

Donna Austin, RySG
Heather Forrest
Keith Drazek
Paul McGrady
Rafik Dammak
Stephanie Perrin
Susan Kawaguchi

Apologies:

None

Staff:

Marika Konings
Caitlin Tubergen
Terri Agnew

Terri Agnew:Welcome to the small team ePDP scope call on Tuesday, 10 July 2018 at 12:00 UTC.

Marika Konings 2:Hi all - I've set up my screen in such a way that I am able to screen share and make live edits during the meeting. If this is not helpful we can just switch back to the static version.

Marika Konings 2:Note that the comments that Keith just submitted to the mailing list can be found in the notes & action items pod.

Keith Drazek:Thanks Marika

Heather Forrest:Hi all - I'm the number ending in 855

Rafik:hello all

Heather Forrest:If nobody objects I would be grateful to listen in again today

Keith Drazek:No objection!

Heather Forrest:thanks Keith - much appreciated

Heather Forrest:thanks Donna

Rafik:@Donna no problem

Caitlin Tubergen:Good morning :)

Marika Konings 2:I see now that it is Stephanie's edits

Marika Konings 2:sorry, Caitlin, I didn't spot that before

Stephanie Perrin:Sorry, I added things last minute

Stephanie Perrin:had a family emergency steal much of yesterday

Keith Drazek:Hope all is ok, Stephanie

Marika Konings 2:Looks like that is Ayden's only comment - maybe he realised that it is now with the small team and not the DT?

Heather Forrest:no good, Stephanie - hope things improve for you

Stephanie Perrin:Thanks Keith. things are under control. Kids....don't have them!

Paul McGrady:I do not see an email from Keith.

Paul McGrady:Keith, can you please send it to pmcgrady@winston.com? Thanks.

Marika Konings 2:Paul, I've forwarded you the email thread. It looks like your address dropped off for some reason.

Marika Konings 2:it looked like the original email from Caitlin included some kind of google doc llink for your email address?

Heather Forrest: I wonder if there's a way forward that enables us to frame some high-level questions without getting into the substantive discussion at this stage. It's hard to tell at this point but I wonder if in setting scope we're dropping into the substance

Paul McGrady:Stephanie, not sure how saying we should comply with GDPR is denying the existence of GDPR.

Keith Drazek:I agree with Stephanie's suggested edits to the paragraph on the screen, but think it needs to focus on GDPR and other laws, not GDPR exclusively.

Susan Kawaguchi:can we have scroll ability on the document

Terri Agnew:it is currently in screen share

Marika Konings 2:@susan - this is a screen share so scrolling is not possible, but you can go to the direct link: https://urldefense.proofpoint.com/v2/url?u=https-3A_docs.google.com_document_d_1TlcnfYuRhrCKVB28Rvb-5Fra6mCIWvjUDnJyJhSjbG5-5FQ_edit-3Fts-3D5b43eb12&d=DwlCaQ&c=FmY1u3PJp6wrcrwl13mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0A1gn-H4xR2EBk&m=JsbZ1is1ICMjWKK0zUj5Wp66TR6HLDJnKbWiX93UIqc&s=XHPEQI-sKidP47g6NuAT5FcA6CEEN_QC6cvbWQ_tpgoe=

Susan Kawaguchi:Thanks

Stephanie Perrin:Please Paul....not only did your comments get a hearing, they were included in total in the document. Shall I start drafting a new document and demand that it be included in total?

Stephanie Perrin:That paragraph is what I used to refer to as a door opener, back in my government days....

Stephanie Perrin:This needs to be a precise, bounded scope or we are not going to finish in time. Frankly, I am ok with the interim spec lapsing. I am trying to work in good faith to create a better product.

Stephanie Perrin:I support Keith's argument here.

Stephanie Perrin:The question is framed to retain the status quo, not to answer the basic questions about whether the processing (collection in this case) is necessary, useful, relevant, proportional, etc.

Stephanie Perrin:(So we need to reframe it)

Susan Kawaguchi:I can agree to the reformation of the question

Stephanie Perrin:Just make sure we just evaluate in terms of the broader thinking, not just legal certainty. For instance....the WHOIS conflicts with law policy demanded that registrars bring them proof from a competent authority (court or judge or dpa with equivalent powers to enforce) that they had broken the law.

Paul McGrady:No objection to G

Stephanie Perrin:old hand

Stephanie Perrin:Anyone who understood DP, referring back to the WHOIS conflicts with law policy, saw through this. Eventually, given good journalism and civil society leadership, the citizen will understand that too. This is a risk ICANN cannot afford to take at this point in time....time to be seen to be doing the right thing.

Heather Forrest:+1 Keith that clarity in terminology (and consistency in their use) is helpful here

Paul McGrady:"early days" instead of "First Phase" but otherwise agree - early clarity is important

Keith Drazek:Read them into the record, as you requested.

Stephanie Perrin:The first assumption is that there must be a framework....need to discuss whether it is in ICANN's mandate to set policy for that. Not sure it does...

Stephanie Perrin:Please dump that phrase avoiding fragmentation of WHOIS.

Susan Kawaguchi:we need to decide if we are using unified or uniform consistently through out the document

Keith Drazek:Or maybe just call it "access model"

Stephanie Perrin:Yes please!

Donna Austin, RySG:@Susan, is that okay with you?

Stephanie Perrin:Keith, precisely.

Stephanie Perrin:This is a hard enough problem to solve. Precision in our language will help us achieve that goal.

Keith Drazek:Further, the EDPB has raised issues with the concept of uniform or unified access.

Stephanie Perrin:And they will continue to do so. That was one of the first issues they raised with respect to WHOIS, back in 2003.

Stephanie Perrin:They are perfectly aware that the technology exists now to do very precise and limited disclosures. That is what they want.

Donna Austin, RySG:Access model framework?

Keith Drazek:By calling it a "model" I think it suggests a standardized approach. Access Model should be sufficient.

Stephanie Perrin:The question remains, under what circumstances does ICANN have the remit to establish such a framework? For instance, the DPAs have said quite bluntly that it is not up to ICANN to set up a repository for law enforcement access.....

Susan Kawaguchi:@ Keith some registrars will claim they have an "access model" now but they do not

Susan Kawaguchi:it isn't sufficient in my opinion

Keith Drazek:@Paul: Agree that the question of what carries over post-Temp Spec and before Access Model is a critical issue.

Stephanie Perrin:So while we need to answer, for the purposes of contracted parties' clarity, what the questions are to provide third party access....but setting up a framework, contracting for it, setting the parameters of accreditation, in my view may well be entirely outside of ICANN's remit.

Keith Drazek:"standardized access model" or "Access Model"

Keith Drazek:lower case

Stephanie Perrin:standardized access conditions

Stephanie Perrin:Model implies we are building a "database" using the term loosely...

Susan Kawaguchi:I am fine with standardized or consistent

Susan Kawaguchi:do not agree to conditions

Marika Konings 2:Susan, do you consider these gating questions or not (so to be answered before or after gating questions have been addressed)?

Keith Drazek:I support the inclusion of this RDAP-related section as suggested by BC/Susan, but let's not use "RDAP+" which is an undefined term in the protocol.

Stephanie Perrin:Many thanks to Caitlin for turning these docs around. I am sorry if I sound grouchy about the comments....i do realize it is difficult to work with these drafts. We need a better method of doing this

Marika Konings 2:we basically need agreement around how people are expected to edit / comment and enforce the agreed upon approach :-)

Keith Drazek:Yes, thanks

Rafik:thanks all