Adobe Connect: 29

Alan Greenberg (ALAC)

Alan Woods (RySG)

Julf Helsingius (NCSG)

Kavouss Arasteh (GAC)

Alex Deacon (IPC) Kurt Pritz (Chair)

Amr Elsadr (NCSG)
Laureen Kapin (GAC Alternate)
Arnaud Wittersheim (RySG)
Leon Sanchez (ICANN Board Liaison)
Ashley Heineman (GAC)
Lindsay Hamilton-Reid (RrSG Alternate)

Ayden Férdeline (NCSG)

Benedict Addis (SSAC)

Chris Disspain (ICANN Board Liaison)

Diane Plaut (IPC)

Marc Anderson (RySG)

Margie Milam (BC)

Mark Svancarek (BC)

Matt Serlin (RrSG)

Esteban Lescano (ISPCP) Milton Mueller (NCSG)

Farzaneh Badii (NCSG) Rafik Dammak (GNSO Council Liaison)

Greg Aaron (SSAC Alternate)

Hadia Elminiawi (ALAC)

Theo Geurts (RrSG)

Thomas Rickert (ISPCP)

On Audio Only:

None

Apologies:

Emily Taylor (RrSG) Kristina Rosette (RySG) Ben Butler (SSAC) Georgios Tselentis (GAC) James Bladel (RrSG)

Audio Cast (FOR ALTERNATES AND OBSERVERS)

Peak: 18 joined

View Only Adobe Connect:

48 joined

Staff:

Berry Cobb Caitlin Tubergen

Daniel Halloran (ICANN Org Liaison – Legal)

Marika Konings Mike Brennan Terri Agnew

Trang Nguyen (ICANN Org Liaison – GDD)

Andrea Glandon

AC Chat:

Terri Agnew: Welcome to the GNSO Temp Spec gTLD RD EPDP on Thursday, 16 August 2018 at 13:00 UTC.

Terri Agnew:agenda wiki page: https://community.icann.org/x/owtpBQ

Kavouss Arasteh:dEAR kURT Kurt Pritz:Hello Kavouss

Kavouss Arasteh: hELLO dear Friend Kurt

Kavouss Arasteh: You might be tired and exhausted

Kurt Pritz:it started Kavouss Arasteh:Hi Rafik

Kavouss Arasteh:You are really a rafik in full sense Rafik Dammak:Hi Kavous, thanks for the kind words

Rafik Dammak:sorry for the typo

Rafik Dammak (GNSO Council Liaison):yes Kurt

Ayden Férdeline (NCSG):Hello all

Theo Geurts RrSG:Good afternoon all

Kavouss Arasteh (GAC):The importance of this EPDP is demonstrated , among other things, that there SIX

Kavouss Arasteh (GAC):Qualified ICANN staff supporting it

Julf Helsingius (NCSG):Good <timeofday>

Lindsay Hamilton-Reid: Afternoon all.

Milton Mueller:;-)

Kavouss Arasteh (GAC):Hi professor Muller

Thomas Rickert (ISPCP):Hi all!

Milton Mueller (NCSG): Greetings Kavouss

Rafik Dammak (GNSO Council Liaison):hi everyone

Chris Disspain (ICANN Board Liaison):hi all

Chris Disspain (ICANN Board Liaison): Is anyone talking?

Benedict Addis (SSAC):yes, into

Julf Helsingius (NCSG):yes

Chris Disspain (ICANN Board Liaison):Sigh

Alan Woods (RySG):ah having issues too ...need to reload

Benedict Addis (SSAC):Bluetooth headsets seem to hate Adobe Connect

Julf Helsingius (NCSG):AC seems to have a memory leak - I usually restart my browser before each AC session

Matt Serlin (RrSG):+1 Benedict!

Benedict Addis (SSAC):Consensus

Benedict Addis (SSAC):;)

Milton Mueller (NCSG):poor Kurt

Benedict Addis (SSAC):It's 6am his time? Ow.

Milton Mueller (NCSG):after a teen sleepover....

Thomas Rickert (ISPCP): Is there an overall GDPR implementation plan that ICANN has, which could be shared? That would help our group understand how things can fit in.

Theo Geurts RrSG Alternate:+1 Thomas

Kavouss Arasteh (GAC):Dear KurtDear ICANN Staff Support, Marika and the supporting team I have briefly reviewed your draft to be further reviewed by the Team before being sent to GNSO CouncilBeing professional for more than 4 decade, I admire the devotion, skills ,attention, preciseness and valuable draft.I wish to sincerely thank you and your ICANN supporting Team for such a helpful and constructive draftCongratulationsKavouss

Ayden Férdeline (NCSG):good question Thomas

Thomas Rickert (ISPCP):@Kavouss, thank you for writing your kind words to ICANN staff, which I support.

Marika Konings: and our thanks as well (on behalf of ICANN Staff) :-)

Amr Elsadr - NCSG:@Kurt: Yes. Would be helpful to understand how we're meant to coordinate our work with that of ICANN org's on the UAM they are seeking input on.

Daniel Halloran (ICANN Org Liaison -Legal):@Marc and @Kurt. Good morning. Nothing to add at this time. Please let's add this to the list of questions for ICANN org? Thanks

Marika Konings:Not at this stage

Milton Mueller (NCSG):+1 Farzaneh. Really confusing overlap between Org initaitives and ePDP Theo Geurts RrSG Alternate:In september there will be an update by ICANN regarding the UAM right? Margie Milam (BC):"Reasonable access" is part of this PDP

Trang Nguyen (GDD Liaison): @Kurt, ICANN org liaisons can serve as one conduit for information between the EPDP and ICANN org. If there are other conduits/ways that the EPDP would like to work with ICANN org, it would be good to include in the letter.

Marika Konings: You may also be interested in the recording of the call that was held earlier this week with SO/AC Chairs during which an update was provided re.

UAM: https://urldefense.proofpoint.com/v2/url?u=https-3A www.icann.org resources pages data-2Dprotection-2Dmeetings-2D2017-2D12-2D08-

<u>2Den&d=DwlFaQ&c=FmY1u3PJp6wrcrwll3mSVzgfkbPSS6sJms7xcl4l5cM&r=k7uKdjSb7_ZjltyVqrCYHo_rK_ms9SFxlmbYEJqG-</u>

y91&m=5z5h8hvggQqWjIA2tXAwlMQCfOUxKOKWdrS1smPPgr8&s=uyBTje2WwJzribLTyv1hwxWH0RiPQH DI7JnmlYkOU4Q&e=

Marika Konings: and expected next steps / objectives

Kavouss Arasteh (GAC):Sec. pls kindly include in the today's Note that apart from responses from members and alternate designated no other view or comments are expected to be sent by the Stakeholder Goups /Constituencies and Advisory Gcommittee Committees

Marika Konings:@Kavouss - do note that groups are of course free to provide any other input they would like, but the main ask aligns with the input that has already been provided through the responses to the survey.

Ashley Heineman (GAC):My understanding is that "initial input" from the SO/ACs are still expected, just not needed for the triage report.

Farzaneh Badii (NCSG):thanks Marika. Still not clear what ICANN wants to do with the outcome of UAM. only a guidance document? or is this contractual compliance effort? and not hvaing aanswered many of the gating questions, it's not good to come up with a model.

Thomas Rickert (ISPCP): I did not want to object to any of the items, but what needs to be borne in mind in all this is that non-EU data transfers (may it be to the DRP or otherwise) need to be safeguarded e.g. by Standard Clauses. I trust that this general point will be taken into account for all data transfers in the TS.

Lindsay Hamilton-Reid (RrSG Altnernate): What do you perceive the reason to be to file an amended URS once the registration data is received?

Milton Mueller (NCSG):Alan are you muted?

Alan Woods (RySG):connection issue ... skip me anc ome back

Alan Woods (RySG):sorry

Lindsay Hamilton-Reid (RrSG Altnernate): I would agree with point 8

Farzaneh Badii (NCSG):it's important not to violate privacy of domain name registrants too

Diane Plaut (IPC):Agreed, Margie.

Kurt Pritz:I can hear Alan

Ayden Férdeline (NCSG):we could hear you

Milton Mueller (NCSG):YEs Alan

Amr Elsadr - NCSG: Agree with Alan.

Matt Serlin (RrSG):+1 to Alan

Thomas Rickert (ISPCP):+1

Farzaneh Badii (NCSG):which Alan?

Farzaneh Badii (NCSG):there is Alan W, and Alan G

Alan Woods (RySG):Apologies...appears i have lost audio now! I'm going to ahve to reconnect again Alan Woods (RySG):ahhh adobe!!

Terri Agnew:@Alan, let us know if a dial out on the telephone would be helpful

Alan Woods (RySG):yes likely a good idea Terri

Berry Cobb:The RPM PDP's timeline shows delivery of its Initial Report March of 2019. Final Report by June 2019.

Milton Mueller (NCSG):OK

Alex Deacon (IPC):re Miltons comment its important to note that this PDP should describe policy to provide "reasonable access".

Kavouss Arasteh (GAC):It seems that some people wants to treat unified access as a secondary course of action in this TEMP spect.

Farzaneh Badii (NCSG):what elements of personal data URS and UDRP providers can have access to? we have to discuss this.

Lindsay Hamilton-Reid (RrSG Altnernate): Maybe those processes may have to change in light of GDPR but I don't think that's up to this group to decide that.

Alan Woods (RySG):But we are not expected to rewrite the URS / UDRP. We are providing a basis for the use of registrant data and disclosure of the data for that purpose. The RPM is the effort that is tasked with making necessary changes to those processes. (+1 Lindsay)

Farzaneh Badii (NCSG):so, perhaps we won't have it in temp spec?

Kavouss Arasteh (GAC):I do not share that view .noting that no one wants to convert this Temp. Spec. to Access Spect. but reiterating that unified, accurate and reliable harmonized access is part of this exercise

Matt Serlin (RrSG):+1 to Lindsay...we should be mindful not to get too into URS and UDRP processing Farzaneh Badii (NCSG):if we are not supposed to write URS UDRP then are we supposed to have clauses in temp spec?

Kavouss Arasteh (GAC):We need to discuss the Access in due time and refrain to say it is not part of Temp. Spec

Farzaneh Badii (NCSG):we are talking about access of URS and UDRP providers to personal information of domain name registrants. we can't just give two groups automatic access to personal info

Kavouss Arasteh (GAC):We do not share the views that": so, perhaps we won't have it in temp spec? "Milton Mueller (NCSG):Can't they do that now? i don't understand what the problem is with App D Alan Woods (RySG):farzeneh, it is specific and limited disclosure in relation to a veruy specific stated process i,e, to support an actual URS / UDRP case. No unfettered access here.

Farzaneh Badii (NCSG):that is fine Alan for now. but we need to defer disccussing this to when we talk about access. we can't put it off the table

Lindsay Hamilton-Reid (RrSG Altnernate): I also don't see the issue with App D as it stands. Any further changes to processes or anything else is not part of the remit.

Alan Woods (RySG):Agreed.:)

Lindsay Hamilton-Reid (RrSG Altnernate):So let's move on :-)

Kavouss Arasteh (GAC):Lindsay+1

Matt Serlin (RrSG):+1 Kurt

Farzaneh Badii (NCSG):yes Kurt. agreed

Lindsay Hamilton-Reid (RrSG Altnernate): Agreed Kurt.

Amr Elsadr - NCSG:@Kurt: +1

Hadia Elminiawi - ALAC:+1 kurt

Stephanie Perrin (NCSG):First we have to define reasonable access.

Milton Mueller (NCSG):REasonable access is ALREADY in the temp spec.

Alex Deacon (IPC):+1 Mark - as I stated in a previous chat comment the temp spec requires "reasonable access" to non-plublic data and that it is up to the EPDP to define the policy for "reasonable access".

Milton Mueller (NCSG):Registrars are already required to provider reasonable access.

Hadia Elminiawi - ALAC:yes reasonable access is in the temp spec and needs to be defined

Hadia Elminiawi - ALAC:+1 Alex

Amr Elsadr - NCSG:@Alex: OK if I +1 your comment? :-)

Diane Plaut (IPC):+1 Alex

Alex Deacon (IPC):@Amr - of course!

Lindsay Hamilton-Reid (RrSG Altnernate): Is this the appropriate point to discuss this? I am concerned we are not making the best use of our time.

Matt Serlin (RrSG):I'm worried this discussion is going to derail us from carrying on with going through the survey questions and the rest of the agenda

Theo Geurts RrSG Alternate:Indeed

Milton Mueller (NCSG):Yes

Thomas Rickert (ISPCP):Let's please move on and have the in-depth discussion about the legal rationale for data transfers later. This does not help us at the moment.

Amr Elsadr - NCSG:@Thomas: +1

Thomas Rickert (ISPCP):Reasonable access is not a legal term. We need to walk to purposes and legal basis later in a structured way.

Amr Elsadr - NCSG:@Thomas: +1 again.

Ayden Férdeline (NCSG):perhaps if a policy "breaks" it simply should not exist. espcially if it is unlawful Lindsay Hamilton-Reid (RrSG Altnernate):Agreed Thomas.

Stephanie Perrin (NCSG):Exactly. We cannot even begin to discuss access "policy" until we define what the parameters of "reasonable" are

Kavouss Arasteh (GAC):Thomas +1

Ashley Heineman (GAC):+1 Mark

Alan Greenberg (ALAC): @Ayden, yes, that is one option that must be weighed. I would hope that the UDRP is not in that category, and similarly to the transfer policy.

Farzaneh Badii (NCSG):who said we dont have to talk about access at all?

Mark Svancarek BC:thx

Kavouss Arasteh (GAC): Read the chat pls

Milton Mueller (NCSG):Mark the disconnects are with the people who do not seem to understand that access has gating questions and comes after consensus ansers to those gating questions.

Alex Deacon (IPC):I'll note that policy for "reasonable access" would include things like standards for prompt and specific replies..

Mark Svancarek BC:Milton, I have not met any such persons.

Milton Mueller (NCSG):LOL

Farzaneh Badii (NCSG):No Kavouss. What you did not pay attention to is that we do not say access should not be discussed. we only say has to be answered after all the gating questions are answered first.

Stephanie Perrin (NCSG):Unfortunately, the discussion is proving that we needed the training on GDPR and data protection perspectives, which was discussed at the GNSO prior to striking this committee.

Ayden Férdeline (NCSG): Agreed @Stephanie; this training would be incredibly beneficial.

Thomas Rickert (ISPCP): Stephanie, it is not too late for that. We need to agree on a

Thomas Rickert (ISPCP):...methodology for the legal assessment anyway

Thomas Rickert (ISPCP):that could be a good pointin time to get the whole group aligned on some basic principles

Stephanie Perrin (NCSG):True. It is not too late. WE are clearly going to run into difficulties in definitions and the gating questions if we do not up the literacy level a bit.

Kavouss Arasteh (GAC):Pls kindly take into account GAC' comments in this respect

Thomas Rickert (ISPCP):Just to clarify: I think we need to get ALL members of this group to a common level of understanding on the GDPR principles regardless of their current level involvement with privacy law.

Lindsay Hamilton-Reid (RrSG Altnernate): As the registrant must put their input their data when moving to a new provider, I am not sure what the distinction is here?

Lindsay Hamilton-Reid (RrSG Altnernate):+1 Thomas, it might help.

Milton Mueller (NCSG):makes sense to me, Benedict

Milton Mueller (NCSG):Matt please mute

Marika Konings:Note that a review of the IRTP is in progress in parallel (it is in its initial phases with a staff assessment report to be published soon as a first step)

Alan Greenberg (ALAC): I think that Theo said there is ALWAYS a FOA. If that is the case, why do we need 1.1?

Stephanie Perrin (NCSG):+1Theo. Good example of a new GDPR complication that we cannot address Marika Konings:and to clarify, this is an overall review, not GDPR specific

Lindsay Hamilton-Reid (RrSG Altnernate):+ Theo

Theo Geurts RrSG Alternate: If we want to have a GDPR compliant transfer process we need to look how Nominet does it:)

Theo Geurts RrSG Alternate:no authcode, no FOA:)

Kavouss Arasteh (GAC):There are many unanswered questions in the transfer issue ,in particular, authorization or consent for transfer. Moreover, it is not clear whether once a transfer is made to the third party how it is ensured that the transferred data are not b misused or are not further transferred to another party

Stephanie Perrin (NCSG):Parking lot item....review transfer policy once temp spec issue resolved. Please note,

Benedict Addis (SSAC): Theo can you give an example?

Benedict Addis (SSAC):Of the Form of Authorisation?

Lindsay Hamilton-Reid (RrSG Altnernate): I would say not under GDPR to be honest.

Matt Serlin (RrSG): I believe Theo is referring to the LOSING registrar who already has the data...

Theo Geurts RrSG Alternate: the losting registrar always has the data yes

Benedict Addis (SSAC):Sure. But I thought the FOA had to be obtained by the Gaining Registrar?

Theo Geurts RrSG Alternate:no there are two FOA's processes

Benedict Addis (SSAC):Ahhhh

Theo Geurts RrSG Alternate: there is one the losting registar sends and the gaining

Margie Milam (BC):Can we ask ICANN staff to answer the question?

Theo Geurts RrSG Alternate: the gaining is not sending the FOA anymore, but the losing is

Matt Serlin (RrSG): I believe so yes Kurt

Kavouss Arasteh (GAC):Milton +1

Chris Disspain (ICANN Board Liaison):no sound

Stephanie Perrin (NCSG):MIlton we lost sound....sadly right when you were agreeing with me:-)

Matt Serlin (RrSG):i've lost everyone...

Farzaneh Badii (NCSG):adobe is painful today

Mark Svancarek BC:audio is back

Terri Agnew: Milton is speaking and can be heard at this time

Theo Geurts RrSG Alternate: Transfers now work like

this; https://urldefense.proofpoint.com/v2/url?u=https-3A www.realtimeregister.com blog post-2Dgdpr-2Dgtld-

<u>2Dtransfers_&d=DwlFaQ&c=FmY1u3PJp6wrcrwll3mSVzgfkbPSS6sJms7xcl4l5cM&r=k7uKdjSb7_ZjltyVqrC</u> YHo rKms9SFxlmbYEJqG-

<u>y91&m=5z5h8hvggQqWjIA2tXAwlMQCfOUxKOKWdrS1smPPgr8&s=bhAd3mJQmyEs4PlAi-</u>mM_zLbae7olqGmX3N9Cl2eigw&e=

Caitlin Tubergen:To echo Theo and Matt, the GAINING registrar FOA is no longer required under the revised transfer process since the gaining registrar has no access to registration data, but the LOSING registrar FOA is still required.

Hadia Elminiawi - ALAC:yes the audio keeps cutting

Kavouss Arasteh (GAC):Milton - +

Marika Konings:as noted before, a review of the transfer policy is already underway (initial phase following which Council will need to decide how to address the issues identified)

Hadia Elminiawi - ALAC:agree with stephanie and the rest with regard to the transfer policy

Kavouss Arasteh (GAC):Kurt +1

Alan Greenberg (ALAC): I agree that a complete revision of the transfer policy is not our job, but if there is ANY HINT of an increased possibility of hijacking under our new changes, we need to pay attention. ANd we have to do that presuming there may be registrar bad actors in the game.

Margie Milam (BC):Alan +1

Milton Mueller (NCSG):on and off

Stephanie Perrin (NCSG):possible job for the Liaison to GNSO, report on parking lot issues regularly so that ongoing PDPs can note our concerns and potentially deal with them.

Benedict Addis (SSAC):Sorry for bad audio

Kavouss Arasteh (GAC):Kurt :Pls include in the Note what said about the security aspects of data transfer i.e. implementation issue

Milton Mueller (NCSG):+ 1000 Theo

Lindsay Hamilton-Reid (RrSG Altnernate):Good point Theo - it also helps with spam.

Stephanie Perrin (NCSG):+1 Theo.

Amr Elsadr - NCSG:Good to hear, Theo. Looking fwd to more on that.

Alan Greenberg (ALAC):A clear problem that we cannot fix is that a registrant may not even know their domain has been hijacked until the DNS servers are changes and that may not happen immediately.

Kavouss Arasteh (GAC):Theo +1

Benedict Addis (SSAC):Alan - the new hack is 'ghosting' where the criminals create subdomains with different nameservers.

Benedict Addis (SSAC): The registrant never notices the changes...

Kavouss Arasteh (GAC): Kurt, I HOPE ALL COMMENTS, CLARIFICATIONS ANXIETIES CONERNS ON THE MATTER WOULD BE INCLUDED IN THE hL Notes

Kavouss Arasteh (GAC):Sorry again for CAP APPOLOGY

Arnaud Wittersheim - RySG:the exchanges show that the situation is unclear as some gaining registrars still send FOA's while others do not based on the Temp Spec Appendix G. The community is engaged in transfer policy considerations and hopefully will succeed to achieve a stable and safe process for end users who need to understand what to do to initiate/allow or not engage/deny transfers and operators need also clear, stable and safe processes because changes involve also development and communication costs for them

Benedict Addis (SSAC):Correction "domain shadowing"

Kavouss Arasteh (GAC):mAY WE MOVE ON PLS

Theo Geurts RrSG Alternate: Benedict this was also the case PRE GDPR:)

Benedict Addis (SSAC):Indeed:)

Milton Mueller (NCSG):ICANN is a full time job...

Benedict Addis (SSAC):But crims move to the next easiest thing

Milton Mueller (NCSG):but unpaid

Alan Greenberg (ALAC):On slide. PART 3??

Arnaud Wittersheim - RySG:Great Kurt to have alternates access the AC room

Kavouss Arasteh (GAC):Part 4 NOT part 3

Marika Konings:Part 4, correct

Hadia Elminiawi - ALAC:yes sure part 4

Farzaneh Badii (NCSG):it's just a mistake ...

Milton Mueller (NCSG): Alternates should not be allowed to stack the f2f meeting

Milton Mueller (NCSG): There will be remote access to alternates can watch

Ayden Férdeline (NCSG): Absoluely not. Alternates are to REPLACE members; not increase a community's number of participants.

Farzaneh Badii (NCSG):nope. Objection to alternate attendance in F2F meeting if they are not replacing a member

Ashley Heineman (GAC): They would be there in an observing capacity, not to actively participate. Rules would be followed.

Benedict Addis (SSAC):See no need to have alternates at face to face unless they are replacing members.

Farzaneh Badii (NCSG):there are no observers in F2F meeting.

Julf Helsingius (NCSG): They can observer remotely

Julf Helsingius (NCSG):observe

Mark Svancarek BC:lol

Hadia Elminiawi - ALAC:Thank you all Bye

Matt Serlin (RrSG):thanks everyone

Ayden Férdeline (NCSG): This actually was discussed by the EPDP drafting team, might need to pull out where in the audio recordings it was discussed and agreed that alternates would not attend F2F

Benedict Addis (SSAC):+1

Mark Svancarek BC:cheers

Matt Serlin (RrSG):thanks Kurt

Amr Elsadr - NCSG:Thanks all. Bye.

Ayden Férdeline (NCSG):thanks all

Rafik Dammak (GNSO Council Liaison):thanks all, bye

Lindsay Hamilton-Reid (RrSG Altnernate):Thanks all.

Farzaneh Badii (NCSG):bye

Thomas Rickert (ISPCP):Bye all!

Arnaud Wittersheim - RySG:thank you

Theo Geurts RrSG Alternate:cyas

Hadia Elminiawi - ALAC:bye

Julf Helsingius (NCSG):Thanks all

Benedict Addis (SSAC):No SSAC people will be able to attend face to face as our workshop is on week of 24th September