

**Adobe Connect Chat Transcript**  
**RDS-WHOIS2 Plenary #39 – 20 August 2018**

Brenda Brewer: (8/20/2018 09:04) Good day! Welcome to RDS-WHOIS2 Plenary Call #39 on 20 August 2018 at 15:00 UTC.

Brenda Brewer: (09:04) Please note this meeting will be recorded. When not speaking, kindly mute your phones by pressing \*6. Press \*6 to unmute. Thank you.

Brenda Brewer: (09:45) FYI...for best sound quality the Adobe Connect microphones are disabled. Everyone must dial in using their phone or request a dial-out. This is currently the only solution for all the sound issues we have been experiencing recently. Thank you!

Belyavskiy Dmitry: (09:47) Hello Brenda,

Brenda Brewer: (09:47) Good day Dmitry!

Belyavskiy Dmitry: (09:48) I hear you well, but it's very inconvenient to speak via phone

Belyavskiy Dmitry: (09:49) The call will be dropped automatically in an hour

Belyavskiy Dmitry: (09:51) Hello Alan

Brenda Brewer 2: (09:51) I will dial out to you when your line disconnects. Thank you, Dmitry.

Carlton Samuels: (10:02) Morning all. The A/C room did not give me the option to use my computer audio this time. I'm hearing but likely cannot respond here.

Carlton Samuels: (10:03) Yessir!

Carlton Samuels: (10:03) Thanks Brenda

Stephanie Perrin: (10:07) me neither, what is up

Stephanie Perrin: (10:08) I am not hearing anything. Not this again....

Stephanie Perrin: (10:08) yes thanks, loud and clear

Stephanie Perrin: (10:08) Volker is on his way

Stephanie Perrin: (10:11) You wish, Alan! :-)

Alan Greenberg: (10:12) Would be nice!

Trang Nguyen: (10:24) Email operability check description is available at: [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_whois.icann.org\\_en\\_whoisars-2Dvalidation-2Demail&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=kbiQDH54](https://urldefense.proofpoint.com/v2/url?u=https-3A_whois.icann.org_en_whoisars-2Dvalidation-2Demail&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=kbiQDH54)

[980u4nTPfwdloDLY6-](#)

[6F24x0ArAvhdeDvvc&m=LjuB20zzCjPKlrTmF1Wg64JzbYZtCeVp\\_tOOQXrV1zk&s=vF00tii\\_RHh0GC5JuCyPbd2fzfIxV7O3QAYxu7C57Q&e=](#)

Lisa Phifer: (10:25) @Trang, can you elaborate on what is checked?

Lisa Phifer: (10:25) To Susan's question

Maguy Serad 2: (10:26) Hello everyone - link to the Phase2 Cycle 5

metrics [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_whois.icann.org\\_en\\_whoisars-2Dcontractual-2Dcompliance-](https://urldefense.proofpoint.com/v2/url?u=https-3A_whois.icann.org_en_whoisars-2Dcontractual-2Dcompliance-2Dmetrics&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=kbiQDH5)

[2Dmetrics&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=kbiQDH54980u4nTPfwdloDLY6-](#)

[6F24x0ArAvhdeDvvc&m=LjuB20zzCjPKlrTmF1Wg64JzbYZtCeVp\\_tOOQXrV1zk&s=rpVNGKPLyUVuseCuh6CCULCRDwWz7nfJ9aDoWmvdBzU&e=](#)

Lisa Phifer: (10:26) @Maguy those are actually included in our draft report, and were the basis for this recommendation

Trang Nguyen: (10:26) @Lisa, It's described in detailed at the link I sent.

Susan Kawaguchi: (10:27) @Trang the report may make sense to GDD and Compliance but doesn't make sense to some on the RT

Susan Kawaguchi: (10:27) we need more clarification

Trang Nguyen: (10:27) @Alan, that percent will vary from cycle to cycle.

Erika Mann: (10:31) Can someone give me the option to listen via Adobe? None of the functions are working today.

Brenda Brewer 2: (10:32) Erika, see private message from me

Carlton Samuels: (10:33) @Erika: Oh, Brenda on to you

Erika Mann: (10:34) Brenda - private message via Skype?

Brenda Brewer 2: (10:34) here, on Adobe. I can also skype same message

Lisa Phifer: (10:36) Is it possible to provide an example of an ARS-generated ticket and the checks it undergoes, in the order they are made?

Erika Mann: (10:36) I can lost listen but the speaking function is dead. Which does not matter because I'm still in an environment where I can't speak.

Stephanie Perrin: (10:41) Lisa's suggestion would be a good one. Examples would be nice.

Carlton Samuels: (10:41) Look, the average closure before first notice across cycle comes in between 46-51%. The reasons for the closures seems fixed. What is highly variable is the percentages of closures for specific reasons.

Stephanie Perrin: (10:41) If you name the day, I could stay to attend that meeting.....

Stephanie Perrin: (10:41) (I suspect an hour stolen from the EPDP would suffice

Susan Kawaguchi: (10:42) We should have ARS representative in that meeting as well

Lili SUN: (10:44) Agree with Alan.

Stephanie Perrin: (10:45) ahem cough cough, do you want me there?

Susan Kawaguchi: (10:46) Thank you very much Maguy, Owen and Trang for your input today

Stephanie Perrin: (10:46) I presume the day would be Thursday.

Erika Mann: (10:48) I agree with Alan

Susan Kawaguchi: (10:49) I would take the time to review those

Stephanie Perrin: (10:51) Since we can fly home later that day, I dont see that extra funding is necessary.

Erika Mann: (10:51) Leave it in

Susan Kawaguchi: (10:51) agreed to leave it in

Lili SUN: (10:51) Keep the recommendation.

Erika Mann: (10:51) I can't speak, have no mike and are in a place where folks can listen

Carlton Samuels: (10:51) Leave it in

Trang Nguyen: (10:52) Same here. Thank you, everyone.

Stephanie Perrin: (10:53) So I am going to book my ticket for later in the day on Thursday, can you please confirm that the meeting will be held on Thursday Morning, preferably early am, and that we will get links to the samples that Lisa had suggested we review in the chat?

Stephanie Perrin: (10:53) Thanks!

Stephanie Perrin: (10:55) I see an action item for allocation of budget.....I don't think that is necessary, we are confirmed to be there Thursday anyway.

Lisa Phifer: (10:56) Currently agreed text of CM.2:

Lisa Phifer: (10:56) The ICANN Board should direct ICANN Organization to assess grandfathered domain names to determine if information is missing from the RDS (WHOIS) Registrant field. If 10% of domain names are found to lack data in the Registrant field, then the

ICANN Board should initiate action intended to ensure that all gTLD domain names adhere to the same registration data collection requirements within 12 months.

Erika Mann: (11:01) I agree

Lisa Phifer: (11:05) Keep in mind there is supporting rationale for this recommendation.

Lisa Phifer: (11:05) I believe that is explained there.

Volker Greimann - RrSG: (11:06) the way it is worded, even lacking the FAX field would trigger this.

Volker Greimann - RrSG: (11:06) so we need to clarify again!

Carlton Samuels: (11:08) YEs, we can agree on that to go forward

Erika Mann: (11:08) Fine with me, reasonable.

Volker Greimann - RrSG: (11:08) maybe move the last lines to the reasoning?

Lisa Phifer: (11:08) So retain CM.2 as-is in draft report with edits: 10-15% and footnote explaining we are seeking input on percentage and impacts on registrant's rights

Stephanie Perrin: (11:08) The registrars will have to seek consent.

Lisa Phifer: (11:09) The Review team is still debating whether a new Bylaw requirement should be inserted requiring the review of privacy and data transfer issues in place of the relatively weaker requirement to review the safeguarding of registrant data. Community input is welcome.

Lisa Phifer: (11:09) Above is Alan's proposed text

Erika Mann: (11:10) I'm fine with the recommendation. The OECD guidelines are principles that - in principle - work on a global scale. They have no other purpose.

Belyavskiy Dmitry: (11:10) I agree with Alan's suggestion.

Lisa Phifer: (11:11) Bylaws, Section 4.6(e)(ii), assess the extent to which the implementation of today's WHOIS (the current gTLD RDS) safeguards registrant data

Erika Mann: (11:11) It's not really relevant. In or out.

Lisa Phifer: (11:11) This is the clause that would be replaced.

Lisa Phifer: (11:13) Again, Alan's proposed text: The Review team is still debating whether a new Bylaw requirement should be inserted requiring the review of privacy and data transfer issues in place of the relatively weaker requirement to review the safeguarding of registrant data. Community input is welcome.

Lisa Phifer: (11:15) Note the rationale given in the draft report explains the point Stephanie just made.

Lisa Phifer: (11:15) with regard to being superceded by data protection laws

Lisa Phifer: (11:17) The draft report states this: Recommendation BY.1 The ICANN Board should take action to remove ICANN Bylaws section 4.6(e)(iii).

Lisa Phifer: (11:19) Edit the above to "replace" instead of "remove" and add explanatory text suggested by Alan.

Stephanie Perrin: (11:19) yes, but I have offered to come up with language

Lisa Phifer: (11:19) We would need to language now.

Erika Mann: (11:20) Alan - the OECD guidelines are already totally generic. They don't need to be replaced by something more generic! Makes no sense.

Lisa Phifer: (11:21) Eliminate clause on "safeguarding" and eliminate OECD clause in bylaws, and replace both with a new clause which requires assessment but in a generic manner not specific to a single document.

Erika Mann: (11:22) I understand the point but then we only need to add that the OECD guidelines are not regulations. Regulations always trump soft guidelines. Nonetheless guidelines are sometimes relevant in countries that lack in legislations.

Brenda Brewer 2: (11:22) The Adobe Connect replay will be available immediately after call ends here: <https://community.icann.org/x/qgxpBQ>

Carlton Samuels: (11:25) @Volker on "legitimate needs" of law enforcement +

Lisa Phifer: (11:26) cybersecurity professionals WHO ARE working with law enforcement?

Lisa Phifer: (11:26) or extended to other RDS (WHOIS) users working with law enforcement, such as cybersecurity professionals.

Stephanie Perrin: (11:27) The Review team notes that the OECD Guidelines, while remaining relevant as a set of principles, are not useful as a reference point in this particular context, particularly given the current focus on GDPR and other data protection laws. We recommend that the Bylaws be examined and a suitable clause crafted that requires compliance with applicable data protection law and best practice. In particular, data transfers must safeguard registrant data. Community input is welcome. -

Stephanie Perrin: (11:27) There is my proposed language for that OECD clause

Lisa Phifer: (11:28) Proposed Revised Recommendation: The ICANN Board should resolve that such surveys and/or studies to be conducted by ICANN also be extended to other RDS (WHOIS) users working with law enforcement, such as cybersecurity professionals.

Erika Mann: (11:28) Not even the Data Commissioner's are setting the rules

Lisa Phifer: (11:29) Let's close on this then return to OECD

Stephanie Perrin: (11:29) Why should ICANN pay for LEA surveys on the data they need to pursue criminal investigations?

Lisa Phifer: (11:29) The ICANN Board should resolve that such surveys and/or studies to be conducted by ICANN also be extended to other RDS (WHOIS) users working with law enforcement, such as cybersecurity professionals.

Lisa Phifer: (11:29) Proposed Revised Recommendation: The ICANN Board should resolve that such surveys and/or studies to be conducted by ICANN also be extended to other RDS (WHOIS) users working with law enforcement, such as cybersecurity professionals.

Stephanie Perrin: (11:30) Same for cybersecurity professionals, why should ICANN pay for the business needs of cyber security companies? I think this is really quite hard to justify.

Erika Mann: (11:30) 'cybersecurity professionals' is such a broad term ...

Erika Mann: (11:30) Not very comfortable with this term

Carlton Samuels: (11:31) @Lisa: That language is good to go

Stephanie Perrin: (11:31) I have my hand up

Volker Greimann - RrSG: (11:31) "entities empowered by law regulation or similar to fulfill law enforcement roles"

Lili SUN: (11:31) As I said during the F2F, the work of cyber security community is sometimes part of LEA's investigation.,

Erika Mann: (11:32) I agree with Stephanie.

Erika Mann: (11:33) The wording is indeed not precise

Lisa Phifer: (11:34) Note that "such surveys/studies" refers to "surveys or studies to inform a future assessment of effectiveness of RDS (WHOIS) in meeting the needs of..."

Erika Mann: (11:35) I would delete 'cybersecurity professionals' ... the term is too vague and is not covered in legal environments

Lisa Phifer: (11:35) Carlton can you speak up?

Erika Mann: (11:35) Consider is fine ... or should evaluate ...

Lisa Phifer: (11:36) The ICANN Board should consider extending such surveys and/or studies to other RDS (WHOIS) users working with law enforcement

Stephanie Perrin: (11:37) The Board should consider collaborating with LE experts and cybersecurity investigators, to determine what data could be gathered in surveys or studies to evaluate the effectiveness of future RDS data collections in meeting the needs of law enforcement

Stephanie Perrin: (11:37) proposed language

Erika Mann: (11:37) Fine with me!

Stephanie Perrin: (11:38) I am proposing the language replace both

Lisa Phifer: (11:38) Another alternative: The ICANN Board should consider extending such surveys and/or studies (as describe in LE.1) to other RDS (WHOIS) users working with law enforcement

Stephanie Perrin: (11:39) I think we should avoid recommending that ICANN continue to spend money on surveys for Law enforcement

Lisa Phifer: (11:39) The ICANN Board should consider conducting and extending such surveys and/or studies (as described in LE.1) to other RDS (WHOIS) users working with law enforcement

Stephanie Perrin: (11:39) I am having a hard time living with it

Lisa Phifer: (11:40) Note that we previously had consensus on LE.1. Do you have an objection to LE.1 now Stephanie?

Stephanie Perrin: (11:40) yes

Lisa Phifer: (11:40) So we have agreement on LE.2 as modified, with one objection to both LE.1 and LE.2. The ICANN Board should consider conducting and extending such surveys and/or studies (as described in LE.1) to other RDS (WHOIS) users working with law enforcement

Stephanie Perrin: (11:41) I am not saying that the current survey is not useful, it complies with the last review. However. going forward and making a commitment to continue to spend money on evaluating LE needs and whether they are met is, in my view out of scope

Stephanie Perrin: (11:43) I believe that was the gist of my argument....we should avoid recommendations that cannot be measured, and we should avoid declaring something as implemented if we cannot measure it

Erika Mann: (11:47) I don't understand what you're saying Alan?

Carlton Samuels: (11:48) My line dropped!

Erika Mann: (11:48) Understood. Agree.

Lisa Phifer: (11:48) To further RDS (WHOIS) as a strategic priority,

Lisa Phifer: (11:49) To further RDS (WHOIS) as a strategic priority,

Stephanie Perrin: (11:49) "further" is not a very precise word

Lisa Phifer: (11:50) To further ensure that RDS (WHOIS) is treated as a strategic priority,

Stephanie Perrin: (11:50) as a verb anyway

Stephanie Perrin: (11:50) yes

Erika Mann: (11:52) No problem

Volker Greimann - RrSG: (11:54) me neither

Lisa Phifer: (11:54) Recommendation R11.1 The ICANN Board should direct the ICANN Organization to define metrics or SLA's to be tracked and evaluated to determine consistency of results of queries and use of any common interface (existing or future) used to provide one-stop access to registration data across all gTLDs and registrars/resellers. Specific metrics that should be tracked for any such common interface include: How often are RDS (WHOIS) fields returned blank? How often is data displayed inconsistently (for the same domain name), overall and per gTLD)? How often does the tool not return any results, overall and per gTLD)?

Volker Greimann - RrSG: (11:54) need to drop now - sorry

Lisa Phifer: (11:55) The above is the actual text in the draft report. I ask that all RT members confirm no objections

Erika Mann: (11:55) Can we have few days to review it?

Lisa Phifer: (11:56) old hand

Stephanie Perrin: (11:56) Yes please, I certainly need some time to review. the EPDP, as predicted, is taking me a full 30 hours a week.

Lisa Phifer: (11:57) We have until this Friday to review and comment in our roadmap

Stephanie Perrin: (11:57) I have submitted language for the OECD section in the chat, please read it.

Stephanie Perrin: (11:57) not for the summary, for the rec

Lisa Phifer: (11:57) Stephanie Perrin: The Review team notes that the OECD Guidelines, while remaining relevant as a set of principles, are not useful as a reference point in this particular context, particularly given the current focus on GDPR and other data protection laws. We



recommend that the Bylaws be examined and a suitable clause crafted that requires compliance with applicable data protection law and best practice. In particular, data transfers must safeguard registrant data. Community input is welcome. -

Stephanie Perrin: (11:57) thanks Lisa

Lisa Phifer: (11:58) Stephanie, that sounds more like rationale than a recommendation? The recommendation is the last two sentences?

Erika Mann: (11:59) Keep in mind that GDPR can't be globalized ... insofar GDPR reference can only serve as an example ...

Stephanie Perrin: (12:00) It is long, I admit. Possible to sever the rationale (why we want to dump the OECD guidelines) from the rec

Stephanie Perrin: (12:01) we will still have to have a reference to drop the OECD guidelines and replace....

Erika Mann: (12:01) I believe Volker is not with us anymore

Stephanie Perrin: (12:02) I wonder what will be gained by meeting with compliance at the end of September, if the report will be out on September 1

Lili SUN: (12:03) noted

Lisa Phifer: (12:03) @Stephanie, better understanding could still be useful in resolving public comments? Results from the meeting could also be shared to the full RT on the mailing list to aid in understanding.

Lisa Phifer: (12:06) I believe the due date for BY.1 needs to be today not 25 August

Alice Jansen: (12:07) yes - today is marked as the deadline for language to be sent

Lisa Phifer: (12:07) Ah thanks

Stephanie Perrin: (12:09) can you please post a word version. Some of us do not possess pro for adobe, pdfs are very time consuming to comment on.

Carlton Samuels: (12:09) Thanks all! See y'all

Lili SUN: (12:09) Thanks Alan and Lisa

Lisa Phifer: (12:09) Yes, we will post both

Stephanie Perrin: (12:09) thanks Lisa

Belyavskiy Dmitry: (12:09) Thank you all!

Lisa Phifer: (12:09) AC Reader does have tools for commenting and is feely available

Lisa Phifer: (12:10) But Word redlines are preferred

Stephanie Perrin: (12:10) It requires some kind of signup.

Stephanie Perrin: (12:11) I have no idea what they are doing with it these days, find it very confusing