

Adobe Connect: 29

Alan Greenberg (ALAC)	James Bladel (RrSG)
Alan Woods (RySG)	Julf Helsingius (NCSG)
Alex Deacon (IPC)	Kavouss Arasteh (GAC)
Amr Elsadr (NCSG)	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)
Chris Disspain (ICANN Board Liaison)	Mark Svancarek (BC)
Diane Plaut (IPC)	Matt Serlin (RrSG)
Esteban Lescano (ISPCP)	Milton Mueller (NCSG)
Farzaneh Badii (NCSG)	Rafik Dammak (GNSO Council Liaison)
Georgios Tselentis (GAC)	Stephanie Perrin (NCSG)
Hadia Elminiawi (ALAC)	Theo Geurts (RrSG Alternate)
	Thomas Rickert (ISPCP)

On Audio Only:

None

Apologies:

Emily Taylor (RrSG)

Audio Cast (FOR ALTERNATES AND OBSERVERS)

Peak: 20 joined

View Only Adobe Connect:

38 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:

Marika Konings: Welcome to EPDP Team Meeting #10 on 4 September 2018

Terri Agnew: wiki agenda page: <https://community.icann.org/x/0gONBQ>

Kurt Pritz:For today's meeting you will want to have access to the Temporary Specification, the data matrices that were sent out with the slide deck, the emails from Alan Woods and Alex Deacon describing section redlines, and (maybe) the Data Summary Index for Appendix A

Ayden Férdeline (NCSG):Hello all

Julf Helsingius (NCSG):Hi all.

Julf Helsingius (NCSG):Had to rejoin from desktop, still no luck getting AC audio in to work on laptop with any browser :(

Theo Geurts RrSG:hello all

James Bladel (RrSG):Hi Everyone. Just a note that Zoe and Emily are out. Theo is Emily's alternate today and Thursday. And I will need to drop at the 90 min mark. So now you know what to expect from RrSG critters.

Chris Disspain:Greetings

Kristina Rosette (RySG):Happy Tuesday.

Terri Agnew:@Julf, would you like a telephone dial out?

Kurt Pritz:For today's meeting you will want to have access to the Temporary Specification, the data matrices that were sent out with the slide deck, the emails from Alan Woods and Alex Deacon describing section redlines, and (maybe) the Data Summary Index for Appendix A

Hadia Elminiawi - ALAC:hello all

Thomas Rickert (ISPCP):Hi all!

Farzaneh Badii (NCSG):hi

Julf Helsingius (NCSG):Terri: no, thanks, fine on desktop machine

Amr Elsadr (NCSG):Hi all.

Thomas Rickert (ISPCP):LOL

Mark Svancarek (BC):Live the dream

Rafik Dammak (GNSO Council Liaison):hi all

Milton Mueller (NCSG):Everyone is behind, it's impossible to coordinate these things in a two day span

James Bladel (RrSG):Theo has been carrying the rest of us on this, so tHanks Theo.

Farzaneh Badii (NCSG):well we can't read the docs carefully, and drafters can't draft and get them to us on time. win-win...

Alex Deacon - IPC:+1 to Marks suggestion to split section 4.4. It will make it easier to write the purposes for controllers vs. 3rd parties.

James Bladel (RrSG):Clarification: I have only 90 min. Theo and Matt are here for teh duration, if necessary. :)

Amr Elsadr (NCSG):I don't mind Mark's suggested split of 4.4, either. Makes the distinction between purposes of controllers vs purposes of third-parties clearer.

Alex Deacon - IPC:IPC early input is scheduled to be submitted today. Apologies for the delay.

Kristina Rosette (RySG):RySG early input is forthcoming.

Marika Konings:@Mark - can you maybe explain how your proposed approach differs from the approach outlined for 4.4 by Kurt in his email to the list (separating out third party legitimate interests from Rr/Ry/ICANN contract purposes)? So that it is clear whether something different is being proposed or whether it is actually supportive of what was discussed last week?

Ayden Férdeline (NCSG):There has been a report from the other Adobe room that it has lost audio.

Marika Konings:@Ayden - we'll look into it

Ayden Férdeline (NCSG):Thanks

Farzaneh Badii (NCSG):the addition of "at least" to the preamble paragraph is not GDPR compliant I believe.

Milton Mueller (NCSG):of course not

Thomas Rickert (ISPCP):Alex, can you explain the reference to Art. 2, please? Are you suggesting that the contracted parties must check in every instance whether the data sets concerned fall under GDPR? That is easy for EU-based contracted parties, not so much for non-EU contracted parties.

Alan Greenberg (ALAC):ALAC reports audio is ok.

Marika Konings:We've also confirmed from our side that audio is working. If the person in question is still having issues, they may try restarting the AC room.

Marika Konings:or alternative, use the audiocast for the audio part.

Benedict Addis - SSAC:@Kavouss GDPR *is* a regulation, not a directive

Ayden Férdeline (NCSG):Thanks for checking. I'll pass the message along.

Hadia Elminiawi - ALAC:@Farzanah why do you think that the addition of "at least is not GDPR compliant ?

Leon Sanchez:I also had problems with audio and fixed it by logging out and in again to the AC room

Milton Mueller (NCSG):conferring

Hadia Elminiawi - ALAC:@Farzi tyhe beginning of the sentence states " processed on the lawful bases as scoped in GDPR ..."

Thomas Rickert (ISPCP):@Alex - Re. Art. 2 again - your text would invalidate the option for non-EU contracted parties to use the Temp Spec for their entire customer base.

Thomas Rickert (ISPCP):Am I misreading it?

Terri Agnew:if the party is still haveing audio issues in the view only AC room, please have them email gns-secs@icann.org for assistance.

Ayden Férdeline (NCSG):thanks

Farzaneh Badii (NCSG):Hadia, because you cannot have a laundry list of purposes and legitimate interest. it can't be unlimited. EBDP says in the guidelines

James Bladel (RrSG):By focusing on principles, rather than specific articles/langauge.

Amr Elsadr (NCSG):Wondering what the purpose of removing "not overridden by the fundamental rights and freedoms of individuals whose Personal Data is included in Registration Data" is.

Terri Agnew:as a reminder, observers can also join the audio cast audio.

Alan Greenberg (ALAC):Isn't "not overridden..." implied by the GDPR reference?

Hadia Elminiawi - ALAC:@Farzi it is not unlimited it is limited to the purposes that comply with the laws

Alex Deacon - IPC:@amr - because it associated with a single lawful basis for processing (legit interest) and leaves out the other 5 (as defined in the GDPR)

Kavouss Arasteh (GAC):We may need to quote specific parts rather than cross referencing an Article which might have a broad application or some unclear languages

Kavouss Arasteh (GAC):EU Directives are not regulations even if they are cross referenced in GDPR

Marika Konings>Note that all drafters have been asked to review the DSIs which includes all the comments and input as they draft their proposed modifications.

Ayden Férdeline (NCSG):if the small group reaches consensus it is more likely we will all reach consensus on that proposed text. if the small group can't reach consensus, how will we?

Milton Mueller (NCSG):whoever gets to write the first draft has an advantage so it's not six one way half a dozen the other

Alan Greenberg (ALAC):I do not believe that we can presume that a draft from a particular group will always reflect just their requirements.

Farzaneh Badii (NCSG):Hadia, purposes have to be enumerated for data collection - and be specific. that is the only way you can see if they accord with the law.

Milton Mueller (NCSG):well, Alan, in this case it does

Alan Greenberg (ALAC):@Milton, that is your opinion.

Milton Mueller (NCSG):Alan, what you said is your opinion. This is not a productive kind of exchange

Amr Elsadr (NCSG):@Alex: 6.1(f) is particularly pertinent here, since 4.4 is a provision regarding processing of registration data on the basis of a legitimate interest. Makes the issue of "not overridden by...", more relevant.

Alex Deacon - IPC:@thomas - the reference to Article 2 was to simply point out the boundaries of GDPR - where it applies and where it doesn't.

Alex Deacon - IPC:@amr - the items in 4.4 cover more than processing on the basis of legit interest.

Farzaneh Badii (NCSG):legitimate interest of who Alex?

Ayden Férdeline (NCSG):audio is a bit difficult for me to understand

James Bladel (RrSG):ouch

Marc Anderson (RySG):I can't understand what Hadia is saying.

Thomas Rickert (ISPCP):Me neither, unfortunately

Julf Helsingius (NCSG):Hadia, your mic is way too hot.

Milton Mueller (NCSG):+1 Thomas

Alex Deacon - IPC:@farzaneh - referenceing only legit interest leaves out the possibility of processing of 6.1.a-e

Milton Mueller (NCSG):this is just an attempt to limit privacy protection as much as possible

Stephanie Perrin (NCSG):+1 Thomas, that was the driver for my comment on the need for a preamble

Theo Geurts RrSG:Thomas makes a lot of sense

Alan Greenberg (ALAC):I support Thomas. This whole exercise must be GDPR compliant. We do not need to repeatedly repeat it!

Alan Woods (RySG):+1 Thomas

Hadia Elminiawi - ALAC:I support the proposed draft, and I see no problem in referring to the GDPR, we need to be precise , the GDPR is one of the highest data protection laws plus the mandate of this group is directly linked to the GDPR

Kristina Rosette (RySG):+1 to everything Thomas has just said

Alex Deacon - IPC:@Milton - this is an attempt to come to consensus and allow for lawful processing beyond legit interest.

Benedict Addis - SSAC:+1 Thomas

Amr Elsadr (NCSG):Agree with Thomas in principle, but would appreciate the opportunity to examine what other language may be redundant.

Alan Woods (RySG):Agree With Thomas, we need to prioritize the sequence.

Farzaneh Badii (NCSG):beyond legitimate interest?

Benedict Addis - SSAC:I would encourage us not to forget 6 (1) e - processing in the public interest

Farzaneh Badii (NCSG):but do we want to collect data beyond ICANN purpose and what the contracts require for third party purposes? if so why? if not why are we even discussing this now, this is has to be limited to ICANN purpose for data collection.

Thomas Rickert (ISPCP):Benedict - let's discuss 6 l e - I doubt it will take us far in this environment as it is applicalbe to public authorities

Benedict Addis - SSAC:@Farzaneh ICANN purpose includes security & stability

Benedict Addis - SSAC:Those are not 3rd party purposes

Hadia Elminiawi - ALAC:@Farzi and what if you have a purpose that is not listed but does comply with the law

Farzaneh Badii (NCSG):sure thing.

Farzaneh Badii (NCSG):purpose for what? collect or access?

Thomas Rickert (ISPCP):@Farzaneh - legitimate interest is a requirement in 6 l f. Let's say data needs to be disclosed by a German Rr based on a request by German police, that would be covered by Art. 6 l c - and there no legitimate interest is required.

Milton Mueller (NCSG):Benedict, it's security and stability of DNS, that's all

Georgios Tselentis (GAC):I wish to make the point regarding "at least" in Alex's 4.4 that Art.29WP in its letter of 11.04: "it notes that the purpose must be defined in a comprehensive and exhaustive manner"

Theo Geurts RrSG:security of the unique identifiers, that is pretty narrow Benedict

Thomas Rickert (ISPCP):Data collection just for the purpose that some LEA might ask for it at some point does not work from a legal pov.

Benedict Addis - SSAC:@Thomas I thought the text was "...in the public interest OR in the exercise of official authority vested in the controller"? Can you explain?

Milton Mueller (NCSG):+1 Farzaneh. We have started confusing ICANN purpose with 3rd parties again

Benedict Addis - SSAC:@Milton no, I am specifically speaking of ICANN's own purpose.

Thomas Rickert (ISPCP):Benedict - let's take this offline. I will dig out references from legal literature.

Ashley Heineman (GAC):We are and we are not confusing. The fact that Appendix A.4.1 is listed here is not confusion. But you are right, section 4.4 is confused, but only because the original text was. :-)

Benedict Addis - SSAC:Thanks Thomas

Benedict Addis - SSAC:@Thomas agree that data collection for the 'never never' doesn't seem justifiable.

Stephanie Perrin (NCSG):May I reiterate the need for privacy training. Particularly in the context of law enforcement agency processing of personal data once it is collected. We are going to be talking in circles folks, until people get the basic premises under their belts. Either go out and read some case law, or lets have that webinar.

Milton Mueller (NCSG):@Ashley. Yes, I thought we had agreed last call that we would separate ICANN and 3rd party purposes

Thomas Rickert (ISPCP):Stephanie - I could not agree more.

Alan Woods (RySG):+ 1 stephanie. Kurt perhaps we can get an update on the training before the end of the meeting today?

Milton Mueller (NCSG):Seems we have not done that

Ayden Férdeline (NCSG):I would appreciate an update on the GDPR training too please.

Milton Mueller (NCSG):It's pretty clear that ICANN wants to delay the training issue until it's moot

Farzaneh Badii (NCSG):do we need collection of data beyond what ICANN collects now for legitimate interest of third party? I think the answer is no. so lets make section 4.4 about ICANN purpose. for data collection. and should be specified purposes. disclosure comes later. making this section about ICANN purpose does not preclude third party access.

Ayden Férdeline (NCSG):Yes, that has not escaped me Milton. The training was requested 7 August and discussed by the GNSO Council back in June. Its need should have come as no surprise.

Ayden Férdeline (NCSG):And I think this should be reported back by the GNSO Council Liasion to the GNSO Council in the coming report.

Milton Mueller (NCSG):It's understandable - it seems expensive and it would interrupt the ePDP activities.

Terri Agnew:finding the line

Marika Konings:@Milton, Ayden - can you please provide evidence for your statement? Staff is working hard to get quotes from the different providers that have been suggested by members. It is disappointing that you think there is any intentional delay on the side of staff.

Amr Elsadr (NCSG):Is there a reason why we are avoiding a revision of 4.2 and 4.3? We skipped over them to go straight to 4.4.

Ayden Férdeline (NCSG):Exactly why the Council (and our Charter implied) thought the training would happen before our first meeting.

Thomas Rickert (ISPCP):Happy to work with Alex!

Marc Anderson (RySG):Getting a lot of static on the line at the moment

Theo Geurts RrSG:sounds is poor atm

Alex Deacon - IPC:Thanks thomas

Amr Elsadr (NCSG):I'd appreciate it, Kurt.

Farzaneh Badii (NCSG):sorry what happened in the end? I missed it. we are gonna work on 4.4 again?

Ayden Férdeline (NCSG):Marika, please review the transcript for the meeting of 7 August - the training was requested on that call by myself. Why did staff not action this matter sooner? It is hard not to think the delay is intentional.

Farzaneh Badii (NCSG):the preamble of 4.4

Diane Plaut (IPC):Yes, Thomas - I am a certified privacy professional and, as Alex and I discussed: we are pleased to work with you to take this effort forward.

Ayden Férdeline (NCSG):And I am happy to pull up the numerous email threads where the Council debated this matter. This should not have come as a surprise.

Milton Mueller (NCSG):@Marika, thanks it is heartening to see that you are committed to it but this is the first concrete statement of that sort I've seen and the deeper we get into redrafting the temp spec without the training the less relevant it becomes. Sorry if you felt offended, my point was not that this is some evil plot the point is that it's something that should have been done weeks ago

Marika Konings:The formal request was made by the RySG on the mailing list and subsequently discussed on the call on by the EPDP Team where broad support was received. Following that staff has immediately reached out to the organizations identified and is gathering the information received for leadership consideration.

Farzaneh Badii (NCSG):I am not certified but I can read and edit.

Stephanie Perrin (NCSG):I am sure staff are doing their best, they have procedures to follow for contracting. However, we should have made this a condition of striking the group back in the days the GNSO council was working on the EPDP charter. Those of us who survived the RDS know how badly this community needs training, and also know how useless a drafting discussion can become if people do not understand what the words mean, and what the law means.

Kurt Pritz:@Alex @ Thomas Let me know if you want to chat afterward about turn-around time for next draft. It goes without saying that some alacrity is necessary

Ayden Férdeline (NCSG):Did you not consider my request on 7 August on the call a formal one? I am used to you ignoring my comments, Marika - I could pull up so many examples - so I suppose I should have expected this.

Stephanie Perrin (NCSG):I will now reiterate my request to immediately ask Peter Kimpian to be invited to join the group as an independent Data Protection expert from the Council of Europe. He can help explain the issues in legal drafting, poor Thomas is going to be worn out at this rate.

Julf Helsingius (NCSG):+1 on Stephanie

Rafik Dammak (GNSO Council Liaison):guys, all comments are taken into consideration, indeed there are quotation and staff is investigating. we can argue that we could start early or not, but now the process is ongoing.

Kurt Pritz:Hi Ayden: you didn't say this, did you? "I am used to you ignoring my comments, Marika " She works seven days a week on this and I know she brings up every request in our meetings. And she has brought up this issue and has pressed it

Ayden Férdeline (NCSG):Kurt, yes I said it, and I stand by it.

Milton Mueller (NCSG):OK, we're all under serious time pressure, let's drop this

Ayden Férdeline (NCSG):My comments are not about how hard Marika works. Yes, she works very hard. But are comments selectively taken forward? I believe yes.

Chris Disspain (ICANN Board Liaison):Ayden...You are simply wrong.

Rafik Dammak (GNSO Council Liaison):we are discussing another agenda item, better to focus on that

Julf Helsingius (NCSG):yes, let's move on

Chris Disspain (ICANN Board Liaison):Thanks Rafik...Agree

Alan Greenberg (ALAC):To be clear, staff is not supposed to take orders from each member of a WG,
Ayden Férdeline (NCSG):I think you have had different experiences than I have @Chris. Anyway, not
the appropriate channel to continue this conversation. Will take this offline.

Stephanie Perrin (NCSG):I would just like to say that Marika even followed up on my complaining about
Kurt's type size and white font, so where is my heart emoji when I need it. Thanks Marika and please
dont take these comments personally.

Hadia Elminiawi - ALAC:@Kavouss what does appendix c really add - the title looks good but the
content does not add anything, maybe we need to list the activities somewhere

James Bladel (RrSG):I've been working with marika for nearly a decade now, and I couldn't disagree
more with Ayden.

Thomas Rickert (ISPCP):Stephanie - I see no issue with inviting Peter to the table.

Georgios Tselentis (GAC):The negotiation of the agreements does not mean that those should not be
GDPR compliant when addressing data collection, processing how the deletion of Appendix C?

Georgios Tselentis (GAC):solves that

Alan Greenberg (ALAC):@James, re Marika, 100% agree!

Thomas Rickert (ISPCP):I agree, too!

Farzaneh Badii (NCSG):Alan can we have this document in an editable format? it's in PDF now.

Farzaneh Badii (NCSG):processing includes collection doesn't it.... and access ... and I have said this
multiple times we need to make the distinction.

Alan Woods (RySG):Sure thing ... i'll make a note

Kavouss Arasteh (GAC):no processing is entirely separate from processing. one may collect many data
but either not processing it or partially processing it or totally processing.

Kavouss Arasteh (GAC):In IT terms these are two different tasks

Benedict Addis - SSAC:Kavouss, my understanding is that in this context, collection is a *type* of
processing

Ashley Heineman (GAC):Processing includes many things, including what Farzaneh states.

Amr Elsadr (NCSG):@Farzi @Ashley: +1

Ayden Férdeline (NCSG):Correct @Benedict, processing encompasses collection, storage, erasure etc

Ayden Férdeline (NCSG):storage

Ashley Heineman (GAC):Is it safe to assume that a data processing agreement wouldn't/couldn't
contradict the RA and RAA?

Benedict Addis - SSAC:Good question!

Milton Mueller (NCSG):+ 1 Thomas

Benedict Addis - SSAC:Contradict may be the wrong word. A data processing agreement would *look
to* the RRA & RAA to define purposes I think

Stephanie Perrin (NCSG):Exactly Thomas, we do policy not implementation

Stephanie Perrin (NCSG):The drafting of the contracts is implementation

Stephanie Perrin (NCSG):However the rights of the end users (something we in NCSG care about
deeply) need to be protected in policy.

James Bladel (RrSG):Agree with Thomas, altho that highlights my concerns for the prompt delivery of
our recommendations/report.

Diane Plaut (IPC):Exactly Thomas - this is my point - we can certainly put in language which states that
DPAs should be entered into as needed, but Appendix C does the needed job of laying out the bases and
roles -

Amr Elsadr (NCSG):Quick question to Thomas (and others): Will the suggestion of removing the
appendices with the nuances described by Thomas shorten the process, or possibly prolong it? Wouldn't
the "policy" need to go through some sort of IRT to draft the contract? I understand that the suggestion
makes sense, but wondering what that means in practical terms?

Hadia Elminiawi - ALAC:+1 Alan

Thomas Rickert (ISPCP):I think it will shorten the process. In fact, we could ask ICANN org to start the process of drafting such agreements in parallel to what we are doing here.

Margie Milam (BC):Agree with Alan regarding the core part of the principles that eventually get written into the contracts

Amr Elsadr (NCSG):Would be interesting to see how that works out, Thomas. Not disagreeing with you, but just wondering.

Stephanie Perrin (NCSG):The fact that the current contracts are actually the legal basis on which contracted parties collect, use and disclose data, misleads us all in terms of the role of those contracts. We have to think in new terms now that we have the GDPR, and now that we are finally recognizing a need to comply with data protection law.

Ayden Férdeline (NCSG):+1 Stephanie

Farzaneh Badii (NCSG):+1 Stephanie

Thomas Rickert (ISPCP):Amr - I will prepare something to illustrate this. It will be easier to understand then (hopefully :-))

Amr Elsadr (NCSG):Thanks, Thomas. Appreciate it.

James Bladel (RrSG):Good point, Stephanie. And no guarantee that new contractual language will hold up over time, as well. We need to make our best and most conservative effort

Farzaneh Badii (NCSG): that's what section 4.4 should say. what are the purposes for data collection for ICANN.

Stephanie Perrin (NCSG):Exactly James, and that thought needs to be included in the preamble to this policy we are drafting.

Stephanie Perrin (NCSG):another parking lot item...

Farzaneh Badii (NCSG):James I really like being conservative in that instance!

Amr Elsadr (NCSG):Agree, Farzi, that 4.4 should include purposes for data processing (collection, disclosure and other processing types). Needs to be specific, GDPR compliant and grounded on legal bases.

Ayden Férdeline (NCSG):Are we keeping track of these 'parking lot items' on the wiki, by any chance? I haven't checked, would be good to have them documented if we aren't already (maybe we are)

Kavouss Arasteh (GAC):Appendix C covers the processing activities and the role of each processing players and must be maintained with necessary refernce to those activities which could be entrusted to ICANN and the Registrar , Registrar , ESCow provider. it must remain a part of Tech. Spec ,with adequate information but not all currently contained

Kavouss Arasteh (GAC):Iam not in favour of its removal at all

Thomas Rickert (ISPCP):Will try my best, Kurt!

Hadia Elminiawi - ALAC:@Kavouss i agree that we need to maintain reference to the activities

Margie Milam (BC):sure -- I'll do that

Kavouss Arasteh (GAC):Sprecific mention and core elements

Farzaneh Badii (NCSG):can we not equate RDDS and WHOIS?

Farzaneh Badii (NCSG):oh slide is gone...

Thomas Rickert (ISPCP):Kavouss - data processing agreements need to explain technical and organization al measures (TOMs) taken for data security purpoes. This is something we simply cannot do in this group.

Thomas Rickert (ISPCP):Just to give one example

Farzaneh Badii (NCSG):we have been saying this, in whatever draft, please do not equate RDDS and WHOIS

Amr Elsadr (NCSG):@Kavouss: My understanding (I hope I'm right) is that the relevant policy issues won't be removed, but rather taken up elsewhere (not in the appendix). I personally find that agreeable.

James Bladel (RrSG):Thanks, Matt. Dropping now. Catch up on Thursday.

Thomas Rickert (ISPCP):Take care, James!

Farzaneh Badii (NCSG):why are we talking about access all the time. we have not responded to gating question according to our charter.

Amr Elsadr (NCSG):4.4.2 strikes me as a high-level principle, rather than a specific purpose.

Farzaneh Badii (NCSG):4.4.2 is not a purpose

Ayden Férdeline (NCSG):This is not related to the current topic of discussion (sorry), but just a suggestion - as a standing item for the next meeting, can we please add a review of the Table of Action Items. It's great the list now exists, but I think we should look over it before each call. We might find a lot has been completed or is being covered in that day's call, but it would be a good refresher as to what we're waiting on. The GNSO Council does this at the beginning of each monthly call and it works well there.

Amr Elsadr (NCSG):In the works, Kurt. Thanks.

Kavouss Arasteh (GAC):We have not yet agree on how to go forward and thus should not jump into a conclusions

Farzaneh Badii (NCSG):it's not a purpose. has to be moved

Kavouss Arasteh (GAC):what is not purpose?

Farzaneh Badii (NCSG):4.4.2

Amr Elsadr (NCSG):I think that this is the matrix that Kurt was referring to (that Berry prepared): <https://community.icann.org/download/attachments/90774547/EPDP%20Team%20DSI%204.4%20-%20upd%2023%20August%202018.docx?version=1&modificationDate=1535198876000&api=v2>

Alan Greenberg (ALAC):Thought we were going to end @ 90 minutes...

Kavouss Arasteh (GAC):It is the main puzrpose "\$

Milton Mueller (NCSG):only the registrars have managed to escape, @alan

Matt Serlin (RrSG):Just one of the registrars :)

Ben Butler (SSAC):Not all registrars... just James escaped.

Milton Mueller (NCSG):I thought we had already agreed to separate 3rd party "legit interests" from ICANN purposes

Kavouss Arasteh (GAC):That is your views which is respected but I disagree with that . This is a real purpose

Alex Deacon - IPC:@milton - we did.

Farzaneh Badii (NCSG):yes. we should start from the data matrix

Thomas Rickert (ISPCP):Please note that the matrix is just meant to illustrate the approach. We need to populate it. IOW what's in the matrix requires the group's discussion.

Farzaneh Badii (NCSG):yes lets have a group discussion.

Farzaneh Badii (NCSG):I want to know if we need more data collection for legitimate interest of third party. do they want my blood type this time?

Farzaneh Badii (NCSG):ok perfect

Farzaneh Badii (NCSG):thanks Ashley

Benedict Addis - SSAC:@Milton, it's nuanced but to me 4.4.2 reads as ICANN's purpose in its possible role as a data access provider. Whilst it references third party access, these will presumably be directly covered under the 3rd party needs.

Hadia Elminiawi - ALAC:@Farzi why do you suggest that more data is required?

Farzaneh Badii (NCSG):I am not suggesting that at all Hadia

Farzaneh Badii (NCSG):the EBDP said that too. I really need to annotate this guideline

Milton Mueller (NCSG):Benedict, that confuses, the discussion and we need to avoid that. ICANN collects the dat it needs for its own purposes. Who gets access to that data, and under what circumstances is a different issue

Amr Elsadr (NCSG):@Kavouss: This is the language in 4.4.2: "Providing access to accurate, reliable, and uniform Registration Data based on legitimate interests not outweighed by the fundamental rights of relevant data subjects, consistent with GDPR;"

Caitlin Tubergen:@Kristina - thank you for flagging this. The Support Team is in the process of gathering information on the options provided by Ayden and Theo. In addition, we are working on a proposed third option for training, and we hope to share this information very shortly.

Amr Elsadr (NCSG):How is it a purpose?

Milton Mueller (NCSG):It's not

Kristina Rosette (RySG):@Caitlin: Thank you!

Stephanie Perrin (NCSG):There are two key concepts that govern data collection.....proportionality and data minimization. Has to be read into discussion of purpose. Just a gentle reminder.

Ayden Férdeline (NCSG):+1 Stephanie - good reminder

Amr Elsadr (NCSG):Thanks, Stephanie.

Farzaneh Badii (NCSG):purpose is why you are collecting, disclosing data. you can't say I am collecting data because I want to disclose it !

Alan Greenberg (ALAC):Could I request that we, as a matter of course, enable timestamps in the chat.

Hadia Elminiawi - ALAC:@farzi yes ok

Ayden Férdeline (NCSG):if that is possible + 1 @Alan G - would be useful

Amr Elsadr (NCSG):@Alan: Was thinking the same thing. Would be helpful to have the same in the transcripts to associate chat with transcripts.

Farzaneh Badii (NCSG):you have to say for what purpose you want to collect the data and disclose it.

Hadia Elminiawi - ALAC:access to existing data

Milton Mueller (NCSG);;-)

Milton Mueller (NCSG):We did talk about it

Milton Mueller (NCSG):We agreed last week

Ashley Heineman (GAC):To be fair, we agreed to consider it. :-)

Kavouss Arasteh (GAC):We never agreed to that dear professor, you did request but no agreement was reached

Farzaneh Badii (NCSG):CAN we take this on the mailing list? I can provide some argument and perhaps we get some more clarity . we can't keep bringing up access without having answered gating questions

...

Kavouss Arasteh (GAC):Yes we can not requesting with insistance to take it ourt

Alan Greenberg (ALAC):Kurt, as you pointed out, we cannot provide access unless the specific data is collected.

Kavouss Arasteh (GAC):Nothing is ridiculous .

Farzaneh Badii (NCSG):Alan, what data? you want more data to be collected than it is now? if not then you don't have to talk about third party purpose

Benedict Addis - SSAC:Kurt may I have a quick response?

Mark Svancarek (BC):Can we take a vote on whether anyone is asking for additional data to be collected over and beyond the pre-GDPR status quo? I think in fact no one is asking for anything new.

Ben Butler (SSAC):SSAC are not advocating for the collection of additional data not already collected... to be clear.

Kavouss Arasteh (GAC):We are not mandated to discuss ICANN PURPOSES

Ashley Heineman (GAC):GAC is not asking for additional data.

Margie Milam (BC):-- agree that we are not talking about additional data

Amr Elsadr (NCSG):@Kavouss: Disagree.

Thomas Rickert (ISPCP):Kavouss, we are in deed required to discuss ICANN's purposes for data processing.

Kavouss Arasteh (GAC):aSHLEY +1
Alex Deacon - IPC:IPC is also not asking for the collection of additional data.
Hadia Elminiawi - ALAC:alan did not ask for more data
Thomas Rickert (ISPCP):That is a core part of our work
Amr Elsadr (NCSG):@Kavouss: That is precisely what we need to discuss.
Thomas Rickert (ISPCP):ISPCP does not ask for additional data to be collected.
Farzaneh Badii (NCSG):Perfect. so we are good. we will set ICANN purposes for data processing. then we discuss access
Ayden Férdeline (NCSG):Ok, this is good, seems no one is seeking additional data elements.
Milton Mueller (NCSG):Good - let's hold on to that agreement and enshrine it
Hadia Elminiawi - ALAC:ALAC never asked for more data
Milton Mueller (NCSG):on a golden plaque
Benedict Addis - SSAC:OMG CONSENSUS
Benedict Addis - SSAC::)
Farzaneh Badii (NCSG):it's happening!
Milton Mueller (NCSG):Rah Rah Rah!
Ben Butler (SSAC):huzzah!
Kavouss Arasteh (GAC):Who asked more data to be collected?
Benedict Addis - SSAC:Nobody answer that question, it's a trap :)
Hadia Elminiawi - ALAC::)
Mark Svancarek (BC):+1 Alan
Matt Serlin (RrSG):Would the registered name holder not be responsible for "fixing" a domain?
Theo Geurts RrSG:Technical requirement to register a domain name, is domain name, plus expiry period and name servers. Nothing more.
Margie Milam (BC):agree with Alan
Ayden Férdeline (NCSG):+1 Theo
Farzaneh Badii (NCSG):ha?
Theo Geurts RrSG:All other data required is registrations for other purposes.
Diane Plaut (IPC):agree with Alan
Farzaneh Badii (NCSG):lets go to Thomas's data elements and discuss there. I am not so sure about what Alan said
Mark Svancarek (BC):Registered name holder is not always the technical contact. They contacts may in fact point to the same entity, but that is optional
Kavouss Arasteh (GAC):Once again NO agreement was reached on the matter as there is total misunderstanding on the case
Thomas Rickert (ISPCP):Happy to help Kurt.
Hadia Elminiawi - ALAC:What Alan referred to is a piece of data that is required for the reliability of the DNS
Kavouss Arasteh (GAC):We have NOT agreed on any thing
Diane Plaut (IPC):I am pleased to be on the call as well, Kurt.
Farzaneh Badii (NCSG):oh we did Kavouss. we had a glorious consensus. everyone celebrated.
Ayden Férdeline (NCSG):Alan, do you think technical contact should be compulsory, or optional? What if someone has registered a domain name which they are not presently using and therefore do not have a technical contact?
Farzaneh Badii (NCSG):the EBDP provides a solution for that Alan in their guidelines
Alan Greenberg (ALAC):@Mark, I didn't say it needed to be unique. For most natural person registrations it would likely be the same as registrant/admin. But for others it may be VERY different and it is important that there be SOME contact for technical issues/.

Farzaneh Badii (NCSG):ICANN actually asked them
Thomas Rickert (ISPCP):Seems like I have a quasi-monopoly on action items :-)
Milton Mueller (NCSG):Remember Marika we have "renamed" 4.4.2, 8. 9 to the "3rd party legitimate interest" section
Ayden Férdeline (NCSG):I suggest we begin each call by reviewing the Action Item list to see what is outstanding (if anything)
Farzaneh Badii (NCSG):Yes. I love it that we are gonna talk about data elements. I can see the light ...
Kurt Pritz:@Thomas - yes, let me know if this is too much or I can help
Amr Elsadr (NCSG):You do, Thomas. Thanks. :)
Thomas Rickert (ISPCP):All good, Kurt. Thanks
Alan Greenberg (ALAC):@Ayden, if you wanted to write a rule that a registration without nameservers does not need a tech contact, I would be happy. But it would be a nightmare to administer.
Amr Elsadr (NCSG):Thanks, Kurt. Do appreciate it.
Theo Geurts RrSG:you can register without name servers, no problem
Matt Serlin (RrSG):thanks all
Leon Sanchez (ICANN Board Liaison):Thanks everyone
Farzaneh Badii (NCSG):Goodbye
Rafik Dammak (GNSO Council Liaison):thanks all, well done
Georgios Tselentis (GAC):bye thanks
Julf Helsingius (NCSG):Thanks everyone!
Hadia Elminiawi - ALAC:the tech contact is required for icann to carry its mission
Hadia Elminiawi - ALAC:bye all
Thomas Rickert (ISPCP):Bye all!
Amr Elsadr (NCSG):Thanks all. Bye.