RECORDED VOICE:	This meeting is now being recorded.
ALICE JANSEN:	Hello everyone, welcome to the RDS WHOIS 2 Plenary Call Number 38, 13th …
ALAN GREENBERG:	Alice, you're very muffled and low.
ALICE JANSEN:	Okay. Is this better?
ALAN GREENBERG:	A little bit.
ALICE JANSEN:	Is this any better, Alan?
ALAN GREENBERG:	Yes, that's good, for me anyway.
ALICE JANSEN:	Okay perfect, so I'll start again. Welcome to the RDS WHOIS 2 Plenary Call Number 38 on August 13th at 13 UTC. Attending the call today is Alan, Dmitry, Chris, Lili, Volker, Carlton, Susan, Cathrin and Stephanie.

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

From ICAN Org we have Charla, Lisa, Steve, myself. No observers at this time and we do have apologies from Jean-Baptise, Brenda and Thomas. I'd like to remind everyone that today's call is being recorded, please state your name before speaking. Alan, I'll turn it over to you. Thank you.

ALAN GREENBERG:

Thank you very much. Well, we're getting to the wire. I think this is our second to last meeting; no, third to last meeting before we have final approval of the report.   Before we start, are there any changes to statement of interest we need to report? And I see no hands, no one calling out, so I'll assume not. Is there any other business anyone would like to add to the agenda?

Nothing. We'll go on to the first section them, that's review of new materials and address edits and updates. I will turn it over to Lisa and I think we're probably going to start with data accuracy because we missed that last time but I'm not a 100% sure.

LISA PHIFER:

Thanks Alan. I believe that we're still doing a dial out to the Stephanie but I'll start with an overview of where we stand. Kudos to everyone who was a penholder on sub group section because we did get a new sub group section with edits assigned from last week for everything, every sub group. We are still missing the executive summary and a paragraph or so on bylaws/amendments but beyond that we have new material from everyone who was assigned actions last week.

As you know, we did not get to review data accuracy last week and also the small edits to anything new, so this would be materials that we didn't actually reach a conclusion on last week and I agree with you Alan, that we should start with data accuracy as our first section to drill into.

ALAN GREENBERG: Okay, I'll just give an update on the sections that are embarrassingly in red or something. The bylaw amendment is a very short one and I think the only one we have ever talked about, is to remove the references to the OECD Guidelines on the basis of they are number one obsolete, number one somewhat outdated given all the efforts that are going into GDPR and ultimately the other privacy legislation and it is already covered to some extent in the section on registrant data safeguards.

I think we had pretty well agreement that we would remove that, recommend that that section of the bylaw be altered but I don't believe we've had any subsistent discussion on any other changes. We certainly can in the future, but at this point, I think for the interim report that's the only thing that we will have.

On the executive summary, I do have a draft and comments from Lisa, recommending a number of substantive changes which I will try to have done today and sent out to the whole group. I may miss the day but I'm going to try as much as I can to get it out. Even if it's not completely finished, just so people can start looking at it. Over to you, Lisa.

LISA PHIFER:	Thank you, Alan. A point of clarification on those two new pieces of text, can we set a target for delivery so that then Staff can incorporate those in the consolidated document?
ALAN GREENBERG:	My target is the end of today. I hope to make it. Back to you Lisa to start the review of sections.
LISA PHIFER:	Thank you. Alice, I believe has loaded the recommendations five through nine subgroup report into Adobe. I think you probably all have scroll control on that. Since we did not look at this last week, I guess the starting point is to open this for comments.
ALAN GREENBERG:	Lili, do you want to take us through this or are we just going to ask for comments?
LILI SUN:	Sure, I can. Can you hear me?
ALAN GREENBERG:	Yes, we can.

LILI SUN: I update the draft report last week. For the first raise section, it's only an editorial update. I believe we can move to the recommendation section, can you help me?

ALICE JANSEN: Lili, everyone has scroll control right now. So, that would be advancing to page 14.

LILI SUN: As you can see in the recommendations section, there is a summary of the interpretation status of the recommendation five to nine and basic conclusion is that recommendation five is fully implemented. Still need to be assessed and actually the recommendation five has some strong relations with outreach recommendation. It's more like a public awareness application to the registrant about their responsibilities regarding the WHOIS data. It is now outlined in the 2013 RAA and the WHOIS is micro website.

Based on the two originals, I believe recommendation five is fully implemented. For recommendation six, because the WHOIS ARS project is still ongoing and is an identity accuracy check hasn't been done yet. The conclusion is recommendation six is partially implemented. For recommendation seven, there is no measurable reduction of the substantial failure of failure rates has been reported. The recommendation seven is partially implemented.

For recommendation eight, [inaudible] is at the contractual enforcement, it has only been partially enforced when there is an

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inaccuracy report or inaccuracy complaint. There is no proactive approaches to enforce the contractual obligations. The recommendation eight, the conclusion is that it's also partially implemented. This conclusion is different from draft report, from last version.

For recommendation nine, as I mentioned earlier, there is no measurable assessment of WHOIS data accuracy improvement, so the recommendation nine is not implemented. Based on the face to face meeting two weeks ago, there is a new recommendation generated from this subgroup. The recommendation here is that ICANN Board should direct WHOIS ARS project team to look into the potentially [inaudible] closed tickets because the WHOIS record changed, to analyze who dated the updates, whether the registrant or registrar? Why the WHOIS data was updated? Possibly [inaudible] with ARS project, etc. Based on the analyzing WHOIS ARS project team should revise the follow up as the compliance team.

The observation behind the recommendation is that there are about 50% of tickets closed before the first notice. In the 50 closed tickets, around 50% tickets were closed because the WHOIS data has changed, just between the four to five months in between, behind the WHOIS record was sampled and the compliance team started to follow up. It's a bit weird for the WHOIS data chain update rates between such short period time. The recommendation just to recommend the ARS project team to look into the reason behind. I lost my connection to Adobe Connect. Can you still hear me?

ALAN GREENBERG: We can still hear you. Did we now lose Lili all together?

LILI SUN: I'm still on the radio bridge.

ALAN GREENBERG: Alright, we can still hear you. If you move to the…

ALAN GREENBERG: While we're waiting, Carlton, your microphone is open.

LILI SUN: If you move to the next several paragraphs, there is also a summary of further recommendations provided in other sections and you can see two of the problems or issues identified by this subgroup. The first problem is accuracy check of WHOIS data has not been done yet. Regarding this problem, there is no [inaudible] recommendation yet.

For the problem number two, WHOIS inaccuracy, it's believed to be largely under reported. This problem can be mitigated by the outreach section recommendation 3.1 and 3.2 and also the compliance section recommendation 4.5, 4.6 and 4.8 are helpful to mitigate this problem. For the problem number three, contractual obligations for WHOIS accuracy, it's only been partially enforced. This was dealt by the compliance section recommendation 4.2 and 4.7.

The last problem, the WHOIS accuracy of domain name to utilize PNP service, the WHOIS data accuracy behind PNP service is still unknown to

this subgroup. This problem, firstly I thought there will be a recommendation generated but the privacy and the proxy subgroup and I also noticed from the draft report of law enforcement needs subgroup, there is a strong concern from the survey that the law enforcement community still have strong concern about the PNP service, about the data rebuilding and also the abuse risk. I believe for this issue it should be dealt by the PNP subgroup and also the law enforcement needs subgroup. That's all the updates from my side.

ALAN GREENBERG: Thank you, Lili. I have a question for you and a question for Lisa. Carlton, we are getting sound from your line, if you could mute of it someone can mute Carlton. Lili, on the WDRP, your conclusion is that there is some evidence that it is working, that it is helping but ICANN did not implement the actual recommendation and my recollection is ICANN actually said at the beginning that they wouldn't, that there was really very little they could within their power to implement. To implement the recommendation would have required the involvement of registrars and there is no practical way to do that.

Do we mention anywhere, I don't think we mention anywhere in the report that ICANN had said ahead of time that they were not going to implement it? The related question is, we are saying that there was -- we see some evidence of positive impact but we're not making a further recommendation and I'm just wondering, do we need to actually explicitly say that and say why we're not making a recommendation? I presume it's largely because there's nothing ICANN could really do about

it? I just wonder, do we have closer on this whole section or are we leaving hanging a little bit?

LILI SUN:
I still don't have connection to the Adobe Connect, some limitations from my side. For the WRP section, it's relating to the recommendation nine, in the action plan, ICANN Org did indicate that ICANN will find an alternative way to implement this recommendation.

It will not implement this recommendation through WDRP policy enforcement but going through all that ground of materials, there is no measurable WHOIS accuracy improvement, either in the implementation report or the ICANN annual report. I believe this recommendation was not implemented at all, there is no measurable improvement.

ALAN GREENBERG:
Okay. No, I understand that. I was just wondering; do we need to explicitly say why we're not following it up with another recommendation? I think that's the right answer but I'm just not clear. Let's defer this one when I do the full read through of the document, if I think there's something lacking, I'll point it out then.

The other question is for Lisa and it's a general question on all of our recommendations, are we expecting feedback from ICANN Org in conjunction with the draft report on whether they believe anything that we're recommendation is unfeasible?   Obviously, the Board will commission such a study once we present the final recommendations

but are we going to be getting any heads up that we're going in a direction which they may not be able to address?

LISA PHIFER: I'll actually let Alice chime in on that as well but it is my understanding that they'll be feedback on the draft recommendations with regard to any clarifications that are needed and any initial thoughts on feasibility. Alice, do have anything to add?

ALICE JANSEN: That's correct, yes.

ALAN GREENBERG: I'm sorry, I didn't catch what you said, Alice.

ALICE JANSEN: I was just saying, correct.

ALAN GRRENBERG: Correct, okay, thank you. Back to you, Lisa. I think we're finished this section and what do we want to do next?

LISA PHIFER: Actually Alan, I think because Lili has proposed a new recommendation here, we need to get a sense of any objections or questions about the recommendation itself and that would be at the bottom of page 14.

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ALAN GREENBERG: You are correct. I'll read it again, "ICANN Board should direct WHOIS ARS project team to look into the potentially anomalous closed tickets because the WHOIS record changed to analyze who did the updates registrant or registrar." And I'm not sure we can even determine that. Why the WHOIS record was update? Possible linkage with ARS, etcetera.

My inclination is we are being too specific on that and we're probably asking very specific questions that they cannot even -- that cannot be answered. I'm not clear you can -- if something was changed prior to compliance looking at it, I don't think anyone has the ability of understanding why it was changed but I see Volker has his hand up, please go-ahead Volker.

VOLKER GREIMANN: Just something that happened after the face to face, I found it very curious so I would mention it here. We got after a long while again WHOIS inaccuracy complaint based on an ARS review and in that ticket that we received earlier this month it said that the WHOIS was actually queried in October 2017.

The ARS queried almost a year ago, then it did it's thing and after it completed the review it used the data only then was it forwarded to compliance, which might have taken another month, I don't know how they take between getting and putting them out but that in itself already has some part of the explanation of why WHOIS data changed between

the time the ARS report generated and the time the report sent out by ICANN Staff or ICANN compliance I should rather say.

There's just apparently no further check of WHOIS records between the time that the ARS first checks the data or first gathers the data for their review that's occurring sometime in the future and the time that this is forwarded to ICANN compliance. ICANN compliance generates another review of the data and WHOIS reported added to the report but between that time there is no further action occurring on the WHOIS, so that might already constitute the large part of why the information is outdated. That time would be interesting to compare.

ALAN GREENBERG: Actually, I think knowing what the timeline is in general would be interesting because if you're seeing it one, I would presume you're seeing it on a lot of them.

VOLKER GREIMANN: We're not getting that many but/

ALAN GREENBERG: I guess the problematic part to me is, we're taking a very small, random sampling and of those, that many are changing. Maybe there are other processes still in place that are causing things to be updated in parallel? Certainly, if you're waiting almost a year, there's a WDRP, the reminder notice going out somewhere in the interim, which almost surely there will be one. If your average delay is nine months, if it is really that long

typically, then on the average significant number of them will have had a reminder go out, which may or may not be relevant.

My concern is, I think we are being too specific and moreover, what we are specifying in detail, are probably things that cannot be answered. Volker, if you were asked those questions, put a compliance hat, if compliance was asked them, how many of those questions could actually be answered? Did the registrant or registrar initiate the data change and why did they do that?

VOLKER GERIMANN: I think that would like looking into a crystal ball because we only see the changes that we get from our customers, we don't know what prompt them and for compliance, it would be probably even harder to see that.

ALAN GREENBERG: Lili, go ahead.

LILI SUN: Regarding the timeline, according to the ARS project regular report, [inaudible] for the WHOIS record being sampled and for the compliance team to follow up, the time between the two is four to five months. ICANN Org claimed that there is an improvement of the time gap at the latest stage of the WHOIS ARS project. I remember for the latest -- for the first two 5.6 report, it was assured that the time gap has been shortened but still, there is considerable tickets that closed before the first notice due to the WHOIS record updates.

I remember during the discussion in the first face to face meeting, we had the conclusion that it's a bit weird for the WHOIS ARS project just to randomly select WHOIS record to conduct the accuracy check, that means during the three to five months period of time, there are a quarter of WHOIS is records has been updated, it's a bit weird. That's why we should put up a recommendation on this.

ALAN GREENBERG: Thank you, Lili. I don't think anyone's arguing about putting up the recommendation, it's just the wording.

LISA PHIFER: I've put this in the chat but I think Lili still may not see the Adobe Connect, that the wording of the recommendation that Lili has purposed is a bit different then the action item that we agreed to in the face to face. During the face to face we agreed to generate a recommendation that the ARS team look for potentially anomalous results, for example, 40% of the ARS's generated tickets closed with no action because WHOIS record changed to determine the underlying cause, so that was a much higher-level recommendation, just asking the ARS team to look for anomalous results and try to understand what causes the anomalies. That is a bit less specific then the recommendation that Lili has purposed here.

ALAN GREENBERG: Lili, do you have any problem, essentially, we're replacing your -- the phrase starts, the phrase on the second line, "To analyze who did the

updates" Why it was updated and possible linkage with ARS, do you have any problem with us going back to what was actually said in the action item?

LILI SUN: Actually, just to follow the action item text generated from the first face to face meeting. I have the impression that it's a strong enough rational for the ticket to be closed as WHOIS data has been updated. If we just generate quite general recommendation as an action item, there is no follow up action actually for the WHOIS ARS project team, for the WHOIS data has been changed. There is no need to follow up anymore.

ALAN GREENBERG: It does say determine the underlying cause, it doesn't simply say, justify why it was closed? But to try to understand why they changed. My concern is the specific questions you are asking are ones that I don't believe are answerable and if we only ask those questions, I know you do have an etcetera but if we ask those particular questions, it makes it far to easy for them to simply say, we can't do this and leave it be and that's what I'm trying to avoid happening.

LILI SUN: I agree. Actually, why drafting the recommendation I was struggling with the words as well, for I couldn't imagine the relevance behind.

ALAN GREENBERG: Nor can I but I think if we give them an open-ended discretion. This is one of the ones I think that when we present them, we're actually going to have to talk to people and we have general agreement, that this review team should not fully disband but should be available to consult during the implementation, certainly during the design of the implementation and I think this is one of those that we're going to have to do that on. I see we have several people in the cue, Susan and the Volker.

SUSAN KAWAGUCHI: I agree with Lili, that we should dig into this more and have a little bit higher expectation but also, I think we need more information. Maybe we should leave that recommendation either the one we agreed upon or both, as the one, include in the report the one that Lili just drafted but also note in the report that we will have a deeper conversation with GDD on this because we've read the report, we've asked a few questions as GDD but we never actually had a conversation with them, a discussion and I found that really helpful with the compliance team. It sort of makes sense that we do this.

I think this is a confusing issue if it isn't a large issue. The reports do not make sense. People do not change their WHOIS information. If you extrapolate it and I did put some of the same type of language in the compliance report, if you extrapolated this, it's like 50% of all domain registrations change within anywhere from three to four months to nine months, like Volker's experience was.

I don't think that's true. I'm not saying that GDD is not accurate but we don't understand what they are looking at and how they're coming to this conclusion on these. I would like us to maybe -- the compliance subgroup and the accuracy subgroup team up and talk to GDD.

ALAN GREENBERG: Thank you. Just to be specific, are you saying keep the recommendation as Lili has worded or revert to closer to the face to face three wording for what we put in the document this time around?

SUSAN KAWAGUCHI: I mean this is a draft report, we could say that we're not sure which recommendation or a combination of those two recommendations but we could include both and just explain that in the report and that we're looking further into it and asking for input from the community, what is their experience?

ALAN GREENBERG: Volker. Sorry, Lisa do you want to go first?

LISA PHIFER: Thank you, Alan. Just to jump here, I've put something in chat which I'm not sure either Susan or Lili would be able to see, which would be a revised recommendation along the lines of the face to face. That would be that the ICANN Board should direct the ARS team to look for potentially anomalous results, for example 40% of ARS generated tickets closed with no action because the WHOIS record changed.   To

determine the underlying cause and take appropriate action to reduce to anomalies.

To Susan's point about including two recommendations, I would suggest that the possible detail be supporting text for a broader recommendation, that would give I think the community a flavor of what caused the recommendation to be raised but still leave the recommendation itself broader until the group has more information to refine it more specifically.

ALAN GREENBERG: Thank you. I would support that position as well. We have a number of hands and there's been a number of comments. Cathrin in the chat is agreeing and Stephanie says, "The new recommendation is far too detailed when there are so many questions and procedures about procedures and priorities."

I'm not sure I would mind the detail if I thought the details were actually things they could do, but since the specific examples that are in the current version are things I believe the answer will be, "Sorry, that's impossible." I think at this point we want to go with a more general one. Volker, please go ahead.

VOLKER GREIMANN: Thank you, Alan. Thank Susan also for the point you made. I think the main question here is that I'm not sure that the ARS team will even be the right address to send this recommendation. I mean the ARS as far as I understand pretty much fire and forget. They take the data from their

source, however that is generated, then analyze it using their matters of analysis and then they generate a report and at some point, the information they have gathered is funneled to ICANN compliance but I don't think they have any feedback loop from ICANN compliance with regard to their results, nor is that something that they are even looking at.

They're already busy looking at the next cycle, they are doing cycle, per cycle, per cycle. Sending this at the ARS project is probably the wrong address, ICANN compliance maybe but I think we should try to first ask more questions, what is in ICANN compliances experience the main reason for these 40% closure rates? Is it actually changes or are they also lumping deletions with the changed records?

For example, when we look at the domain world we see that we have between 70% and 90% renewal rates for domain names, maybe 50% of newly registered domain names that happen included in the ARS then they might be part of the 15% that have not been renewed statistically for these. If ICANN lumps them as has changed because no records for a domain, it doesn't exist, is also a change for them, then that might also explain part.

I think we need to first try to understand those numbers better before we go forward and make a recommendation that may ultimately not, as Alan says, be enforceable or implementable but also, might be explainable if we had more information that we might need to get out and ask.

ALAN GREENBERG: Thank you. I've put myself in the cue. I would suggest at the very least and I agree with Volker, that I'm not sure the ARS group is the right one, that we should say the Board should direct the ICANN Organization and let them find the right people because that also says, if neither compliance nor the ARS group are the right people, then find somebody else who's going to actually do that research. It shouldn't be -- we don't want to be so specific that we're directing to the wrong people and therefor it doesn't get done, so that's an easy change.

I would tend to agree that the recommendation that Lisa is suggesting sounds more on target and I strongly support what Susan said of somewhere in the interim between now and the time we finalize the work, we want to actually talk to the various people. It maybe a combination of the ARS team, GDD and compliance because compliance I presume get's the details of why they ARS check failed and why they are seeing it's fixed or it's not a problem, we need granularity on that answer then we have right now.

Is there any disagreement on that going forward? We can of course also, we can and probably will revise this for the final report but going ahead, I think it's a more reasonable, general direction. Lisa.

LISA PHIFER: Thanks, Alan. I just wanted to call attention there's alternative text in chat, which the ICANN Board should direct the ICANN Organization to look for potentially anomalous ARS results because I think if we broaden that we have to say what results we're looking for anomalies in. If we

take that away as an edit to the report, we would also need to expand the rational to tie into the specific examples given here in our call.

ALAN GREENBERG: Thank you. We have Lili and Volker and we have to move on at some point. Lili.

LILI SUN: I'm fine with the new proposed text Lisa has sent into the chat. I would also suggest; can we just relay this a question as to the GDD team and compliance team at the same time? I remember we raised the question to the GDD team and compliance team, whether there will be any feedback from the compliance team to the ARS project team regarding the compliance teams follow up and the answer that the compliance metrics was feedback from the compliance team.

This means that the ARS project team know about the situation, there are around a quarter of tickets was closed because ARS sampled the WHOIS record to do the ARS accuracy check. It's the compliance team to follow up with the compliance team to follow up the WHOIS record, the compliance team found the WHOIS data has been changed, then the compliance team chose to close the ticket because the WHOIS has been updated. Both of the two teams, they know about the situation. I just want to send a follow up question to both teams, whether they have looked into the reason behind and we can leave the recommendations in the draft report at the same time. That's my comments. Thank you.

ALAN GREENBERG:

Thank you, Lili. I think effectively by saying we want to talk to them, that's I think an even stronger statement then just asking for an answer but I support what you're saying. Volker.

VOLKER GREIMANN:

Thank you. I was looking to make a different point but now Lili has confused me because she seems to say that the problem is between -- that there is a change between the time that the ARS makes their query and the time that it gets to compliance but I see no way that could be an issue that is some form or shape abuse unless somebody on the ARS team is sending secret messages to registrars because we do not see anything that goes in the ARS other than what comes out at the end, which is the report or the compliance ticket that we get, there is no other feedback loop, there is no other information that's being sent out to someone that could address these changes.

When the ARS makes a sampling and in times of deficiency and the compliance makes their analysis of the same data and something has changed in the meantime, that's in my view, the only explanation that can be there is either, there is something very suspicious going on, somebody is sending someone some secret messages which I'm not looking at which I'm not expecting or it's part of the natural progression of domain name changes. I have no explanation for that but I would be very hesitant -- I would support the line agreement that Lili has been making.

My original point, keeping it short, I would be hesitant to make this a recommendation in the draft report until we have more information. I

would rather have it as a potential recommendation that we discuss in the issues section rather than the recommendation section and also outline that we're waiting for more information from ICANN Org that would help explain and if there's no explanation for that deference, that high a number, which I still agree is very high in my view, then we might make a recommendation along these lines out of it but at this point, we just simply do not have any information that would justify that, making that a recommendation.

ALAN GREENBERG: Thank you, Volker. I think your long explanation is the reason we're calling this anomalous. We have one of two situations, either something funny is going on the way you're describing, which I think is highly unlikely, that someone is feeding registrars information so that things get changed miraculously before compliance looks at, the chances of that happening I think are rather small.

The other alternative is to say the overall mass of domains that have technically inaccurate information, contact information that triggers and ARS check to say there is a problem, that all of those, half of them are getting fixed at any given time and it's not just sampled ones that are getting fixed and that doesn't sound likely either. We have two possible answers, neither of which sound highly likely and that's why we're calling anomalous.

I would actually support leaving the recommendation in but noting that we are continuing on discussions which may substantively change the recommendation based on the results. I think it's an important finding

at this point and I think it's important to highlight. I would actually support it.

Volker said something earlier that we want to keep track of because there may be a global recommendation we want to make at some point and that is lack of feedback in a lot of these processes, that we do things but we don't try to close the loop and come up with solutions because of what we discover and I don't think it's only in the ARS system, that's something to keep on mind. We have cue of Volker after me -- sorry, Lisa and then Volker and I'd like to close the cue and go on because we're almost an hour into the call already. Lisa.

LISA PHIFER: Yeah, I do think we need to move on, we have quite a number of sections to cover today. What I would propose since we did agree to this recommendation at our face to face is not the exact wording, that for the purpose for the draft we're distributing for internal comment this week, we pose this as a recommendation with the wording you see in the Adobe. You'll have another week and half or to formulate any edits that you want to suggest and then we can take a final call for consensus when we get to that point in our timeline.

ALAN GREENBERG: Thank you. Volker, last comment.

VOLKER GREIMANN: I just Googled something, I looked at the renewal rates for dot com and dot net at Verisign with their latest quarter reports and it was at 72.2%

across the entire volume of registered domain names but only just over two thirds of domain names that are registered under dot com actually get renewed year after year, so that may already explain a large part of these 40%, the rest might be changes of registrant.

We should ask compliance if non-renewed domain names that have to be deleted and maybe reregistered also count as part of their 40% that they give us, especially since we are seeing that there's nine months between the ARS querying and the compliance getting to it. That might just be the explanation.

ALAN GREENBERG: Volker, do we know what the mean or median number of years is?

VOLKER GREIMANN: I haven't seen that. I just Goggled that a Verisign, I'll dig into that more.

ALAN GREENBERG: Clearly that it comes up for actual renewal, at that point there maybe additional checks done by the registrar depending how the registrar's system works and maybe an opportunity for registrant to look at the data and say I want to change it anyway but that only applies on a year by year registration. If you've done 10 years that's not going to kick in but it still counts as your renewal rate from Verisign's point of view I think.

Anyway, there's more work to be done on this one but I think we have to move on. I'm happy with what Lisa has suggested at this point. If

there's anyone who isn't, then please make your comments as we do the final review of this overall report. Lisa, back to you.

LISA PHIFER: Thanks, Alan. We're recorded that recommendation text which we'll apply to the draft and also the follow up question to GDD and compliance. If we need clarify that question for GDD and compliance maybe we can do that offline and move on. Let's close this document. I know we only have Susan for a very short time so let's put up the compliance section next.

The compliance section is on screen. Susan, I don't know that you're still in Adobe, but can you speak to the changes that you made in this draft?

SUSAN KAWAGUCHI: The biggest change I made and I am in the Adobe, I don't know why I'm not showing, it has crashed on me a couple times. The biggest change is I drafted a document on risk-based enforcement compliance and so I tried to make it as short as possible but also thought it needed some detail and really just did some Googling and pulled from several different sources.

The other change that should be noted is that we did receive a reply from GDD from our face to face on how many records they are seeing, this goes to the issue of the 2009 RAA domain name registrar. 2009 RAA domain names that must comply with those WHOIS requirements opposed to the 2013 RAA which is stricter and the volume of domain names that do not have to apply to the new rules.

We got a number back at 180 million which is significant and we still didn't know whether or not -- were people just proactively adding the registrar's email and the phone number. We have two different policies for a large number of domain names. GDD did point out in their report that they're seeing very few fields empty, it's less than 1% but I don't think that solves our issues.

I think the bigger issues is that we have two different polices for domains names or categories of domains that have to comply with those and we should only have one. At the very least, GDPR may change all of this and we may not have to worry about this but we should have one.

The other issue which I said before was, right now we have 180 million domain names that are not required to provide their registrant email and their phone number, what if they decided to therefore pull that information and we are no longer collecting admin due to GDPR, then all of a sudden, we have very little information for a registrant that's publicly available or not, that still is an issue for me. We may want to adjust our recommendation a little bit.

I didn't propose any new language but I think we need to still -- we put a fairly small threshold of 10%, if 10% of the domains do not have that information then they should look to see if there's at least 10% that do not have the information, if it's less than 10% maybe we should let it go then. So, I didn't change the recommendation, I thought 10% was a good level.

ALAN GREENBERG: Thank you. We had a question on the ARS data out of the face to face if, at this point, does the ARS reporting tool get access to the private WHOIS information or just what is in the public WHOIS, did we get an answer to that?

SUSAN KAWAGUCHI: I don't remember.

ALAN GREENBERG: Lisa or Alice?

ALICE JANSEN: I don't recall that question.

ALAN GREENBERG: I thought we did ask whether the ARS has access to public data or only the private data, sorry the other way around?

LISA PHIFER: You're correct Alan, we did ask that and I believe the answer was public.

ALAN GREENBERG: Okay. The temporary spec does say under some -- ICANN can ask for the private data but I'm presuming we have not exercised that at this point. Alright, where do we go on this?

SUSAN KAWAGUCHI: Those were just the changes I made to the report, so if anybody wants to review risk space analysis part?

ALAN GREENBERG: Volker, go ahead.

VOLKER GREIMANN: I'm just rereading the section on the grandfathered domain names, I still that certain language in there is a bit misleading because -- for example, saying that they're not required to adhere to the 2013 RAA, that's saying a lot but we actually mean that they're not required to adhere to certain format and completeness requirements, other requirements fully apply to the domain names as well, to any registration actually. I think I would like to go over that language with a comb and adjust it to make it more clear.

ALAN GREENBERG: Can I ask that you provide a suggested replacement phrase and pass it by Susan and then send it to the review team? I'm assuming that if in fact that all that it applies to is the accuracy and the completeness, then if we modify that the reference to the 2009 RAA with that, then I don't think there's a problem. But if I can ask you to propose that offline and if you and Susan can agree, if you can't agree, just bring the differences to the entire review team but let's not spend a lot of time on it?

VOLKER GREIMANN: Excellent, let's do that.

ALAN GREENBERG: Lisa, back to you.

LISA PHIFER: Thank you, Alan. I would like to, just as a matter of procedure, point out that if we received any edits in the next let's say 24 to 48 hours, we can include those in the consolidated report this week, anything beyond that would have to be incorporated into the draft that we discuss in our next two plenary calls.

ALAN GREENBERG: I would hope we can do that within that timeframe, unless there is strong disagreement. If what I heard Volker suggesting is what it ends up with, I'm assuming that there will not be any concern with that from Susan but let's not make that assumption till we see that text.

LISA PHIFER: Alright, so I've given Volker the action to suggest the edits he has to that section by close of business tomorrow, the 14th of August. I have a procedural point of question for Susan on this section and that is, do we have, the ICANN Organization have your go ahead to go ahead and move the sections that correspond to the other objective into that separate section on the objective?

SUSAN KAWAGUCHI: Yeah, that would be great if you could do that. I thought I indicated that in one of the drafts but maybe I didn't.

LISA PHIFER: Yeah, I just wasn't completely clear which sections to move because we'll have to unravel some of the intro parts but if I can do a cut at that, maybe send you a cut at the tomorrow to confirm that I moved the right sections we can do that in this coming update.

SUSAN KAWAGUCHI: Yeah, that would be great.

LISA PHIFER: Any other questions or concerns on the compliance document before we take that down and move on?

ALAN GREENGERG: I have no concerns, just a question on the annual report and plan, I had suggested an alternate wording for recommendation, I don't know if Lili ever responded to that on email, as to whether that was acceptable or not?

LISA PHIFER: Yes, actually and we could go to that next if you wish but Lili did send an updated draft. We'll go to the recommendation 15, 16 plan and annual report and Lili, if you could briefly touch on the changes you made to this draft?

LILI SUN: I missed the plenary call last time but I did follow the audio recording for last call and there is an action item for the clarification on the annual report, what annual report refers to? As I explained in the mailing list, actually the annual report was actually referred to the implementation report. My understanding is that it's up to ICANN Org and we channel their reporting on the implementation progress and for the time intervals for the report.

For the last WHOIS review teams' recommendations, ICANN Org chose to report through the ICANN annual report about the implementation progress and during the discussion last plenary call, Lisa also reminded us that there is a new requirement in the ICANN bylaws, there will be a review implementation report on the implementation progress reporting. My intention behind this recommendation is, there should be implementation report on the progress and including all the key elements, including the progress affecting this evaluation.

The second action item is about the wording, I'm fine with Alan's comment.   I followed the audio recording and revised the recommendation accordingly and I didn't see any objection from the mailing list. If anyone has comments on the new drafting words, you can make comments here. That's all from my side.

ALAN GREENBERG: Thank you, Lili. Your conformation that you were talking about, the implementation annual report and not the ICANN annual, global annual report, I think says that everything is okay. Some people thought you

were talking about ICANN annual report and having detailed WHOIS information there didn't seem to be appropriate but if that wasn't what you meant then I think we're find. Any further questions on the annual report and on this section, on the plan and annual report? I see no hands, back to you Lisa.

LISA PHIFER: Thank you, Alan. We're somewhat jumping around in order of sections but I guess let's go back. To make sure that we hit the section with the newest text on this call, why don't we go to law enforcement needs, if that's okay with Cathrin? Cathrin, if you want to walk us through.

CATHRIN BAUER-BULST: I'm not seeing it up on the screen yet. I'm sorry I missed the last call. Are we going to put up the law enforcement?

LISA PHIFER: It is displaying on my screen, Cathrin; it maybe just taking a while to load for you.

CATHRIN BAUER-BULST: Just to provide you with an update. What I did between last week and now, is to basically include the new responses to the survey. You will remember that at the face to face meeting we decided to reopen the survey once more, to try and ensure greater geographic representativeness and that was done by reopening the survey for another 10 days. Lili and myself reached out to a number of people and

try to basically get more responses, in particle from the global south. As to say, our success rate moderate but we have six additional responses.

Those responses now bring the total number of responses to 55 and Alice provided with the new data, the summary data for the survey and also now the raw data for the individual survey yield, so that in the future situation we might even do a breakdown of results according to, for example, geographic region or cross-referencing responses throughout an individual respondent's contribution.

What I now did basically was to replace the graph and the figures I the reports that you saw last week with the updated figures, factoring in the 55 responses. It did not actually change much in terms of the percentages. The graphs aren't all that different and the results overall are not different from what we saw last week. The conclusion still is, is that at the moment we should not formulate any specific recommendation as to how exactly law enforcement needs need to be taken into account, but rather recommend or hope that the policy development team takes these figures into account and takes the data into account.

The one recommendation that I did propose to make, which you already discussed last week, was to make sure that more data is available in the future, to both enable future reviews to assess the effectiveness of the WHOIS meeting law enforcement needs and to feed into policy development processes with an evidence base that can inform the decisions that are made by policy development teams. That's what you see at the end of the section.

A lot of the issues that we identified for law enforcement, the overall conclusion from this survey was is that it was not meeting law enforcement needs, in particular now in the new version of the WHOIS after the GDPR has implemented by ICAAN, through the temporary specifications. The main issues that have been identified were the use of privacy and proxy services and other reasons unavailability of data and then the lack of accuracy. Both of those are being addressed in separate sections of the report, which we referenced in the recommendations sub sections.

There we cross referenced and basically just left this for now as the recommendation around data gathering and this one as we had discussed in the face to face meeting, including both a recommendation to repeat data gathering exercise such as the survey in regular intervals for law enforcement and also to consider expanding to other users of the WHOIS which may have a legitimate purpose and here understand there was a discussion at the last meeting.

What I had done in response to the to do that I was tasked with, was to divide the two recommendations, law enforcement one and law enforcement two, to make sure that we have a separate recommendation relating expanding surveys and studies to other WHOIS users and to also limit cyber security professional and related professionals, which I understand was the conclusion from last week's meeting.

Then the rationale, I reviewed the request, provide a separate rationale for the second recommendation and actually the rationale that is provided for the two is fairly neutral in that it references the need for

data to be gathered as evidence, both for analysis of past actions, such as reviews and for feeding into policy development processes, such as the one that's currently ongoing. It didn't seem appropriate to further specify why this was also relevant for cyber security professionals, as they are also users of the WHOIS that have a legitimate purpose depending on the purpose for which they request access to the WHOIS data.

Not provided separate rationale here but it's the people who were in favor of providing a separate rationale could perhaps explain some of the issues that they see with this rationale then maybe I'll be better able to address this. The policies I haven't reviewed since last week's call, I literally have WIFI as of now two hours ago, I was off the internet for a week, which was in some ways quite beneficial but in other ways not very convenient.

ALAN GREENBERG: Thank you very much Catherin. I have two questions. One is and Stephanie asked the question in the chat, what precisely is a related professional? I think it certainly reasonable to say this is a term that needs to be defined but is it reasonable to say from the context of this section, that when we are talking about related professionals, we're talking about individuals or groups that tend to want to semi-regular or regular basis work with law enforcement?

CATHRIN BAUER-BULST: Right, I mean this reflects the conclusion from the face to face meeting, where the proposal was made to expand the survey and here I took the

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wording that was the conclusion of the face to face to meeting and last week's meeting, this wording was replaced with the reference to related professionals.   I'm not sure because I had put, professionals with legitimate purpose, other users with a legitimate purpose and that was replaced with related professionals, so I'm not very placed to explain what exactly the rationale was there.

ALAN GREENBERG: No, no, I wasn't asking you. The rationale was professionals with a need or whatever the wording was we came up at the face to face could refer to for instance, intellectual property attorney's, they have a need but it's not a need related to the law enforcement discussion we're having in this section.   We were trying to more focus it specifically on the extrapolation of law enforcement people being surveyed to others who are in a connected filed.

What I'm asking is, is it reasonable to say pending some more formal definition, which may well get done out of the GDPR implementation as we go through accreditation discussions and things like that, is it reasonable to say on an interim basis, that what we are talking about is people or groups who work closely, interact and work with law enforcement? I'm asking for an opinion at this point.

CATHRIN BAUER-BULST: Right, outreach defined law enforcement for the purposes of this review team, is actually, it includes also consumer protection and other right's protection the law enforcement and of course there can be law enforcement protection of property rights including intellectual property

rights. It's a bit difficult to say related and then hope that that includes the ITR community if that's what you're seeking to do.

I see that Stephanie is proposing in the chat to restrict the definition to criminal law enforcement, I would not necessarily be in favor of the definition that was taken of the first review team because then we're changing the scope from what was there before.

I proposed in the report and this has been -- I think it was discussed in the very discussed meeting we had, in the first face to face to stick with the definition that was used by the first review team and you can see that here on the top of page two, which is law enforcement is any entity charge or otherwise valid by governments with enforcing or ensuring of services of or obedience to the law.

ALAN GREENBERG: I don't think we're arguing with what law enforcement is and the definition you've just sited is indeed the one, the intent at the face to face and we're not trying to reverse the intent, we're just trying to get words that describe it, is as an example, do we want to -- we're we talking about expanding the survey to include groups like the anti-fishing working group, which is what I thought we were talking about when we said to cyber security professionals?

CATHRIN BAUER-BULST: No, I agree with you Alan, I'm just trying to figure out what is the best way of achieving this because if just say related to law enforcement,

given that the law enforcement definition is not restricted to criminal law, it's a bit difficult to use this related term.

ALAN GREENBERG: I don't think we want to just limit it to criminal law, we're talking about law enforcement is not necessarily just criminal law.

CATHRIN BAUER-BULST: Now, we want to limit it to who we expand it to, no?

ALAN GREENBERG: Right and the question I'm asking is, does saying its people or groups who interact and work with the government related definition of law enforcement, does that meet our needs? Is that a way of narrowing it down so it's not too wide?

CATHRIN BAUER-BULST: Right and what I'm saying is because the definition of law enforcement is wide, it will not help us because of course the RTR community also works with law enforcement because it's type of infringement they will want to report it and actually take action.

ALAN GREENBERG: We didn't distribute the survey, we restricted the survey to true government related law enforcement, not the wider definition that you're now mentioning. I'm talking the widening of the survey to include…

CATHRIN BAUER-BULST: It also went to consumer protection and other enforcements. It didn't just go to criminal law enforcements.

ALAN GREENBERG: No, no but they're all government related, government mandated groups and what I'm saying is -- I'm trying to come -- at the face to face meeting, we said we wanted to expand the survey past who we sent it to, to cyber security people and the teleconference last week, we were trying to narrow that down a little bit.

You're wording said people with an interest and that could have been a far wider group than cyber security people and I'm trying to find some words that sufficiently restrict it to the groups that we were talking about, not anyone who has a interest. We have Lisa and Volker, maybe we'll go onto them, maybe they'll have some wise words. Lisa and the Volker.

LISA PHIFER: Thank you. Just pointing out that the subgroup has been working to a working definition of law enforcement for the past several months and the survey was targeted to that definition. I think what we're really focusing on, is not changing that definition but rather trying to identify what the expanded audience might be for the recommendation two here.

I think the outcome of last week's call is really to try to tie this back into how this expanded audience actually supports the needs of law

enforcement. Getting the definition specific and nailed down might actually be part of carrying out the recommendation but tying the recommendation itself to law enforcement needs I think would be our first step.

ALAN GREENBERG: Thank you. Volker.

VOLKER GREIMANN: I also disagree that we should not, well I agree that we should not limit the definition to criminal law but on the other hand, we also should not expand definition beyond what law enforcement actually means. I don't think we should expand it for example to mean right enforcement, which would be the internal actual property lawyers, they are not enforcing the law, they're using the law as tool to enforce the rights of their clients, that's a difference.

Law enforcement needs foresees a special role that law enforcement agencies are playing in the market field which is based on their legal obligations and duties that they have in view with law or regulations or any other act of government that empower them to investigate and enforce certain issues. That should be the basis of our definition. That should you be the basis of any actual recommendation that we make that caters to these agencies or these officials because of the special role that they have been granted by governments that they play in this market.

Any other one that is not directly law enforcement is essentially a service provider and they may aid law enforcement, they may act in similar roles but they're not law enforcement. Law enforcement have a very direct interpretation, not limited to criminal law because there is other laws that could be violated but law enforcement none the less should mean some form of empowerment by governments. How you restrict that, how you expand that, that's a topic for another discussion but we should not go beyond that.

ALAN GREENBERG: Thank you, Volker. To point out. Lisa put in the chat, the definition we are using for law enforcement and the question on the table was, how do we enlarge that to include cyber security people that we're talking about but we are not here to revisit the original definition of law enforcement. Cathrin, you can respond and then Stephanie.

CATHRIN BAUER-BULST: Thank you. I agree. I'm wondering whether by linking this to law enforcement whether we're actually proceeding in the right way because as I understand the intent of the discussion at the face to face meeting, the idea was that it was useful to understand how others were using the WHOIS and whether those with a legitimate purpose had any views on how it was for them.

I'm not sure whether linking or whether leaving it here is the best way to proceed or whether this is more of a general recommendation, along the lines what we just discussed relating to the ARS community that we just publish [inaudible] and we need ICANN to perhaps track more

carefully where this happening, including by conducting surveys and contracting for studies which has more like and what's actually happening, that would be one approach, take this more from the evidence and data gathering perspective and maybe put this somewhere else as a recommendation that's more generally related to obtaining information, that would be one approach.

Then the second approach could be me try and link it to law enforcement and say something about preventing abuse or mitigation of abuse but there again, I'm struggling a bit because there's actions that cyber security professionals take that are essential but that not necessarily ever end up with law enforcement. I'm not sure how we would appropriately target this one, I would be grateful for input that you can provide on how we can make this linkage, otherwise one approach could say such as cycler security professionals.

ALAN GREENBERG: Thank you. The concept of giving general surveys to find out how is this is useful is something we may want to consider but I don't think it falls under the section of law enforcement. Stephanie, please go ahead.

STEPHANIE PERRIN: Volker made many of the points that I wanted to make. It is certainly the case that the WHOIS is useful to any number of regulatory agencies and organizations that are tasked with enforcing regulations and law but there is a big difference under data protection law in the ambit of that and the proportionality of that.

For instance, if you are tracking trade in illegal animal parts, bear livers, rhinos' tusks, rarely is that criminalized although it might be regulated. Those people might respond to the survey and have a very legitimate reason to go after WHOIS, get the data and prosecute but the method of prosecution is going to be quite different.

Why does this matter? Well, it matters because we're heading into this in the EPDP on the GDPR compliance. I'm concerned and Lisa has thoughtfully put the definition that we're following in the margins or in the chat. I think we need to be mindful that we are in some senses hitching our wagon to a fixed notion of WHOIS, based on the review teams last recommendation but the further we go down that road and we've just included in the survey security professionals, cyber security professionals apparently, without making the discrimination that we're going to have to make some changes.

I think it be who's us instead of just having that general line at the bottom, GDPR may bring change to this, we possibly need to discuss some of the nuances here. Rarely are the cyber security people that are working with law enforcement actually deputized or contracted by law enforcement, it's a very loose collaborative arrangement. That requires standardization under the GDPR. Thanks.

ALAN GREENBERG: Thank you. We can certainly note that the current definition we're using may need to be rethought as we go forward but I don't think we're in a position to change it today. The real question right now is, do we honor the face to face recommendation that we made and I think that

unanimous, that we recommend that such surveys be expanded to someone and if so, can we get words for who that someone is that are reasonable? Lisa, I think you have a new hand.

LISA PHIFER: I do, thanks Alan. One way forward would be to formulate this recommendation as including identification of the appropriate parties to extend the survey to and then of course conduct the survey on a regular basis and then invite community comment on that draft recommendation. If this group isn't ready to really nail down the definition now and as Stephanie has pointed out, that actually may come from the policy development process in the interim between this review team and a future one.

ALAN GREENBERG: Thank you. I have a suggestion and Stephanie, is that a new hand? Not hearing Stephanie, I'll assume it's an old hand.

CARLTON SAMUELS: Can I say something here Alan?

ALAN GREENBERG: You can after I do. I was going to suggest law enforcement adjunct that is groups that -- without defining it any, it's essentially things that are akin to law enforcement but not technically law enforcement and not specify it in any more detail than that. Carlton.

CARLTON SAMUELS: That's exactly what I was going to suggest. Researcher, law enforcement depends on that, so call them adjuncts, law enforcement adjuncts and be done with it.

ALAN GREENBERG: We have agreement? I say a tick mark from Stephanie.

CATHRIN BAUER-BULST: I can't raise my hand, I keep dropping out of the Adobe. I don't agree with this because that would require -- I doesn't go with what we said in the face to face which was five or six professionals and others. If we say adjuncts, that has a formal meaning. It basically means people have a formal standing as somehow tasked officially by law enforcement in some way, shape or form and I believe that that leaves out the actual community that law enforcement currently works with.

I want to call to the attention of the review team that we're not in any way saying that any of this news is legitimate or in some way better than uses that are made by others. The only idea here is to gather data on who it is being used and whether it is meeting needs. To obtain information on what is happening. I'm not really sure whether we need to go the road of even reviewing any definitions or changing our approach because that we were to recommend. We are just here to consider whether it's worthwhile obtaining further information on what is happening.

I would not go for law enforcement adjunct because that basically just leaves out the people -- for example the APWG would basically not be covered by this. I would propose then restricting to cyber security professionals or some other definition as Volker has an issue with professionals as well but to make it more open then the law enforcement adjunct because that will just leave out everyone that we were thinking.

ALAN GREENBERG: Thank you, Cathrin. We're over the 90-minute mark, we're going to have to move on really quickly at this point. I suggested the word adjunct because I didn't think it was a defined term. If it is a formally defined term with law enforcement, then we need another word but can we decide -- how about saying that we are looking -- we are suggesting that it be expanded to cyber security, law enforcement adjuncts with change the adjunct to something not defined, that's currently not defined but just say that they are related, can we come to closure on that? The wording can always be changed but we're trying to get an idea across here? Cathrin first, then Carlton and then we're going to have to quit.

CATHRIN BAUER-BULST: Cyber security professionals working with law enforcement.

ALAN GREENBERG: Fine.

CATHRIN BAUER-BULST: That would include those that don't have an official mandate.

ALAN GREENBERG: Can we capture those words, cyber security professionals working with law enforcement? Can everyone live with that? Is there anyone who can't live with that? I hear no one, I see no one. Lisa, back to you and we've closed that item.

LISA PHIFER: Thank you, Alan. We've noted that as an action item, to apply that change to recommendation two. I would like to point out that recommendation two does have [inaudible] as a stand-alone recommendation, that is the ICANN Board needs to direct someone to extend these surveys and I'm not sure who that someone is.

ALAN GREENBERG: I'm not sure who it is either.

CATHRIN BAUER-BULST: Lisa, can we not copy the wording from the first recommendation, where they direct the Organization to do that?

LISA PHIFER: Alright, we can start with that and modify it as needed during the edit pass.

CARLTON SAMUELS: Here we just say [inaudible], whoever he wants, talk to the head guy.

ALAN GREENBERG: This is ICANN Org, we don't care who does it.

CARLTON SAMUELS: We really don't care.

ALAN GREENBERG: In response to Volker, what does working with mean? Let's see what's comments we get in and change the wording going forward, otherwise we're not going to get this report issued. Lisa, back to you. Alice, how much time do we need for the other items, other than reviewing status?

ALICE JANSEN: It will be very brief, it's just admin.

ALAN GREENBERG: Let's try to leave five, six minutes. Lisa, back to you.

LISA PHIFER: Thank you. Obviously, we're not going to get through all of the sections in today's call but just trying to pick ones that may have had substantive changes since the last call. I'd like to bring up consumer trust, we don't have Erica, do we?

ALAN GREENBERG: No, we don't.

LISA PHIFER: So, I will tell you what changed here, which is primarily on pages eight and nine of this draft. Erica has converted the information that was previously recommendation on lack transparency, converted that to two issues and then added text on the impact of GDPR. The sense of those issues have not changed since our last call. I would ask if there are any concerns about that recommendation turning into an issue?

ALAN GREENBERG: I don't have any concerns with moving into an issue but I will say, I have not had a chance to read the new text and I will try to do that with utmost hast. The overall concept that there are no recommendation but we identify issues, I have no problem with, I may have some problem with the wording with those particular paragraphs.

LISA PHIFER: Alright, I raised this of course because we had agreement on a recommendation and I wanted to make sure we're in consensus that we're comfortable as a team with moving back to an issue.

ALAN GREENBERG: What was the recommendation? Can you remind us?

LISA PHIFER: We didn't actually formally agree on the wording of the recommendation but it was that resellers should provide more information to consumers on WHOIS and how to access their WHOIS data.

ALAN GREENBERG: I have no problem moving that to an issue. I don't know about anyone else. I see no hands, no X marks, no hands. I'm assuming no one else has a problem with it either.

LISA PHIFER: Okay, good. We'll mark that as a point of agreement that these are issues not recommendations at this time. Let's jump to strategic priority. Cathrin, I bring this up because we didn't have you on the last call to talk about the updates you had made here. If you 'd like to introduce that briefly.

CATHRIN BAUER-BULST: Thank you, Lisa. On strategic priorities there weren't too many changes because we had agreed on the formulated recommendations at the face to face meeting. What I basically did was I took the wording from the face to face meeting and then changed the recommendations accordingly. What we now have is the forward-looking mechanism which we discussed at length at the face to face meeting and the corresponding operationalization of the recommendation, that the ICANN Board should instruct the Organization to basically find somebody

responsible to take care of that and provide regular updates to the Board.

As you may remember, we discussed this on the second day of the face to face meeting and people were okay with this. I remember that Chris was trying to see whether or had offered to see whether there were some more records from the Board beyond what we already received in April when we first asked for them.

We received from Alice once more the responses that we had in April with some updates of further letters that were written to and from the committee in the interim but there was nothing in there that would change the fundamental rationale of this analysis and the recommendations, manly that there needs to a be a forward-looking mechanism and that that needs to be supported for analysis.

Our third recommendation related to the need for transparency. We asked for the meeting of the sub committees, page 12 halfway through, recommendation R1.3 to make sure that there's appropriate transparency as it relates to the work of the Boar working group. The rationale that was provided by the Organization for there not being any minutes, is that this not a decision-making committee and as such, there is not any sort of habits of providing minutes and of course, there is a certain administrative burden associated with providing minutes.

We just listed minutes as an example so there can be other ways of providing that transparency, for example by, just thinking out loud now, by sharing the reports from the Organization to the Board as to policy and legislative developments around the world. That's where we stand

here. The changes that I did make were the ones that we agreed in the face to face meeting. I believe that those should be okay but if there are any comments on this, I'd be grateful to hear them.

ALAN GREENBERG: Lisa, is that a hand to comment?

LISA PHIFER: No, it is not.

ALAN GREENBERG: Last call for comments. There are none. Back to you, Lisa.

LISA PHIFER: Now I will raise my hand. Which is to ask Cathrin, do you see as your recommendations one and two here, as being two separate recommendations? I'm not sure that I have the -- in reading this, that I have the rationale or the specific that you're looking for, for both recommendations when I look at the implementation.

CATHRIN BAUER-BULST: Sorry, for R1.1 and R1.2.

LISA PHIFER: That's correct, thank you for clarifying. Yes, R1 and R2.

CATHRIN BAUER-BULST: I think it's two separate actions in the sense one, the Board should do something and two, the Board should instruct the Organization to provide support for it but in terms of the rationale and everything, I didn't really see much of a difference. I would not feel strongly about combining them. I just wanted to keep the separate enough for people to realize that we were asking them to do two separate things.

LISA PHIFER: If I look at the implementation for example, it says a successful implementation would consist of a revised charter for the Board working group. That doesn't seem to give me the specifics of what the ICANN Organization should do. Maybe you can just take that onboard as a comment for our final round of edits.

CATHRIN BAUER-BULST: Sorry, Lisa. You mean to add further rationale for the part that is the Staff support?

LISA PHIFER: Correct and detail what you're looking for. There's a paragraph on implementation that's pretty clear about what you're asking for from the Board working group but less clear about what you're expecting from the Organization, at least to me.

CATHRIN BAUER-BULST: Okay, I'll take a look at that. Thank you, Lisa.

LISA PHIFER: And I see that Stephanie has her hand up.

ALAN GREENBERG: Sorry, I missed that. Go head, Stephanie.

STEPHANIE PERRIN: Just going over the language in here about the incentives for making WHOIS a strategic priority. I'm a little concerned that we are basically telling ICANN to put in place incentives, i.e. bonus to incentivize putting WHOIS is a strategic priority into different Staff work plans but actually we don't get access to those Staff work plans, we don't have a metric for whether in fact they were rewarded and we don't really have any understanding as to how ICANN is interpreting this in the light of Staff outputs, outcomes, deliverables.

At the same time, we're saying we got a new recommendation that ICANN should be monitoring legislation. Now, having had quite a few battles with Staff over my five years at ICANN, pointing out to them what data protection law says, what different letters have said, the uselessness of the WHOIS conflicts with law procedure, basically none of that appears to have gone anywhere. I do scratch my head and wonder, okay where is the Staff accountability for any activity regarding WHOIS? What metrics are they operating under? What are they incentives that we've called upon ICANN to put in place? Is it mushing things through? Is it closing down working groups?

Anybody who's done performance measurements and dolled incentives would know that clearly, you're working with Staff who are following marching orders that you understand, that aren't making any sense from a consensus policy perspective. I'm a little concerned that this section reads in a way that is self-contradictory. Just want to put that out there.

I'm sending in my comments on it. I doubt that you're going to accept them because it's a more fundamental question I'm asking here and I did try to raise it at the face to face but you know. I do think it doesn't read well and we're going to get feedback on it. Maybe we could discuss it a bit at our next call. Thanks.

ALAN GREENBERG: Question, Stephanie; you said we're recommending that Staff be incentivized or whatever the right word is, that was in the original recommendation, I don't think it's in our recommendation. Maybe I'm missing it somewhere. Stephanie? She seems to be muted.

STEPHANIE PERRIN: I'm looking on page five. The review team cannot find evidence of metrics or other KPI's that will provide a reliable assessment of whether progress has been made. And then there is a discussion about the CEO's saying, we work on a bonus system, right?

ALAN GREENBERG: Stephanie, that's an analysis of how ICANN responded to the last recommendation, whether it was rational or reasonable or not. We're not saying should the group have made that recommendation, we are

simply doing an analysis saying, there's no evidence that they did incentivize people and pay for them and we have no details of that. As a follow on, we're not recommending that they do that again.

STEPHANIE PERRIN: But we're not making that clear, Alan. That I think is my point. The only thing we're pulling out is the failure to note that GDPR was coming. We kind of ducked this, we don't answer it.

ALAN GREENBERG: Alright, you said you're going to submit some comments, let's see them but make sure we're commenting on what our recommendations are saying, not critiquing whether the last recommendation was rational or not.

STEPHANIE PERRIN: But we have to wrap that up though. Do you see what I'm getting at? Anyway, I'll make the comments and you can see whether you like it, okay?

ALAN GREENBERG: Sure.

CATHRIN BAUER-BULST: If I may just very briefly. I fully agree with Stephanie and I think there is an issue here and it's quite significant because what I'm basically outlining here is that we cannot assess whether there was appropriate

action taken because a lot of the things that we asked for were not provided and were not responded to, so that's why I put in the analysis section here.

My understanding was and I think we briefly discussed this at the face to face, that we would consider the recommendations from the first review team to be upheld and where we have found them to be only partially implemented or not implemented in the spirit of the recommendations, that the working group should be [inaudible] and what I put here is for me an additional recommendation.

It doesn't not replace what has come before but Stephanie, your point goes beyond that if I understand correctly to say that, what use is it to make recommendations that we can never track because the information is not provided. That is one thing that we might want to discuss separately, maybe with a bit more time on the next call because we're running hard against the hour.

ALAN GREENBERG: We are. Just to point out, from my perspective and if we have a different across the group we do have to address, although obviously not today, is we are not assume -- I do not believe we can assume that the last recommendations will continue to be implemented more based on our recommendations unless we explicitly say them. If we indeed wanted to continue to incentivize people with money but we wanted it better documented, then I think we need to say that.

I personally would object to that because we've already had discussions saying, except in very, very few cases ICANN's at-risk salary is paid.

There are very few cases where it is not. I'm not sure that would be the right way of doing it in any case. Stephanie, please go ahead but we do have to wrap this up, we're down to the eight minutes.

CARLTON SAMUELS: Can I say something, Alan?

ALAN GREENBERG: After Stephanie, Carlton you can come in, last comment.

STEPHANIE PERRIN: Basically, you don't need to query whether the at-risk pay was paid. What you need to query is, what are the work plans? What are the deliverables? How is performance measured? I think this, from an accountability perspective, is something that goes across ICANN Staff performance review. The community has no input into it or facts about it.

ALAN GREENBERG: Thank you. Carlton and then I'll have one closing remark.

CARLTON SAMUELS: Yes, let me just expand a little bit what Stephanie says.

ALAN GREENBERG: Carlton, we're done to six-minute mark, so please quickly.

CARLTON SAMUELS: First of all is the work plans. They publish plans but we're saying is the plans don't contain all the details that we would need to track and I think we've already made the point that we should see more details in the work plan, that's the first thing. Secondly, in terms of the quality compensation, I don't think they're going to tell you every dollar that they spent against each specific task, I'm not sure that there's -- I agree with you Alan, I don't think that you get much out of that.

ALAN GREENBERG: Thank you. The only comment I'm going to make is a summary one, not on this particular recommendation. The reports that we got from ICANN started going into this review, was that they have implemented everything, all 16 recommendations. The analysis we have is roughly eight of them were fully implemented and roughly eight of them either are not implemented at all or partially implemented.

I think when we issue our final report, we have to say something about that because it says that the judgment be used by ICANN Org to evaluate completeness, is very different from ours and I think that's a very strong message of a problem. I don't think we're going to address it in the interim report but I think we're going to have to going forward. Back to you Lisa or to Alice, whoever is taking over at this point.

LISA PHIFER: I'll just say something briefly and give it back to Alice to conclude. I'd just like to point out that part of the challenge in implementing the first

review teams recommendations was the level of specificity and ability to measure the outcomes of the recommendations to determine when implementation was done. Part of the responsibility for fixing that does fall on us when formulating the supporting text for the recommendations. Thanks.

ALICE JANSEN: Alan, may I go ahead?

ALAN GREENBERG: Yes, please.

ALICE JANSEN: The administrative items I wanted touch on today are the face to face meeting on the 4th and the context that we received from everyone. Looking at this, I think meeting in November will be a little challenging but if we look at December we do have a potential opening. I wanted to see whether Erica or Lili had some input here that could help us determine what most convenient dates are. Also, Carlton and Stephanie whether there's any remote participation possible for the dates they've identified as conflicts?

STEPHANIE PERRIN: There might be remote participation possible for a couple of times, like a few days during that period that I had blacked out but probably not for the whole thing. There's about four days of travel. The meeting is in New Zealand, it's a bruit.

ALICE JANSEN: Okay. What about you, Carlton?

ALAN GREENBERG: Carlton, are you still with us?

CARLTON SAMUELS: Sorry, I was muted. Yes, I'm here. As I said, I'm good for the last half. Anytime after Thanksgiving and up to the 12th of December. So, I'm good.

ALAN GREENBERG: You marked up to the 10th.

CARTON SAMUELS: Of December, right.

ALAN GREENBERG: So, the 10th and following you are not available, even for remote participation?

CARLTON SAMUELS: I might do up to 12 but after that, I'm not available.

ALAN GREENBERG: What if we schedule a meeting for the 10th to 12th, which means you might have to leave the last day?

CARLTON SAMUELS: I could do that.

ALAN GREENBERG: You can handle a meeting on the 10th and 11th and travel on the 12th?

CARLTON SAMUELS: Yes, I could.

ALAN GREENBERG: Back to you, Alice.

ALICE JANSEN: Yes, so I think we'll check with Erica and Lili, whether these dates are feasible and then we'll confirm them as soon as we know for sure.

ALAN GREENBERG: Excellent, thank you.

ALICE JANSEN: The other thing was going back to the draft report. Refresher on what the next steps are. The support team will circulate the draft report and we do have a plenary call scheduled for next Monday, two hours again. I

think we'll cover some of the outstanding sections that we did not discuss today and then as of the 17th you'll have a long period of time where you'll send your comments, objects, edits to the full review team so we can address them on the August 27th call, where there will be a final consensus call on the draft report and a formal adoption of the report. This is the work plan and happy to take any questions or comments.

ALAN GREENBERG: The only comment I have is, when we send out the report on the 17th, can we identify which sections if any we have not discussed in the plenary group, if there are any?

ALICE JANSEN: Yes, we'll do that.

LISA PHIFER: Just noting, we actually have discussed all of the sections in our face to face. Your request regarding what we haven't discussed since the face to face?

ALAN GREENBERG: That's correct, anything for which there have been changes and they have not been discussed in last week's meeting or this week's.

LISA PHIFER: Got it, thank you.

CARLTON SAMUELS: Just to update, I just looked at my schedule. I actually can get back to Kingston on the evening of the 13th of December, I'm good.

ALAN GREENBERG: Alice, did you get that?

ALICE JANSEN: Yes, thank you Carlton. I think we'll check with Erica and Lili, whether these dates work for them and we'll confirm as soon as we know for sure. Please, save these dates in your calendars in the meantime. If there are no other comments on the roadmap, just a quick reminder that today 2359 UTC is the deadline for you to send any comments or ideas you may have on the new report that we put together for face to face meeting number three. Is there any other business we can move on to the readouts of all the action items, Alan, is that okay?

ALAN GREENBERG: Just to be clear, the dates we're saving are the three-day meeting for the 10th to 12th of December?

ALICE JANSEN: Yes, correct.

ALAN GREENBERG: Thank you.

ALICE JANSEN: Great, so I'll move on to the readouts. Final amendments there's an action for Alan to deliver the bylaw amendments draft for review by close of business today. On the executive summary, Alan is to deliver the executive review summary by close of business today. On data accuracy, we have a discussion reached, agreements with at least one objection on a new proposed R5.1 as revised.

The ICANN Board should direct the ICANN Organization to look for potentially anomalous ARS results. For example, 40% of errors generated closed with no action because the WHOIS records changed. Determine the underlying cause and take appropriate action to reduce anomalies. Examples to be added to the rationale supporting the recommendations, including updates, domains, etcetera.

There is an action item for ICANN Org to send a follow up question to GDD and compliance, requesting a call to discuss why so many ARS generated tickets are closed with no action, are the records changed, the domains transferred and not reviewed, etcetera. There's an action item for ICANN Org to update new proposed recommendations R5.1 reports including examples in supporting text, see agreement.

On compliance, action item for Volker and Susan to agree on edits to defining issue as on grandfathering by close business on August 14th. Action item for Stephanie and Susan to agree on edit to risk based approach by close of business 14th of August. Action for ICANN Org to move recommendation 4 6 section text for objective 6 into separate

section and confirm that Susan has appropriate text by close of business August 14th. ICANN annual report no additional edits.

On law enforcement needs, action for ICANN Org to update the recommendation LE2 to reflect the cyber security professionals working with law enforcement instead of CST and related professionals and to frame recommendation in a manner similar to LE 1. On consumer trust decision reached. Agreement was proposed issues not recommendations at this time.

On strategic priority, action for Cathrin to look into possible updates to address Stephanie's comments regarding implementation of review team one's recommendation on interpretation and lack of documentation. Any updates to be included provided by close of business August 14th. On face to face number four, action items for ICANN to check on 10th to 12th December availability with Erica and Lili. Roadmaps to the draft report, ICANN Org to indicate which sections have not been discussed on the plenary call since the face to face number three. Any edits?

ALAN GREENBERG: Lisa has her hand up.

LISA PHIFER: I just like to take this opportunity to remind everybody, you have an action to then review the consolidated report and really bring forward any comments or specific edits that you have for plenary call not next Monday but the following Monday, that will be the last chance to raise

substantive comments and edits before the draft gets prepared for public comment.

ALAN GREENBERG: Thank you, Lisa. I'll add to that, that if you're going to make really substantive comments we need them earlier rather than later. Stephanie, I'm assuming that is an old hand.

STEPHANIE PERRIN: Old hand, Alan. Thanks.

ALAN GREENBERG: Okay, then where are we?

ALICE JANSEN: There is one question we did not address, Alan. Where would you like to meet? We'll come back to you with the proposals on the location but is there a preference in terms of meeting location?

ALAN GREENBERG: We still have the issue that Dmitry probably can't get into the US.

ALICE JANSEN: Right, so do you want to go back to Brussels?

ALAN GREENBERG:	I'm happy with it. It works, and both you and Jean-Baptiste are there. I have no problem with it. If someone would like to suggest another city. There's plenty of other cities I'd like to visit, if everything is up for grabs. I presume we're talking about the mostly likely ones are a place where ICANN has facilities. So, we're talking about Los Angles, Brussels or Istanbul. I can't see any disadvantage in going back to Brussels. If someone else has one, then let's raise it really, really quickly.
ALICE JANSEN:	There's some great Christmas markets around that time of the year. I'm sure you'll enjoy that.
ALAN GREENBERG:	Well, then let's plan to do something other than see the ICANN office. Alice, to be clear, are there any other options that we should be considering? That are reasonably cost effective for ICANN?
ALICE JANSEN:	I can ask meetings to make a recommendation, if you wish, I can do that?
ALAN GREENBERG:	If there's something we should be considering that may in fact be cheaper or more convenient for people, given the number of people in Europe, this is probably reasonable. I would suggest that we set a meeting that Lili doesn't have to travel to and do it in Singapore but I don't think that's going to get approved.

CARLTON SAMUELS: It's only London or Brussels.

ALAN GREENBERG: I don't think ICANN tends to hold meetings in London. Certainly, if you look back to accountability, we did meetings in Frankford, we did meetings in Paris. I don't understand that all the economies of doing that but certainly those are -- I would not object to those but not sure there's any real benefit in it.

ALICE JANSEN: We'll take an action item to ask meetings and whether they have any recommendations on the location.

ALAN GREENBERG: Certainly, a change of venue would be pleasant but I'm not sure how much time I want to invest in it or have you invest in it and we certainly don't want to invest a lot of money in it. Let's leave it up to you. We can talk in the leadership call later this week.

ALICE JANSEN: Alright, thank you very much, Alan.

ALAN GREENBERG: Thank you, all. We're 10 minutes over, my apologies but I think we've had a very useful and effective meeting. We'll see you all online. Bye-bye.

[END OF TRANSCRIPTION]