

Michelle DeSmyter:Dear All, Welcome to the Privacy and Proxy Services Accreditation IRT Meeting on Tuesday, 23 January 2018 15:00 UTC.

Theo Geurts:Not sure how long I can attend, but we'll see
steve metalitz:good morning!

Theo Geurts:Good afternoon

Theo Geurts:I guess anonymous is my phone number

Amy Bivins:Thanks for letting us know, Theo!

Theo Geurts:I am so GDPR minded, even my phone is blocked

Sara Bockey:page number?

steve metalitz:p. 51 I think Sara

steve metalitz:@ Peter, that is correct as reflected in 4.1.2 of this document.

Sara Bockey:isn't that what is in the LEA spec already?

Lindsay Hamilton-Reid:I don't think we should define the 24 hours. This puts the onus on the privacy provider to get this done but it may not be possible within this time.

Lindsay Hamilton-Reid:Maybe it's just the language I have issues with - using must is quite strong.

steve metalitz:@Amy thanks for clarification on the drafting. You are correct that the listing in 4.1.1 is redundant of 1.3

Sara Bockey:Agree with Lindsay, we need to be sure that providers are able to implement on a consistent basis - noting that there will be matters that will take more than 24 hrs, even if all parties are working hard to get it done as fast as possible.

Amy Bivins:Secure mechanism is defined here:

https://urldefense.proofpoint.com/v2/url?u=https-3A_www.icann.org_resources_pages_transfer-2Dpolicy-2Dfaqs-2Dchange-2Dof-2Dregistrant-2D2016-2D11-2D30-2Den&d=DwICaQ&c=FmY1u3PJp6wrcrwl13mSVzgfkbPSS6sJms7xcl4I5cM&r=8_WhWIPqsLT6TmF1Zmyci866vcPSFO4VShFqESGe_5iHWG1BLwwehFBfjrsjwv9&m=CKC_4KsWVK7DWUcZCKqUH952aX3cXp0DIOJFeOv_aCc&s=x05jLEBW85jsyeo8BazyIKZzNvUmHFd5TaeU5_FyTq4&e=

Theo Geurts:@Amy ok

Theo Geurts:Volker is correct, we did discuss this with the PSWG earlier on in this IRT regarding this, but it appears to be very complex.

steve metalitz:Volker makes a good point, perhaps 3.1 could be re-worded ("Provider shall provide to LEA an appropriate means for LEA to obtain designated LEA contact information...")

Theo Geurts:I think that is an option Steve, several of the LEA's has designated contacts with us for high priority issues.

Amy Bivins:From the RAA: 3.18.2 Registrar shall establish and maintain a dedicated abuse point of contact, including a

dedicated email address and telephone number that is monitored 24 hours a day, seven days a week, to receive reports of Illegal Activity by law enforcement, consumer protection, quasi-governmental or other similar authorities designated from time to time by the national or territorial government of the jurisdiction in which the Registrar is established or maintains a physical office.

Volker Greimann - RrSG:3.18.2 Registrar shall establish and maintain a dedicated abuse point of contact, including a dedicated email address and telephone number that is monitored 24 hours a day, seven days a week, to receive reports of Illegal Activity by law enforcement, consumer protection, quasi-governmental or other similar authorities designated from time to time by the national or territorial government of the jurisdiction in which the Registrar is established or maintains a physical office. Well-founded reports of Illegal Activity submitted to these contacts must be reviewed within 24 hours by an individual who is empowered by Registrar to take necessary and appropriate actions in response to the report. In responding to any such reports, Registrar will not be required to take any action in contravention of applicable law.

Lindsay Hamilton-Reid:Agree with Volker about the liability issue.

Lindsay Hamilton-Reid:Why should we put a law enforcement contact on the website? For what purpose?

Lindsay Hamilton-Reid:Registrars already have processes in place to deal with law enforcement requests and agreed, this is not covered in the ICANN agreements.

Volker Greimann - RrSG:so she was selling them on her own domain name?

Theo Geurts:Peter, I hope to continue the discussion with you in San Juan :)

Volker Greimann - RrSG:i just checked every major internet service provider in germany. none have law enforcement contacts published on their website

Volker Greimann - RrSG:peter, please provide examples of providers that do so

Volker Greimann - RrSG:with links ideally

Lindsay Hamilton-Reid:No-one is saying we should not react immediately but I see no need to have this contact information on the privacy provider's website.

Theo Geurts:I think we need to circle back to some kind of database with contacts like we discussed with the LEA in 2015 and get some progress there.

Theo Geurts:Have to go, thanks for the discussion.

Lindsay Hamilton-Reid:I do not think we should be limited to 24

hours. I stand by that.

Amy Bivins:3.18.2 Registrar shall establish and maintain a dedicated abuse point of contact, including a dedicated email address and telephone number that is monitored 24 hours a day, seven days a week, to receive reports of Illegal Activity by law enforcement, consumer protection, quasi-governmental or other similar authorities designated from time to time by the national or territorial government of the jurisdiction in which the Registrar is established or maintains a physical office.

Amy Bivins:RAA text above

Lindsay Hamilton-Reid:I think that is different Steve - this states must be actioned within 24 hours.

Lindsay Hamilton-Reid:As I said, maybe it's the language.

Peter Roman:https://urldefense.proofpoint.com/v2/url?u=https-3A_www.facebook.com_records_x_login_&d=DwICaQ&c=FmY1u3PJP6wrcrw1l3mSVzgfkbPSS6sJms7xcl4I5cM&r=8_WhWIPqsLT6TmF1Zmyci866vcPSF04VShFqESGe_5iHWG1BLwwwehFBfjrsjWv9&m=CKC_4KsWVK7DWUcZCKqUH952aX3cXp0DI0JFeOv_aCc&s=sq1xyUwItLdCvrSFe1h-hkpNMWhWgu1m8Qourlw9w8c&e=

Sara Bockey:So again, we really need separate agreements for affiliated and non affiliated providers

Volker Greimann - RrSG:we have lots of resellers that provide privacy services

Volker Greimann - RrSG:no matter where he sits, he must be paid

Volker Greimann - RrSG:d

Volker Greimann - RrSG:For reference: LEA Registrar contacts can be requested by LEAs in advance and are also stored in RADAR with ICANN, so they could conceivably be requested from ICANN. Not sure how the RADAR entry is being utilized

Ashley Heineman:So, for emergency operations... these companies wouldn't necessarily hire a completely separate person to be able to respond to late night emergencies. They would be on call. It would be part of their job. They don't necessarily get paid for 24 hour service, because they aren't working 24 hours. They are on call. right?

Sara Bockey:footnote would be nice - just so it's clear in the agreement

Volker Greimann - RrSG:Ashley, maybe in countries where employees have no rights, but on call staff costs real money over here

Volker Greimann - RrSG:it also restricts them in their use of their free time

Volker Greimann - RrSG:cannot go to the pool, go hiking in the wilderness, etc

Ashley Heineman:I'm not saying it doesn't cost money, but it is a question as to whether it is as astronomical as is being warned. I'm trying to think outside the box of a dedicated 24

hour person at a desk.

steve metalitz:4.2.3 typo -- should be "setting forth"

Sara Bockey:so do you mean "applicable law" in place of international or national law or are you saying "applicable national and international law". Not clear what you just proposed

Lindsay Hamilton-Reid:Happy with just applicable law.

Sara Bockey:perfect

Eric Rokobauer:I guess I am trying to understand the definition here for the LEA framework

Eric Rokobauer:yes

steve metalitz:@Amy yes it comes from IP framework.

Eric Rokobauer:@Peter thanks

Eric Rokobauer:my mic is not working

Eric Rokobauer:so this is redundant and maybe needs revising per section 2 of this spec

Eric Rokobauer:2.1.5 - in the minimum standard for disclosure request - the LEA will be required to provide instructions on the timeline for notifying customers

Eric Rokobauer:meaning ultimately LEA will know when the provider will be notifying the customer

Eric Rokobauer:maybe revised to say ' Provider must refer to instructions for messaging per disclosure submission request

steve metalitz:@Volker unless you have a physical presence in Iran you do not have to respond to requests from Iranian law enforcement

Ashley Heineman:Agree with Steve. Requests come from governments in jurisdiction in which the company is located.

steve metalitz:@Volker see also 4.2.2.3, you can say no if you have evidence the Customer will be harmed.

Volker Greimann - RrSG:4.3. is general enough to encompass even those LEAs where we do not have a presence.

Volker Greimann - RrSG:4.2.2.3 only refers to disclosure of data to the LEA, not to disclosure of the request to the customer

Ashley Heineman:Volker. See 1.16. Doesn't that cover the issue?

steve metalitz:@Volker see the definition on 1.1. The Iranian request is not coming from an LEA Requestor within the meaning of this specification.

Volker Greimann - RrSG:You are right, apologies.

Volker Greimann - RrSG:I need to get up to speed again after my parental leave absence. The earlier sections take care of it obviously.

steve metalitz:@Peter, "may be escalated" clearly does not require LE to do anything or make it a party to the contract. But agree it may not need to be said.

Eric Rokobauer:thanks all - take care!

steve metalitz:Thanks Amy and all

Lisa Villeneuve:Thank you

Peter Roman:@Steve - true but it limits what LE can do

Sara Bockey:thanks all

Ashley Heineman:thanks