

# FY18 Non-Contracted Parties House Intersessional Report

## 1 - 2 February 2018

### OVERVIEW

#### **Purpose & Planning:**

On 1 and 2 February 2018, the Non-Contracted Parties House (NCPH)<sup>1</sup> met in Los Angeles, California (USA) for its fifth, two-day Intersessional meeting. One of the main purposes of the Intersessional meeting is to create the opportunity (outside of the pressures and schedule strains of an ICANN Public Meeting) for the Commercial Stakeholder Group (CSG) and the Non-Commercial Stakeholder Group (NCSG) to collaborate on longer-range, substantive issues of mutual interest and to discuss strategic and operational issues of importance with senior executives of the ICANN organization. The Intersessional meeting was initially funded on a pilot basis through the annual Additional Budget Request process; following feedback and reports on prior meetings, this project was moved into the core policy budget beginning in FY2018.

While ICANN Policy staff provide administrative, drafting, logistical and advisory support, session planning (such as agenda setting, appointing session chairs/rapporteurs and deciding on guest speakers) is led by representatives appointed from each of the participating community groups. The planning process for the 2018 NCPH Intersessional began during the summer of 2017. Iterative input on the final agenda was sought by the planning group from the leadership of each of the NCPH's Stakeholder Groups and Constituencies and reviewed via mailing list and monthly calls with ICANN staff. Each topic and its respective plenary session was facilitated by two session co-chairs (one appointed by the CSG and one appointed by the NCSG) to lead discussions on behalf of the delegates. ICANN staff then executed all the required tasks for all the sessions and managed logistics on the ground (including travel and meeting requirements).

#### **Preparation of this Report:**

This report summarizes the discussions that took place amongst the NCPH delegates during each of the plenary sessions, noting agreed upon action items and next steps. Each plenary session was recorded and transcribed, remaining publicly available for the purpose of transparency. Summaries of each plenary were prepared from the agenda and transcript. Key

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<sup>1</sup> The NCPH constitutes half of the Generic Names Supporting Organization (GNSO) within ICANN. Within the NCPH resides two stakeholder groups: The Commercial Stakeholder Group (CSG) and the Non-Commercial Stakeholder Group (NCSG).

The Commercial Stakeholder Group (CSG) is comprised of three distinct constituencies: The Business Constituency (BC), the Intellectual Property Constituency (IPC), and the Internet Service & Connectivity Providers Constituency (ISPCP). The Non-Commercial Stakeholder Group (NCSG) is comprised two constituencies: The Non-Commercial Users Constituency (NCUC), the Not-for-Profit Operational Concerns (NPOC), and the NCSG serves as an umbrella organization for the NCUC and NPOC.

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messages and action items for each session were compiled using transcripts (including the closing day summaries), and from notes submitted by the session co-chairs. Session recordings and transcripts for the 2018 NCPH Intersessional can be found at <https://community.icann.org/x/LhshB>. For more information about the 2018 NCPH Intersessional in general, including the initial planning phases, please visit <https://community.icann.org/x/6xohB>.

### **Participants - Selection and Numbers:**

NCPH Intersessional attendees comprised a limited, agreed number of representatives from each of the six community groups housed within the NCPH. Each of the three Constituencies within the CSG (i.e. the Business Constituency (BC), the Intellectual Property Constituency (IPC), and the Internet Service & Connectivity Providers Constituency (ISPCP)) selected 7 delegates from amongst their members, for a total of 21 community volunteers from the CSG. An equal number of 21 community volunteers were also selected from within the NCSG, comprising 7 each from the Non-Commercial Users Constituency (NCUC) and the Not-for-Profit Operational Concerns (NPOC) and 7 others representing the NCSG at the stakeholder group level. In total, 42 delegates participated in the Intersessional. Other participants were invited guests comprising the non-voting Nominating Committee Appointee (NCAs) to the GNSO Council, the GNSO Council liaison to the Governmental Advisory Committee (GAC), ICANN Board members, and senior executives from the ICANN organization.

## MEETING DAY 1 - 1 FEBRUARY 2018

### **INTRODUCTION AND WELCOME: [Transcript](#)**

David Olive, Senior Vice President for the Policy Development Support Team, opened the Intersessional with a brief introduction and provided time for delegates to meet and greet one another. Mary Wong, Senior Policy Director, also welcomed the delegates.

Separate break-out sessions for the CSG and the NCSG were held, providing an opportunity for delegates to meet within their respective Stakeholder Groups prior to the general plenary sessions.

### **PLENARY 1 – COMMUNITY OVERVIEWS: [Transcript](#)**

The first plenary session opened the Intersessional with presentations from each participating community group outlining their goals, priorities and work plans for 2018. This session was co-chaired by Joan Kerr (NCSG) and Tony Harris (CSG). The order of presentations was the NCSG, NCUC and NPOC; then the BC, IPC, and ISPCP. Joan thanked the groups for sharing their priorities and noted how much was gained from learning about the priorities from the different

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groups. Key messages from each group were to be sent to Renata Aquino Ribeiro (NCSG), to compile them in preparation for the wrap-up session Renata and Heather Forrest (CSG) were scheduled to co-chair.

### Key Messages and Action Items:<sup>2</sup>

- **NCSG.** For the NCSG, this session emphasized the need for grassroots participation, regional leadership, and increased collaboration amongst its members.
- **CSG.** Tony Harris shared that the session was helpful for the CSG to better understand the concerns and objectives of the NCSG.

Towards the end of this session, Xavier Calvez, Chief Financial Officer for ICANN, joined the Intersessional delegates, providing an opportunity for interaction during the lunch and afternoon sessions. Xavier briefly introduced himself and thanked delegates for including discussions about ICANN's FY19 Operating Plan and Budget as a formal agenda topic. Heather Forrest thanked Xavier for making himself available to the group and reminded delegates that participation in the GNSO's Standing Committee on Budget and Operations is open to all members of the GNSO community.

### **LUNCH – PREPARATION FOR MEETING WITH THE ICANN CEO/BOARD:** [Transcript](#)

The lunch session focused on planning for the NCPH session with the ICANN Board, and a separate meeting with ICANN CEO, Göran Marby. This session was led by Farzaneh Badii (NCSG) and Tony Holmes (CSG). Farzaneh opened the discussion by reviewing the purpose of meeting with the Board, which was in part to discuss ICANN in a post-transition environment and community concerns about the ICANN Board's role vis-a-vis the Government Advisory Committee (GAC), and vice versa, under the ICANN Bylaws.

Tony continued the discussion, noting how the GNSO is trying to be inclusive with the GAC in the new environment, highlighting the importance of the GNSO liaison to the GAC. One concern shared by several delegates is that advice coming from the GAC is at times and odds with that from other parts of the community, (and perhaps the ICANN Bylaws itself). It was agreed that there is a need to provide examples of this.

### Key Messages and Action Items (summarized from the transcript):

- **Follow-up with the ICANN Board.** It was agreed that follow-up with the Board is needed regarding its relationship with the GAC, but at this time no concrete language was agreed upon. Farzaneh agreed to draft a question to circulate on the NCPH Intersessional mailing list to continue discussion amongst the delegates. If a response is agreed upon, it will be sent to the Board.

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<sup>2</sup> These Key Messages were submitted by the NCSG and CSG session co-chairs.

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### PLENARY 2 – PDP DISCUSSION 1: NEW GTLDS SUBSEQUENT PROCEDURES/NEXT EXPANSION “ROUND”: [Transcript](#)

The Plenary 2 session provided an update and overview of the Policy Development Process (PDP) of the New gTLDs Subsequent Procedures and the next expansion round (e.g., geo-names and Work Track 5). This session was led by Susan Kawaguchi (CSG) and Robin Gross (NCSG). Robin opened the discussion with a presentation on Work Tracks three (3) and five (5). Susan presented on Work Tracks one (1), two (2), and four (4). It was noted that several discussions focused on the Applicant Guidebook that was developed for the 2012 program as a starting point for this next round.

#### **Key Messages and Action Items (summarized from the transcript):**

- **Old Guide Book.** It was understood that this PDP is looking at the old guidebook, considering existing procedures and possible recommended changes, rather than starting from scratch.
- **Accountability Mechanisms.** For Work Track 3, NCSG delegates expressed the need to have accountability mechanisms in the new gTLD process that protect an applicant’s freedom of expression.
- **Remit of SOs and ACs.** There was also a broader discussion around the remit of the SOs and ACs; also, the allocation of second and third level domains, which are outside the scope for work track five (5). Robin expressed concern that ICANN risks its credibility by creating rights to words that do not exist within internationally accepted legal frameworks (e.g., treaties) which conflicts with existing legal rights to use words in names.
- **Increased Participation.** Some felt that more NCPH members are needed for Work Track 5 policy development.
- **Scope of Geographic Names.** Comments from other delegates included the need to define what the scope of geographic names will be, and that lessons learned from the Curative Rights and Red Cross PDPs should also be taken into account. Delegates were encouraged to join Work Track Five (5) to further the discussion.
- **New gTLD Program Service Providers.** Within Work Track two (2), there is a suggestion to add selection and guidance to the New gTLD Program Service Providers.

### PLENARY 3 – PDP DISCUSSION 2: RIGHTS PROTECTION MECHANISMS (RPMS) IN ALL GTLDS: [Transcript](#)

The Plenary 3 session focused on RPMS in all gTLDs and was co-chaired by John McElwaine (CSG) and Martin Silva Valent (NCSG). Martin opened the discussion about how the RPM Working Group was established after the ICANN Public Meeting Marrakech in 2016, with the purpose to review all Rights Protection Mechanisms developed at ICANN. The goal of the PDP is to determine whether the RPMS are fulfilling their purpose and if expectations of the process

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were met. Phase 1, which is a review of the mechanisms that are related to the new gTLD program, was scheduled to end by late 2017. It is important to improve the work of developing policy in the RPM Working Group, and the feedback provided will be shared with the three co-chairs.

### **Key Messages and Action Items (summarized from the transcripts):**

- **Timeline.** One key concern mentioned by some delegates is that the work timeline for the RPM WG has been delayed, and that the Working Group has not been able to come to consensus about the revised timeline at this time.
- **Role of Sub-Groups and Sub-Committees.** The roles of sub-groups and sub-committees were discussed, including the advantages and disadvantages. It was also suggested that Working Groups have a Vice-Chair from each of the stakeholder groups within the GNSO so as to have a segment of leadership represented to understand what is happening. For work to be done in small teams, the team must be representative of the whole community.
- **Glossary of Key Terms.** One suggestion was to develop a glossary of key terms that were agreed upon.
- **Data Projects.** The use of data to create a baseline for projects within ICANN has seen success and is one suggestion for leadership to consider.
- **Feedback.** Feedback is needed for transmission to the PDP working group co-chairs.
  - John McElwaine discussed the need to develop and implement a general list of best practices within the PDP.
  - Martin Silva Valent suggested the need for data gathering as part of the management of open-ended PDPs.
  - Heather Forrest mentioned that the GNSO Council is looking to create a document which is a critical evaluation of Annex 1 of the GNSO Operating Procedures ([Working Group Guidelines](#)), which will be useful going forward.

### **PLENARY 4 – NCPH PROCEDURAL IN-HOUSE ISSUES: INCLUDING BOARD SEAT 14 SELECTION PROCESS, GNSO COUNCIL CHAIR/VICE-CHAIRS SELECTION PROCESS:**

#### **Transcript**

The Plenary 4 session focused on NCPH Procedural In-House issues, specifically focusing on the GNSO Council Vice-Chairs election process, the GNSO Chair nomination process, and the Board Seat #14 election process. The purpose is to create structures around each of the three (3) positions rather than to continue operating on an ad-hoc basis.

This session was a follow-up from the 2017 NCPH Intersessional, where an initial document was drafted to determine the NCPH's election process for Board Seat #14, and the intent for this

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year was to clarify differences, resolve issues, and to work towards an agreement on internal processes.

### **Key Messages and Action Items (summarized from the transcript):**

- **Summary.** Wolf-Ulrich Knoblen (CSG) agreed to summarize what was discussed, and then to circulate a document for NCPH review. Farzaneh Badii (NCSG) agreed to work on this and delegates agreed to revisit this one month following the NCPH Intersessional Meeting.
- **Vice-Chair Selection Process.** An agreement was reached on how to select the NCPH's GNSO Council Vice-Chair seat going forward, which has the Vice-Chair confirmed for a one-year period, with the expected renewal of a second year but based on consent by the other Stakeholder Group. Staff shall clarify the formal handling and documentation of the Vice Chair selection process. A complete synopsis of the agreed upon procedure can be found in the slide deck presented by Wolf-Ulrich and Rafik on the NCPH Intersessional Wiki space, [here](#).
- **Nomination of GNSO Council Chair & Board Seat #14 election process.** A small group of CSG and NCSG members will work on this, with the goal of reaching consensus before ICANN62 (Panama). Volunteers for this group are: Farzaneh Badii, Tatiana Tropina, and Rafik Dammak from the NCSG; and Steve DelBianco, Vicky Sheckler, and Wolf-Ulrich Knoblen for the CSG.

### **WRAP-UP: [Transcript](#)**

A brief summary and wrap-up was held at the end of Day 1, which was facilitated by Heather Forrest (CSG) and Renata Aquino Ribeiro (NCSG). The purpose of this session was to review action items for Day 1.

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## MEETING DAY 2 – 2 FEBRUARY 2018

### **PLENARY SESSION 5 – RECONCILING WHOIS AND GDPR: [Transcript](#)**

The Plenary 5 session discussed reconciling WHOIS and GDPR and was co-chaired by Steve DelBianco (CSG) and Stephanie Perrin (NCSG). Guests included ICANN organization senior staff members Akram Atallah and Cyrus Namazi from the Global Domains Division (GDD). The purpose of this session was to discuss reconciling WHOIS with data protection laws that are emerging across multiple countries—including GDPR.

#### **Key Messages and Action Items (summarized from the transcript):**

- Reconciling WHOIS and GDPR demands a broader view of community work, which is underway. ICANN’s self-community-driven work will eventually replace the interim compliance model.

### **PLENARY SESSION 6 – GENERAL DATA PROTECTION REGULATION (GDPR)**

#### **COMPLIANCE: [Transcript](#)**

The Plenary 6 session focused on GDPR Compliance and was co-chaired by Vicky Sheckler (CSG) and Tatiana Tropina (NCSG). Guests included ICANN organization senior staff members Akram Atallah and Cyrus Namazi from GDD.

The session began with Vicky providing an overview of proposed models submitted to ICANN to be considered for the interim model. Akram responded to questions presented by the delegates, noting that ICANN is trying to adhere to the principle of complying with GDPR without overreaching. There was discussion amongst the participants regarding the various models, and concerns regarding compliance and access to WHOIS.

#### **Key Messages and Action Items (summarized from the transcript):**

- Follow-up with ICANN’s Legal Department, requesting responses to the delegates’ questions that were included in the formal presentation slides.

### **BREAK – CEO SESSION FINAL PREP: [Transcript](#)**

This session was co-chaired by Brian Winterfeldt (CSG) and Louise Hurel (NCSG). It was acknowledged that there were diverse opinions within the NCPH as to how GDPR should be approached. The discussion focused on how the group wished to engage Göran and the ICANN Board during the lunch and afternoon sessions.

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### **INFORMAL NCPH LUNCH MEETING WITH ICANN BOARD – NO AV CAPABILITIES**

The lunch session provided an opportunity for Intersessional delegates to meet with the entire ICANN Board offline, in an informal setting. No technical services were provided for this session. The delegates agreed to discuss ICANN's role in a post-transition environment and concerns about the ICANN Board's role vis-a-vis the Government Advisory Committee (GAC) informally over lunch.

### **NCPH MEETING WITH ICANN CEO, GÖRAN MARBY: [Transcript](#)**

The NCPH meeting with ICANN CEO, Göran Marby, was co-chaired by Brian Winterfeldt (CSG) and Farzaneh Badii (NCSG). Each Stakeholder Group was given fifteen minutes to present. Key topics included GDPR, particularly related to compliance and WHOIS. Stephanie Perrin presented first on behalf of the NCSG. For the CSG, the Constituencies each were given five minutes in the following order: ISPCP (Christian Dawson), BC (Steve DelBianco), and IPC (Vicky Sheckler).

#### **Key Messages and Action Items (summarized from the transcript):**

- **Increased transparency.** In the interest of finding a new formula to ensure greater transparency of ICANN's Legal Department with respect to invoking attorney/client privilege – and in particular the Documentary Information Disclosure Policy (DIDP) and Independent Review Process (IRP) processes – the CCWG Accountability Work Stream 2 Transparency Subgroup Rapporteur will work with ICANN organization to determine how to use upcoming CCWG Accountability plenaries to incorporate the Minority views into the Transparency Subgroup report before it goes back to the community for final review.
- **Open Data Initiative (ODI).** The Transparency Subgroup Rapporteur will reach out to ICANN organization's CTO (David Conrad) to clarify whether the FY2019 budget includes sufficient funds to implement the Open Data Initiative.

### **PLENARY 7 – ROLE OF BOARD & SO/ACS IN COMMUNITY DRIVEN REVIEWS [INCLUDING BOARD ORGANIZATIONAL EFFECTIVENESS COMMITTEE (OEC) UPDATE ON GNSO REVIEW]: [Transcript](#)**

The Plenary 7 session focused on the Role of the Board & SO/ACs in community-driven reviews. This session was co-chaired by Kiran Malancharuvil (CSG) and Ayden Férdeline (NCSG). Guests included ICANN Board Members Becky Burr, Matthew Shears and Avri Doria, and ICANN organization staff members Larisa Gurnick and Negar Farzinnia.



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Kiran opened the discussion with the suspension of the second Security, Stability, and Resiliency of the Domain Name System Review (SSR2) and possible next steps. This is a big concern to the GNSO as the Board suspended the SSR2 review team by claiming a fiduciary responsibility to manage community activities. One question is how the ICANN Board liaison role can help SSR2, and, in more general terms, the ICANN Board as a whole in its relationship with the community's work going forward.

Ayden discussed the Terms of Reference (TOR) for the independent examiner being sought for the upcoming GNSO Review. This review is triggered by section 4.4 of the ICANN Bylaws, which requires the Board to conduct periodic organizational reviews of all ACs and SOs. Larisa Gurnick provided the delegates with background on the organizational review and how independent examiners are selected.

### **Key Messages and Action Items (summarized from the transcript):**

- ***Request to frame the Terms of Reference.*** Delegates requested the opportunity to provide feedback on the TOR.
  - One of the frustrations expressed by some delegates was the issue of structure within the GNSO, which was not addressed until the end of the 2016 GNSO Review.
  - The delegates requested the opportunity to provide input into the selection process of the independent examiner.
- ***Feedback provided to the Board members.*** The ICANN Board members who attended thanked the delegates for their comments and committed to discuss them with the Board's Organizational Effectiveness Committee and the entire ICANN Board.

### **PLENARY 8 – ICANN TRANSPARENCY: [Transcript](#)**

The Plenary 8 session focused on ICANN Transparency, specifically looking at how to expand transparency within ICANN Legal, and the Open Data Initiative (ODI) at ICANN. The session was co-chaired by Barbara Wanner (CSG) and Michael Karanicolas (NCSG). Samantha Eisner from ICANN's Legal Department was invited to present at this session.

Barbara briefly provided an overview of the community recommendations, which explored areas where ICANN can improve transparency in its governance, recognizing this as a key ingredient to promoting accountability. Michael, as the rapporteur for the Transparency Subgroup, discussed the community recommendations and noted the differences in opinion held between the CSG and the NCSG. The intent of this session is to facilitate a conversation with ICANN Legal to see how best to move forward.

The session also looked at the document management system and ODI in relation to the ICANN website. It was specifically noted that during the Abu Dhabi meeting (ICANN60) David Conrad

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had stated that the ODI statistics on DNS abuse would be published in the very near future (subject to clearance from ICANN's legal team). David Olive agreed to take back this question (and all other questions from the delegates) and to share them with David Conrad's team.

### **Key Messages and Action Items (summarized from the transcript):**

- **Minority Position.** The minority position was circulated to the delegates and shared with ICANN Legal, with the possible intention of including it in the final report. The minority position discusses having a new consultative process around shaping attorney/private client privilege.
- **Document Management System and the ODI.** David Olive agreed to review this session's transcript to document the delegates' questions. These will be shared with David Conrad and his team in preparation for Cross-Community sessions to be held during ICANN61 in Puerto Rico.

### **PLENARY 9 – WORKSTREAM 2 DISCUSSION: [Transcript](#)**

The Plenary 9 session focused on Work Stream 2 and a few of the nine subtopics and proposed recommendations. This session was co-chaired by Jimson Olufuye (CSG) and Rafik Dammak (NCSG). Subtopics include diversity, guidelines for good faith conduct, human rights, jurisdiction, Ombudsman, reviewing the Cooperative Engagement Process (CEP), SO/AC accountability, staff accountability, and transparency. The presentation focused primarily on diversity, the role of the Ombudsman, jurisdiction, and staff accountability.

### **Key Messages and Action Items (summarized from the transcript):**

- **Diversity.** Request for ICANN organization to support the SO/ACs' different activities related to diversity, bringing in external expertise if needed.

### **CLOSING AND NEXT STEPS: [Transcript](#)**

Renata Aquino Ribeiro (NCSG) opened the session, noting that all session co-chairs committed to submitting their messages from Days 1 and 2. A review of action items noted from both days were discussed. Action items noted below are taken from the transcripts from Day 1 and Day 2's closing sessions. Transcripts are located at <https://community.icann.org/x/LhshB>.

### **For Day 1, the messages were as follows:**

- **Welcome & Introduction.** Delegates to send a thank you note to David Olive.
- **Plenary 1.** Renata will circulate key messaging to the NCPH delegates.
- **Preparation for Session with ICANN CEO/BOARD.** Delegates agreed to construct a key message on the email listserv, to be presented to the ICANN Board if an agreement was reached.

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- **Plenary 2.** Co-Chairs to send a note to the PDP Working Group Chairs. The key message was that a way must be developed to reduce government efforts to restrict user rights to words of geographic meaning in TLDs.
- **Lunch.** Delegates drafted a question for the ICANN Board members, which was based on discussions relating to the role of the GAC in a Post-Transition IANA environment. Farzaneh agreed to post this to the NCPH Intersessional mailing list. If agreed, it was to be read to the Board during the Day 2 lunch session for them to think about. If the topic merits further discussion, a formal message will be sent to the Board.
- **Plenary 3.** There is a need to improve the work of developing policy in the RPM Working Group and to pass along constructive inputs to the working group three co-chairs.
  - One of the possibilities raised by the participants was use smaller subteams.
  - Another suggestion was to have an educational session on how the interactions in this PDP should work or best practices for the operation of a PDP.
  - The working group should also be reminded that its focus should be on data-driven analysis and decision-making.
- **Plenary 4.** Renata mentioned one key takeaway is to finalize NCPH procedures for the selection of the GNSO Chair, GNSO Vice-Chair, and Board Seat #14, and a subgroup to be confirmed before ICANN62 in June 2018.
  - Wolf-Ulrich noted that agreement has been reached for the Vice Chair election process.
    - ICANN staff will find out if this process needs to be formalized, and added to the GNSO Operating Procedures.
  - GNSO Chair nomination process to be drafted, including a timeline
  - A joint team with members from both the CSG and NCSG will draft the GNSO Chair nomination process and the Board Seat #14 selection process.
    - Farzaneh Badii will provide a draft on behalf of the NCSG within the next month.

### For Day 2, the messages were as follows:

- **Plenary 5.** It was noted that there is widespread recognition that tiered gated access will be the future of WHOIS RDS.
  - It was agreed that the messaging for this session needed reworking.
  - The CSG's view is to accelerate the work of a GDPR model.
  - The NCSG suggested considering suspension of the community's WHOIS work.
    - "Reconciling Whois and GPDR is not an easy task, there is still a long way to go before it is manageable to reconcile all the different approaches. The models discussed on GDPR do not suffice to do this reconciliation and more discussion is needed" (Message from Stephanie Perrin, session co-chair from the NCSG).
  - Renata noted that a key message for this session is that "reconciling WHOIS and GDPR demands a broader view of community work, which is underway. ICANN's

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self-community-driven work will eventually replace the interim compliance model, RDS PDP, PPSIA and updates to procedure on WHOIS conflicts with privacy law.”<sup>3</sup>

- **Plenary 6.** There was agreement that there continues to be a diversity of views on how to address WHOIS as related to privacy law and compliance.
  - Delegates understood that some form of tiered-related access would be established.
  - The diversity of views about how to address WHOIS in relation to privacy law compliance highlights the need for ongoing work within the community.
  - Delegates hoped ICANN Legal would respond to the questions that were included in the slide decks circulated-- to the extent they are not already addressed.
- **CEO Prep.** The session refined topics for discussion with the ICANN CEO, including GDPR, SSR2 and capacity building.
- **Informal Lunch Meeting with the Board.** The Board’s relationship with the GAC was one key item discussed. Also discussed were the procedures for selecting review teams and capacity building opportunities.
- **NCPH Session with CEO.** Delegates will continue to provide input on the GDPR models. Procedures for Review Teams and capacity building are topics which demand greater dialogue between the ICANN Board and community.
- **Plenary 7.** Delegates are interested to find a new formula to ensure greater transparency of ICANN Legal, with respect to invoking attorney/client privilege.
- **Plenary 8.** Follow-up with David Conrad’s team regarding ODI and responses to the delegates’ questions are needed, in advance of ICANN61, in order to fully utilize time during face-to-face meetings.
  - Delegates wish to ensure that the FY19 ICANN Budget includes funding to continue ODI. The Transparency subgroup rapporteur will reach out to David Conrad to clarify ODI’s status in the FY19 budget.
  - Need to ensure that the minority position is included in the final Work Stream 2 report.
- **Plenary 9.** The session provided the opportunity to highlight similarities and differences in regards to diversity, jurisdiction, and the other topics covered in Work Stream 2.
  - This session allowed the CSG and NCSG delegates to understand where the differences are between approaches.

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<sup>3</sup> RDS PDP refers to the Next-Generation Registration Directory Service to Replace WHOIS Policy Development Process; PPSIA refers to the Privacy/Proxy Services Accreditation Issues PDP (currently in implementation).

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## CONCLUSION: SURVEY RESULTS & NEXT STEPS

In order to improve on future meetings and to better understand the delegates' perception of the usefulness of such meetings, ICANN staff developed a survey which was provided to all delegates at the close of the meeting via a Google Docs form, available online for the month following the Intersessional.

### Survey Results

The purpose of the Intersessional survey was to help assess the Intersessional format as a meeting structure, understand its usefulness, and explore the best approaches for planning any future NCPH Intersessional meetings. The survey results can be viewed on the NCPH 2018 Intersessional Wiki at <https://community.icann.org/x/vSy8B>.

One delegate left early due to unforeseen circumstances. Out of the 41 delegates remaining, 32 responded to the survey, which represents 78 percent of all delegates. Out of the 32 delegates, a breakdown of submitted survey responses per community is follows:

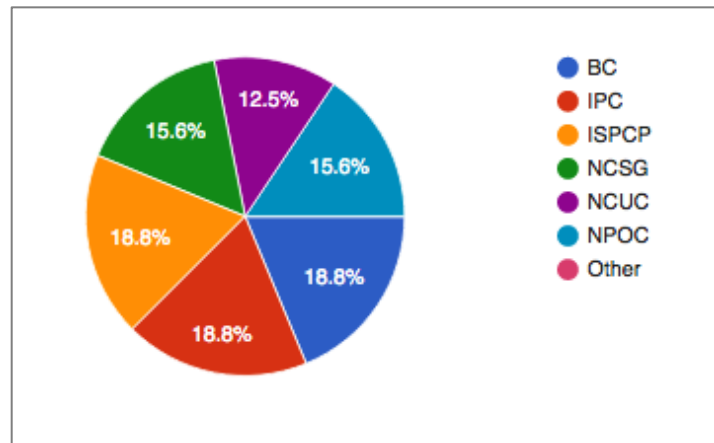


Figure 1: Survey Respondents by Constituency

Survey responses provided by delegates demonstrated a range of diverse opinions. Over half of all delegates (62.5 percent of respondents) said that they did not recommend holding yearly Intersessional Meetings. Others suggested holding an Intersessional Meeting every two years.

Overall Satisfaction with the Intersessional, based on the responses from the 32 delegates, had more than fifty percent of respondents ranking the Intersessional as being satisfactory or above, with 14 delegates (43.8 percent) ranking the meeting as a 4 on a scale of 5 (5 being the most satisfactory) and 4 delegates (12.5 percent) ranking the meeting as a 5 out of 5.

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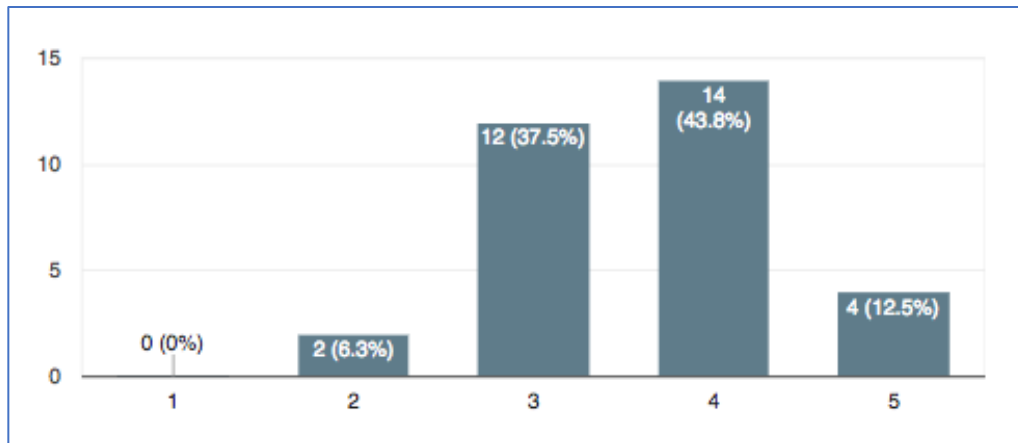


Figure 2: Overall Satisfaction of the Intersessional Meeting

Access to ICANN organization senior executives and Board members was noted as one of the benefits to holding an Intersessional Meeting, and was a deciding factor as to the location of the Intersessional for 2018. Delegates from across the NCPH agreed that this was a key advantage to holding the Intersessional in Los Angeles, while one survey respondent commented that it should be “held as far from the ICANN office as possible in order to focus on the Intersessional.” Overall, both the CSG and the NCSG agreed that more time with ICANN organization senior executives and Board members would be useful.

Out of all the sessions held, fourteen (14) delegates said the GDPR/Whois related sessions were the most useful, while eight (8) delegates said that time with ICANN organization senior executives and the CEO were the most useful. Out of the sessions found least useful, community overviews and introductions were mentioned by four (4) delegates. A concern mentioned by delegates across the NCPH were the differences between the CSG and the NCSG and that a reflection on the format of the Intersessional is needed as part of the future planning process.

Responses from delegates provided insight into what worked well and to what could be improved upon for future Intersessionals, while providing feedback concerning the format of the Intersessional as a whole. All responses provided by delegates were reviewed and reported back to the ICANN organization.

### Next Steps

The delegates agreed to continue working on action items collected from the Intersessional over the upcoming year. Decisions to hold a future Intersessional and its format will be decided upon by community leaders over the upcoming months.

# **FY18 Non-Contracted Parties House Intersessional Report**

## **1 - 2 February 2018**

The NCPH delegates thanked ICANN organization's senior executives and ICANN Board members for making themselves available during the Intersessional. Delegates also thanked the community organizers and ICANN's Policy Development Support Team for their work in planning and supporting the Intersessional Meeting.