

---

ERIC OSTERWEIL: All right. Cool. Thank you very much. Hey, everyone. Thanks for joining the call. I expect there'll probably be one or two other people that join.

Let me start this off by asking if there are any updates to Statements of Interests. Okay. And if we could have staff please let us know who sent their apologies for today.

YVETTE GUIGNEAUX: Hey, Eric. We have apologies from Boban and Ramkrishna.

ERIC OSTERWEIL: Okay. Great. And I suspect everyone's seen that Cathy resigned from the team earlier today, not long ago. So perpetual, permanent [apology].

Okay, great. Let's go ahead and get started. I think the first thing that we were going to discuss today was the status of the Future Challenges Subgroup. Do we have Kerry-Ann? We don't. That'll make that challenging.

So maybe ahead of that – hopefully Kerry-Ann can join us – I see she's just joining us now, so to give her a minute to find her feet – everyone who is on the call who is part of the ICANN SSR Subteam, we have the meeting coming up in under a week, Monday and Tuesday in Los Angeles. So I suspect everyone who's planning to be there is well aware of that, but just for the rest of the team's situational awareness, this subteam has been planning it for a while, and that meeting is looking to

---

*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.*

---

go off and so we may wind up – when we get this subgroup work plans, even though I think Boban’s not on the call, we will probably touch on a couple of the operational aspects, and I’ll probably try and squeeze something else into the AoB section about the NDA.

But barring that, Kerry-Ann, are you prepared? I know you just jumped on, so sorry to hit you with this, but are you prepared to discuss [inaudible]

KERRY-ANN BARRETT: Hi, Eric. Can you guys hear me? It’s [inaudible]

ERIC OSTERWEIL: Yes.

KERRY-ANN BARRETT: For some reason you’ve gone very low for me, so I’m just trying to fix my volume. Can you do a test, Eric, and just reply again?

ERIC OSTERWEIL: All right. Test. Can you hear me?

KERRY-ANN BARRETT: Barely, but once you guys can hear me... Hi, everyone. I want to try and give an update with the Future Challenges Subgroup. I haven’t had an opportunity to touch base with the subgroup because since our last meeting, we haven’t been able to present to the plenary what the

---

amended work plan had looked like coming out of the last meeting, so just ask staff if they could put out the section related to the subgroup.

Perfect. I had done some changes to the document just to let it be a little bit clearer and that it would flow just a little bit better in terms of the logic. The topics for consideration I had left as is. Go to the next page. And what I had done was just separate the topics for consideration to the actual activities that the subgroup was proposing. Please go to the next page.

UNIDENTIFIED MALE: [inaudible]

KERRY-ANN BARRETT: All right. Thank you. No, it hasn't changed there. I'm just checking if anyone knows whether I can get the [inaudible] in.

YVETTE GUIGNEAUX: Hi, Kerry-Ann. Can you hear me?

KERRY-ANN BARRETT: Go ahead, Yvette.

YVETTE GUIGNEAUX: Okay. All right. I've got the Future Challenges page up. [inaudible] in red. [inaudible].

---

KERRY-ANN BARRETT: Just turn the page.

YVETTE GUIGNEAUX: Okay. Originally this is where we would be. Turn to page one. It's on [inaudible] Is that what you were looking to do? Or you were looking for something else?

KERRY-ANN BARRETT: Go again, Yvette.

YVETTE GUIGNEAUX: This is the page that was up that you asked for a change. Are you looking for something else?

KERRY-ANN BARRETT: No, there's a second page, the next page.

YVETTE GUIGNEAUX: Okay. Then this one has –

KERRY-ANN BARRETT: [inaudible]

YVETTE GUIGNEAUX: Okay, top identifiers, and then this was performance, security and all of the print in red. Is that what you're looking for?

---

KERRY-ANN BARRETT: Yes. That's the part I'm looking for because no one has signed off on it as yet at the plenary.

YVETTE GUIGNEAUX: Okay. That's on screen currently right now.

KERRY-ANN BARRETT: Not for me as yet. All right, so if everyone else could see it, I can't see it yet. But if everyone could see it, coming out of the [inaudible] only meeting that –

YVETTE GUIGNEAUX: Do you see it now?

KERRY-ANN BARRETT: Yes, I can see it now. Coming out of the [inaudible] only meeting that we had, we discussed these areas as something that we wanted to include as a part of this subteam. We had asked the plenary once it was round robin to sign off on it, but we hadn't gotten any feedback.

The idea that we discussed during the subgroup was to ensure that we were taking into consideration some of the growing threats that we're seeing happening in the Internet generally, some of the things that DNS might face given some of the changes, so take into account the abuse report, and we're also thinking about not just the technical aspects but

---

to see if we should include some of the contractual aspects as well that might be a challenge.

The [threat] intelligence aspect of it as well, given some of the information that we're now receiving daily as technology is changing, to see if we should be looking at recommendations for ICANN for them to actually prepare themselves and be proactive rather than to be reactive when the threats come.

Coming up at the meeting, Eric had raised one point which we still wanted to bring here to the plenary, which was whether or not the plenary would want this subgroup to really kickstart its work closer to the end of the report preparation, given that this is future threats.

Maybe once the other subteams have kind of identified some of the challenges or the security risks that they are identifying, that we would then include that as a part of the holistic future threats, and it would be more a future look-in of forward thinking recommendations coming out of this subgroup.

As I said, we haven't had a meeting since, so if any of the other subgroup members would like to have any input at this point, they can. And we would probably need to hear from the plenary to see what they think we should do next. Should we continue to now divide the work among the various subgroup members, or is it something that we should hold back and wait until we have a clear idea of where the other subgroups are going to see what our focus should be? Thank you.

---

ERIC OSTERWEIL:

Thanks a lot, Kerry-Ann. So I think this is an excellent segue into a number of issues. One of the things I'd like to sort of put to the full call, the full plenary right now, is that like Kerry-Ann said, this is the second attempt to garnish some feedback from the full team, and the extent to which there are some apologies that we have a panel of people here and we have sort of a well-constructed write-up and a set of bullet points and a request for some feedback.

So this includes, is this on the right track? Is it not on the right track? Is this complete? Should it go later? So people with opinions about the direction of the team and input to its progress, this is your moment. So I'm sort of curious if anybody has any thoughts. As Kerry-Ann says, this has been circulated for a while. But certainly if nothing else, it's on the screen, and I think this is a great time for any feedback anyone might have. I see James you have your hand raised. Please go ahead.

JAMES GANNON:

Thanks. First of all, yes, I support the – I suppose let's call it the scope of items that need to be looked at. I think that's a good, broad look at things. As for the question on timing, I think that is largely up to what you feel your capacity is.

My thoughts would be that you could probably start doing intelligence gathering and bringing any requests that you need to put out for any supporting information on this. You could start to do that now, but if you want to hold off on doing the bulk of the work until later on, near the end of the drafting process for us as a plenary, that would probably be logically sound.

---

But [inaudible] it looks good as revised, and yes, I would [inaudible]

ERIC OSTERWEIL: Great. Thank you very much, James, for chiming in on that. Does anyone else have any thoughts or comments? This is one of the subteams that has kind of a wide net to cast, and so I think it's important for people who are on the call right now to basically speak up if there are any concerns about this, and I suppose since we can't sort of draw people into the microphone line, that we'll presume that silence is full acceptance of what's on the list.

ALAIN PATRICK AINA: Eric?

ERIC OSTERWEIL: Yes.

ALAIN PATRICK AINA: Okay. Can you hear me?

ERIC OSTERWEIL: Yes.

ALAIN PATRICK AINA: Okay. Personally, I'll have to look at the document and probably send some comment. But before then, I have a question to the subteam. Have you had a chance to interact with the SSR staff about [these future



---

threats?]) Because I think it's important for us to also share the view of the staff on the future threats. So, have you had a chance to engage staff on this?

ERIC OSTERWEIL: I'm not sure who you're directing your question to.

KERRY-ANN BARRETT: Eric, he said the subteam members. I could answer.

ERIC OSTERWEIL: Yes, please.

UNIDENTIFIED MALE: Hello.

KERRY-ANN BARRETT: [inaudible] anything. [inaudible] after – Alain, can you hear me?

UNIDENTIFIED MALE: [inaudible]

KERRY-ANN BARRETT: Alain?

---

ALAIN PATRICK AINA: I can hear you.

KERRY-ANN BARRETT: Okay. Yes, we had done the amendments after the – okay. Chat if that's easier for you.

ALAIN PATRICK AINA: All right. Today I am audio only, so –

ERIC OSTERWEIL: I don't know if anyone's talking right now. Kerry-Ann, I don't know if you're speaking, but if you're speaking, I don't think we can hear you.

ALAIN PATRICK AINA: Hello. Eric, can you hear me?

ERIC OSTERWEIL: Yes. I hear you, Alain.

ALAIN PATRICK AINA: Okay. Maybe [inaudible] my comment and question to make sure that everybody gets that. I said that I will look at the document and probably send comments if I have any. [inaudible]

KERRY-ANN BARRETT: Can you hear me?

ERIC OSTERWEIL: Okay. Let me jump in real quick.

KERRY-ANN BARRETT: [inaudible]

ERIC OSTERWEIL: Alain says that he's going to look at the document, and Kerry-Ann, we saw your comment that the subteam has not as yet reached out, and the microphone queue is growing, so let me triage that real quick, and if we need to circle back to this, we can. So, Denise, please go ahead.

DENISE MICHEL: Thank you, Eric. And thank you, Kerry-Ann, for this presentation and summation of the update on the activities of this subgroup. To respond in part to Alain's question, I know that when we were in Madrid, we received presentations from SSR staff that included several of the Future Challenges topics that are [representativeness] in this fuller document.

But the reason I raised my hand was to put into the mix for consideration the potential amount of work this full list of topics for this subtopic group entail, and I suspect sooner rather than later, we'll have to do some ruthless prioritization on what members have time to delve into and what we don't.

---

Just given the breadth of topics and work across all the subgroups and the team, this appears to me to be a particularly dense list of topics to delve into, and it strikes me that we may need to separate these topics into a smaller number that subgroup members want to delve into and pursue more in-depth work on, and then perhaps topics that have a more cursory review and that the subgroup may want to propose as topics for the next Review Team to delve into or for staff in some way to look into. Thanks.

ERIC OSTERWEIL:

Thanks, Denise. Yes, those are interesting points. Steve, can you go ahead, please?

STEVE CONTE:

Yes. Hi, Eric. Thank you. I think I might be attempting to address what I heard Alain say before asking whether or not you – the Review Team – had discussions with the SSR group for looking at this – and unfortunately I don't have [inaudible] larger subsection on this. I don't have it in my head.

There's certainly an opportunity and places where it's relevant to be talking to the larger OCTO body, especially in the future challenges which is more about the research that Matt Larson and his team are conducting on some of these future challenges of the identifier system. However, I believe – my own thought is that not all of this will fall within discussions only with Office of the CTO. I think there are some community questions here, like the loss of confidence in [inaudible] bodies. And if we're looking at the red section about ICANN systems,

---

that would be more relational to talk to IT services instead of ICANN, where ICANN SSR and ICANN OCTO have a role to play, but we're not the decisionmakers as far as the equipment and services that ICANN chooses.

So just to add to that. Alain, I hope I parsed your question correctly and I hope that helped to answer that.

ALAIN PATRICK AINA:

Yes. Thank you, Steve and Denise.

ERIC OSTERWEIL:

Yes, thank all of you, and Alain, thank you very much for your questions as well. Okay, so anybody else have any other comments or questions, or issues they'd like to raise with either the red section or even the document as a whole that had been circulated a while ago?

Okay. I think it's more than fair to circle back on this later in the call if we wind up with time, so by all means if you're thinking about it, don't be shy.

DENISE MICHEL:

Eric, I just had one quick –

ERIC OSTERWEIL:

Okay. Thank you.

---

DENISE MICHEL: I think final comment that would be good to perhaps do a follow-up on the full e-mail list, and that I think is a question of what are the most useful next steps for the subgroup. And we could address that now, or on the e-mail list. Thanks.

ERIC OSTERWEIL: Yes. That makes sense. Thank you. Kerry-Ann, go ahead.

KERRY-ANN BARRETT: That was a similar comment I was going to make to what Denise said. What we would just need is certainty, because I don't want to mobilize the entire subteam and start with an energy if it is that we don't have the go ahead from the plenary.

What I had put in the chat was because everything was changed after the last face-to-face, I think for transparency and just for properness is just to ensure that the entire plenary is okay, and then we can actually have another meeting with just the subteam members where we could decide how we'll actually tackle the work.

If Alain does have further feedback he could give to us, we welcome it. And as Denise said, maybe the most immediate thing is that we do one final [turnaround] and give a timeframe, seven days, and then if no one has any comments within that time, we can [inaudible] it. I don't know if that process would be fine with everyone.

---

ERIC OSTERWEIL:

Yes. Thank you very much, Kerry-Ann. I see a number – yes, I see James is acknowledging that in the chat room. And yes, I think I'll sort of put it directly to the full team. I think at this point there's a subteam with a rapporteur that's requesting feedback from the people that are in panel to be on the Review Team, so I think that basically means that we're asking people to give feedback, and that can be as simple as what James just did, which is [inaudible]. But I think whether it's now or it's sort of on the mailing list, which I think is perfectly appropriate, we're asking for people to sort of do a review of the subteam's current status so we make sure we don't [throw] any good time after that. I think that's a great idea. Thank you, Kerry-Ann.

Okay, great. So then let's move forward to sort of status of subgroup work, or maybe back to the plenary slides. I think we're done with the topic [pdf].

Yes, thank you very much. And so can we advance the slides to the proper – wherever we are? [inaudible] Cool. So yes, all the way to the ICANN? Okay, cool.

I think we have a number of the rapporteurs on. Maybe we can back up one slide, please. Status of subgroup work, challenges, actions needed, work plan.

So everyone should have seen on the mailing list that our friends on staff have circulated a work plan template and basically starting point for the subteams and the rapporteurs to get going. So I wanted to give people a chance to give any feedback they might have on that. Have the rapporteurs or anybody in general look at what was sent out? I think it

---

was the week before last. I can't remember exactly when it came out, but does anyone have any comments or questions about that and using that as essentially an aid or a guide in structuring work and actually normalizing it? Kerry-Ann, go ahead.

KERRY-ANN BARRETT:

Hi, everyone. I have no problem with the structure. The only thing that would be an issue going forward for me and maybe someone else on the subteam would be able to help me with it, my office has completely blocked both Google and the other tools that [James] has recommended that I know Boban has been using a lot and everyone has been able to use. They wrote back to me the end of last week saying that for their security policy reasons, both online tools are blocked, and I won't be able to go around it.

I'm going to try and see if I can be able to do any work on my work laptop. If not, on the server computer, but that's the next option I'm going to be [exploring] with the IT department. So just to kind of give you an update that if I have to work with a document on Google Docs and provide any updates, I may need support for our subgroup from other team members to be able to access the document and update it. So just a heads up, but I have no problem with the document as is.

ERIC OSTERWEIL:

Excellent. Not excellent, but important note. I was wondering if this was going to hit anybody. I guess maybe sort of the co-Chairs will take this offline with staff if there's not a quick answer, but have our friends on staff ever run into an issue before in using online collaboration tools in



---

which someone's basically been blocked by their corporate info sec posture in this way? And is there a workaround that's been used in the past, or do we need to sort of explore that now?

Yes, okay, not an easy problem to solve. I didn't suspect that there wasn't an easy workaround, I just wondered since this is the kind of thing that a lot of info sec teams kind of take real seriously, data exfiltration.

Okay, great. So I think the co-Chairs will take a note to follow up with staff on this one and see if we can work something out. And Kerry-Ann, we'll try to do some homework before we reach out to you and see if we can make something work. Okay, great. Thank you. We'll figure something out for sure.

Okay, so if we can advance the slides, please. Oh, yes, and action item. Thank you for capturing that. So yes, we have a set of meetings that have been confined for Abu Dhabi, and you can see from the slides that are on the page that there are a few groups that we're still waiting to confirm anything with. But in general, I guess this is mostly to raise people's awareness. I guess we probably do have times locked down, but I don't know that I've actually seen a clear schedule. Oh, yes, I actually have seen a clear schedule, so it's just not on the slide.

I believe that the slots for these are locked down, so I think what we need to do probably is we need to socialize the timeslots with the team to make sure that we have a good sense of who's going to participate, who can participate, and who has conflicts. I don't think there's any

---

sensitivity around that, but if there is, I'd like to hear it. James, go ahead.

JAMES GANNON: Thanks, Eric. Just a query. There was an action item from the last plenary I think it was, for staff and Kaveh to work together to try and get a session with the Board in Abu Dhabi. What was the status of that? Do we know?

ERIC OSTERWEIL: That's an excellent question, and I was at Disneyland so I did not even know that. But that's my bad for not catching up. Do we have an update on that? Because I think at this point, that's pretty critical. Denise, also if your hand is raised, maybe you have an update.

DENISE MICHEL: Yes. I guess for Eric and perhaps others' benefit, at our call we agreed that we would add a request to meet with the Board or the Board subgroup to the Abu Dhabi list. Staff indicated they would pursue that and get back to us on it. I don't know if anyone on the staff side has an update for us on that, but [inaudible] work done.

JENNIFER BRYCE: Yes. Hi. That's exactly right, I don't have an update, but it's on our list and we're working on it.

---

ERIC OSTERWEIL:                    Okay. Great. Thank you. Thanks, James, for you bringing that up, and Denise, thanks – oh, Denise, go ahead.

DENISE MICHEL:                    Yes, I was going to suggest that a practical matter – and it would be great for people to give input if they have another suggestion how to handle this. I would suggest that staff circulate the whole schedule as it is currently, and then update it as additional meetings are confirmed. And then in addition to sharing that on the SSR full team list, also send calendar invites in the Abu Dhabi time zone to every Review Team member who will be – actually, to every Review Team member, and then we would ask that Review Team members reply with accept or decline, and that will help staff help all of us track who would be at each meeting.

And then in terms of the contents of the meeting, what Eric and I had initially discussed was to do just a brief overview of the charter and the status of the Review Team’s work, and then use the bulk of the time to encourage questions and discussions, and that brief overview would include of course touching on the subgroup activities. And hopefully our subgroup rapporteurs can participate in providing updates on that.

So we’ll put this in an e-mail, get people’s thoughts, circulate some draft slides and suggesting how we sort of move forward to get consensus among the team as to how we’ll be handling these meetings. And of course, I invite input from others on this. Thanks.

---

ERIC OSTERWEIL: Yes. Thanks, Denise. And just to sort of iterate, reiterate or to serve, broadcast what's in the chat room a little bit, James, we will be missing you, and yes, we'll definitely be making sure that remote participation is an option to the extent to which that's possible for you. We'd really appreciate your input, as usual.

And Kaveh, I see you saying that an invitation has not yet reached you. Maybe if the liaisons – this can be the invitation. I'm not sure if we need to [stand on] any more ceremony than that. Can you please help us coordinate a session with the Board? And I guess if we need something more formal, then if possible, [inaudible] but I think we want to try and expedite this. So if the formal acknowledgement of requesting time with the Board, especially [inaudible] said there was a caucus or sub-caucus or something that was dialed in on this, so I think certainly making sure that they're present would be critical too.

Denise, is your hand up from before, or is that [inaudible]

UNIDENTIFIED MALE: [inaudible]

DENISE MICHEL: It's old. Sorry.

ERIC OSTERWEIL: Okay.

---

UNIDENTIFIED MALE: [inaudible]

ERIC OSTERWEIL: Okay. Kaveh, go ahead.

KAVEH RANJBAR: Thank you. So, sure, Eric. No, it's not about that [inaudible], it's just about that in the last meeting, the team didn't make a clear request, so I didn't work on that. I was waiting if maybe something we will discuss on the mailing list and then go through the staff to us, or direct [inaudible] but I didn't see or hear anything, so that's why.

If there is a request, then I will definitely start the process, and I will make sure that we get [inaudible]

ERIC OSTERWEIL: Great. Thank you. Yes, there's definitely a formal request. So thank you very much. Okay, no other hands raised, but just giving a couple of seconds to make sure I haven't used up all the oxygen in the room myself. Okay, so then I think, can we move to the next slide, please? Thank you, Kaveh. Kaveh says he'll keep us posted.

Yes, so I guess I'm not sure if this bullet point is sort of directive or sort of a summary, but I think as the subgroups continue to ingest the templates that are produced by staff and begin to have output, that we'll start to synthesize them into the Review Team's work plan. Does anyone have any comments or questions about the subgroup work

---

plans agenda point? Kaveh, I'm assuming your hand is up from before, but if it isn't, by all means please go ahead. Okay, yes, just making sure.

Yes. Thanks a lot for the help, and to echo what Denise has said in the chat room, thanks a lot, Kaveh, for taking the lead on this. Okay, I guess move forward to the next slide, please. I believe it's AoB. Yes.

So there are a couple of things that I'd like to touch on, but I'd like to give the floor away to any hands first. I see Kerry-Ann you have your hand up, so please go ahead.

KERRY-ANN BARRETT:

Yes. Sorry for being so enthusiastic for that slide. I had two points I wanted to raise in AoB. One, I have good news and bad news. The bad news first is unfortunately, I've had to cancel my trip to L.A. We just got notification from one of our member states that they are going to approve their [inaudible] strategy, and I have to travel with my executive secretary to ensure that he's ready for the launching ceremony. So I really want to apologize to everyone. We're looking forward to participating, but I'll try and see how best I can follow the event remotely.

Which brings me to an important point I wanted to raise, and it's twofold to everyone to consider. One, we have the NDA issue that we have to discuss as a plenary, and I think at this point it would extend to remote participation of observers and of members who may not be privy or have signed an NDA, someone to know how we would begin to address that.

---

For example, I won't be able to attend the meeting in L.A. My legal department hasn't given me feedback yet on the NDA. I acknowledged that e-mail where they're asking for directions whether or not we'll just leave any information considered confidential and just discuss during the L.A. meeting publicly available information, which I support at this point given all the uncertainty around the NDA. But I wanted to just put that on the floor just to see how we would proceed. As I said, I want to actively participate remotely in the L.A. meeting, and I just wanted to know how we would go forward with that. Thank you.

ERIC OSTERWEIL:

Thank you, Kerry-Ann. Thoughts taken directly from my mind to your mouth. But before I jump on it, Denise, please go ahead.

DENISE MICHEL:

Sure. I guess the way I've been thinking about this was that, first of all, the legal department at Facebook has not had a chance to complete their assessment of the NDA, so I don't have a signed one yet. But I was thinking about this in terms of given the confluence of the L.A. meeting along with many of us still processing the NDA, I guess my suggestion would be that we move forward with the agenda, with the discussion, then ask staff to stop and highlight when information they want to provide is deemed to be confidential. That would give those members of the team who have not yet signed an NDA an opportunity to leave the room and handle it in that fashion. I guess that's how I was thinking about it. Is that also how other people are thinking about it?

---

In other words, I would not suggest that we say, “Don’t address any confidential information,” but if – and I also expect that much of what we’d ask them to address can be addressed without invoking NDAs, but if we come to a situation where confidential information is addressed, that those of us without NDAs could leave the room and really encouraging others to [note] to address this point. That’s just what I have in my own mind, and would welcome others’ thoughts. Thanks.

ERIC OSTERWEIL:

Anybody else have any comments or questions on that, want to respond to Denise or Kerry-Ann? I see no hands. So just to sort of pile on a little bit, I actually think that there’s a fundamental problem with having the heterogeneity of some people with NDAs executed being briefed at the same time as other people, at the very least, on the same subteam, if not the entire full team that are then out of the room and back in the room, and the final result expecting to be fully transparent and a community-wide product being sort of the result of constituent elements that are hidden under NDA is definitely possible, but it seems extremely likely that there will be very complicated concerns around whether something was digested properly and sanitized properly.

And especially with a team full of people that have executed and have not executed, I think we get into a really sticky quagmire of who said what to who at what time that resulted in a [work] product. I think that this could potentially be something we want to avoid, especially as our various legal teams at various companies are potentially hammering out their perspectives with ICANN’s legal team.



---

So I think at this point, my two cents would be that if we're going to L.A., and having been in panels on the Review Team without the NDA at the beginning, not knowing what would be in it and then agreeing to do the work and now we're going to L.A., and some of us I guess may have executed it, and certainly some of us have not. I'll admit that I have not. I've not been allowed to at this point, it probably is going to make things exceptionally more difficult to say, "Some of the stuff that we were briefed on we weren't allowed to be briefed on so we left the room, and some of it we were." And I think that [certainly for this briefing,] we can probably not safely do a heterogenous approach. That'd be my two cents.

I also want to ask where ICANN is currently keeping the list of people who have executed the NDA, because I believe in the NDA itself, it says that ICANN will maintain a list of people who are authorized by the NDA to see private information. So I wonder where that list is, if that's something that we can all see, if it's curated in real time, etc.

Sorry, that was like a million points all at once. I see Jennifer has pointed it under the chat room. Thank you very much, Jennifer. Does anybody else have any thoughts on that? Because I guess barring any – oh, Kerry-Ann, please go ahead.

KERRY-ANN BARRETT:

Apologies if you hear a two-year-old in the background, I just picked him up. [inaudible] to talk. I agree with everything that Eric said. There's just one thing I was thinking of as well that staff could probably guide me. It's just a thought, while Eric was talking it came to me, so I haven't

---

really thought it through fully. But would there be any merit at some point – and Kaveh could guide as well – with us having a sit down with the Board and Legal just to see given that we’re a transitional committee that we came in just when the RALOs came in, to see if there are any – not compromises, but some amount of leeway that we could work through just for the purposes of this NDA. I mean [inaudible] as an attorney, I do appreciate the analysis that was sent in, which I think [inaudible] NDA was. [inaudible]. Did anyone else hear me, or is it just Kaveh?

ERIC OSTERWEIL: You’re breaking up a little bit, so we’re hearing some of it but not all of it.

KERRY-ANN BARRETT: Can you hear me?

ERIC OSTERWEIL: Some but not all. We heard the first half. So Kerry-Ann, while you’re typing, thank you very much for bringing that up and then also agreeing to type it while we sort the audio issues out. It is the case, at least for me, that my legal team is going to have to take the position of the company in response, and it won’t be me who’s speaking with the lawyers. So I can’t speak for anybody else in any other companies, but it’s probably the case that this isn’t something where a non-lawyer or like myself can sit down and come to a sort of acceptable arrangement with the different legal teams. So yes, that might be difficult.

---

But also not being a lawyer, I really don't know what the over and under is on somebody basically working on a Review Team having executed an NDA, and something showing up in a final report that gets somebody very agitated, and then having the people that executed the NDA be the ones that are held responsible regardless of culpability. I just don't know where that lands. So I think as a team, we have to know, are we going to – first of all, I think what we have to do is know whether we're going to go forward with this, the upcoming L.A. trip as a heterogenous team, some with an executed NDA that are seeing materials the rest of us are not, and then digesting it into a work product, or are we going to sort of say, "No, if we're not all executing, then we need to treat it like none of us have."

And then I think we need to sort of take a step back from that, whatever the answer is, and generalize it for the entire team and say, "Are we going to put people in a position to have signed an NDA whereby the rest of us haven't been, but we're all producing the final report?" I think it doesn't – in my guess doesn't cut against the people who have not signed. Does anybody have any thoughts on that? Especially the people who are going to L.A. Denise, can you go ahead, please?

DENISE MICHEL:

Yes. I would suggest that we continue this conversation on the e-mail list. It would be I think useful to have Boban, rapporteur of this group, also weigh in on it.

so I guess it sounds like that you're suggesting that we have the October [inaudible] meeting in L.A. without – we have the meeting [inaudible]

---

the agenda items without discussing confidential NDA trigger information, and that staff should flag when they have confidential information that they could share with those who have NDAs. We could note that and then decide as a group or a broader group how to deal with that after the fact. Am I understanding your suggestions correctly?

ERIC OSTERWEIL:

Yes. And they're very soft suggestions in the sense that I'm willing to be fully deferential on this, but I felt like I really wanted to bring it up, I really wanted there to be some discussion about it so that it was clearly stated that this was something that we were having consternation over, and that whatever the result was, it was a product of us discussing it.

So I think, yes, taking it to the mailing list would be great. I guess I felt [I want to] to bring it up on the call because I hadn't seen a huge amount of traffic on it on the list, and I thought getting some throughput would be good, and maybe this is enough to discuss it on the list.

And obviously, you're absolutely right. Boban should be a central part of this as the rapporteur for the subgroup. So definitely.

DENISE MICHEL:

I think it's really useful for you to raise this then, and we should all acknowledge that this is really new for everyone involved, including staff. So we're all a bit feeling our way and trying to come up with the best solution. Thanks.

---

ERIC OSTERWEIL:

Yes. Thank you. And I don't know the extent to which – this sounds like since as you said it's new, in a sense whether it was intended or not. We're proving out the efficacy of that edict. If it was sort of pronounced that the subteam shall sign NDAs and it's proven to be an impedance [inaudible] sort of a public product based on information that was covered by an NDA, it's possible that it's just something that proves to be [intractable] for some reason. So I just want to mention that as well, and hopefully that sparks some discussion.

Yes, so sort of in a normal fashion, I think that there have been a number of us who have sort of cycled really heavily on the call here, and I want to make sure the people who haven't spoken up have had the opportunity to sort of weigh in. So does anybody else have any comments or questions, either about the agenda that we've had today, or maybe even more broadly, maybe any of the other subgroups?

These plenary calls are sort of structured around the agenda, but we're here at the AoB slide with definitely some time left in the call, and I definitely encourage people with thoughts, questions or comments to sort of voice them now while we have everybody – or most of everybody – in one place at one time.

NORM RITCHIE:

Yes. Can you hear me?

ERIC OSTERWEIL:

Yes.

---

NORM RITCHIE: Okay. Sorry, I'm on the cell phone. On the NDA side of things – and I thought the response that was received from staff was very good, it clearly stated that it states in the Bylaws that we must sign an NDA to see any confidential material. So I don't understand some people's views on this. They seem too extreme.

We aren't going to change the Bylaws, so they are what they are. I'm just having difficulty why people are so hesitant to sign an NDA. It's something that probably all of us do on a weekly basis. And so I'm just a bit confused. I wouldn't mind some understanding it better, because I'm obviously missing something.

ERIC OSTERWEIL: I this particular NDA is written in a particular way, speaking for myself only. It's worth a careful read, and I think it may be that it winds up being – depending on where you sit and what direction you face, it's more or less difficult to sort of see a way forward on, but certainly regardless of any particulars, some of us basically have to go through our legal departments before we can sign anything. And so that's also a consideration too.

NORM RITCHIE: Okay. That's fair enough. Thank you.

ERIC OSTERWEIL: Kerry-Ann, go ahead. Kerry-Ann, if you're speaking, we're not able to hear you.

---

KERRY-ANN BARRETT: [inaudible] like for me, as you know James and I weren't leading – can you hear me now?

ERIC OSTERWEIL: Yes. We can hear you now.

KERRY-ANN BARRETT: Can you hear me now?

UNIDENTIFIED FEMALE: Yes.

KERRY-ANN BARRETT: For me personally, as you know, James and I would have been a part of the process to negotiate on the path of the [inaudible] team with Legal on the [inaudible] terms. But having [inaudible] as a result of being a part, but in terms of what it may mean, I can't see them giving much objections, but just that I have to still wait on them to come back as a result of my nomination and the process [inaudible]

ERIC OSTERWEIL: Okay. Kerry-Ann, I'm not sure if we lost the final syllable or if you cut out, but it sounded like you were basically saying – just to reiterate what I think we heard is that you're hopeful that you'll be given the green light to sign in the near future. So yes, we have – and there's sort

---

of an active chat. Norm, I don't know if you can see the chat room. Did you say you're audio only? So you probably can't see the chat room. If that's the case, I can channel it for you.

NORM RITCHIE: Yes, I'm just audio. So I'll sign the NDA myself.

ERIC OSTERWEIL: Okay. Great. Makes sense. Well, we have five minutes left, and so, does anyone else have Any Other Business that they'd like to raise? Kerry-Ann, I think your hand is old, but James, your hand is new. James, go ahead, please.

JAMES GANNON: I'm not sure whether we should try and discuss this in our remaining five minutes, but the response from the Board to the ICANN SSR Subgroup was posted to the list just before the meeting, and to me it raises major issues. And given that some of us would be flying out over the weekend, can we have a few minutes for Kaveh to explain the Board letter to us and maybe to have a quick discussion about that, if people have time?

ERIC OSTERWEIL: I think that might be beneficial. I saw that it came in. I hadn't read it. Sounds like, James, you have. So yes, Kaveh, do you feel like giving us a few minutes on this?



---

KAVEH RANJBAR: Sure. Basically, you put the [inaudible] so I don't have that much to add. Basically, what the letter says is some items which are listed in the Board letter are clearly information security related items, so they are very valid points, but you're not in the [inaudible] of work.

We think basically these items, ICANN as an organization is responsible for those, but that's through the CEO and the Board's oversight. They do not affect the scope of SSR work in a meaningful way.

For example, I don't know the way ICANN stores HR records. It's important, they should have proper info sec set up around the technical and policy, but by no means that falls within the scope of SSR work.

Many of the items are generic, and they can go to [stuff] like that, which we think are far from what SSR review should [inaudible].

ERIC OSTERWEIL: Okay. James, is your hand a new hand or an old hand? If it's a new hand, please go ahead.

JAMES GANNON: Yes, new hand, please. Just to try and keep this brief, with respect I disagree with a number of the points in the letter. Indeed, there is history to prove that that is not the case and that the reading of the Bylaws was that in previous [inaudible] a number of the areas which have now been deemed out of scope were indeed subject to recommendations from the SSR review, and the Board [lateral

---

references], one of the four areas, the four subclauses in the Bylaws that we are to look at. It only references the “shall” rather than the “may,” which also includes operational security matters which is what we intend to look at.

And just to try and keep this short, is the Board intending to direct ICANN staff not to work with us on these issues in L.A. when we arrive? And what is the rectification process if the subgroup disagrees with the Board’s interpretation?

KAVEH RANJBAR:

To shortly answer your second question, I really don’t know that that’s – we need to discuss how we’re going to resolve it. The Board has made a proposal. I think that’s uncharted waters anyway, so we need to see. The best way to proceed is to keep the communication channel open and then discuss it openly.

On the first part, I don’t think – I’m speaking for myself and just based on the discussions, I don’t think they’re going to direct staff not to provide information as is mentioned in the letter. Sharing information might even be useful, but having those as part of an audit is a different story. So I think there is really nothing to hide, especially if NDAs are in place. I think that staff can basically provide anything that’s within the audit [inaudible]. But actually doing the audit based on those [inaudible] and working on those, we seriously think that’s out of scope of the [inaudible]

---

ERIC OSTERWEIL: Okay. I've thrown myself in the queue, but I see Denise and James are first, so Denise, please go ahead.

DENISE MICHEL: Thank you. Yes, I agree with James. I think – and perhaps it's the word "audit" or the title "audit" that is perhaps causing some confusion about this or a difference of opinion, and I really haven't had a chance to look at the letter thoroughly, but just from a quick glance, I note that the letter includes items that were addressed by the SSR1 Review Team. The only "shall do" that this Review Team has is that we shall assess implementation of the SSR1 recommendations and their impact. That puts these topics squarely within the purview of the SSR2.

Further, I think given that we are so close to the L.A. meeting and the fact that the work plan for the subgroup and audit plan, if you will, has been in the public domain for many months, it's important for the team and staff involved to continue as we've planned. It looks like we'll have an opportunity to discuss these perspectives face-to-face in Abu Dhabi, which I think will be really helpful in fleshing out where the difference of opinion lies.

And finally, I would just underscore what I hope everyone on the team knows, and that's that we are an independent, community-appointed Review Team. Ultimately, our responsibility is to conduct our work within the Bylaws and do so independently. And overall, that drives all work I think regardless of different perspectives or positions we might receive from the Board, and hopeful that we – if there are indeed

---

differences of opinion, which it looks like there is, I'm hopeful that we can work through this and discuss it further in Abu Dhabi. Thank you.

ERIC OSTERWEIL: Thanks, Denise. James, go ahead.

JAMES GANNON: Thanks, Eric. I can keep this pretty brief. Just so everybody knows, I've had the chance to speak to Boban about this yesterday, and yes, barring an order from the Board, I think the most practical way for us to go ahead with this is that we continue with the workshop as planned, and then we can have a longer discussion with the flexibility in time given that some of us will be on flights this weekend on how we deal with the outputs of that workshop in conjunction with the Board.

Let's sit down and have that meeting in Abu Dhabi and have a collegial discussion about it. But I think we need to go ahead with the workshop as planned, because I know certainly for me, I don't want to get on a plane and fly 5000 miles to not be able to do 50% of the work. So I think we'll go ahead as planned, and then have a longer discussion about what to do with the outcomes of that workshop.

ERIC OSTERWEIL: Great. Thanks, James. Yes, and I'm sensitive of the fact that we're over time, so I'll just simply say that I think that it would be sort of visibly awkward if things did not go to plan according to the planning we've done, just like you said, James, and just like you said, Denise. So I'm hopeful that everyone that's here is understanding, that people have

---

committed to understanding that we will be conducting this review, and there was ample time to get in front of it before now if that's not the case.

And finally, I think we should take this to the list as we're way over time, but I will point out that I think there is unfortunately a blurred line between operating infrastructure that provides a service, and the service provided by the infrastructure that needs to be operated properly. And I think that is why this is necessarily in scope, is that it's not easy to dissect those or bisect those from each other in a very clean way from [inaudible] principle. I think that's why we're in this particular situation, and that's why I disagree with what I suspect is in the Board letter, but I have not had a chance to read it because we were on the call. But I will do so immediately following the call.

So Kaveh, I definitely want to give you the last spot, but after that I have to close the line because we are way over time. And I appreciate everyone who stuck around past the top of the hour here. Go ahead, Kaveh, please.

KAVEH RANJBAR:

Thank you very much. Thank you, Denise and James as well. Denise, to your first point, the Board requested in the letter – and I think this is also to James' point – requested clarification before the L.A. meeting. So I think what James said is fair enough, which we really need that as an answer from SSR2. So please kindly write that down as an answer to the Board that you want to go ahead with L.A. workshop as planned, and

---

then continue this discussion in Abu Dhabi. And we will give you an official response on that.

On your second point, Denise, which was responsibility or independence of the Review Team, I actually disagree, but I think that's a point for Abu Dhabi maybe. Our thinking is efficiency of any operation that's using ICANN organization resources are actually within purview of the Board. And if we think the operation is not going smoothly and not efficiently, we are responsible to actually stop it as soon as possible. So this is our working principle.

Thank you, and please, if the staff of the Review Team [actually if] they want to continue with the L.A. workshop, please write it down, and I think we can refer to the part of the Board letter that says gathering information. We are fine with that. So I think what's going to happen in the L.A. meeting is that, nothing further than that. Clarifying that I think solves the issue [on that.]

ERIC OSTERWEIL:

Okay. I see a couple of people typing real quick. I know we're over time, but unless that's real important – yes, I agree, James, that that's kind of a mouthful, Kaveh. And I don't think that he action items that James is going to respond to the ICANN SSR Subteam rep on this rather lofty matter is what we're all on board with here. It's six minutes past the top of the hour, so I don't think that that's an action item that we've all concurred with right now. Because it doesn't fall to James to have to do that rather serious deadlift on his own. James, do you want to say something? I see your hand is up.

JAMES GANNON: Yes. Sorry. No, what I will respond to is myself and Boban will reply saying that we want to continue with the workshop as planned, but not to the other statement which is a huge statement which we need to discuss in other forums. Not even within this Review Team. That needs to be discussed by the community.

ERIC OSTERWEIL: Yes. I think we should take that off the action items, please. All right. Great, everyone. Thank you very much. I hope not too many other people have too many other things to say, because we're way past time. So thanks, everyone. Please take your next set of comments to the list. I think the list desperately needs some friends. It's very lonely. Please feel free to speak to it, and we'll all hear. Thank you very much, everyone.

UNIDENTIFIED FEMALE: Thanks, Eric.

**[END OF TRANSCRIPTION]**