
BRENDA BREWER: The recording has started and I would like to welcome you all to the RDS WHOIS 2 law enforcement needs call on 26th April 2018 at 13:30 UTC. Attending the call today is Cathrin and Lili, from ICANN Org, we have Alice, Jean-Baptiste, Lisa, and Brenda. We have no official apologies. The call is being recorded, I would like to remind you to state your name before speaking for the transcript. Cathrin, please begin.

CATHRIN BAUER-BULST: Thank you very much Brenda, and thanks to all of you for making time to attend this call. What I would propose to do, is to use this to move us forward as a sub group, is to work on the set of questions that we had circulated for discussions a while ago. There's actually two sets of questions. The first list of 13 questions that we circulated in late February, it was the 23rd, includes or consists of the questions that were asked during the first WHOIS review team iteration. Those were questions that were sent out through email or I think in a document to law enforcement that were at the time associated with the GAC in some form, so there was bilateral outreach from the people who were active from a public safety perspective within the GAC at the time. It did not represent sort of, representative comprehensive canvassing of law enforcement internationally, and it didn't receive a ton of responses but there was a comprehensive list of 13 questions that we can consider. Then I also shared, in addition to that, a number of questions, 6 of them that we have been using within the EU to ask law enforcement about the uses that they currently make of WHOIS, and yeah what precisely they need in order to be able to assess efforts to be

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made during the WHOIS reform process. Those are the two sets of questions and what we have discussed or have proposed during our face-to-face meeting was to basically come up with a definite set of questions for a survey of law enforcement to be conducted ideally through a survey tool that would allow us to have a standardized question and response system that would hopefully allow us to then compare answers. That could facilitate our assessment and the idea had been to do an initial assessment or an initial round of this survey before May 25th to capture the satisfaction rate of law enforcement with the existing system, and then to do another round after May 25th, to see how things change and how that impacts the usefulness of the system for law enforcement.

What we could perhaps do is, just reflect to the other on the list of questions and to see what we want to keep of the original questions from the 2012 effort, if there is anything we might want to add or rephrase, and how we can target this more specifically to fit this idea of assessing the status quo before changes are made to WHOIS and in particular on accessibility and then after changes to made to WHOIS to confine with the data protection rule. Does anyone have any immediate reactions to these questions?

LILI SUN: Cathrin.

CATHRIN BAUER-BULST: Yes.

LILI SUN: I went through all of the questions from the first to the routine, yeah, actually most of the questions listed asked [inaudible] and still relevant. I would suggest we do not ask like question 5. That we have specific examples of reflecting ICANN policies and/or implementation activities. Tonight I am standing most of the law enforcement officers, they're not involved or have awareness around ICANN corporate policies. What we call for... I wouldn't suggest to not asking this questions. Like before, I was involved in ICANN issues or this review team, I have no idea about any ICANN policies. We can do offer like a short background document, like what's ICANN's contractual obligations for registrant and the registrar. What's the objective or mandate of this questionnaire, just as a background document. Instead of requesting the participants to identify the ICANN policies. I don't believe we have this background information.

CATHRIN BAUER-BULST: If we have the background information on what is the mandate of this questionnaire? I am not sure I correctly understood you.

LILI SUN: I suggest that we can prepare like a one page, or at longest two page background document. Just to offer what's ICANN's contractual obligations for the registrant and the registrar. For the registrants, you need to provide up to date and accurate WHOIS information, and it's the registrars [inaudible] policy to verify and validate the information. That's actually what the contractual obligation, we just check with the

participants for this survey or questionnaire, as is the situations or real cases we are encountering.

LISA PHIFER:

This is Lisa, if I might. I believe that Lili's point is that the questions are framed around addressing someone who knows what WHOIS policy and how it's implemented is, and that perhaps they'll need some background information to understand what the policy is that they're commenting on. I'm wondering myself whether the ask isn't really around the WHOIS implementation, and whether it meets their needs, changes the policy, of course then changes the implementation. But, the experience of law enforcement is probably more around how it is implemented than the policy that drives it.

CATHRIN BAUER-BULST:

Yes. I guess there's two ways we could address this issue which I think is a very valid one. We could just take it more from the operational side, so not make these references to the policy precisely because that's probably not going to be of interest to most users, I think Lili you're perfectly right that most law enforcement won't know the first thing about that, and the ones that do know are probably already part of the conversation. We could try and come up with a more neutral way of asking these questions. I have to disclose that I was not the biggest fan of this list of questions, but of course it is helpful to use it as a starting point and also where we can preserve questions, we can compare the answers with all the necessary caveats to the original survey. I guess if you take question one as an example, does WHOIS policy and it's

implementations meet your needs? We could also rephrase that to say, are you satisfied with the usefulness of the WHOIS protocol as a look up tool, or something.

LILI SUN: Yes, exactly.

CATHRIN BAUER-BULST: OK. I'll take note of that and take a stab at it after the call... to avoid preferences to the policy and focus on the operational side that law enforcement actually uses, right? OK. I think it's a very important point. Thanks for that Lili. What I was actually thinking, is that we need to add some questions to allow us this comparison between the situation now and the situation later, and one question that we might want to add, could maybe be on the number of successful requests at the moment. I am not quite sure how to put this, whether we could say, for how many requests, or for what percentage of requests do you get the data that you want to access, or something like that.

LISA PHIFER: Cathrin, this is Lisa. From having worked on surveys in the past, I wonder if some of these questions and that one in particular is making it a multiple choice questions and providing some ranges might make it easier for people to answer, so you can get a sense of whether they are maybe making fairly limited use of WHOIS, make frequent use of WHOIS, or use it every single day. Something along those lines, that

would give you a sense, not in pure number, but a sense of how important it is to their task.

CATHRIN BAUER-BULST: Yeah. Multiple choice, I'm a big fan of as it also makes it much easier to compare answers and you always get more answers when you have things you can click, and people don't just scroll past and ignore. We would expect that that would sort of stay the same, no? The actual number of how many made requests... I'm just wondering whether, or would we expect that to change also with GDPR, maybe that's something we also need to check.

LISA PHIFER: Again, this is Lisa. I agree with you that you might want to ask both the question of how often they use WHOIS and then what percentage of those responses did you obtain the information that you needed. I think it would be interesting both to see if use goes up or down, and then of course, whether the outcome is useful.

CATHRIN BAUER-BULST: Yeah. We can add a question on that. I'm taking notes on this in a separate document because I am not in the Zoom room.

LISA PHIFER: Cathrin, since you're not in Zoom, you might not see that Thomas has just joined us. It looks like he is on Zoom but not on the telephone.

CATHRIN BAUER-BULST: OK. Hopefully he will be on the line, I sent an email from him and Brenda, because he seems to have trouble joining. Lili do you have any further comments on any of the other questions?

LILI SUN: Yes this is Lili for the record. I agree with you, it's... there is ground to compare the current situation and maybe later after GDPR come into effect. Is it reasonable to raise up a question about what kind of data set is most needed by law enforcement agencies?

CATHRIN BAUER-BULST: Yeah.

LILI SUN: Which data element is mostly needed. We can give a data set example, for them to make a choice.

CATHRIN BAUER-BULST: Yeah. I have a question in the lower set of which data fields are important for your investigation, and I really like the idea of adding examples, so maybe that's something where you have an idea of what the typical data set is, that would be useful for an investigation?

LILI SUN: Yes, actually I have the intention to use ICANN proposed interim model, as a reference.

CATHRIN BAUER-BULST: To compare from the three models, or the final model compared to the present day setup.

LILI SUN: I remember that during the most latest version, it's model 2 right, it's most acceptable one.

CATHRIN BAUER-BULST: Yes. You want to use that one as compared to the present day situation.

LILI SUN: Yes.

CATHRIN BAUER-BULST: OK. Yeah.

LISA PHIFER: This is Lisa. As I might, your first one that you'll ask for survey responses, wouldn't you want to use some representation of the data that exists today? Then of course, some of that data will go away, presumably, once the GDPR compliance model is implemented, but it seems that to get a comparison you will need to have a broader spectrum of data in your questionnaire from the start.

LILI SUN: This is Lili. Sorry Lisa, I didn't get your point. Are you mentioning that... so the WHOIS data record, all the element are just over there, so some of them will be shared after the GDPR copy come into effect. So, I just had the intention to have this new public accessible data set and the second part is what element will be shared after the GDPR come into effect. Just to offer the two choices for the participants to check which data element are you mostly needed, [inaudible] what.

CATHRIN BAUER-BULST: Yeah. I think what Lisa is suggesting is that we list all the elements that are currently available and people can check the ones that they use most. Lisa am I understanding that correctly?

LISA PHIFER: Yes, that is what I was suggesting. I think if you display a specific alternative, you may be influencing the answer. But if you start with all that is available and have respondents check what they find most useful, then you'll have a baseline against which to compare when that subset, whatever it might be, is implemented.

LILI SUN: This is Lili. I understand, yes. That is a very good point. Thank you Lisa.

CATHRIN BAUER-BULST: This is Cathrin. I agree. I think I will have to see how we can actually manage that in the survey with the 60 days element. That is something we did try to do when we were canvassing law enforcement in the context of last summer's exercise on collecting used case. There the challenge, we basically put this in a Google doc and let people highlight certain things and also put checkmarks, and a lot of people just put everything. I mean of course, among that everything, there's possibly there are distinctions to be made and I'm not really sure they... I mean, there are a lot of fields to complete and so we have... I think some people are going to be less diligent about clicking the 18 out of the 60 that they really do need. That's the only downside I see, but I agree that we should probably start with a complete set and the question is whether we really need to run a comparison against that later, because, if the data elements are severely reduced, then we already know that all of the ones that are no longer there, but that were favorites with the law enforcement people, are of course relevant for them and that's not a good sign. Am I making sense?

LISA PHIFER: This is Lisa. I understand the point you're making, you might be able to do something. In terms of framing the question in a way that is easier to answer. You might be able to do something that rolls up information into groups, and then as a follow on. What I'm thinking about is for example, the contact information that you ask about registrant contact, administrator contact, technical contact, but then have a separate question that says, within contact data, what do you find most useful. Then also in terms of whether to just make it a checklist, that yes people do have a tendency to check everything or nothing. You could structure

it as a high, medium, low importance. There is always a balance between making the question hard to answer and getting useful information. I think if you try a few different ways of framing the question and then think about how that question might change when some of the fields are no longer accessible.

CATHRIN BAUER-BULST: Yeah. That sounds like a good approach. Are there other questions that we might ask to check this before and after parts? I don't know whether Thomas is able to weigh in now as I'm now able to see the Zoom room, so somehow my computer decided it was now OK. I'm on it and I can see Thomas is there.

THOMAS WALDEN: Good morning.

CATHRIN BAUER-BULST: Hi, good morning Thomas.

THOMAS WALDEN: How are you? I agree. I think the issues that I'm having is that when I send out... I sent the questionnaires out... the questions out to a few people and tried to get their responses, for my folks.. [inaudible]. I'm constantly having to re explain exactly what we're looking. If we could, for lack of a better word, dumb it down a bit, that may help. A lot of the people who I am sending it out to, they utilize WHOIS, but in the way

the questions are answered, they are constantly calling me back to get clarification.

CATHRIN BAUER-BULST: Yeah. Thomas thank you. That goes very much to the point that Lili was making earlier, that all these questions about whether the policy is functional are not really the kind of questions that law enforcement can answer, because we're doing that assessment and are struggling with it. In a yes or no questionnaire, that's a bit of a tough one for normal law enforcement. We were just talking about whether it would be useful to remove the references to the policy and really focus it more on the operational aspects. Does the system work for you? Not just the implementation of the policy work for you. If that makes sense.

THOMAS WALDEN: That is exactly the point that I was making. Because, what I've tried to tell people, and I've had so many responses back, is just to kind of, couch your responses or read a question based upon, when you try to utilize it, how does it work, or how does it affect the responses you are trying to gather in furtherance of the mission or the investigation you are engaged in.

CATHRIN BAUER-BULST: Yeah. We're going to try and rewrite the questions a bit to reflect that and I volunteered to take a first stab. Were there any other issues that your first respondents raised?

THOMAS WALDEN:

No not really. It was simply just that. Like I said, I am just waiting to get clarification from them, I have been engaged in other things. I'll have to follow up on that. That was the main thing, I was getting asked what exactly are you looking for, and where does this policy stop. It was just for me, and maybe I didn't do a very good job when I sent it out to some of these people because it wasn't all people like [inaudible] who deal with it [inaudible] ICANN. It was people in the field that I was sending it out to. Maybe I didn't do a good job, maybe it was my fault of explaining the whole background on ICANN and everything else.

CATHRIN BAUER-BULST:

I'm sure you did, but on top of that we were wondering earlier, whether that is what we expect really from them anyway. Whether that's the appropriate thing to be collecting feedback on. Indeed, if we can focus on what they use it for, that might provide an opportunity for more helpful input from their side as well. That's what we're going to try to do and at the face-to-face meeting, we also discussed briefly that we might want to put this in a survey pool, so that it is easily accessible and we have all the answers in one place. Then also send out the link, so you can then send it again to your people also, to make sure that they all have access to the same questions. What we also discussed, was the need to... what we talk about at the face-to-face meeting was that there is a... it would be a good idea to do an assessment now, and then after May 25th when things will probably have changed, to have a comparison against the baseline of the present system, and so we are trying to add questions at the moment that would help us tell the difference before and after. Maybe that is also something, if you're... you know... that we could give some more thought to now or in the

coming days, to make sure that we have the right questions there, to provide a basis for comparison. One question that Lili suggested, that would probably be helpful in doing that is to check what kind of data sets are most needed or used, so people could check what data is available now and what they use, then we compare it to another... we do another one of these surveys in June and check the answers against what we got this time.

THOMAS WALDEN:

That would work for me. I can sort of reconnect with some of the people that I sent it out to maybe a little... I like the explanation there and maybe I will try that tact with them and see if I can have some responses back here with a fairly quick turnaround.

CATHRIN BAUER-BULST:

Yeah. That would be brilliant. If they would... we could then maybe run a shorter version in June with specific questions about the changes or something. So we don't have to have them go through it all again. I guess we could also eliminate a few questions. I mean, so, I think if we want to talk about... there's a couple of questions that I wasn't so happy with. I would have a couple of candidates for removal, which I could possibly... if I may just mention now. For example, there is a question, in your view how well is ICANN performing against these requirements? Please provide reasons. I think what is meant is that the requirements for meeting the needs of law enforcement, and I don't think anybody can... I just have the impression that your average law enforcement person using this is not really in a position to assess whether ICANN is

living up to any compliance obligations. Maybe I am reading too much into the question. But, that's one that I don't think is so useful. I also don't like the one, that Lili has already suggested deleting. The one right after that, but the one after that about, how can ICANN balance privacy concerns with its commitment to having accurate and conceit WHOIS data, and the one following that on the country codes TLDs. I don't are extremely useful, and neither is the one... hand on which number in Zoom... 12, what is your view on the use of privacy and property services? Those are four questions that I think we could live without. I was just wondering if you had any views on this?

THOMAS WALDEN:

Those are the questions that probably went I sent out to folks, those are the ones that needed additional clarification. They didn't deal with that day to day, like a lot of folks did. Removing those would probably go a long way towards me getting better responses from the folks that I'm trying to engage with.

CATHRIN BAUER-BULST:

OK. Excellent. Lili, do you have any views on this.

LILI SUN:

Sorry, Cathrin. Speak again.

CATHRIN BAUER-BULST:

I was just wondering whether you had any... I was wondering if we could remove a couple of questions, because I want to keep this as

targeted as possible and there's a number in there. I think the more questions we have, the less likely it is that somebody will make it all the way through the questionnaire. I was just proposing that we could perhaps delete [inaudible] 9 and 12.

LILI SUN: Yes, great and also we can rephrase the questions like question number one, just to change it to the user perspective, not from ICANN perspective.

CATHRIN BAUER-BULST: Yeah. Then we can perhaps add a couple of the questions that are down below, that are now showing up in blue, which are more on the practical side. Those are the ones that we asked recently to prepare the public safety working group intersessional meeting, so you may have already seen those.

LISA PHIFER: Cathrin, this is Lisa. If I might. Just a couple of suggestions. One is that, I think it was pointed out during the face-to-face meeting. It would be really useful to construct a survey that can be used as a baseline for future surveys, and to that end, I think that the more that this subgroup comes up with a survey that you really feels addressing the target audience, is concise enough to get a good response rate, takes precedence over trying to preserve any of the questions that the first review team asked. I think it's perfectly fine to learn from the first review teams attempt at outreach, but to refine your approach. So, I

don't think that you need to feel obligated to carry forward precisely the questions that the first review team asked. Having done a number of surveys myself, one of the techniques you might try, is to take your revised list of questions and implement them in something like Survey Monkey and have a few people not on your subgroup try to take that survey, and that would give you some sense of whether the questions you're asking are clear enough and concise enough for people to try to answer it. If you need any help in just turning your questions into something like a Surveymonkey questionnaire that you can test with, staff will be happy to help you with that.

CATHRIN BAUER-BULST:

Excellent, thank you Lisa. Yeah, so I mean, practically speaking what I could do is, after this call I would finally do what I said I would do at the face-to-face, which is to edit these questions and send them around again for review, in light of the comments that you've made now, which I think will help improve this set. Then once we've run them by the subgroup, maybe we could do a test survey and then before actually sharing the questions with the full team, we could then just share the test survey link with the full review team and people could take a look there and try and answer the questions, and see if it makes sense already in the format that we will be using. Instead of commenting just on the document. What do you guys think of that approach.

THOMAS WALDEN:

It's Thomas, I agree with that.

CATHRIN BAUER-BULST: Sorry Lili, I did see you had your hand up also. Thanks Thomas.

LILI SUN: Yes this is Lili. Cathrin, actually I would suggest we just listed the questions here. I had the experience to conduct surveys through Survey Monkey several times, it's a really very useful tool. You just list the questions you want to ask and you can use the features and functions through Survey Monkey to provide a well organized questionnaire, and it's very easy to conduct the surveys through Survey Monkey. [inaudible] also has a license, I don't know whether we should use ICANN's license or we just use the free one. The free version, you can also conduct a survey but it couldn't analyze survey results, that's the only difference.

CATHRIN BAUER-BULST: OK. That's brilliant. Your proposal would be to collect the list here and then to put it into Survey Monkey, before or after we consult the full review team? That part I didn't yet understand, I'm afraid.

LILI SUN: We can just confirm what kind of questions we want to ask, so only the questions. We can use SurveyMonkey to further develop how to elaborate this question.

CATHRIN BAUER-BULST: OK. Lisa, does ICANN have a license for Survey Monkey?

LISA PHIFER: Yes, ICANN does. We use Survey Monkey quite a bit. Just a couple of logistic points. I believe the free version is limited on the number of responses you can gather, so that might influence whether you wanted to use the free version for an actual survey, but you could certainly start prepping your survey and getting some feedback with the free version if you wished. The other point is that you can transfer a survey in SurveyMonkey, once you've created a survey, you can transfer it to another account. Deciding whether you want to conduct the survey using ICANN's license or separately, you can consider that question in parallel with just staging your questions in Survey Monkey, and you won't have to redo everything.

CATHRIN BAUER-BULST: Excellent. With the ICANN license, would the review team be charged for that? Is there a cost associated with using it?

LISA PHIFER: There is not. It doesn't matter how many surveys are conducted through the license. It is the same flat rate each year, but we would have to determine within ICANN, the license that I'm referring to is owned by the policy group, and I don't know if that would also apply to the review teams, but we can sort that out to provide whatever support is needed.

CATHRIN BAUER-BULST: OK. If that's not a good option for whichever reason, we could also use [inaudible], which offers the analysis tools for free. There you can download the results in whatever format and generate charts and things, it's probably not as sophisticated as Survey Monkey, I would imagine, as it's not really a commercial solution, but we've used it with great success for a number of things. It could also support surveys in multiple languages, although I'm not sure we really want to wait for translation for this one. I don't know if anybody has ever used it, other than to respond to the surveys that I torment everyone with on the [inaudible].

LISA PHIFER: Just on your point of translation, we have run in within ICANN surveys, that have been translated into other languages, and you are right that does incur a delay in translation. Particularly surveys that have technical jargon that doesn't translate easily. But, it can be done.

CATHRIN BAUER-BULST: OK. Maybe the best way forward would then be, I take a first stab at making some more edits to these questions based on the feedback from this call. Then I send around just the plain list again. We make some further edits, and then Lili, if I understood you correctly, you would suggest that we send the list as a document to the full review team for any comments they have, and then in parallel we could start testing it on Survey Monkey.

LILI SUN: Yes.

CATHRIN BAUER-BULST: OK. How about we do that. I have a to do and then I'll send it around for your comments, and then we can send it to the full team, and then in parallel possibly get something going on Survey Monkey, and if I could ask staff to help us with putting the questions on Survey Monkey, that would be very much appreciated. Then I don't think I have anything else for today's call, but I would suggest that if anybody else wants to raise anything? I'm just going back to the Zoom room to make sure I don't miss any hands. OK. Then I think we can call it a day for now and continue over email. Thanks so much for all of you taking the time. Then we continue on these questions very soon. Thomas, if you get further feedback from your first guinea pig participants, please do share so we can possibly reflect it in the questions.

THOMAS WALDEN: That I can do Cathrin, not a problem.

CATHRIN BAUER-BULST: Excellent, thank you. Alright, well then thanks everyone and enjoy the rest of your day, however much may be left of it and we'll be in touch soon I guess. Bye everyone.

THOMAS WALDEN: Goodbye, have a good day.

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