RDS-WHOIS2 RT
Plenary Call #39
20 August 2018 – 15:00 – 17:00 UTC

Review Team Members: Alan Greenberg, Dmitry Belyavsky, Carlton Samuels, Susan Kawaguchi, Lili Sun, Stephanie Perrin, Volker Greimann, Erika Mann. **Apologies:** Cathrin Bauer-Bulst, and Chris Disspain.	**Observers:** / **ICANN Org:** Alice Jansen, Maguy Serad, Lisa Phifer, Brenda Brewer, Trang Nguyen, Owen Smigelski, Steve Conte.

These high-level notes are designed to help review team members navigate through the content of the call and are not meant to be a substitute for the recording or transcript, which are posted on the wiki at: https://community.icann.org/x/qgxpBQ.

The RDS-WHOIS2 Review Team undertook the following during this session:

1. **Welcome, roll-call, Statement of Interests (2 min)**

There were no updates to Statement of Interests.

2. **WHOIS1 Recs 5-9 – Data Accuracy (25 min)**

Lili presented the proposed recommendation R5.1: "The *ICANN Board should direct the ICANN Organization to look for potentially-anomalous ARS results (e.g., 40% of ARS-generated tickets closed with no actions because the RDS (WHOIS) record changed) to determine the underlying cause and take appropriate action to reduce anomalies.*", and reviewed whether it should be included in the report as is or removed with a caveat that the review team is currently looking into this issue.

Decision reached: Agreement to keep recommendation 5.1 as is.

Action item: Alan to produce note framing rec. 5.1

Review team sought clarification on ARS-generated tickets from ICANN org GDD and Compliance departments representatives in attendance. It was agreed that further questions should be addressed at a future meeting to look deeper at the figures and understand these.

Action item: ICANN org to confirm availability of Compliance (and if possible ARS staff) for a meeting on 27 September 2018

Action item: Leaders to discuss allocation of budget for a potential meeting with those present for the ePDP meeting with ICANN compliance.

<u>Action item</u>: ICANN compliance to look into possibility of providing samples.

3.   WHOIS1 Rec 4 & Objective 6 – Compliance (15 min)

Volker's proposed changes to CM.2. and its rationale were discussed.

<u>Decision Reached</u>: C.M.2 to be retain as in -draft report with edits 10-15 %, including a footnote explaining the review team is seeking input on percentage and impacts on registrant's rights.

4.   Suggested Bylaw amendment: OECD (10 min)

Alan Greenberg presented his suggested Bylaw recommendation regarding the reference to "safeguarding registrant data" in section 4.6(e)(ii) and entire section 4.6(e)(iii) of the ICANN Bylaws. He suggested to replace this reference with a more generic requirement to review how the RDS (WHOIS) addresses applicable data protection law and best practice.

<u>Decision reached</u>: (TENTATIVE) 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.

<u>Action item</u>: Alan to produce language for B.1 by COB today to propose replacement language. Alan to call for objections to be sent to review team list by 26 August. Alan to consider Stephanie's proposed language *"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."*

5.   Subgroup 3 - Law Enforcement Needs (10 min)

Review team discussed the latest version of Law Enforcement Needs subgroup recommendations and suggested minor edits. Stephanie Perrin raised an objection against both recommendations, she noted the review team should avoid recommending that ICANN continue to spend money on surveys for Law enforcement

<u>Decision reached</u>: 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

6.   WHOIS 1 Rec 1 - Strategic Priority (5 min)

Review team reviewed two points raised by Cathrin Bauer-Bulst that were not yet discussed: *1) "the issue of how to criticize implementation of recommendations which may have been impossible to*

measure from the start, and 2) how the review team wants to deal with the previous review team's recommendations" and updated the first recommendation based on these discussions (see below text).

Decision reached: Agreement on R1.1 with edit "To ensure that RDS (WHOIS) is treated as a strategic priority.

7. WHOIS1 Rec 11 - Common Interface (5 min)

Volker Greimann presented its latest updates to Recommendation 11.1.

Decision reached: Agreement with R11.1, as presented in draft report.

8. Executive summary (15 min)

Alan Greenberg presented the latest edits to the Executive Summary, and invited rapporteurs to review it and confirm information on their subgroups is accurate.

Action items:

- Penholders to review paragraph relating to their topic(s) under Executive Summary>Summary Findings and send any edits they may have within the next two days.
- Alan to finalize executive summary.

9. Address any objections/edits/comments submitted to the mailing-list to date (25 min)

Lisa Phifer reminded all in attendance to use the draft report to submit any upcoming edit(s), subgroup reports should not be modified at this stage.

10. Roadmap reminder (5 min)

Lisa Phifer reminded all that the goal for the next plenary call is to approve all sections of the report.

Action items:

- All are reminded to send objections asap and edits by 26 August
- Those who cannot make it to the final consensus call, should send objections prior to the call.
- ICANN org to resend table of agreed recommendations.

11. A.O.B. (1 min)

The next face-to-face meeting will take place on 10, 11, 12 December in Brussels.

12. Confirm action items and decisions reached (2 min)

Consensus reached on decisions/action items: one objection to both LE.1 and LE.2.