Board's request to the two groups to collaborate to reach a common understanding on Extended Process Similarity Review Panel (EPSRP): https://urldefense.proofpoint.com/v2/url?u=https-3A_ccnso.icann.org_sites_default_files_field-2Dattached_epsrp-2Dfinal-2Dresponse-2D17aug17-2Den.pdf&d=DwIFaQ&c=FmY1u3Pj6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=SJoAZJPf4sll7c5HM-90jeUSDBNV8i1H6DgoihUn1_U&m=nfjiiXTmeDzjVGwL6rB_6gLYnkDTZseEvJNQDwMD-0&s=BDmv2OKpOMOnYOaRYJ_xBUGHd14EYDXLj_iepszJX0g&e=

Cheryl Langdon-Orr (CLO):thanks @Mary

Mary Wong:You can find all the published Budget documents for FY19 here; public comment closes on 8 March: https://urldefense.proofpoint.com/v2/url?u=https-3A_www.icann.org_public-2Dcomments_fy19-2Dbudget-2D2018-2D01-2D19-2Den&d=DwIFaQ&c=FmY1u3Pj6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=SJoAZJPf4sll7c5HM-

[90jeUSDBNV8i1H6DgoihUn1_U&m=nfjiiJTmeDzjVGwL6rB_6gLYnkDTZseEvJNQDwMD-0&s=ja4OYq0C_8TKR038vL6NDVeN1Kx9uhfAIKtFR1KpRME&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A-www.icann.org_resources_pages_governance_bylaws-2Den-23article22&d=DwIFaQ&c=FmY1u3PJP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=SJoAZJPf4sII7c5HM-90jeUSDBNV8i1H6DgoihUn1_U&m=nfjiiJTmeDzjVGwL6rB_6gLYnkDTZseEvJNQDwMD-0&s=4ABjt7TCq6s2E-g_nGoyZdle-ZHVJ10u-8KorvElkhw&e=)

Brian J Winterfeldt: Thank you Mary.

Mary Wong: Goran's reference to the Empowered Community was in relation to the new EC power to be able to reject ICANN's annual budget: https://urldefense.proofpoint.com/v2/url?u=https-3A-www.icann.org_resources_pages_governance_bylaws-2Den-23article22&d=DwIFaQ&c=FmY1u3PJP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=SJoAZJPf4sII7c5HM-90jeUSDBNV8i1H6DgoihUn1_U&m=nfjiiJTmeDzjVGwL6rB_6gLYnkDTZseEvJNQDwMD-0&s=4ABjt7TCq6s2E-g_nGoyZdle-ZHVJ10u-8KorvElkhw&e=. The GNSO is one of five Decisional Participants in the EC. Note that, for a Budget rejection process to be initiated, a petition must be filed that relates to a topic raised during the public comment period.

Mary Wong: Specifically, a rejection petition must contain rationale "based on one or more significant issues that were specifically raised in the applicable public comment period(s) relating to perceived inconsistencies with the Mission, purpose and role set forth in ICANN's Articles of Incorporation and Bylaws, the global public interest, the needs of ICANN's stakeholders, financial stability, or other matter of concern to the community." (per Annex D, ICANN Bylaws).

Ozan Sahin: Session with Göran Marby is wrapping up, thanks for joining

Ozan Sahin: We will have a break for 15 minutes