

**AC Attendance -38 Members**

Alan Greenberg  
Alan Woods (Donuts)  
Alex Deacon  
Andrew Sullivan  
Avri Doria  
Benjamin Akinmoyeje (Nigeria)  
Beth Bacon  
Chris Wilson  
Chuck Gomes (RDS PDP WG Chair)  
David Cake  
Dick Leaning  
Evan Smith  
Fabricio Vayra  
Greg Aaron  
Greg Shatan  
Griffin Barnett  
James Galvin (Afilias)  
Klaus Stoll  
Krishna Seeburn - Kris  
Laura Margolis

Marc Anderson  
Mason Cole  
Maxim Alzoba (FAITID)  
Michael Palage  
Nathalie Coupet  
Rod Rasmussen  
Roger Carney  
Rubens Kuhl  
Sam Lanfranco  
Sara Bockey  
Scott Hollenbeck (Verisign)  
Stephanie Perrin  
Steve Metalitz  
Susan Kawaguchi  
Tapani Tarvainen  
Tim Obrien  
Vicky Sheckler

**On Audio Only:** none

**Apologies:** Paul Keating, Kris Seeburn

**Staff:**

Lisa Phifer  
Marika Konings  
Berry Cobb  
Dennis Chang  
Herb Waye Ombuds  
Julie Bisland

**AC CHAT:**

Julie Bisland: Welcome to the GNSO Next-Gen RDS PDP Working Group teleconference on Tuesday, 09 January 2018 at 17:00 UTC

Julie Bisland: Agenda wiki page: [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_community.icann.org\\_x\\_QgByB&d=DwlFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=QiF-05YzARosRvTYd84AB\\_UYInlydmFcjNmBM5XgySw&m=iQOyClB\\_YStHg9z0DdSi-DrltMxtGoy71jRaUi1dbnw&s=mr7HcvTGRjpnSVrQZ8Alfo\\_Wh8xM5l1q05PvGD7Hjl&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_x_QgByB&d=DwlFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=QiF-05YzARosRvTYd84AB_UYInlydmFcjNmBM5XgySw&m=iQOyClB_YStHg9z0DdSi-DrltMxtGoy71jRaUi1dbnw&s=mr7HcvTGRjpnSVrQZ8Alfo_Wh8xM5l1q05PvGD7Hjl&e=)

Maxim Alzoba (FAITID):Hello all , I am driving , will listen mostly

Julie Bisland:thank you, Maxim, I'll note the AC

Herb Waye Ombuds:Greetings everyone

Laura Margolis:Greetings!

Sam Lanfranco:And a snowy midday to all...

Lisa Phifer: Poll results can be found at [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_\\_community.icann.org\\_download\\_attachments\\_d=DwIFaQ&c=FmY1u3PJP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=QIF-05YzARosRvTYd84AB\\_UYInlydmFcjNmBM5XgySw&m=iQOyCIB\\_YStHg9z0DdSi-DritMxtGoy71jRaUi1dbnw&s=9IKcMLVrWhwgNaTyol-t0LJmuwr2KX6oIsm7wi44Mwo&e=74580021/AnnotatedResults-Poll-from-20December.pdf](https://urldefense.proofpoint.com/v2/url?u=https-3A__community.icann.org_download_attachments_d=DwIFaQ&c=FmY1u3PJP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=QIF-05YzARosRvTYd84AB_UYInlydmFcjNmBM5XgySw&m=iQOyCIB_YStHg9z0DdSi-DritMxtGoy71jRaUi1dbnw&s=9IKcMLVrWhwgNaTyol-t0LJmuwr2KX6oIsm7wi44Mwo&e=74580021/AnnotatedResults-Poll-from-20December.pdf)

Lisa Phifer: Slides displayed can be found at [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_\\_community.icann.org\\_x\\_QgByB&d=DwIFaQ&c=FmY1u3PJP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=QIF-05YzARosRvTYd84AB\\_UYInlydmFcjNmBM5XgySw&m=iQOyCIB\\_YStHg9z0DdSi-DritMxtGoy71jRaUi1dbnw&s=mr7HcvTGRjpnqSVrQZ8Alfo\\_Wh8xM5l1q05PvGD7Hjl&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A__community.icann.org_x_QgByB&d=DwIFaQ&c=FmY1u3PJP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=QIF-05YzARosRvTYd84AB_UYInlydmFcjNmBM5XgySw&m=iQOyCIB_YStHg9z0DdSi-DritMxtGoy71jRaUi1dbnw&s=mr7HcvTGRjpnqSVrQZ8Alfo_Wh8xM5l1q05PvGD7Hjl&e=)

Greg Shatan: I will need to drop off around 45 minutes into the call. Please accept my partial apology.

Julie Bisland: thank you, Greg

Rod Rasmussen: @Lisa - that poll results link isn't correct - odd character in the middle of the URL - seems to be in between the backslash after "attachments" and the "7"

Lisa Phifer: Rod thanks

Lisa Phifer: [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_\\_community.icann.org\\_download\\_attachments\\_74580034\\_AnnotatedResults-2DPoll-2Dfrom-2D20DecemberCall.pdf&d=DwIFaQ&c=FmY1u3PJP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=QIF-05YzARosRvTYd84AB\\_UYInlydmFcjNmBM5XgySw&m=iQOyCIB\\_YStHg9z0DdSi-DritMxtGoy71jRaUi1dbnw&s=HbaXHlrLZgKszwmOnE5JRNeKdttTauGaWyTCj2hDmsk&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A__community.icann.org_download_attachments_74580034_AnnotatedResults-2DPoll-2Dfrom-2D20DecemberCall.pdf&d=DwIFaQ&c=FmY1u3PJP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=QIF-05YzARosRvTYd84AB_UYInlydmFcjNmBM5XgySw&m=iQOyCIB_YStHg9z0DdSi-DritMxtGoy71jRaUi1dbnw&s=HbaXHlrLZgKszwmOnE5JRNeKdttTauGaWyTCj2hDmsk&e=)

James Galvin (Afilias): Apologies for being late!

Vicky Sheckler: apologies - i need to drop off at the top of the hour.

Julie Bisland: thank you, Vicky

andrew sullivan: Given the drift toward "tls everywhere", of course, you're going to \_have\_ to want a certificate eventually, though whether those will only be DV is another open question

Rod Rasmussen: @Greg S. - agree that we need to better define "required" in the case where some data being provided will only be needed by some registrants/purposes and not others, but you definitely DO want to provide the capability or it breaks something.

Sara Bockey: I don't think we are discussing published items yet, right??

Rod Rasmussen: Can't publish what you don't have.

andrew sullivan: We're back to "what is the RDS" with this question Chuck is asking.

Sara Bockey: thank you

stephanie Perrin: I would of course strenuously disagree with Greg's basic premise here. The registration of a domain name does not even implicate its current use, let alone the requirement for a cert. To make any possible use into a mandatory collection requirement is a gross neglect of the principle of data minimization.

Lisa Phifer: @Sara, correct - we are discussing purposes for requiring registration data collection - access to be discussed later

andrew sullivan: Stephanie, nobody registers a domain name for its own sake. It's an instrumental activity

andrew sullivan: and to be practical today, to operate a domain on the Internet you need a cert

Julie Bisland: lost you David

stephanie Perrin: I was under the distinct impression that domain speculators did

andrew sullivan: Domain speculators only exist as parasitic on the fundamental use case

andrew sullivan: there'd be no speculation if no real use were there for domain names

stephanie Perrin: I have several domains that I have to defensively register....what would you call those?

Klaus Stoll: Sorry to be late, Adobe problems.

andrew sullivan: Why do you have to "defensively register" them?

Greg Shatan:I think that this is entirely consistent with data minimization, since it is directly related to a specified purpose.

stephanie Perrin:Do we have reliable stats on what percentage of names are in use on the Internet and how many are simply registered?

andrew sullivan:You have to be kidding me.

andrew sullivan:But yes, we do

Alex Deacon:you can use the data but cant rely on it.

James Galvin (Afilias):I have a problem with Greg Shatan's premise. I have no issue with the principle that certificate issuers have a legitimate need to know "who" owns a domain name. There are certainly others who have that same interest. However, ICANN is neither in the certificate business nor in anybody else's business who needs the data. So, I do not agree that certificates or any other business present a legitimate reason to collect any data.

David Cake:There are legitimate reasons for a certificate issuer to want to know who owns a domain name. Its just that the means certificate issuers use to confirm who owns a domain name at most optionally used the RDS, and for the majority of data elements they are forbidden to rely on the RDS by their own rules.

Greg Shatan:RDS is not for ICANN's use.

James Galvin (Afilias):And, to Alex Deacon's point, none of registrar, registry, or ICANN "validate" the data. So while a certificate issuer may be influenced by the contents I have trouble with arguments that seem to suggest that certificate issuers can "rely" on the data.

Greg Shatan:ICANN is in the security, stability, resiliency and trust business. Certification is an integral part of that.

andrew sullivan:The problem here is that we appear to be working with two possible values: (MUST be collected or else not legitimate purpose)

Alex Deacon:to james point - as an org doing biz on the internet i should have the ability to ensure the WHOIS data associated with my domain exactly matches the org information in my DV/EV cert.

Lisa Phifer:Possibly we are confusing a requirement for mandatory collection of data and a requirement to support a purpose for optional collection of data?

andrew sullivan:I'm arguing that it's better ((MUST be collected) or (MAY be collected with informed consent)) or (not legitimate)

andrew sullivan:@Lisa: yes

James Galvin (Afilias):@alex - absolutely. No issue with registrants wanting to make sure they provide good data.

Greg Shatan:+1 Alan, we need to deal with reality, not with alternative realities.

Fabricio Vayra:+1 Alan

James Galvin (Afilias):@greg shatan - While I agree that SSR is critical to ICANN's business, I'm not convinced that ICANN is in the SSR business.

Alex Deacon:no audio from david

Julie Bisland:David, we can't hear you

James Galvin (Afilias):@lisa - your formulation makes sense to me

Julie Bisland:I'll chat David directly

Rod Rasmussen:If I am company X, and want to use CERT vendor Y that uses a well-established CERT issuing process that includes use of data published in the RDS, then I sure as heck want to have this data published the data as I have for two decades or so to support that process. This is a fundamental reason for any "directory service" - providing methods to map objects to controlling entities,

David Cake:my audio seems to have failed me.

Lisa Phifer:Does Rod's suggested revision do the trick? That is: Domain Name Certification is NOT a legitimate purpose for requiring collection of registration data, but may be a legitimate purpose for using

some data collected for other purposes and may be a legitimate purpose for optional collection of registration data at the request of the registrant. (Access requirements to be deliberated at a later stage.)

andrew sullivan: I agree with Rod that there is no reason to have this directory except that people look things up in there.

James Galvin (Afilias):@rod - I think the problem you are solving is that ability of a registrant to request publication of their data. I have no issue with the service being available.

Rod Rasmussen:@Lisa - even I don't like that convoluted English. :-)

Julie Bisland: we are still troubleshooting

David Cake: Not yet

James Galvin (Afilias):@rod - I think the question we're discussing is whether registrars/registries are required to collect data to support certificates. Optionally being able to support them is fine with me.

andrew sullivan: The addition that Rod makes is consistent with the point I understood from him and that I was trying to make.

Greg Shatan: Something that starts with "Domain Name Certification is a legitimate purpose..." is what will work for me.

Rod Rasmussen:@Jim - only sort-of - what I'm doing is saying don't break something that already is well-established.

Alex Deacon:@rod that's right. and for what it's worth for the most part data in certs associated with an org do not (should not) fall under the umbrella of data protection rules.

David Cake: My point in reply to Alan was that the common forms of certificate (Domain, Organisation and Extended) can be issued without any reference to the RDS, using only the DNS itself and/or external means as specified in eg the EV rules

Vicky Sheckler: +1 alex

Rod Rasmussen:@Jim - whether one registry/registrar does it or all, the policy and legal basis still has to be established.

Lisa Phifer:@Rod, how about this: Domain Name Certification is NOT a legitimate purpose for requiring mandatory collection of registration data, but may be a legitimate purpose for using some data collected for other purposes or data optionally collected at the request of the registrant. (Access requirements to be deliberated at a later stage.)

Greg Shatan: I wouldn't jump to conclusions regarding the European legal view on this.

David Cake: The idea that without use of the RDS certificates will somehow disappear is entirely incorrect. The majority of certs on the internet right now are issued without use of the RDS at all.

andrew sullivan: The way we'd write this in a protocol, I think, is something like this: "A data element MAY be collected for the purposes of supporting CA queries. If any data element is required only for supporting CA queries, then that data element MUST be OPTIONAL."

Rod Rasmussen:@David - MAY (i.e. it is possible) is *\*not\** the same as current practice

David Cake: Yes, Rod. Current practice is that Lets Encrypt issue the majority of domain certs, for example, and they do not use the RDS.

Greg Shatan: If a registrant wants a Cert, then the "optional" information is MANDATORY.

Rod Rasmussen: I think we have a fundamental disagreement on facts here. I don't consider Lets Encrypt CERTs to even be legitimate at all (they often indicate illegitimacy in my view).

James Galvin (Afilias): certificate issuance - here's a deliberately provocative suggestion - Which problem are certificate issuers solving? Who *\*owns\** a domain name or who *\*controls\** a domain name? I assert that nothing we're doing actually solves the problem of "ownership". I further assert there are alternate ways to show "control", viz putting something in the DNS zone that can be checked by the certificate issuer.

Lisa Phifer:@Rod, trying another formulation: Domain Name Certification is NOT a legitimate purpose for requiring collection of mandatory registration data, but may be a legitimate purpose for using some data collected for this or another purpose. (Access requirements to be deliberated at a later stage.)

andrew sullivan:@Lisa: no, that's equivalent to what's here

andrew sullivan:and it has the same problem

James Galvin (Afilias):The problem with "ownership" is that the actual data collected is not validated. It just is. The RDS is not helping so why are asserting that it does?

andrew sullivan:that is, this is a legitimate reason for collection, but it's not a legitimate reason for requiring that collection

David Cake:Rod, that's a disagreement with Domain level certificates.

Rod Rasmussen:@Lisa - well now I'm not even agreeing with myself. I would say something more along the lines of what Andrew said: "A data element MAY be collected for the purposes of supporting CA queries. If any data element is required only for supporting CA queries, then that data element MUST be OPTIONAL."

Alan Greenberg:Can we not say that it is a legitimate purpose for collecting, albeit not REQUIRED.

Lisa Phifer:@Rod, you need a statement about the legitimacy of the purposes not the data, how can we flip that around?

David Cake:But the issue for other certs is that they must not use the RDS for almost all data elements, and the others used are very optional, and many cert authorities use the alternatives. I don't have stats on which use which method.

James Galvin (Afilias):@greg - What's MANDATORY is a registrant to be able to put that information there. It is not MANDATORY for a registry/registrar to collect it, simply to provide a means to collect it and publish it.

andrew sullivan:@James: exactly

Rod Rasmussen:@David - sure - there's a big difference between EV and DV and LetsEncrypt has skewed the statistics around DV CERTs considerably.

Lisa Phifer:Stepping back from word-smithing for a moment - in this approach we are trying to identify purposes that are legitimate for collection of some registration data. We were not trying to parse mandatory or optional for each data element at this stage.

steve metalitz:@Jim so could a registrar say "in order for our customers to be able to get certs, we will collect this data from all our customers"?

andrew sullivan:@Lisa: the problem is equivocation on "legitimate for collection" vs. "legitimate to require". We seem not to be distinguishing those cases

Rod Rasmussen:@Andrew +1 on the equivocation issue

andrew sullivan:this is a case where the data is in fact a legitimate use, but it is not legit to require its collection

steve metalitz:While another registrar says, "we won't collect this data so if you need a cert go elsewhere"?

James Galvin (Afilias):@steve - that's a good point for discussion. I think the answer is constrained by privacy requirements (GDPR being the example of the day). I'm not yet sure what the baseline answer is to that question for registrars/registries.

Lisa Phifer:@Andrew, the rewording actually occurred during our last WG call and perhaps we need to revert to "legitimate purpose for collection" instead of "legitimate purpose for requiring collection"

Alex Deacon:@jim again its only constrained by privacy requirements if the registration/cert is of a personal nature vs. one for an organization (legal person)

andrew sullivan:That "requiring for collection" was I thought the compromise, which was why I could tolerate this proposition in the first place.

James Galvin (Afilias):@steve - yes I could imagine that some registrars would have a business model more suitable to certificates than others. :-)

James Galvin (Afilias):@alex - well, I would say that the even making the distinction between natural versus legal is applying privacy requirements.

Greg Shatan:David, that's not quite the question. It's not "whether you can get any certificate without RDS info", it's "whether any certificate requires RDS data." As long as the answer to that second question is yes, it's needed in some cases then the time is not now.

steve metalitz:@ Jim but if we conclude that certification is not a legitimate purpose for collection then perhaps that diversity of business models would not be allowed....

Vicky Sheckler:@stephanie - banking data is very different from RDS data, don't think that analogy makes sense

stephanie Perrin:Vicky, it is a good example of a more sophisticated system with tiered access, I would submit

James Galvin (Afilias):@steve - I do agree that certification is a legitimate purpose for collection, I just don't agree it's a legitimate purpose for mandatory collection by all registrars/registries at all times.

Greg Shatan:We have to take the Cert Providers as we find them.

Lisa Phifer:Ok, trying another phrasing: Domain Name Certification is NOT a legitimate purpose for requiring collection of registration data, but may be a legitimate purpose for allowing some data to be collected for this purpose, or for using some data collected for another purpose.

James Galvin (Afilias):@lisa - +1

andrew sullivan:@Lisa: I'm ok with that too

Vicky Sheckler:At the end of the day, a domain is used to point to an IP address in a way that makes it easier for humans to remember how to get to that IP address. that makes this data fundamentally different from financial data.

Rod Rasmussen:I actually think the analogy is ok for the issue at hand - the idea being that some customers have differing requirements around data provided since they have different purposes for the use of the services they are obtaining - I can ignore a whole bunch of other baggage banking brings in :-)

Vicky Sheckler:apologies - i ned to run.

David Cake:Is anyone aware of a certificate provider that requires RDS, or are we arguing about an entirely speculative model?

Rod Rasmussen:@Lisa - yep, that's more like it!

Lisa Phifer:Alternative proposal: Domain Name Certification is NOT a legitimate purpose for requiring collection of registration data, but may be a legitimate purpose for allowing some data to be collected for this purpose, or for using some data collected for another purpose.

steve metalitz:@Lisa what does "this purpose" refer to? That phrase may not be needed and is potentially confusing.

Rod Rasmussen:Every CERT I've ever obtained (and that's a lot) has required use of whois data during the process.

Rod Rasmussen:Note that I've never used Lets Encrypt for my own CERT :-)

Scott Hollenbeck (Verisign):@Rod: what about Let's Encrypt?

Lisa Phifer:@SteveM, agree - drop "for this purpose" to avoid redundancy

James Galvin (Afilias):@rod - that may be true but that doesn't make it right.

Greg Shatan:I read "NOT a legitimate purpose" to mean never a legitimate purpose, and I think others will do the same.

James Galvin (Afilias):@rod - see my point about distinguishing between "ownership" versus "control".

Lisa Phifer:With SteveM's suggestion: Domain Name Certification is NOT a legitimate purpose for requiring collection of registration data, but may be a legitimate purpose for allowing some data to be collected, or for using some data collected for another purpose.

Rod Rasmussen:@James - sorry - threads here too long - what isn't "right"?

James Galvin (Afilias):@rod - not right (( Every CERT I've ever obtained (and that's a lot) has required use of whois data during the process. ))

Rod Rasmussen:But true. :-)

Rod Rasmussen:I think I see what you mean - guess we need to beat up the CERT vendors I've used then. :-)

Greg Shatan:Domain Name Certification MAY BE a legitimate purpose for requiring collection of registration data, but may not be a legitimate purpose for registrants who do not intend to use a Certification Authority that uses RDS registration data.

James Galvin (Afilias):@rod - I understand. it is done and I agree there is some value. but it's not the only solution and not necessarily right either, given the distinction between ownership and control. The registry/registrar does not do validation on the data either so I think a case can be made that we're not really solving their problem and they need to see that.

andrew sullivan:Some cert vendors use the RDS in their processes. I think that is a legitimate use, and a legitimate reason (all on its own) for collection, even if there is no other reason to collect the data. That is not a reason to require everyone to provide such data. That's what Lisa's latest formulation says.

James Galvin (Afilias):@andrew - +1

Rod Rasmussen:@Andrew and @Jim - I think we're getting onto the same page here from language and intent now.

Greg Shatan:I have to go, but I object to the formulation for reasons I

Greg Shatan:have already expressed.

stephanie Perrin:happy to repoll with the new formulation. I would suggest change "another" to "this" purpose...introduces a potential wild card otherwise.

Greg Shatan:Anything that starts with NOT is a problem, because it creates the base case that this is not legitimate, which is prejudicial.

Greg Shatan:Gotta go.

Lisa Phifer:@Stephanie, I think the intent is to leave the door open for using data collected for another compatible purpose for this purpose as well

Rod Rasmussen:@Jim - this whole topic goes to my old saw which we've discussed over beers etc. a few times that domain registries and registrars are fundamentally missing the boat when it comes to running actual directory services. Something like true validation that could support a whole host of services far more efficiently than currently exists would be an amazing business opportunity.

James Galvin (Afilias):@rod - agreed

stephanie Perrin:Lisa I understand that, but changing to this does not limit that.....that language has to be introduced elsewhere, not in this exercise where we are trying to identify data collected for a set of legitimate purposes....

stephanie Perrin:Dick is showing as being on the call...

Lisa Phifer:We are now on slide 7, moving to Criminal Activity/DNS Abuse Investigation

Herb Wayne Ombuds:Must drop out for another call... all the best everyone

dick leaning:am here - was just using my street name ;-)

Griffin Barnett:also need to drop for another call starting at 1

Chuck Gomes (RDS PDP WG Chair):Thanks Dick.

James Galvin (Afilias):my apologies folks. sadly \$dayjob urgently calls....

James Galvin (Afilias):One comment about the slides and discussion that Rod is kicking off - registries/registrar are currently required to do technical abuse analysis. The slides seem to focus on the law enforcement side. Did I miss a detail?

Lisa Phifer:@Rod, before we move into deliberation, let's give people a chance to ask clarifying questions about the definition of this purpose?

dick leaning:LEA is just one of many 'people' who investigate abuse

dick leaning:its not just about LE

andrew sullivan:Indeed, most of the investigators are not LE

Alex Deacon:agree 100% with Dick here.

steve metalitz:@Rod: Assumption "enough data is being collected for other purposes". True that has been the status quo but as we continue to rule out legitimate purposes for mandatory collection that may no longer be true.

Lisa Phifer:The definition states: regulatory authorities, law enforcement, cybersecurity professionals, IT administrators, automated protection systems and other incident responders

Rod Rasmussen:@Steve - agreed - that's why I gave my little caveat in my remarks. If you make everything completely anonymous then I may come along as say a government authority and require you to start collecting "something"

Greg Aaron:Yes, the overwhelming majority of Intertent/DNS security, investigation, and mitigation activity is not undertaken by law enforcement, but instead by other parties such as network operators, analysts at registrars and registries, private investigators of various kinds, security companies, etc.

Lisa Phifer:We are now on slide 12, considering a possible WG agreement for deliberation

Lisa Phifer:Alternative proposal (phrasing adjusted per earlier discussion): Criminal Activity/DNS Abuse - Investigation is NOT a legitimate purpose for requiring collection of registration data, but may be a legitimate purpose for allowing some data to be collected, or for using some data collected for another purpose.

Greg Aaron:Hamilton memo #3: "Processing of Whois data by law enforcement agencies for such law enforcement purposes should constitute a legitimate interest that motivates processing of personal data in accordance with Article 6.1(f) GDPR."

stephanie Perrin:Yes I agree with slide 12 and would point out that "processing" as used in the Hamilton memo may refer to the broader range of activities once data is collected.

Lisa Phifer:Alternative proposal (phrasing adjusted per earlier discussion): Criminal Activity/DNS Abuse - Investigation is NOT a legitimate purpose for requiring collection of registration data, but may be a legitimate purpose for allowing some data to be collected, or for using some data collected for another purpose.

Lisa Phifer:(just repeating for easy reference)

Alan Greenberg:In South Korea, you need you national id to use a computer in a cyber cafe!

Rod Rasmussen:@Lisa - not sure that modification is necessary for this purpose

Greg Aaron:Yes, I do

Lisa Phifer:@Rod, what would you drop?

steve metalitz:@Rod I take your point re China but it's odd to seem to refer to the world's largest nation (with largest number of Internet users) as if it were an edge case....

stephanie Perrin:If a government requires data to be collected used or disclosed, they are the controller. ICANN's purposes for collection (and use and disclosure which we will deal with later) as a controller are what we are trying to determine

andrew sullivan:The alternative formulation is ok with me, though I don't know whether it applies in quite the same way. A registrant might want to provide data to get a cert, but an abuser is unlikely to want to disclose :) Maybe though a registrant might want to disclose something to \_avoid\_ negative reputational issues, so that might be a reason to do it

andrew sullivan:@Rod: you can have that field. It's the evil bit.

Lisa Phifer:@Rod, might a registrant want to provide their data to enable abuse investigation to protect their domain name?

Alex Deacon:+1 to the evil bit

dick leaning:contact - yes



stephanie Perrin:I can imagine various scenarios where an individual (and certainly organizations) might want to volunteer more data for security purposes.

Lisa Phifer:@Rod, I can see a case for notification more so than investigation but if giving some data will help keep my domain name safer, I might be inclined to give that data (if benefit outweighs risk of course)

Rod Rasmussen:@Stephanie - yes, I can see that, but not necessarily this purpose, but maybe I'm being too pedantic in my thinking around the definition.

stephanie Perrin:However I like the orange formulation better because the addition in Lisa's version may promote ambiguity

steve metalitz:@ Rod is your objection to inclusion of the following phrase: "but may be a legitimate purpose for allowing some data to be collected." ?

Greg Aaron:cuck?

Lisa Phifer:We need to complete the pass we are engaged in now to deliberate on all of the identified purposes, and then complete a second pass once we know what all the data that is collected for other purposes might be

Rod Rasmussen:@Steve - yes. Trying to get my arms around how that fits for this very narrow definition. For things like "domain reputation" I absolutely see where someone would want to provide more data.

Sam Lanfranco:Said nothing but listened with care!

steve metalitz:@Rod so what about a registry for medical professionals collecting info re a registrant's professional licensure? Is there no legitimate purpose for collecting that info so that buses can be investigated?

Rod Rasmussen:@Chuck - it's a new year and we've had a few weeks off that has let us get a fresh new attitude. :-)

Maxim Alzoba (FAITID):bye

Rod Rasmussen:@Steve - Would need to dial out that scenario a bit more - certainly for reputation or for meeting a certain registry's requirements, but that doesn't fit into the bucket here (I think).

steve metalitz:So the Lisa-fied option for investigatoin would not be polled?

Rod Rasmussen:"Lisa-fied" - love it!

Rod Rasmussen:That was Steve's creation @Chuck

Sam Lanfranco:Can we turn Lisa into a cryptocurrency?

Rod Rasmussen:Gotta give original credit where it belongs.

Rod Rasmussen:I support including that as well for our polling. Would be helpful for us to have discussion on the list to tease out scenarios where this would apply.

Rod Rasmussen:I would suggest people wait to answer the poll until after some discussion has occurred on-list

stephanie Perrin:Things that are mandatory for certain registries do not necessarily have to find their way into the RDS.

andrew sullivan:bye

Rod Rasmussen:TTFN

Nathalie Coupet:bye