

YESIM NAZLAR:

Good morning, good afternoon and good evening to everyone, welcome to the joint AFRALO-AfrICANN statement drafting team call taking place on Thursday, 31<sup>st</sup> of May, 2018 at 14:00 UTC. On our call today on the English Channel we have Barrack Otieno, Daniel Nanghaka, Abdulkarim Oloyede, Beran Dondeh, Aisha Hamid, Dave Kissoondoyal, Hadia Elminiawi, Mutegeki Cliff. And on the French channel we have Tijani Ben Jemaa. We have received an apology from Heidi Ulrich and from staff we have Sylvia Vivanco and myself, Yesim Nazlar. Our French interpreters today are Camilla and Jacques.

Before we start, as always, I would like to remind everyone to state your names please before speaking not only for the transcription but also for the interpretation purposes as well. And one final reminder for those who are the phone bridge, please use \*6 to mute your lines and \*7 to unmute. And apologies for the technical issues and back to you, Barrack. Thank you very much.

BARRACK OTIENO:

Thank you very much, Yesim, and all the staff and interpreters for making this meeting possible. I also want to thank all the participants on the call that have managed to create time for this important meeting, and the agenda was availed from the Wiki, and we've already had some discussion from the mailing list prior to this call, which has been a response to [inaudible] to the agenda.

As most of you will recall, in the ICANN meeting that took place in Abu Dhabi, we did present a statement on the General Data Protection

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Regulation, but even after the presentation of the statement, we felt there was a need to improve on this particular statement. In the run up of preparation to ICANN 62, there was also a request from AFRALO members that we need to revisit the GDPR issues. That one is important, not only internationally, but also to the African region, and so that's why we are having this call, so that we can be able consolidate our comments for position which will hopefully be presented in our monthly meeting that is coming up next month.

So, the reference document or reference call that we are going to use is the statement that is presented on 1<sup>st</sup> of November, 2017 in the ICANN 60 meeting in Abu Dhabi. So, I hope all of you have taken time to look at that particular document. In the interest of time, I am not going to read through the document because it is also on the Wiki, but I am going to mention some of them comments that have been made by participants on this list.

Tijani raised a very important issue that we need to pay attention to, and given that he is on the call, I will report that he also speaks to the importance of some of the issues that he has raised. I have also saved comments on Abdul Karim, Dave, and Hadia. So, I will open the floor to members so that we can just go ahead and highlight some of the issues that were already posted on the mailing list.

YESIM NAZLAR:

Barrack, this is Yesim speaking, we have to raise the hands. The first one is Hadia, is the second one is Tijani.

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BARRACK OTIENO:                    Okay. I can go in order of the hands that have been raised, you may give the floor to Hadia.

HADIA ELMINIAWI:                    Hello everyone, and of course I was not part of the first statement that was supposed to be in November. I read it thoroughly, and it's a very interesting and important statement, however, many parts of it don't stand more because things have changed since then, quickly and rapidly. If you allow me, I will comment quickly, and not on everything, but just highlight a few points.

To start with, I think now we should be, as Tijani mentioned also before, that now that ICANN has a compliant interim WHOIS model, I think we should be addressing this. One thing also I think we need to be addressing is, and I think it relates directly to us, do we want the proposed team model to be applied globally as opposed to having purely an EU jurisdiction reach?

And, two companies as opposed to just individuals. Since it is up to the registries and registrars to apply the new WHOIS globally, or only in EU jurisdictional reach, do we as an African community find it in our best interest to apply the GDPR compliant WHOIS database and service globally, or are we fine with the constitution where you will have two models; one for the people protected by the GDPR, and another for the West. Bearing in mind that this is a sort of representation to the WHOIS. So, I think this is one of the things that should be addressed in our statement.

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Another thing also, we can see for example that UK has a different model with regard to the access of information. So, you have for example law enforcement agency able to access all registry data free of charge, while for example right owners access the data --

YESIM NAZLAR:

Hadia, apologies for interrupting, I am so sorry, but you are speaking super-fast and it's really hard for our interpreters. So, if you could please slowly proceed, thank you.

HADIA EMINIAWI:

Okay, so basically what I was saying, was among the things I believe that our statement should include is, since it's up to the registries and registrars to apply the new WHOIS globally, or only within EU jurisdictional reach, do we as an African community find it in our best interest to apply the GDPR, the WHOIS, the new WHOIS compliant model and service globally. Or, are we fine with having two models; one for the people who are protected by the GDPR, and another for the rest, which includes us. And, this is a kind of presentation of the WHOIS.

Also, with regard to the access of data; do we want to say something about the access of data, for example, we have the .UK model where law enforcement can have access to all data free of charge, while right owners access certain data with charge. They don't have access to the registrants' name and addresses. So, I think these are things that are relevant to us and should be included.

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Going back to the statement that was put forward in November, I see some paragraphs, for example, the second paragraph I think which says, “Many African countries like data protection or requisite privacy, legislation, the few that do use a diverse set,” I’m not sure that we need such a kind of paragraph because we are actually putting forward a statement on the WHOIS and the GDPR.

In order to put such a statement referring to our country and put words like, “A few,” and, “Majority, and, “Many,” I believe that this requires from us to be totally aware of the data legislations in most, if not all of the African countries. I know that there are some articles or published data that says for example that 23 out of 55 nations have passed the personal privacy laws, but I’m not sure that we actually should go into this; how many have, how many don’t, because we are not really sure. So, I think such a paragraph is not really necessary and doesn’t really add much. That’s my personal view.

I’ll stop here and listen to the comments of the others, thank you.

BARRACK OTIENO:

Thank you very much Hadia, can we have Tijani?

TIJANI BEN JEMMA

Hello everyone, Tijani speaking. This is what I would like to remind everyone of the objective of the AFRALO AfrICANN joint meeting and joint statement. It is mainly to make the African community’s opinion and in order to make our community have a say on topics discussed in ICANN. So, we do that to have visibility, to have credibility, and also to

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have an impact in the decision making in ICANN. So, this should be always our target. If we have this target, we will know what kind of statement and what kind of subject we have to address. For this case, we wanted to read again the components of the WHOIS recent data with the GDPR, which we already addressed in Abu Dhabi.

But, from Abu Dhabi to now, things have very much evolved, and now we have a temporary situation, which is an entering policy model for ICANN to have the compliance with the GDPR. This is now adopted by the board, and this enters into effect 25 of May, so this is a fact now.

I think that our interest is to address this document, it's do discuss this document, and to see what the African community can say about it. It is important because you would say it is already adopted and it is in effect, so what will be our influence on the decision? The [inaudible] requirement will be reviewed every, I think, nine months or something like this, so what we will do during this meeting, what we will write in our statement may have an effect on the review, on the next review.

So, I think that if that is this document, we will have visibility because people will speak about it because it is our subject in ICANN now, we will have regulations because we are contributing in the policy of ICANN and we will have an impact on the decision, nine months later. I forgot to write in my e-mail that this temporary requirement is not complete -- it is complete, but then some things that are missing, which is documentation model. But, we never agreed on one so far.

We have now a proposal, a joint proposal from [inaudible] IPT and the business constituencies, so the [inaudible] constituency and the

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business constituency; together they presented a model. And the model has evolved now we are at version 5 I think. We need also to read this and to address it, because this should go with the temporary requirement. So, we have in my point of view, two different documents the temporary requirements I sent a link. And, the 6<sup>th</sup> version of the accreditation model of the IPT and BT. This is my point of view and it is up to you to adopt it or not. Thank you.

BARRACK OTIENO: Thank you very much, Tijani. Do we have anyone else on the line?

DANIEL NANGHAKA: Daniel Nanghaka, can I say something?

BARRACK OTIENO: Yes, Daniel.

DANIEL NANGHAKA: Yeah, Daniel. I think in [inaudible] what Tijani has mentioned, I would say that I would suggest that we think of the document of the real issues in regarding GDPR. First of are, we are still a number of countries coming up with their compliance statement, and [inaudible].

Then secondly, there is still also the GDPR affecting some of the working group within ICANN, so for example the GNSO [inaudible] this is, I think, it's like, I may be wrong [inaudible] and the African participation in the adoption of the interim model is not highlighted from [inaudible] of any

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updates from how the union from Africa have contributed towards the interim model that exists at ICANN. I think also that should be highlighted in the new statement. Thank you.

BARRACK OTIENO: Thank you very much Daniel for the comments and feedback. Any other person that would like to speak? Either on WebEx or the bridge?

YESIM NAZLAR: Barrack, this is Yesim speaking. Hadia's hand is still up, not sure if it's an old or a new hand.

BARRACK OTIENO: Okay, Hadia, would like to make a comment?

YESIM NAZLAR: She just lowered.

HADIA EMINIAMI: It's an old hand.

BARRACK OTIENO: Okay, thank you. Any other person that wants to speak on the call?

Okay, I will reach for this as the way forward, but I am open to suggestions from you. First of all, I want to agree with Tijani and Hadia and even Daniel who have all spoken that since the last meeting that we



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had in Abu Dhabi, a lot of water has gone under the bridge. Things have changed, and therefore we need to change our statement to reflect the current issues or the current needs.

Looking at our mailing list, I've also seen interesting proposals or comments from different members outreach to request we add our comments, or we give our inputs in the Google document that was shared by Sarah, so that we make sure that we capture it as you would desire to be captured.

And, after that, working with you we will change the statement to reflect current trends or the current need so far as the African stakeholder, or African participant in ICANN would wish to raise their voice, regarding the GDPR and before we have our monthly meeting we will have presented—we will have gone through the drafts, all of us, there are things that we need to correct, we will have corrected them so that we are able to present something during our monthly meeting. I don't know whether that suggestion is in order.

Quick reactions from members?

Thank you, I noted your comments, Hadia. Tijani did you want to say anything?

TIJANI BEN JEMMA: I think I agree with you.

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BARRACK OTIENO:                    Okay. If we are in agreement, then I think I would say let us proceed as agreed, let's post our comments on the Google docs and then we will make sure that we have a common position at least two days before the monthly meeting. With that, I think I would wish to say that the next item on the agenda, Yesim, can you put the agenda back on the screen again?

YESIM NAZLAR:                    There you are.

BARRACK OTIENO:                    Thank you very much. The next item on the agenda was situational legalities on the input on the GDPR on African countries. We received useful comments on the mailing list, and most of you have also talked about it during the call, so I don't think we will spend more time on this. I think we will move to any other feedback. So, any other feedback?

SYLVIA VIVANCO:                    Hello Barrack, this is Sylvia. Just with regards to the statement, as we know, as we are considering the agenda and the document being translated, it takes about one week for translation services, the translation of services of ICANN to provide services, so if you want the statement translated into French, it would [inaudible] because everybody, these translation services won't be able to cope with the extreme demand of documents, and they won't be able to provide the comment if provided after that week of June 11, so for maximum that

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week, because June 18 they are travelling and they won't be able to provide services. Thank you.

BARRACK OTIENO: That is not a response. Fatimata, do you have something to say?

FATIMATA SEYE SYALLA: Hello, this is Fatimata, I just wanted to say that I concur with is what is said it's too bad because I can't really ask as much as I could because I can't explain right now, but I'm with you and I agree with what Tijani said and Hadia, and all of you. I said that we can put more in the suggestions. And finally, the last people who talk, I couldn't hear much. Thank you.

BARRACK OTIENO: Okay, thank you Fatimata. Basically, the suggestion was, whatever we do, it has to be ready before 11<sup>th</sup> so that it can be taken for translation, and I think we are in agreement. Please make sure you add your comments to the Google doc so that Hadia, myself, and Beran can make sure that by 4<sup>th</sup> we have our final draft which will be presented in the monthly meeting. Yes, Tijani?

TIJANI BEN JEMMA: I have my hand raised. I want to say that I have listened to Hadia speaking about who we as a community want, the compliance with GDPR apply to all data or only to data out of Europe. If we speak about that, we have to think about our registrar and registry only, because

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those are the parties who are collecting or testing, transferring etc etc data, so should we make a recommendation for our African registry/registrars? We have to be clear that we are not commanding, we don't have control on the data collector or data processor, but we may have a recommendation to African one.

But, I think that this is not the main of our statement, the main of our statement should be the comment or point of view on the temporary specifications and the accreditation model, because those will be the main things that will be discussed in ICANN, and that will affect all registry and registrars without exception.

So, we need first to have a comprehension of those documents, and to comment on them without being very, very concerned about how in Africa-because we don't, if we had a potential number of resistant and resisters, yes, you are right, but we only have six or seven resisters and only one or two resisting, so I think that the focus should be on the document, on the two documents and to have strong comments on them. Thank you.

BARRACK OTIENO:

Thank Tijani, that is a noted response. Any other comments before we conclude the call?

YESIM NAZLAR:

Barrack, this is Yesim, Hadia's hand is up.

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BARRACK OTIENO: Yes, Yesim, sorry Hadia, please go ahead.

HADIA ELMINIANI: Yes Barrack, thank you, and thank you Tijani for your comment. I totally agree with you that the temporary certification and accreditation model should be our priority when drafting this statement up. However, when I was mentioning what we as an African community want, whether it would be applied globally or only in the EU jurisdiction areas, I was referring to us as end users. I was referring to the registrant, I was referring to what end users and registrants would like to see.

And, I was not referring to it as the main part of the statement, but as something I believe we need to mention. If we, as users or registrants, think that we would like to have equal privacy rights, then I believe we should mention it. It doesn't have to be in the form of a recommendation to registries or registrars, it's just to express what we would like to have in too.

BARRACK OTIENO: Thank you very much, Hadia. Any other comments? It seems there are no other comments, then Sarah has said that she was on a parallel call which she needed to attend, but we'll be able to bring her up to speed after the call. Any other comments?

I believe it's a good time to end the call, we've taken the [inaudible] as well.

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SILVIA VIVANCO:

This is Sylvia, just one final request as well regarding the agenda for the meeting, and especially as regards to the person that you want to invite as speakers at the meeting. If you would be so kind to please let us know as soon as possible actually so we can start up. We are posting the agenda this week and next week, and then we will start inviting especially the VIP's, the people are very busy, and the sooner they know they can put it in their calendar. So, I will not that as an action meeting for this to get back to me with the names of the speakers and the agenda, thank you very much.

BARRACK OTIELO:

Thank you very much for that. I think I will check that up with the AFRALO chair, Mohamad, I will not be in a position to do that in this call, but by the time we have the monthly which I believe we should have a better position of the ten issue. But thank you for reminding us, we will make sure we follow that up.

So with that, I want to thank you all for making time for the call once again. Please make sure that you post your comments on the Google doc, making an appeal yet again. Sarah, please add Cliff to the Google docs, he would also like to comment, cliff@[inaudible]. Any other person that is not on the Google docs, Sarah can give you the permission. We hope to consolidate all these comments by at least Monday. Monday will be the 4<sup>th</sup> of June, and we do hope that by Tuesday the 5<sup>th</sup> of June we will have a final draft that we can present to the AFRALO monthly meeting. So, with that, thank you very much, and have a good rest of the day.

YESIM NAZLAR: Thank you, this call is now adjourned, have a good rest of the day, bye-bye, thank you.

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