
UNIDENTIFIED FEMALE: I'd like to welcome everyone to the RDS WHOIS1 Recommendation #10 Privacy-Proxy Service subgroup meeting number two. The call is taking place on March 20, 2018, at 15:00 UTC.

In attendance is Cathrin Bauer-Bulst, Jennifer Gore, Susan Kawaguchi, Owen from ICANN Org as well as Steve at ICANN Org. Lisa Phifer, Brenda Brewer. I will connect Alice and Jean-Baptiste as soon as possible. The call is being recorded. State your name for the transcript. I'll turn the meeting over to Lisa. Thank you.

LISA PHIFER: Thanks, Brenda. I believe that the reason for our meeting today was actually to convene a briefing on the privacy-proxy subgroup questions that had been forwarded to subject-matter experts. So, why don't I turn things over to Jennifer, I guess that would be you to lead us through the answers that you may have prepared to the questions raised by the subgroup.

JENNIFER GORE: Thank you. Honestly, I'm going to defer you over to Amy Bivens. She's responsible for the project and was the one who coordinated and answered the questions. Amy, if you would take it over.

AMY BIVENS: Sure. Hi, everyone. I'm Amy Bivens from ICANN Org. I have a list of questions here from you that we can go through. I am the staff member

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for leading the implementation. I answered most of the questions, but for some of them, I'll be looking at Owen and Jen and others for more detailed information.

If you guys have questions at any point, please feel free to stop me, so it's not just me talking the whole call because nobody likes that, especially me. Does anybody have questions in general before we just get started with the questions list? Okay, hearing no hands, also please feel free to interrupt me. It's sort of awkward running the calls without an Adobe room where you can see hands, but please feel free to speak up.

The first question we received from the Review Team was to identify challenges that we identified with the implementation. I believe most of you are fairly familiar with this implementation, so you can probably identify challenges as well. But, from the point of view of running the implementation, I think probably the most significant challenge has been gaps in the final recommendation of specifically the final report had a whole process in place for recommendations for providers to respond to intellectual property requests, that there weren't similar processes or recommendations in place for law enforcement requests. That's something that we had to create from scratch.

It also raised some questions among certain members of the IRT about whether we were dipping into the realm of policy versus implementation. It was then easier to implement if we had more specific guidance on the recommendations on that topic.

Another area where we're challenging or has been challenging is the ecosystem has different types of providers. So, there are privacy-proxy providers that are affiliated with registrars and providers that are not, at least hypothetically providers that are not affiliated with registrars and we were instructed to create a program that takes them into account. But, we haven't been able to identify specifically one of those providers to participate and think about how the requirements will impact them. So, it's been a bit of a challenge to try to take those interests into account when we haven't found one of those providers.

The other major challenge I think is just really [inaudible] which is similar to I'm sure all other implementations that are going on and policy development processes. We have a lot to implement for this program. There's pressure. Especially at the beginning, there was time pressure to get it moving quickly and try to get it finished in a short period of time, which requires a lot of work and a lot to ask of the community volunteers and also on the staff side trying to make it all work in a shorter period of time.

We hadn't quite matched the original timeframe that was requested. We had been requested to try to do this within a year. It's been about a year-and-a-half now and we're getting closer to the public comment period, but we still have a ways to go. So, time is challenging and people are tired I think, especially community members.

Does anyone have questions on that topic, before we move on to the next question?

SUSAN KAWAGUCHI: Hi, Amy. I do have a question, and thank you for all the hard work. I've been in and out of this IRT, but we keep moving it on. We really appreciate that.

On the question of different types of providers, I know there's been pushback when there was only one identified category not being connected to registrars. You say you haven't had anybody participate from a proxy provider that is unaffiliated with the registrar. Is that different than not being able to identify them? Does ICANN know of any providers that are not affiliated with a registrar?

AMY BEVINS: Thanks, Susan. This is one where I may reach out to Owen and Jen as well for additional information. Really, as far as we can tell, we're aware that there may be some providers that may be acting like a reseller potentially. I think Owen came across one that he thought might fall into the category of unaffiliated. So, we think they are out there, but they seem to be in the supply chain somehow, so if they're not affiliated with the registrar, they're a reseller. Trying to find one that's completely separate has been a challenging task and I don't think we know of one. Owen or Jen?

OWEN SMIGELSKI: I'll jump in because I've reached out to several community on this. It has been difficult to find a 100% completely unaffiliated provider. A lot of the ones that were referred our way when we requested were actually affiliated with a registrar in some fashion. As Amy pointed out, there are ones that are associated with resellers which may not be technically

affiliated, but may be through the operation of how they are because they are connected to a registrar as a reseller officially. They already have to comply with the obligations.

There was one that we did come across. It's called Njalla. I'll have to go back and get the spelling of that. And that appears to be a 100% unaffiliated privacy provider. It's still not exactly clear what it is or how it does it. If you're interested, the domain name for it is njal.la, as in Laos, the ccTLD. That's the only one that we've been aware of and that only came to our attention within the last six or nine months or so.

SUSAN KAWAGUCHI:

I know back in the PDP part of the argument was people were pointing at law firms that often will register in their name or their client. That's not the type of proxy service or provider that you're looking at then.

OWEN SMIGELSKI:

There are a number of scenarios that come up with this type of example which we often see. When developers ... Amy, I know law firms is one scenario, whether they're actually providing the services or web developers or resellers sometimes put themselves in the WHOIS as [inaudible]. I don't know if that was something the board has considered by the working group. Maybe Amy can answer that.

AMY BEVINS:

The issue of attorneys specifically is a tricky one. Susan, I don't remember if you were on the PDP working group or not, but it's sort of tricky because the PDP working group kind of danced around the issue

of attorneys and whether they would qualify as privacy or proxy. It was sort of decided by the PDP working group to just not touch that issue, which has been kind of tricky in the implementation process, because if you look at the definition of privacy and proxy and you look at what attorneys do, I think at least arguably or even beyond arguably, you would think that they would fall under the definition, but the PDP working group sort of shied away from addressing that issue. So, that's been kind of tricky in implementation because we don't want to go to them and try to discuss the issue about law firms or try to go to law firms unless they're explicitly operating their services of proxy or privacy service.

SUSAN KAWAGUCHI:

Okay, that's helpful. I was on the PDP and I was the one that didn't think we should include attorneys because attorneys have other obligations that are covered by, so I didn't feel like that was a true proxy provider situation. But, that's my personal stance on that.

AMY BEVINS:

Alright. That was my [inaudible] so far.

SUSAN KAWAGUCHI:

Okay, thank you.

AMY BEVINS:

Does anyone else have comments or questions on the challenges point before we move on to the next one? Okay. So, hearing no one, the next

question was what internal systems will this implementation impact? This is kind of a broad question I think because I think the implementation ultimately will impact pretty much all of the systems that we're using today for contracted parties.

For example, we'll be using the systems for finance. We'll be using the systems for compliance. We'll be using a system to manage the privacy-proxy provider account data.

And while we won't be creating a completely new system or systems specifically for privacy-proxy, privacy-proxy will be included in the development work that we're currently doing for registry operators and registrars. So, the portal and things like that, we'll also be using that for privacy-proxy.

Owen, do you want to talk specifically about compliance?

OWEN SMIGELSKI:

Sure. The only thing, in terms of from a compliance perspective, that we'll need to do is updates to the existing complaint processing system and the metrics data mark where a lot of the metrics that are on icann.org are generated from. That would impact new complaints that might arise from any eventual PPAA as well as impacts to existing complaint types, transfer, domain removal, WHOIS inaccuracy and others and how they touched by whatever comes out of the final PPAA. And also need to include some metrics for that. Then, content that we have on icann.org we need updates to coincide with the effective dates.

But, we don't foresee any type of new systems that need to be created. It would just be tweaks and modifications to existing systems.

AMY BEVINS:

Thanks, Owen. I'll also add that for those of you that aren't familiar with the work on the portal that's being developed for registry operators and registrars, this comment specifically is completely in my personal capacity because I'm not working on that at all really. But, I think one of the challenges that we have is that the portal is coming along and it's being developed, but it may not be ready at the point when we are launching this program. So, it's possible that we may have to come up with some sort of stopgap in between that to manage the provider data. I think Jen can probably speak more to that because I know you're really involved in the portal work.

JENNIFER GORE:

Yes, absolutely. We'll be launching the portal actually next week for the registrars, Version 1.0. We do have on our roadmap to include privacy-proxy providers in which we'll probably support them in the coming nine to twelve months, depending upon the next phase of our roadmap.

What I mean by that is if they're a registry or registrar today, there also will be an option for them to switch their profile over in the portal as a privacy-proxy provider. It will be one of three profiles, meaning registry, registrar, privacy-proxy provider, in which they'll be able to manage their day-to-day interactions with ICANN either to get ... The compliance to get respond [inaudible] compliance to get [inaudible] modify or update contact information, receive announcements through the portal.

Basic day-to-day operations information will be able to be retrieved from the portal for these contracted party types.

SUSAN KAWAGUCHI: I'm going to ask a dumb question. The PPAA is privacy-proxy accreditation what? What's the second A?

JENNIFER GORE: Agreement.

SUSAN KAWAGUCHI: Agreement, okay.

JENNIFER GORE: We continue to throw these acronyms at you. I apologize for that. Privacy-Proxy Accreditation Agreement.

OWEN SMIGELSKI: I apologize for dropping that there. I was the one [inaudible] explain that. I promise to explain other acronyms if I so need to do so during this call.

SUSAN KAWAGUCHI: No problem. I knew I should be able to figure it out because it was obvious. My brain was not picking it up this morning, so thank you.

AMY BEVINS: Does anybody else have questions about that topic related to systems before we go to the next question?

CATHRIN BAUER-BULST: Hi, everyone. I was struggling with the mute button. I actually have a question about something that Susan raised before. Sorry I didn't jump in in time.

The issue of unaffiliated privacy-proxy services, one question that raises is if you are affiliated with a registrar, of course you are subject also to the RAA specs and everything that comes with that. So, in terms of implementing the separate PPAA, has there been any thought given to whether there's obligations under the RAA that would need to be included in the PPAA for those privacy-proxy services that are not affiliated with the registrar and thus not already subject to those RAA specs?

UNIDENTIFIED FEMALE: [inaudible], you're the expert.

JENNIFER GORE: The short answer I was going to say is yes, but I'll defer to Amy on that one.

AMY BEVINS: Yeah. Jen is right. The short answer to that is yes. There certainly are ... Obviously, you have to consider that privacy-proxy providers don't

provide identical services to registrars, so there are ... Certainly, all the obligations of a registrar wouldn't fall onto a privacy-proxy provider but there are many that do

For example, in the final recommendations, there weren't explicit recommendations that would've required data retention or data escrow. However, given that providers are required per the final recommendations to provide customer information, I think [inaudible] from that, that they would need to retain that information for a period of time so that they would have the information to provide.

So, we went through that general exercise in drafting a first draft of the accreditation agreement by just looking through the RAA and thinking about what would need to be also included in the privacy-proxy agreement.

So, when you look at the privacy-proxy agreement, it looks a lot like the RAA. The [section] numbers are a little bit off, but if you look at it, it's very similar to the RAA with the additional requirements that came from the final recommendations from the PDP Working Group.

CATHRIN BAUER-BULST: Okay, thank you.

AMY BEVINS: Also, if you want to see a copy of the agreement, I can send it to the whole review team, if that's helpful to you if you guys are interested.

SUSAN KAWAGUCHI: That would be a good idea. Thank you for that.

AMY BEVINS: Okay, I'll pass it along. Our next question was whether there's budget allocated for this implementation. Jen is [inaudible]. She can probably answer the budget question better than me, but the short answer is yes. We have current budget now. Up until this point, the budget ... We've been using [inaudible] staff and we haven't done a whole lot of development work yet, so there have been costs related to working with the IRC and drafting the agreement. Going forward, we certainly have budget allocated for getting the systems in place and the processes in place that will be needed to support the program.

Jen or Owen, did you want to add anything to that?

JENNIFER GORE: I'd like to, Amy, if you wouldn't mind. Then I'll defer to Owen. As part of the cost analysis, we worked with each of the departments based on a forecast that we received from the IRT to determine what additional resources would be needed. Not only hard resources, but soft resources whether it's humans or additional licensing and went across each of the organizations to figure out what those costs were and formulated those costs and then of course lined activities based upon the phase of the lifecycle for the privacy-proxy accreditation provider into that analysis as well.

We presented a top line of that to the IRT in Puerto Rico in order to explain to them the fee schedule that was also presented to them in

previous weeks. There were some additional questions that came out of that. We're working with our finance team to answer those questions, specifically to Volker. So, our plan is to continue to make sure that we've addressed those questions.

But, at this point in time, we've allocated the cost accordingly and will be incorporating that as a separate line item in our FY19 budget.

OWEN SMIGELSKI:

Really just wanted to mirror, reflect, what Jennifer said. Currently, what the [inaudible] is doing is [inaudible] existing resources, [inaudible] budgeting forecast [inaudible] to ensure that the additional activities would be covered in the budget. For the most part, that is [inaudible] outside vendor costs, either for the creation of a audit program using the outside auditor either we contract with or service providers that we utilize for development of the complaint processing system.

AMY BEVINS:

Thanks, Owen. Does anyone have questions about the budget topic before we move on to the next one?

The next question is related to the previous one. It asks what impact would the implementation have on existing providers from a cost impact perspective?

The impact is that there will be or we're proposing to have an application and also annual accreditation fee. So, there will be that impact on existing providers. The proposed fees are fairly similar to the registrar program fees. We're proposing a \$3500 application fee for new

providers, \$2000 for existing accredited entities. Then a \$4000 annual accreditation fee. There will also be probably costs [inaudible] providers to update their systems to comply with any requirements. There will be requirements related to relay communications, reveal customers in certain situations. They'll be updating probably their terms of service and things like that.

In terms of the impact, other than that, we've done the best we can I think to try to minimize the impact, especially for providers that are affiliated with registrars and to try to streamline the registrar requirements to minimize the amount of work that they'll need to do or the expenses that they'll need to incur to get on board with the program.

Do you guys have questions about that? I think this question may have come from Volker and if he has additional questions, we can certainly answer them when he's available.

SUSAN KAWAGUCHI:

Have the registrars estimated what might, beyond the accreditation fee, cost them to implement this?

AMY BEVINS:

We have not heard that estimate from them. Jen, unless you may have heard it anecdotedly from them, but we haven't gotten anything official.

JENNIFER GORE: We haven't gotten anything official. I essentially think that most of the registrars participating on the IRT already offer a privacy or a proxy service today. So, their systems currently support it.

The additional cost for them would come around the data escrow and some of the auditing and reporting requirements that are in the agreement.

SUSAN KAWAGUCHI: Okay, that's interesting. In my experience, like 10% of current proxy privacy providers actually provide, will reveal information. So, I would think they might be having to add to their system to respond to requests for information. But, if they haven't said anything, then I wouldn't have any idea how much that would be.

AMY BEVINS: Honestly, they haven't said anything. I'm surprised at this point that they haven't. I think that they have communicated in their own head how much cost. We're hearing about that when things like reporting or data escrow come up or auditing when they start asking questions related to that. Then they're calculating the additional cost on their end.

SUSAN KAWAGUCHI: Okay, that's interesting. Thank you.

AMY BEVINS: Does anybody else have questions about cost or budget?

Our next question is: is there any part of the implementation that will require new technology? I'm not sure if the question is related or if it's directed to the ICANN side or provider side. Potentially both.

On the ICANN side, we won't be having any new systems or technology directly that's just for this program, as I mentioned, but we are in the process, the broader organization, of improving our systems and we'll be getting providers onto those new systems.

Also, [inaudible] proposed requirements. We're proposing to have the providers use the reporting interface that the registry operators use. This is a new technology. It's not completely new technology, but it's technology that hasn't been used by registrars before, so that will be new to them. Does anybody else have comments on this or questions?

CATHRIN BAUER-BULST: I have to apologize for my ignorance. I'm just wondering if this is triggered by something we discussed earlier about reveal information. There are no plans to have one sort of set protocol for how the information on the actual registrant that is held by the privacy-proxy service needs to be [held] and revealed from a technical perspective. Is that correct?

AMY BEVINS: That's correct.

CATHRIN BAUER-BULST: So, everybody is free to sort of do as they please? And if they do receive requests, they respond in whatever format they use for their own purposes.

AMY BEVINS: Yes, that's correct, Cathrin. Under the current requirements, there aren't any sort of technical limitations or specifications on how the reveal has to happen.

CATHRIN BAUER-BULST: Okay, thank YOU.

AMY BEVINS: Does anyone else have questions on this or comments?

Our next question is: will this require modification of the RAA? Thankfully, the answer is no. We won't have to go through the amendment process for the RAA or make any modifications to the RAA itself.

There is a requirement in the RAA that registrars comply with any new policy requirements related to privacy-proxy, and also the RAA has the consensus in temporary policy specification which [provides] that any new policy requirements that come out after the RAA went into effect, the policy requirements would supersede anything contrary in the RAA.

So, there will be some new requirements related to privacy-proxy that registrars will have to follow, but they'll be implemented via the policy

instead of having to amend the RAA. Does anyone have questions about that?

I will add that there is an interim specification for privacy-proxy in the RAA and that will expire. It's currently set to expire in July of 2019 I believe, so hopefully we will be fully implemented by then. If not, we may need to [inaudible] it again. But, at that point, it will expire at whatever point it expires.

OWEN SMIGELSKI:

I just wanted to echo what Amy said about the temporary privacy-proxy specification. It was originally set to expire on January 1, 2017 and it's been extended. This is the second extension. That wouldn't be a concern if we had to extend it longer if we can't make the July 1, 2019 date.

AMY BEVINS:

Thanks, Owen. Does anyone have questions about this one?

The next question is for Owen. I will send that to you. The question is: what plans does the compliance team have for ensuring compliance?

OWEN SMIGELSKI:

So, similar to the prior readiness efforts that the compliance team completed for the launch of the new gTLD program, the 2013 RAA launch, there's a number of steps that we need to do to ensure compliance with the PPAA and related policies.

First, is we have to define and document the process for new privacy-proxy complaints as well as what the impact would be on existing complaints. This would include updates to communication templates, forms that will go on icann.org, staff training and documentation.

The second component would be the need to define and document a privacy-proxy provider audit program. We have a couple of staff who would do that as well as a vendor that we utilize for review of documents. So, that whole program and testing would need to be set up.

Third main area we'd have to do is to define document and prepare metrics and reports that will go on icann.org and elsewhere related to the privacy-proxy compliance and audit program, so that there's feedback and information for the community.

Then, as the program starts to ramp up, part of the process for accreditation – this is for registrars and registries as well. This isn't a new task – is conduct compliance checks of existing contracted parties to support the accreditation process. If an affiliated entity has some compliance concerns, that can delay the accreditation process for an affiliated or related entity.

There may be also some community outreach that compliance would have to participate in regarding privacy-proxy [inaudible] compliance with the requirements.

Then, ongoing [inaudible] as we still have to do the compliance checks as the program goes. There's an initial launch phase, but then as it's ongoing, we would have to be doing more checks. Processing

complaints regarding privacy-proxy providers, and that includes going through our informal resolution process and any types of breach or enforcement processes as well. We have to conduct audits of the privacy-proxy provider and generate performance and metrics relating to the privacy-proxy areas.

That's just overall what we've identified as the steps to ensure compliance with any resulting accreditation agreement or policy. If you have any questions about that, please do let me know.

SUSAN KAWAGUCHI:

Owen, could you expand a little bit on the conduct compliance checks of affiliated entities. I wasn't quite sure what that meant.

OWEN SMIGELSKI:

Sure. As part of the accreditation process, and what I'm referring to is not something that would be limited to just privacy-proxy providers. This is any type of accreditation that ICANN does for a new contracted party, registrar and registry operator.

Part of that process, this goes through a GDD where they have to fill out an application and do the background check and all those other things. As part of that, GDD asks compliance to do a check on any things that are affiliated with that. There's a registrar family, a registrar group of 50 registrars and they're getting another accreditation. We run a compliance check against the other members of the family to ensure that there are no concerns from a compliance perspective, which is

generally if there's a breach or likely breach there. It's also check with other areas. I think part of it is are there any significant past due fees?

So, that's something that happens currently with any registrar or registry operator that signs an agreement with ICANN and that would be extended to the privacy-proxy provider program.

Because a lot of these will be privacy-proxy providers that are affiliated with registrars, we need to go through and ensure that privacy-proxy providers aren't being accredited when they have affiliated entities that might have some compliance concerns. Does that answer your question, Susan?

SUSAN KAWAGUCHI:

Yeah, that makes more sense. I wasn't quite getting it. In general, I'm taking notes, but I was wondering if these answers will be provided in writing to the subgroup.

OWEN SMIGELSKI:

Yes. Actually, I do have a draft here that we had done. We're also intending on publish it on icann.org, because there's also a metrics request from the RDS WHOIS2 regarding privacy-proxy providers that we have some additional information. So, we're planning to publish all this on icann.org, but can also provide it to the subgroup as well in advance.

SUSAN KAWAGUCHI:

Perfect. Thank you so much.

AMY BEVINS: If the subgroup would like answers to all the other questions, we can certainly provide those as well, the noncompliance ones. I have just some shorthand answers and I would certainly write them a little bit better than they're written now. But, if you would like them, I can turn around by tomorrow.

SUSAN KAWAGUCHI: That would be really helpful. I don't want to burden you all with a lot of work, especially since Volker ... I don't know that Volker has joined the call and he's actually heading up the subgroup, so I think that would be beneficial for him, too.

AMY BEVINS: Okay, sure. I can do it by tomorrow. It's just my answers are not in complete sentences. They were just for me. I can just update it so it's suitable for sharing.

Our next question is: how long do you estimate it will take ... Actually, the question before that. Owen, did you cover what the expected budget impact for ongoing operations for compliance work? I don't think you did.

OWEN SMIGELSKI: I guess there were a couple of drafts of the questions we're circulating. I don't have those specific numbers in front of me, but currently there is nothing budgeted in terms of additional staff. The only additional costs

that we had are outside vendor costs such as assistance, development, and for the outside auditor that ICANN [leverages] which would be used for the privacy-proxy provider audits.

AMY BEVINS: Thanks, Owen. Does anyone have questions about that one?

SUSAN KAWAGUCHI: I do. I'm sorry. I keep asking questions. Who would that outside vendor be on the compliance side?

OWEN SMIGELSKI: For which aspects, Susan?

SUSAN KAWAGUCHI: I think you mentioned web development and something else. I didn't catch the second.

OWEN SMIGELSKI: Contractual compliance has been utilizing the vendor. Its acronym is 3SI2. They've been engaged for the development of the complaint processing system that we've been using since before my arrival at ICANN. They were being used. I'm just celebrating six years at ICANN, so that vendor [inaudible] engaged.

I'm not sure the exact timing whether the modification ... I refer to complaint processing system as whatever system we happen to be

using. This is coinciding with the move to the naming services portal (NSP). So, whether it updates to our current system or updates to NSP, those are anticipated that there will either be the vendor we currently use or some other vendor that's working with ICANN as needed for NSP.

With regards to the audit, contractual compliance currently uses KPMG as our audit partner. So, we're able to leverage a lot of the language resources because we get documents. I don't recall exactly from that last audit, but it made it in 20-30 different languages that ICANN doesn't support and they're able to provide those review and translation services.

SUSAN KAWAGUCHI: Okay, that's helpful. Thank you.

OWEN SMIGELSKI: Again, these aren't new vendors or anything that would be identified. They're ones that we have long-term existing relationships with.

AMY BEVINS: Okay. The next question is: how long do you estimate it will take for the implementation? What's the estimated remaining timeline for the implementation? That is a very excellent question.

That depends a lot on the IRT's work and discussions and what happens during the public comment period. For those of you who have been following the IRT, you know we're very close to going to public comment. There's one major issue that we're still working through and

we're hoping to figure out over the next couple of weeks whether we can reach resolution on that issue or not. The law enforcement framework.

After that issue is resolved, we are planning to publish for public comment. We're hoping to be able to publish for public comment in April, hopefully the first half of April. If that is the case, then we would be open for public comment for at least 40 days, potentially longer since it's a relatively big packet of documents that we're going to be asking the community to review.

So, the public comment period, if it opens in the middle of April, we'd be open through at least the end of May, maybe a little longer than that. Then, after that, we'll need to go through the public comments to determine whether we need to make any changes.

If the feedback was great in the public comment period and there's no need for any changes, which probably isn't likely, but could happen, I guess best-case scenario and timing, we could be ready to announce the final requirements later this summer, at least summer in the northern hemisphere, so maybe August-ish, which would be good because it would fit into the timeline that we try to follow for announcing requirements, which is August and February. We try to follow a six-month cycle.

Regardless of when we announce the requirements, after that, there will be a period of time before the requirements go into effect. We'll have to have time to process applications for providers, to evaluate providers, qualifications to become accredited. We'll also have to give

providers and registrars time to ramp up and do the development work they need to do to comply with the requirements.

So, if we were to announce in August, we would probably begin accepting applications potentially before the end of the year, but late in the year, so November-December, and we would probably on that timeframe, the compliance team would probably begin enforcing the requirements around the middle of the following year. But, this is all still very much in flux depending on what happens during the public comment period and with the IRT. Is that helpful?

SUSAN KAWAGUCHI: Yes, Amy, that is.

AMY BEVINS: Okay. At this point, your guess is probably as good as ours in terms of what will happen in the public comment period. But, that's the goal, hopefully, to get the final requirements out closer to the middle of this year than the end, but we'll see how that goes.

OWEN SMIGELSKI: I just want to [inaudible] version of the PPAA and there's no more changes, then we're going to get moving internally to get all those things that I described earlier in place and ready to go. We can start doing some of that earlier, depending upon what subtle areas there are in there, but we'll certainly be ready well before ... Hopefully, should be ready to go before the effective date of the policy and accreditation agreement.

AMY BEVINS: Thanks, Owen. Does anyone else have questions about timeline? Okay. So, we have some questions specifically related to the RAA specification and these are compliance related questions.

The first question was please provide information on the volume and content of compliance reports regarding the privacy-proxy RAA specification.

OWEN SMIGELSKI: Okay. Let me just grab that information here. This is something that I wasn't aware was going to come up during this call. We actually have a nice document on this. I know we have limited time left on the call. We've gone through and answered the different questions here, including metrics, since 2014 for this. I don't know. [inaudible] just give a quick summary now and share it with the subgroup.

SUSAN KAWAGUCHI: That sounds good.

OWEN SMIGELSKI: Since the effective date of the privacy-proxy specification on January 1, 2014, contractual compliance has received a total of 288 complaints. Of those 288, 207 were out of scope. That either means somebody is complaining about something outside of the privacy-proxy specification or they're complaining we didn't receive information to validate their complaint.

Of the ones that we received, 81 of them were forwarded to registrars because they were within scope and there have been no enforcement actions, such as a notice of breach regarding any of those.

SUSAN KAWAGUCHI: Of the 81, were those resolved?

OWEN SMIGELSKI: Because none of them went to enforcement, all of these complaints will go through the standard compliance 1, 2, 3 notice process and if it was not resolved by the deadline for the third notice, it would've gone to enforcement and notice of breach. Since there were no breaches, all of them were resolved within the informal resolution, the 1, 2, 3 notice process.

SUSAN KAWAGUCHI: Okay. What's your definition of resolved?

OWEN SMIGELSKI: Resolved, that's where [inaudible]. Some of the questions or actions taken by registrars to resolve complaints would be adding or confirming the location of required web posting obligations, demonstrating that the registrar abides by the terms that they published and the procedures, or ensuring that the privacy-proxy entity is properly identified in the public WHOIS. Some other things out there such as ensuring that the data escrow deposit includes not only the public WHOIS information, but also the underlying customer information with

the data escrow deposits they make. [inaudible] some of the samples of some of the actions that have been taken to resolve those complaints.

SUSAN KAWAGUCHI: So, at this time, actually revealing the information would not be a requirement. Correct?

OWEN SMIGELSKI: There is no obligation in the current privacy-proxy specification that there is a reveal. There does have to be explanation or procedures of how this reveal would happen. So, if there's a complaint regarding that, it would be they did not reveal there would be a follow-up with the registrar to request what the reveal policy is, what steps were taken to determine whether or not to reveal and how that was done. If any of the cases would come up, [inaudible] consistent with the policies with the registrar or the privacy-proxy provider posted online.

SUSAN KAWAGUCHI: Okay. That's helpful. Thank you for the additional details.

AMY BEVINS: If no one has any further questions at this point, we can send around written answers to your questions hopefully by tomorrow. If you have further questions, you can always send them to us. We can answer them at any point.

CATHRIN BAUER-BULST: Sorry, I'm a bit slow also with the mute button. I was just wondering on the complaints, the 207 that were out of scope. So, none of those is related to reveal issues, right? Because if I understood you correctly, Owen, you were saying that if there were any issues with the reveal, there would be a check as to whether the reveal refusal or permission was in line with the service's own policy. Is that correct? Or were any of the ones that were out of scope related to reveals?

OWEN SMIGELSKI: I can't give you that level of granularity. The complaint processing system does not have that amount of metrics coded into it, whether we can sub-classify complaints. This was based upon I went back and looked at those various complaints. I've been the subject matter expert since the 2013 RAA has come into place for privacy-proxy for compliance, so it's based upon my own observations and experiences as well as a review of a data dump. It doesn't include review of every single complaint that's come through, but I have seen reveal complaints where somebody will complain that privacy-proxy provider X would not reveal based upon whatever. Generally, during those types of follow-ups, it would be found that whatever steps came that the registrar or privacy-proxy provider did comply with whatever policy it has done.

Quite often, out of scope things. There's a lot reporter ... We had [inaudible] a lot of level setting of expectations of people who file complaints with contractual compliance. A lot of it is they expect that ICANN can do whatever it is that they're asking in the complaint, which is a struggle because quite often we can't do what they want. So, some of the things that we would see, out of scope complaints would be they

file a complaint with us, we ask for more information to validate the complaint and they did not provide that to us. We don't have enough information to proceed. That was considered out of scope.

Sometimes it would be a third-party dispute. For example, this is a website that is publishing lies about me. You need to give me the website. It was a privacy-proxy issue. That's not really within the scope of the privacy-proxy specification.

Others could be customer service issues. My registrar charged me \$20 to use privacy-proxy services but they didn't tell me ahead of time. That may or may not be something that would fall necessarily in the scope of the existing privacy-proxy specification.

CATHRIN BAUER-BULST: Okay. Thank you so much.

AMY BEVINS: Thanks, everyone. We'll send around the answers to the questions as soon as we can. If you have further questions, just send them our way.

SUSAN KAWAGUCHI: Thank you for all the information. We really appreciate it.

AMY BEVINS: Sure. Anytime, seriously, if you have further questions, just send them.

SUSAN KAWAGUCHI: Okay, will do.

UNIDENTIFIED FEMALE: Thanks all.

CATHRIN BAUER-BULST: Have a good rest of your day. Bye.

[END OF TRANSCRIPTION]