

**Adobe Connect: 28**

Alan Greenberg (ALAC)	Julf Helsingius (NCSG)
Alan Woods (RySG)	Kavouss Arasteh (GAC)
Alex Deacon (IPC)	Kristina Rosette (RySG)
Ashley Heineman (GAC)	Kurt Pritz (Chair)
Ayden Férdeline (NCSG)	Leon Sanchez (ICANN Board Liaison)
Ben Butler (SSAC)	Marc Anderson (RySG)
Benedict Addis (SSAC)	Margie Milam (BC)
Collin Kurre (NCSG Alternate)	Mark Svancarek (BC)
Diane Plaut (IPC)	Matt Serlin (RrSG)
Emily Taylor (RrSG)	Milton Mueller (NCSG)
Esteban Lescano (ISPCP)	Rafik Dammak (GNSO Council Liaison)
Farzaneh Badii (NCSG)	Stephanie Perrin (NCSG)
Georgios Tselentis (GAC)	Theo Geurts (RrSG Alternate)
Hadia Elminiawi (ALAC)	Thomas Rickert (ISPCP)

**On Audio Only:**

None

**Apologies:**

Amr Elsadr (NCSG)  
James Bladel (RrSG)  
Chris Disspain (ICANN Board Liaison)

**Audio Cast (FOR ALTERNATES AND OBSERVERS)**

**Peak:** 22 joined

**View Only Adobe Connect:**

33 joined

**Staff:**

Berry Cobb  
Caitlin Tubergen  
Daniel Halloran (ICANN Org Liaison – Legal)  
Marika Konings  
Mike Brennan  
Trang Nguyen (ICANN Org Liaison – GDD)  
Terri Agnew  
Andrea Glandon

**AC Chat:**

Andrea Glandon:Welcome to the seventh EPDP team call held on Thursday, 23 August 2018 at 13:00 UTC.

Andrea Glandon:Agenda Wiki <https://community.icann.org/x/TRhpBQ>

Kavouss Arasteh (GAC):Hi everybody

Julf Helsingius (NCSG):Hello  
Theo Geurts RrSG:hello all  
Ayden Férdeline (NCSG):Hi all  
Leon Sanchez (ICANN Board Liaison):Hello everyone  
Farzaneh Badii (NCSG):hi  
Georgios Tselentis (GAC):hello  
Thomas Rickert (ISPCP):Hi all!  
Milton Mueller (NCSG):More wine for Kurt  
Hadia Elminiawi - ALAC:Hi all  
Ayden Férdeline (NCSG):the ECO Playbook may help us answer some of these questions too  
Theo Geurts RrSG:Correct Ayden, and the GDPR itself of course.  
Farzaneh Badii (NCSG):I can't hear Kavouss well. is it me?  
Mark Svancarek [BC]:Bad audio  
Marc Anderson (RySG):Kavouss is fading in and out for me, having trouble hearing  
Thomas Rickert (ISPCP):In deed. Can you try to dial-out to Kavouss again?  
Georgios Tselentis (GAC):Please dial Kavouss or if you could summarise his intervention  
Terri Agnew:We are working on audio for Kavouss  
Thomas Rickert (ISPCP):Kurt, can you summarize what Kavouss said?  
Farzaneh Badii (NCSG):of course there is Internet without ICANN. we just register.onion domain names  
:)  
Alex Deacon (IPC):or namecoin  
Farzaneh Badii (NCSG):yup  
Benedict Addis:Collin +1  
Benedict Addis:Futureproofing is a good aim  
Alan Woods (RySG):see art 35 of the GDPR for a good review  
Theo Geurts RrSG:if we want to be in compliance with Art 25 and 35 that needs to be done  
Theo Geurts RrSG:legally required  
Kavouss Arasteh (GAC):GPDR is not a holly book  
Benedict Addis (SSAC):Privacy Impact Assessment (PIA) explained  
here: [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_gdpr-2Dinfo.eu\\_issues\\_privacy-2Dimpact-2Dassessment\\_d=DwIFaQ&c=FmY1u3PjP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7\\_ZjItyVqrCYHo\\_rKms9SFxImbYEJqG-y9I&m=gWp\\_zN2\\_ew5fLXAUsckBQuWh6gbGfR\\_xu-IKzmFzJwg&s=kJ6RWXCxpBvhcWTGZFakIdXzoS6iRfQTDYIbuLxCcXKg&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_gdpr-2Dinfo.eu_issues_privacy-2Dimpact-2Dassessment_d=DwIFaQ&c=FmY1u3PjP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7_ZjItyVqrCYHo_rKms9SFxImbYEJqG-y9I&m=gWp_zN2_ew5fLXAUsckBQuWh6gbGfR_xu-IKzmFzJwg&s=kJ6RWXCxpBvhcWTGZFakIdXzoS6iRfQTDYIbuLxCcXKg&e=)  
Collin Kurre (NCSG):Great, thanks for that link Benedict!  
Alan Woods (RySG):But curenly GDPR is the high water mark of principle based data prvacy legislation . it is undeniable of persuasive authority.  
Thomas Rickert (ISPCP):Kavouss, I agree. But fact is that if you comply with GDPR, you are compliant in most jurisdictions. Thus, it is a good, if not the best test to pass at the moment to ensure compliance at the global level.  
Matt Serlin - RRSg:I agree that we should look at our work not just in regard to GDPR as it exists today (and many of our comments have indicated that) but I do worry about our ability to add more work and steps in being mindful of the timeframe we are working within relative to the Temp. Spec.  
Collin Kurre (NCSG):Here the pairing with "Privacy by Design" principles could be useful as a type of lowest common denominator  
Marika Konings:In the context of emerging legislative and regulatory initiatives that may impact on ICANN, please see [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_www.icann.org\\_en\\_system\\_files\\_files\\_legislative-2Dregulatory-2Dfy18-2D23apr18-2Den.pdf&d=DwIFaQ&c=FmY1u3PjP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7\\_ZjItyVqrCYHo](https://urldefense.proofpoint.com/v2/url?u=https-3A_www.icann.org_en_system_files_files_legislative-2Dregulatory-2Dfy18-2D23apr18-2Den.pdf&d=DwIFaQ&c=FmY1u3PjP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7_ZjItyVqrCYHo)

[https://urldefense.proofpoint.com/v2/url?u=https-3A-www.icann.org-en-system-files-legislative-2Dregulatory-2Dfy18-2D23apr18-2Den.pdf&d=DwlFaQ&c=FmY1u3PJp6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7\\_ZjItyVqrCYHo\\_rKms9SFxImbYEJqG-y9I&m=gWp\\_zN2\\_ew5fLXAUscKbQuWh6gbGfR\\_xu-IKzmFzJwg&s=eWzZ051p8VQbT-tUVyJDgtU7QkKp3\\_aDFWI6v-kG1z0&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A-www.icann.org-en-system-files-legislative-2Dregulatory-2Dfy18-2D23apr18-2Den.pdf&d=DwlFaQ&c=FmY1u3PJp6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7_ZjItyVqrCYHo_rKms9SFxImbYEJqG-y9I&m=gWp_zN2_ew5fLXAUscKbQuWh6gbGfR_xu-IKzmFzJwg&s=eWzZ051p8VQbT-tUVyJDgtU7QkKp3_aDFWI6v-kG1z0&e=) This is something that is actively being tracked.

Thomas Rickert (ISPCP):Thanks, Marika. It is good that ICANN does this.

Hadia Elminiawi - ALAC:+1 Kavous

Collin Kurre (NCSG):Hmm, that link isn't working for me, Marika

Benedict Addis (SSAC):Knock off the final dot

Collin Kurre (NCSG):Ah nevermind, got it!

Marika Konings:for some reason it added a dot at the end, please try this [https://urldefense.proofpoint.com/v2/url?u=https-](https://urldefense.proofpoint.com/v2/url?u=https-3A-www.icann.org-en-system-files-legislative-2Dregulatory-2Dfy18-2D23apr18-2Den.pdf&d=DwlFaQ&c=FmY1u3PJp6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7_ZjItyVqrCYHo_rKms9SFxImbYEJqG-y9I&m=gWp_zN2_ew5fLXAUscKbQuWh6gbGfR_xu-IKzmFzJwg&s=eWzZ051p8VQbT-tUVyJDgtU7QkKp3_aDFWI6v-kG1z0&e=)

[3A www.icann.org en system files files legislative-2Dregulatory-2Dfy18-2D23apr18-2Den.pdf&d=DwlFaQ&c=FmY1u3PJp6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7\\_ZjItyVqrCYHo\\_rKms9SFxImbYEJqG-y9I&m=gWp\\_zN2\\_ew5fLXAUscKbQuWh6gbGfR\\_xu-IKzmFzJwg&s=eWzZ051p8VQbT-tUVyJDgtU7QkKp3\\_aDFWI6v-kG1z0&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A-www.icann.org-en-system-files-legislative-2Dregulatory-2Dfy18-2D23apr18-2Den.pdf&d=DwlFaQ&c=FmY1u3PJp6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7_ZjItyVqrCYHo_rKms9SFxImbYEJqG-y9I&m=gWp_zN2_ew5fLXAUscKbQuWh6gbGfR_xu-IKzmFzJwg&s=eWzZ051p8VQbT-tUVyJDgtU7QkKp3_aDFWI6v-kG1z0&e=)

Esteban Lescano (ISPCP):Thanks Marika

Collin Kurre (NCSG):+1. Privacy Impact Assessment + Privacy by Design Principles = better future proofing through risk mitigation

Milton Mueller (NCSG):Yes, exactly Alan we are in the midst of a PIA of the temp spec. So can we focus on the temp spec???

Stephanie Perrin (NCSG):Indeed Alan is correct.

Alan Woods (RySG):Milton no disagreement here.

Milton Mueller (NCSG):I think we are having a very general discussion of the merits of a PIA and we are not focusing on the task at hand

Collin Kurre (NCSG):Exactly. This doesn't have to be a monolith. "How do you eat an elephant..." Once the practice of such impact assessments is started, it would make it easier to expand to include additional policies or operations.

Alan Greenberg (ALAC):Addressing the general problem is admirable, and we will no doubt do part of that as we proceed. But we have a problem to address and a VERY tight timeline. Let's not make this more complex than it already is.

Ayden Férdeline (NCSG):yes, Brazil's new privacy law does... it is more extraterritorial than the GDPR...

Ayden Férdeline (NCSG):but the GDPR is a good baseline

Alan Greenberg (ALAC):It may not be efficient to address the GDPR constraints and then generalize it, but do we really have a choice?

Kavouss Arasteh (GAC):YES is a good base line but onlyase line

Collin Kurre (NCSG):Of course! And this dynamic tension between being efficient and comprehensive is what's going to make our product better, Alan ;)

Stephanie Perrin (NCSG):I am sorry if I over-complicated the PIA discussion. Briefly: 1. The GDPR is the new baseline, just as the Directive 95/46 was the previous baseline. WE would be foolish to focus on anything else in my view. we can bring in the key points of other laws, those of us who are familiar with them. 2. A PIA analysis frame could be developed fairly quickly and applied to the questions of are scoping document. We can then, as Mark has pointed out, scope each exercise narrowly.

Stephanie Perrin (NCSG):(that was Our not Are)

Alan Woods (RySG):Stephanie, I personally don't think you over complicated it, i think your experieince as to how data protection authorities would themsleves assess compliance is invaluable, and we should be certainly listening to you particularly relevant and important input here!!

Alex Deacon (IPC):@stephanie - is it safe to assume a PIA can't be kicked off until we complete our work? (i.e. we need something concrete to assess...)

Stephanie Perrin (NCSG):Thanks Alan!

Stephanie Perrin (NCSG):No Alex, we need to do the PIA early to inform our work

Theo Geurts RrSG: DPIA is your first step

Alex Deacon (IPC):@stephanie - then what would be assessed?

Milton Mueller (NCSG):I assume the temp spec

Stephanie Perrin (NCSG):Generally speaking with for instance a new legislative initiative, you do the PIA early on and get it approved by the Privacy Commissioner before you proceed with drafting.

Mark Svancarek [BC]:We can assess status quo; we can then re-assess any proposed changes to status quo

Kavouss Arasteh (GAC): I am always concerned with the implementation aspects of any principle or policy

Thomas Rickert (ISPCP):According to Art. 35 I 1 GDPR the DPIA needs to be done before the processing starts. So we have to do it asap.

Alan Woods (RySG):+1 thomas .....

Alan Woods (RySG):after all we still need to ALSO be compliant with the GDPR

Stephanie Perrin (NCSG):We are now doing what amounts to a regulatory review, to see if the temp spec complies with law. In my view it does not. So doing a PIA would help us demonstrate its frailty thus far.

Collin Kurre (NCSG):And highlight weak spots that could be non-compliant with future data protection legislations

Thomas Rickert (ISPCP):Since Ayden brought it up: The eco Playbook goes through most of the aspects of our charter and provides rationales for the proposed approach. You might not agree with all proposals in there, but we could use that document as a basis for going through the issues at hand. That might help save time.

Julf Helsingius (NCSG):+1 to ECO Playbook

Stephanie Perrin (NCSG):Absolutely, we would be nuts not to use the ECO playbook, it is the best analysis we have so far in my view.

Milton Mueller (NCSG):you're in LA Kurt, you must like parking lots

Stephanie Perrin (NCSG):Coming back to a point that Mark made....it would also be helpful to have proper TRAs on key points. WE here a lot about security failures resulting from data elements being missing, but until shows me a decent threat risk assessment, I will not believe it is anything but rhetoric.

Stephanie Perrin (NCSG):that was hear not here....clearly I need more coffee

Collin Kurre (NCSG):TRAs?

Kavouss Arasteh (GAC):yES SEQUENCE OF ACTIONS ARE IMPORTANT

Kavouss Arasteh (GAC):Sorry for CAP

Mark Svancarek [BC]:lol

Ayden Férdeline (NCSG):i am sure ICANN org is doing something in parallel, but despite the ridiculous cries of "transparency" in the response forwarded us today, we will not be kept informed, because we haven't been so far

Alex Deacon (IPC):Not quite a TRA but an interesting

article - [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_securityintelligence.com\\_whois-2Dbehind-2Dcyberattacks-2Dunder-2Dgdpr-2Dwe-2Dmay-2Dnot-2Dknow\\_&d=DwIFaQ&c=FmY1u3PjP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7\\_ZjItyVqrCYH\\_o\\_rKms9SFxImbYEJqG-y9I&m=gWp\\_zN2\\_ew5fLXAUscKbQuWh6gbGfR\\_xu-IKzmFzJwg&s=GpZrdox5Jz\\_iKac-xyCI91pPWFGmyNXBQ5\\_F0zEYgoQ&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_securityintelligence.com_whois-2Dbehind-2Dcyberattacks-2Dunder-2Dgdpr-2Dwe-2Dmay-2Dnot-2Dknow_&d=DwIFaQ&c=FmY1u3PjP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7_ZjItyVqrCYH_o_rKms9SFxImbYEJqG-y9I&m=gWp_zN2_ew5fLXAUscKbQuWh6gbGfR_xu-IKzmFzJwg&s=GpZrdox5Jz_iKac-xyCI91pPWFGmyNXBQ5_F0zEYgoQ&e=)

Farzaneh Badii (NCSG):ooh my goodness. didn't know open whois was saving the world

Ayden Férdeline (NCSG):@Alex another interesting article - fax machines pose a huge cybersecurity risk. WHOIS previously made fax numbers public... [https://urldefense.proofpoint.com/v2/url?u=http-3A\\_thehill.com\\_policy\\_technology\\_401649-2Dfax-2Dmachines-2Dripe-2Dfor-2Dhacking-2Dsays-](https://urldefense.proofpoint.com/v2/url?u=http-3A_thehill.com_policy_technology_401649-2Dfax-2Dmachines-2Dripe-2Dfor-2Dhacking-2Dsays-)

[2Dnew-](#)

[2Dstudy&d=DwIFaQ&c=FmY1u3PJp6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7 ZjItyVqrCYHorKms9SFxImbYEJqG-y9I&m=gWp zN2 ew5fLXAUscKbQuWh6gbGfR\\_xu-lKzmFzJwg&s=1MbnIKJUBuuShNExhkTiD7n7MPtXf5U9A8rFhFMBiW8&e=](#)

Collin Kurre (NCSG):Now now

Farzaneh Badii (NCSG):Also as Theo said last meeting, redacting the email addresses actually has reduced hijacking of domain names

Thomas Rickert (ISPCP):I guess our charter lays out the questions (and the sequence to be used to answer them) quite nicely.

Stephanie Perrin (NCSG):TRA=Threat Risk Assessment. In most jurisdictions that have them, a required analysis to accompany a PIA.

Alan Greenberg (ALAC):ICANN may think that, but clearly not everyone agrees. And we do ultimately in this group need agreement.

Farzaneh Badii (NCSG):That is true Thomas. despite the fact that I disagree with the ordering of some of the questions specially section J

Thomas Rickert (ISPCP):Why don't we start with collection :-)

Ayden Férdeline (NCSG):good proposal from Milton re: redacted data - let's make some progress

Stephanie Perrin (NCSG):indeed, if we rolled up our sleeves and tried to take a proper analytical look at each question, we would still be lucky to be done in time

Kurt Pritz:alan: noted

Farzaneh Badii (NCSG):Agreed! lets do this. lets start from the charter.

Mark Svancarek [BC]:@Ayden/Farzaneh - Hard work is saving the world. Data in the WhoIs can be used to empower those doing the hard work. It is up to us to determine which of those methods will be allowed going forward. Hyperbole on either side doesn't allow us to develop the trust to work together.

Ashley Heineman (GAC):+1 Mark

Thomas Rickert (ISPCP):So why don't we take the charter as a basis and ask for comments / requests for changes. Farzaneh and others can ask for a reorganization of the questions.

Thomas Rickert (ISPCP):Farzaneh - sorry for the typo in your name

Farzaneh Badii (NCSG):I agree Thomas. It's ok. My name is not easy to spell

Farzaneh Badii (NCSG):Mark, they have been hyperboling on the other side for the past 20 years.

Thomas Rickert (ISPCP):It's not your name that's the problem, its my clumsy fingers :-)

Theo Geurts RrSG:+1 Marc lets knock down Art 5 first.

Georgios Tselentis (GAC):Definition of legitimate purpose is necessary for reduction of data

Thomas Rickert (ISPCP):The purpose will flow naturally if we determine what shall / can be collected, transferred etc.

Stephanie Perrin (NCSG):Why don't we just go back to the narrow purpose that the GNSO council and the DPAs agreed on back in 2006?

Thomas Rickert (ISPCP):In many cases, the purpose discussion is theoretical and abstract.

Stephanie Perrin (NCSG):Mind you, the GAC overrode that decision and the GNSO council rescinded it or it disappeared unaccountably, but that purpose fit the 95/46 terms, the GDPR is more demanding so that is a great baseline

Stephanie Perrin (NCSG):Marc is right. We have to cut that Gordian knot or we will be dancing around forever. It haunted the previous RDS PDP.

Kavouss Arasteh:Thomas, I have doubt that the discjussion on purpose would be ABSTRACT.

Kavouss Arasteh:Every activity is based on the purpose and objectives of that activity

Farzaneh Badii (NCSG):what happened to working on charter questions as Thomas suggested? did we agree on starting from there?

Marika Konings:@Farzaneh, note that the charter questions are part of the DSI so there is a clear link between the section that is under review as well as the related charter questions.

Benedict Addis (SSAC):Aie my ears

Collin Kurre (NCSG):thanks for that breakdown Mark. that was useful info

Julf Helsingius (NCSG):Hadia: very hot mic

Farzaneh Badii (NCSG):it is very hot

Ashley Heineman (GAC):Good point Hadia.

Diane Plaut (IPC):Yes, great breakdown Mark.

Farzaneh Badii (NCSG):Sorry Marika, my Google is broken today, what does DSI stand for?

Marika Konings:Discussion Summary Index - the documents that were shared prior to this meeting on URS, UDRP and IRTP

Marika Konings:I doubt it has made it to google yet as we just invented the term ;-)

Farzaneh Badii (NCSG):oh yes of course. :) I have come to know what discussion summary index is.

Rafik Dammak (GNSO Council Liaison):@Marika in fact there is such acronym in french (so google will find it :) ) : Direction de Systemes d'Information

Ashley Heineman (GAC):As a reminder: the purposes of processing is more than just collection.

Theo Geurts RrSG:[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_gdpr-2Dinfo.eu\\_art-2D5-2Dgdpr\\_&d=DwlFaQ&c=FmY1u3Pjp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7\\_ZjItyVqrCYHo\\_rKms9SFxlmbYEJqG-y9I&m=gWp\\_zN2\\_ew5fLXAUsckBQuWh6gbGfR\\_xu-lKzmFzJwg&s=m2vj\\_yfnlkl5EFnfBVNxeM9YRTzP4cppJRnzUyQFxy&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_gdpr-2Dinfo.eu_art-2D5-2Dgdpr_&d=DwlFaQ&c=FmY1u3Pjp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7_ZjItyVqrCYHo_rKms9SFxlmbYEJqG-y9I&m=gWp_zN2_ew5fLXAUsckBQuWh6gbGfR_xu-lKzmFzJwg&s=m2vj_yfnlkl5EFnfBVNxeM9YRTzP4cppJRnzUyQFxy&e=)

Kavouss Arasteh (GAC):aSHLEY ,YES COLLECTION AND USE

Mark Svancarek [BC]:Nope, not what I said

Farzaneh Badii (NCSG):It is not ICANN purpose to fight with fake news either

Ashley Heineman (GAC):We should also read again the latest guidance form the Data protection Board, which is that they expect a solution that takes into account needs of law enforcementand other purposes

Ashley Heineman (GAC):Folks are being very selective in their understandings of the GDPR and guidance given.

Farzaneh Badii (NCSG):yes Ashley, in which they say ICANN has to defferntiate between its own interest and third party interest

Ashley Heineman (GAC):Probably me as well.

Farzaneh Badii (NCSG):Yes. we should not be selective I agree

Ashley Heineman (GAC):Yes, Farzaneh... you are correct in that they say not to muddle purposes, but they do not say to exlude them.

Farzaneh Badii (NCSG):they did acknowledge that legitimate stakeholder access should be ensured but there were a lot of caveats which we should discuss

Ashley Heineman (GAC):yes.

Stephanie Perrin (NCSG):Why not just prove they are disseminating malware and get it taken down....follow up later

Benedict Addis (SSAC):Why take down a legit site?

Benedict Addis (SSAC):Seems like massive overkill

Ashley Heineman (GAC):you are advocating take downs as a first resort?

Ashley Heineman (GAC):wow

Milton Mueller (NCSG):I think we are making some progress now

Milton Mueller (NCSG):I mean, based on what Mark just said

Kavouss Arasteh (GAC):Milton raised an important iusse in regard with collection of data for purposes which are not referred to in Bylaw under the ICANN MISSION

Hadia Elminiawi - ALAC:I don't believe we should be debating purpose in this setting - the problem that we are trying to solve is making sure that all of the listed purposes are in compliance with the GDPR and if not adjust them to be and in that we shall need the help of privacy law experts

Ashley Heineman (GAC):+1 Hadia

Stephanie Perrin (NCSG):Stephanie Perrin (NCSG): the above discussion of a use case (malware distribution) is a prime example of an instance where a combined PIA TRA would help us get beyond rhetoric. Stephanie Perrin (NCSG): mass creation of domain names for the purposes of malware distribution strikes me as a problem which can be solved by other means..

Collin Kurre (NCSG):Jumping back in the chat: where's the due process in having takedowns as the first resort? That's unnecessarily blunt and has a high potential for negative impacts on rights to free expression

Farzaneh Badii (NCSG):But Ashley, the guidelines asked for purpose to be clarified.

Kavouss Arasteh (GAC):Without knowing the purposed why we collect those data

Ashley Heineman (GAC):+1 collin

Benedict Addis (SSAC):@Stephanie my \$dayjob is with Shadowserver, a security non-profit. They send out free daily reports on compromised Wordpress sites, to help people clean up. Most do, some don't. It would be impractical to request takedown at such scale, and damage trust to an unprecedented level.

Farzaneh Badii (NCSG):I think that is an important point : legitimate interest of third party and ICANN. the guidelines of WP29 (now it has some other name) said that too.

Stephanie Perrin (NCSG):I am one of those people who don't clean them up Benedict, I rely on my provider to fix things....they alert me, I have no clue how to do it, they do.

Ashley Heineman (GAC):I agree that purposes can be clarified, but some folks seem to be starting from the point that the purposes are not legitimate. Third party purpose should be clarified where necessary but not taken off the table. My spelling is awful.

Benedict Addis (SSAC):And who do you think informs your provider ... :)

Stephanie Perrin (NCSG):Lets be clear, those of us who care about privacy also care about cybercrime prevention, however you construe that term....but the use of ICANN as a free for all repository of DNS data are over, we need to figure out more nuanced ways of approaching the problems.

Benedict Addis (SSAC):Ah misunderstanding, we don't use whois for that purpose.

Benedict Addis (SSAC):Was not arguing for whois access in this case, was trying to balance takedown vs access to contact data

Milton Mueller (NCSG):this IS the substance, Kurt

Ashley Heineman (GAC):AGree stephanie that we need to figure out a way forward,but some of the rhetoric sounds like there are no circumstances in which these legitimate purposes can access this information. This cannot be the case.

Farzaneh Badii (NCSG):cybersecurity researchers don't Benedict, others do and the whole basis of the argument of cyberdooms day is about cybercrime mainly not cybersecurity. they want to use it to fight with unsafe drugs. how about providing clean water with WHOIS?

Milton Mueller (NCSG):what makes you think there would be no circumstances in which legit purposes can get access, Ashley?

Kurt Pritz:@ Milton: I know it is substance but the discussion has not been set up in a way to arrive at a conclusion.

Ashley Heineman (GAC):Milton - based on many of the comments made today and in the past discussions. I hope I am wrong, please prove to me that I am wrong.

Thomas Rickert (ISPCP):Why dont' we go though the data elements currently required to be collected for the registrant one by one. If we agree that we need all of those (or a subset thereof - Fax. e.g. might be questionable), then we do the same exercise for Admin, Tech and Billig.

Benedict Addis (SSAC):Farzaneh I don't understand your point. Cybercrime is not generally defined as relating to drug distribution or IP infringement etc. Sometimes LE refers to 'cyber-enabled' crime for such matters (not a term I love!)

Stephanie Perrin (NCSG):Ashley, this is why I am spending my time on standards. Cybercrime researchers/workers/company reps need to be accredited and follow codes of practice. The GDPR envisages this under article 42. We need to catch up...right now nothing except old boy networks is preventing criminal groups from getting the same data feed.

Terri Agnew:Please remember to mute when not talking

Collin Kurre (NCSG):Fair enough, Ashley. What I'm worried about in this conversation is putting ICANN (or this group) in the position of balancing rights. Imo we don't have the expertise or architecture to definitively decide when privacy, security, free expression, cultural rights, etc outweigh each other, and then provide mechanisms for people who disagree the balance to contest it. In my mind that's the concern underlying the tendency to exclude third-party interests outright

Stephanie Perrin (NCSG):Not robust enough for 2018 in my opinion. But of course if those cybercrime groups can show me a TRA that proves criminals are not getting their data, fine.

Matt Serlin - RRSg:I think Thomas proposes a good idea but something we should plan to discuss either on a specific call or as part of our F2F

Farzaneh Badii (NCSG):I don't understand it either Benedict when they call that cybercrime.

Benedict Addis (SSAC):Ah ok we're on the same page :)

Benedict Addis (SSAC):Shall we agree to call that 'cyber-enabled' or 'soft LE' ?

Benedict Addis (SSAC):(I prefer consumer protection)

Ashley Heineman (GAC):+1 Alan

Theo Geurts RrSG:We are bound by the law I think, not the mission?

Hadia Elminiawi - ALAC:+ 1 thomas going through the data collected and deciding on what is required could be a good start

Ashley Heineman (GAC):theo - mission can be in compliance with law

Ashley Heineman (GAC):WE are all constrained by very extreme positions at the moment (including myslef)

Milton Mueller (NCSG):The mission is narrow, it's just been stretched out of recognition by people who want access to the data

Collin Kurre (NCSG):@ashley maybe we'll meet in the middle?

Collin Kurre (NCSG)::)

Ashley Heineman (GAC):Milton - great example of articulating an extreme position.

Ashley Heineman (GAC):+1 Collin

Marika Konings:The RDS WG did quite some work on identifying which data elements are needed for which purposes. Happy to dig that out.

Benedict Addis (SSAC):Yes please Marika

Alex Deacon (IPC):@marika - digging those out would be a good idea

Georgios Tselentis (GAC):Please do Marika

Farzaneh Badii (NCSG):what Milton says has happened Ashley. We can provide examples

Kavouss Arasteh (GAC):I AM NOT SURE THAT WHAT WAS DESCRIBED BY aLAN AND SUPPORTED BY aSHLEY JUSTIFY THAT WE SHOULD NOT DISCUSS THE PURPOSES OF THE COLLECTED DATA

Hadia Elminiawi - ALAC:great marika

Ashley Heineman (GAC):Farzaneh, but that is not what we are working with here.

Theo Geurts RrSG:Did the RDS not come up with 1000+ purposes??

Kavouss Arasteh (GAC):We need to debate the issue seriously

Farzaneh Badii (NCSG):but you might want to know the background where we are coming from. then you might agree with some of our points or understand why we react in certain ways.



Alan Woods (RySG):yes Theo ... but never got into whether or not those purposes were actually defensible as legitimate!

Ashley Heineman (GAC):AGreed Farzaneh. I'm not discounting your views.

Marika Konings:@Theo - no, only 10 purposes :-)

Marika Konings:there were substantially more uses cases, maybe that is what you are thinking of?

Alan Woods (RySG):ah yes Marika .. a good clarification

Theo Geurts RrSG:@Marika did we really discus 10 purposes for 2 years? ;)

Collin Kurre (NCSG):Ahahaha what is that.

Farzaneh Badii (NCSG):use cases -- that is where providing clean water becomes the mission of WHOIS!

Marika Konings:@Theo - it took a while to get there

Benedict Addis (SSAC):Marika your diplomacy is enviable

Stephanie Perrin (NCSG):Yes we sure as heck did discuss for two years....

Farzaneh Badii (NCSG):@Collin, it was the slow jumping off the cliff of EPDP

Stephanie Perrin (NCSG):Some of us still have unhealed wounds....

Farzaneh Badii (NCSG):I agree with Kavouss

Stephanie Perrin (NCSG):Sadly we are making such slow progress, I was about to propose we up it to three hours.

Milton Mueller (NCSG):Agree with Kavouss, 90 minutes is enough

Farzaneh Badii (NCSG):evyone after 90 minutes talks about beer and wine etc

Farzaneh Badii (NCSG):I have no problem with that ... but well we are not a beer/wine factory team

Benedict Addis (SSAC):Is preliminary input == early input ?

Stephanie Perrin (NCSG):Procure your own beverages ought to be the rule....but we need to make concrete progress.

Benedict Addis (SSAC):If that's a stupid question I apologise!

Alex Deacon (IPC):@farzaneh - i'm a brewer and am happy to assist in that regard.

Farzaneh Badii (NCSG):we have not made concrete progress the last 30 minutes of these meetings.

Hadia Elminiawi - ALAC:to continue debating the purposes as we have been doing for the past years makes no sense - now we are here for a different reason which is compliance and this is the perspective that we should be looking at the issue from

Farzaneh Badii (NCSG):oh Alex I was just about to say though I would like to join a brewery group and take the ICANN poison out of me :)

Stephanie Perrin (NCSG):Hadia is right. What does compliance require?

Farzaneh Badii (NCSG):Yes I want to know that too

Alex Deacon (IPC):(BSG - Brewers Stakeholder Group)

Stephanie Perrin (NCSG):Back to the ECO playbook, best analysis so far....

Hadia Elminiawi - ALAC:yes stephanie

Hadia Elminiawi - ALAC:bye

Farzaneh Badii (NCSG):and I think ICANN compliance has to be very specific

Farzaneh Badii (NCSG):ok good bye

Leon Sanchez (ICANN Board Liaison):Thanks everyone

Leon Sanchez (ICANN Board Liaison):bye

Thomas Rickert (ISPCP):Thanks and bye all.