

**Adobe Connect: 27**

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)	Marc Anderson (RySG)
Ben Butler (SSAC)	Margie Milam (BC)
Benedict Addis (SSAC)	Mark Svancarek (BC)
Chris Disspain (ICANN Board Liaison)	Matt Serlin (RrSG)
Diane Plaut (IPC)	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)  
Leon Sanchez (ICANN Board Liaison)  
Esteban Lescano (ISPCP)

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

**Peak:** 14 joined

**View Only Adobe Connect:**

40 joined

**Staff:**

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

**AC Chat:**

Andrea Glandon: Welcome to the eleventh EPDP Team meeting held on Thursday, 06 September 2018 at 13:00 UTC.

Andrea Glandon: Agenda Wiki: <https://community.icann.org/x/1AONBQ>

James Bladel (RrSG):Morning all  
Matt Serlin (RrSG):Hi all  
Ben Butler (SSAC):Greetings everyone.  
Rafik Dammak (GNSO Council Liaison):hello all  
Thomas Rickert (ISPCP):Hi all!  
Amr Elsadr (NCSG):Hi all.  
Farzaneh Badii (NCSG):hey  
Theo Geurts RrSG:Hello all  
Ashley Heineman (GAC):Hi all. I'll be on vacation next week, so Laureen Kapin will be filling in for me. I just filled out the google form as well.  
Ayden Férdeline (NCSG):Enjoy your vacation @Ashley!  
Thomas Rickert (ISPCP):Enjoy, Ashley! Try not to think about GDPR for a few days.  
Matt Serlin (RrSG):GDPR knows no vacation break :)  
James Bladel (RrSG):Typing folks, please mute. :)  
Ayden Férdeline (NCSG):This is a valid concern that @Alex raises - not just for this topic. In general I think we should have at least 48 hours to review documents if we are to consult with our part of the community (which we are supposed to represent)  
Terri Agnew:Please remember to mute when not speaking  
Terri Agnew:@Ashley, we confirm alternate assignment form received  
Farzaneh Badii (NCSG):We need to know about travel for Barcelona. not all of us have the privilege of not needing visa ...  
Marika Konings:Staff will go ahead and update the deadline for applications in the document and circulate it again to the mailing list.  
Farzaneh Badii (NCSG):we just need to make sure those who need visa get the green light to get funding very soon  
Ayden Férdeline (NCSG):I think Farzi was just highlighting (for future meetings, if any) that for people who need to acquire visas, it is really important that we get meeting dates finalised ASAP so they can arrange a visa  
Terri Agnew:Visa information is located on the meetings page: <https://meetings.icann.org/en/barcelona63>  
Amr Elsadr (NCSG):LA is a no-go for me. Didn't have time to apply for a visa. Not sure I can make it to Barcelona either, unless documents to support visa applications are provided very quickly.  
Thomas Rickert (ISPCP):Just fxi - I will arrive in Barcelona a bit later, so I will do the Saturday by phone.  
Farzaneh Badii (NCSG):we need the documents to apply for visa. and that involves ICANN travel  
Milton Mueller (NCSG):I thought ePDP participation was limited to ePDP members/designated alternates  
Ayden Férdeline (NCSG):Exactly.  
Marika Konings:I don't think there is any discussion of 'closed' meetings - observers are allowed, but they may not be invited to speak / contribute.  
Milton Mueller (NCSG):No problem here with the room being open to observers but it's not an open meeting  
Milton Mueller (NCSG):where open meeting means anyone can speak.  
Marika Konings:note that the travel guidelines are closely aligned with those used for the GNSO PDP Chairs travel pilot which has already been running for over a year  
Kristina Rosette (RySG):I recognize that these are important logistical considerations, but may I suggest that we move this discussion to the list and ask that everyone with a view/concern post it to the list by tomorrow morning?

Thomas Rickert (ISPCP):Let's leave the room open for observers, but limit participation to members (and alternates as the case may be)

Milton Mueller (NCSG):Support Kristina's suggestion

Georgios Tselentis (GAC):+1 Ashley

Ayden Férdeline (NCSG):to Amr's point earlier, i don't want this to get lost in the chat - some people do need to apply for visas. if we do end up having a 3rd face-to-face (maybe we won't need it), but if we do, i hope we can finalise that soon so those who need visas can apply for them. maybe even if it is just tentative, as an exception to the rule they could be issued the invitation letter ASAP so they can apply for the visa, just in case it is required.

Theo Geurts RrSG:I have no connections with ITgovernance or any other affiliation, besides attending many of their excellent webinars.

Kavouss Arasteh (GAC):I reiterate that the course of actions and Rules in place shall apply and NOT to have new arrangment. Kurt and secretariat should confirm that

Ayden Férdeline (NCSG):thanks for making this course available. looking forward to seeing it.

Farzaneh Badii (NCSG):lets move on :)

Berry Cobb:Staff is looking to have it available early next week after purchases.

Kristina Rosette (RySG):Thanks, Kurt and staff for putting this together and making it available.

James Bladel (RrSG):hello?

Milton Mueller (NCSG):Hello

Alan Woods (RySG):that's great! Thanks to all!

Berry Cobb:And we're working on scheduling Becky and other ASAP.

Matt Serlin (RrSG):Thanks for the training update...great progress

Ayden Férdeline (NCSG):Who are the "others" being invited alongside Becky?

Farzaneh Badii (NCSG):all of the action items are outstanding! it's perty magical

Marika Konings:@Kavouss - the rules you were referring to related to a CCWG. This concerns a GNSO PDP so rules that have been proposed come from related GNSO efforts.

Thomas Rickert (ISPCP):Alex and I have just sent input to the list.

Milton Mueller (NCSG):We are an outstanding group, @farzaneh

Kurt Pritz:@Thomas - saw that

James Bladel (RrSG):Can we make sure people are muted? thx.

Farzaneh Badii (NCSG):so I don't think these action items should turn green. we still need to discuss...

Stephanie Perrin:My apologies for the delay in connection.

Kavouss Arasteh (GAC):Farzaneh+1

Marika Konings:@Farzaneh - the green just means that homework has been handed in, it does not mean that discussions have been finalized.

Farzaneh Badii (NCSG):thanks Marika

Milton Mueller (NCSG):OK, thanks for that clarification

Milton Mueller (NCSG):But that is what Amr was asking about - in some sense the registrars have turned in the "homework" for 4.4.8

Amr Elsadr (NCSG):I'm personally open to any suggestion, moving fwd on 4.4.8, so fine with what Alex is saying too.

James Bladel (RrSG):Surprisingly, may of us agree with Alex, and are concerned that we shouldn't assume the Temp Spec/4.4 will be the basis for final policy/contract language.

James Bladel (RrSG):I say surprising, since we put so much effort in to re-working this section, but wanted to get that caveat out there.

Alex Deacon - IPC:@james - no surprise on my end :)

Kavouss Arasteh (GAC):Hadia, we hear some echo

Thomas Rickert (ISPCP):Let's not forget the purposes we list here ALL need to pass the test to have a valid legal ground to support them. We can agree or disagree on the items in the list, but ALL items are tentative for the time being until we have confirmed them from a legal point of view.

Farzaneh Badii (NCSG):yes I agree with Thomas

Diane Plaut (IPC):Yes, Thomas.

Amr Elsadr (NCSG):To be clear, I offered to help Alex with 4.4.8. :-)

Milton Mueller (NCSG):It made no sense to divide up 4.4 in the first place

Alex Deacon - IPC:@thomas - can you give more details on what "confirmed them from a legal point of view" means?

Hadia Elminiawi - ALAC:@Kavous I am only on the adobe connect room so i don't know where the echo is coming

Alan Woods (RySG):+1 thomas!

Ashley Heineman (GAC):Your a bit faint Benedict. Can you speak up?

Farzaneh Badii (NCSG):4.4.8 needs all the help it can get ....

Milton Mueller (NCSG):actually I said that we would end up with competing drafts inevitably. And guess what, I was right?

Thomas Rickert (ISPCP):@Alex - you always need a purpose and a legal basis. There may be cases where the purpose we list cannot be supported with a legal ground. Let's say the legal ground is 6 I f GDPR, it may well be that the purpose does not pass the balancing act.

Benedict Addis - SSAC:Sorry, for clarity ... I asked does GDPR allow us to tie access to purpose. So for example if a 3rd party defines their purpose as "IP rights enforcement", that defines a limited access set

Alex Deacon - IPC:@thomas I understand that. But "confirm them from a legal point of view" indicates some legal review by some legal team. Is that what you mean?

Ashley Heineman (GAC):Perhaps I'm off base here Benedict, but I think the actual issue of "access" and what is provided/not provided and how is to be covered in a different section.

Hadia Elminiawi - ALAC:@Milton but how can we ignore the current google doc that has been drafted by Alex and Amr

Amr Elsadr (NCSG):Ashley also made a suggestion for 4.4.2..., so one from me, one from the RrSG, and one from her.

James Bladel (RrSG):Personally I don't see Ashley's 4.9 as totally incompatible, but would like an opportunity to discuss/confirm with her

Thomas Rickert (ISPCP):@Alex - I hope that this team will be able to do the exercise. I am sure that if we get some training, we can work our way through the legal assessment schemes and decide what is ok and what not. I am not suggesting that any of the purposes will fail. I am just cautioning that a purpose itself does not make legal processing, we need to go through the entire exercise.

Matt Serlin (RrSG):Agree with Milton...seems like we have had some language put forth, then some feedback...feels like that's how we should be operating

Benedict Addis - SSAC:I also just made some comments on 4.4.8

Amr Elsadr (NCSG):The google doc under discussion was shared by Alex to the volunteer team working on 4.4.8. Just clarifying that I am not a co-drafter.

Milton Mueller (NCSG):It makes sense to address all the sections - the whole thing needs to be consistent.

Ashley Heineman (GAC):Amr... there is a back story on my contribution for 4.4.2. It wasn't originally intended to be a competing input.

Matt Serlin (RrSG):We are just overachievers...

Thomas Rickert (ISPCP):Nice, Matt!

Amr Elsadr (NCSG):@Ashley: Not suggesting that it was - apologies if that's what I made it sound like. Just pointing out that there are multiple inputs for consideration on it, similar to 4.4.8.

Milton Mueller (NCSG):sounds like a new superhero  
Theo Geurts RrSG:You know how that goes, you start with one section and at midnight you done them all  
Stephanie Perrin (NCSG):As long as registrars are the data controllers, I would argue they have a majority interest in all the uses. Granting third parties the authority to draft the sections related to their use strikes me as asking for a wholesale rewrite.  
Alan Woods (RySG):completely agree with stephanie. We are after all trying to agree the purposes of the CPs here to for the processing of registration data.  
Thomas Rickert (ISPCP): @Stephanie - just fyi: I am thinking about all of this throuth the joint controller lense with Rrs, Rrs and ICANN being joint controllers.  
Theo Geurts RrSG:indeed Alan Wood  
Stephanie Perrin (NCSG):Has ICANN admitted that it is a joint controller? I agree with your perspective Thomas....but I have not seen signs it has agree to it yet  
Alan Greenberg (ALAC):The "clean version" rennumbers! That's not helpful.  
Kurt Pritz:The redline includes the deletes - and also rationale for the changes in the footnotes.  
Milton Mueller (NCSG):James: there is a typo in the version in the opening paragraph 4.4: "on the basis for the purpose of..."  
Milton Mueller (NCSG):You need to delete "on the basis"  
Thomas Rickert (ISPCP): @Stephanie, this is something we need ICANN to confirm. I still have an Action Item to work on which will help trigger that together with Emily.  
Amr Elsadr (NCSG):@Milton: Yes. I was hoping James would clear that up.  
Kurt Pritz:We can put up the red line if it is helpful  
Diane Plaut (IPC):Agred, Alan - the redline version on the screen would be much more helpful.  
Margie Milam (BC):lets put the redline up  
Margie Milam (BC):that's easier to understand what was changed  
Alex Deacon - IPC:@james - very much agree of the value of having something concrete to look at - very helpful and much appreciated.  
Stephanie Perrin (NCSG):IN 4.4.4 I would suggest "methodology" rather than "framework" as it is much more precise.  
Alan Greenberg (ALAC):@Kurt/ Yes, but even with that, deleted items should be notes as such otherwise in a later discussion of "4.4.4" for example, it is not clear which 4.4.4 it is!  
Amr Elsadr (NCSG):@James: Is "on the basis" in the header meant to be struck out?  
Marika Konings:everyone can scroll  
Chris Disspain (ICANN Board Liaison):everyone  
Milton Mueller (NCSG):everyone can cook  
Ashley Heineman (GAC):Can you get closer to mic James?  
Kurt Pritz:Please go thru the entire doc  
Hadia Elminiawi - ALAC:@Stephanie which document are you referring to (there is no 4.4.4.1) in james document  
Farzaneh Badii (NCSG):yeah I can't hear James well. had to turn the volume up  
Milton Mueller (NCSG):speak up James  
Milton Mueller (NCSG):yes  
Milton Mueller (NCSG):stop mumbling then ;-)  
Stephanie Perrin (NCSG):breaking up  
Stephanie Perrin (NCSG):lost you James  
Theo Geurts RrSG:no issue here  
Farzaneh Badii (NCSG):Stephanie it's on your side...  
Stephanie Perrin (NCSG):Sorry, it is my stupid bandwidth.

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

Matt Serlin (RrSG):Perfect summary James...

James Bladel (RrSG):The value is in the questions & discussions.

Farzaneh Badii (NCSG):I don't agree with merging Ashley's language

Milton Mueller (NCSG):Kurt, Amr also proposed to delete 4.4.2

Alex Deacon - IPC:@kurt - my first question/comment is on the section as a whole.

Benedict Addis - SSAC:+1 Hadia

Benedict Addis - SSAC:These are ICANN's purposes

Milton Mueller (NCSG):Yes, that is what they are supposed to be

Mark Svancarek (BC):+1 Hadia

Kavouss Arasteh (GAC):Hadia, pls note that when you speaking there are echos pls remove that

Kavouss Arasteh (GAC):Marika pls advise Haia that when she taks there is some sort of echo

James Bladel (RrSG):Agree Milton, those were removed in favor of including them somewhere else.  
(Access Model)

Julf Helsingius (NCSG):It is not echo, it is distortion because the mic is adjusted to be too loud

Thomas Rickert (ISPCP):@James - is it an ICANN purpose to contact registrants?

Amr Elsadr (NCSG):I think that the ability of a registrar to contact a registrant is probably an ICANN purpose, no?

James Bladel (RrSG):Milton: We are trying to capture generic rights protection mechanisms/processes (URS/UDRP, and any future processes).

Hadia Elminiawi - ALAC:@Kavoush I'll solve this the next time i speak

Benedict Addis - SSAC:Here's how SIDN (.nl) addresses the purposes: [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_www.sidn.nl\\_downloads\\_terms-2Dand-2Dconditions\\_About-5FSIDNs-5FPrivacy-5FPolicy-5Ffor-5Fnl-5FDomain-5FNames.pdf&d=DwlFaQ&c=FmY1u3PjP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7\\_ZiltyVqrCYHo\\_rKms9SFxImbYEJqG-y9I&m=b4Q1V0i1xWNwXgdkJ12ybPXdmHMvdH\\_ESQS4Q-pcv2M&s=qeH8lw649cyBHTJRopnjDJHLGzfm\\_yi0R5M7QinZ\\_hQ&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_www.sidn.nl_downloads_terms-2Dand-2Dconditions_About-5FSIDNs-5FPrivacy-5FPolicy-5Ffor-5Fnl-5FDomain-5FNames.pdf&d=DwlFaQ&c=FmY1u3PjP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7_ZiltyVqrCYHo_rKms9SFxImbYEJqG-y9I&m=b4Q1V0i1xWNwXgdkJ12ybPXdmHMvdH_ESQS4Q-pcv2M&s=qeH8lw649cyBHTJRopnjDJHLGzfm_yi0R5M7QinZ_hQ&e=)

Theo Geurts RrSG:Benedict how is the SIDN purposes of a ccTLD relevant here?

Theo Geurts RrSG:I am aware they have many :)

Benedict Addis - SSAC:@Theo because they've wrestled with exactly the same issues. And we've already agreed that some of ICANN's purposes are actually carried the contracted parties, including registries.

Benedict Addis - SSAC:^ "carried out by the contracted parties"

Theo Geurts RrSG:ah yes, that is very true, they had to build a lot of legal frameworks to get it complaint with data protection law.

Julf Helsingius (NCSG):nothing to add

Farzaneh Badii (NCSG):I am ok thanks Kurt. Amr and Milton said it all

Alan Greenberg (ALAC):@Kurt, you can come back to me now.

Farzaneh Badii (NCSG):well it should not be for all defitnitions of processing. it should be for collection now. disclosure later.

Theo Geurts RrSG:We have to keep in mind that collection has to have a clear purpose, we cannot simoly collect for a purpose somewhere in time for someone.

Benedict Addis - SSAC:@Farzaneh I think they are difficult to separate in practice. So it's probably best to keep the purposes broad.

Julf Helsingius (NCSG):+1 Theo

Alan Woods (RySG):+1 theo

Amr Elsadr (NCSG):@Theo: +1

Farzaneh Badii (NCSG):our EPDP charter says that we need to answer gating questions first then answer access questions. gating questions has to clarify the legitimate interest (purpose) for ICANN and then talk about third party legitimate interest for access. mixing these two is going to be very messy.

Amr Elsadr (NCSG):@Farzi: Exactly.

Alan Greenberg (ALAC):We may be only talking about collection, we we ONLY collect data to be able to use it later. Otherwise it is a write-only store which has no purpose.

Benedict Addis - SSAC:@Theo agreed. But in that case, ICANN must define its mandate, for example for consumer protection. If - as Milton suggested earlier - we rely PURELY on national authorities - then there won't be any data for them to request when something bad happens and they need to investigate.

Stephanie Perrin (NCSG):+1 Theo

Amr Elsadr (NCSG):@Benedict: So you agree with my plea to hold a discussion on ICANN's mission and relevant Bylaws in 4.2/4.3? :-)

Theo Geurts RrSG:And when it comes to the necessity and proportionality when it comes to data protection and law enforcement , we might need to look at this advice from the EDPB.[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_iapp.org\\_media\\_pdf\\_resource-5Fcenter\\_wp211-5FProportionality-2Dlaw-2520enformcement-5F02-2D2014.pdf&d=DwlFaQ&c=FmY1u3PJp6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdISb7\\_ZiltyVqrCY\\_Ho\\_rKms9SFxlmbyEJqG-y9I&m=b4Q1V0i1xWNwXgdkJ12ybPXdmHMvdH\\_ESQS4Q-pcv2M&s=7VB4ADEMSN9eQaHXcysE4gXVJIHPGmRETdMngQjcGQM&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_iapp.org_media_pdf_resource-5Fcenter_wp211-5FProportionality-2Dlaw-2520enformcement-5F02-2D2014.pdf&d=DwlFaQ&c=FmY1u3PJp6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdISb7_ZiltyVqrCY_Ho_rKms9SFxlmbyEJqG-y9I&m=b4Q1V0i1xWNwXgdkJ12ybPXdmHMvdH_ESQS4Q-pcv2M&s=7VB4ADEMSN9eQaHXcysE4gXVJIHPGmRETdMngQjcGQM&e=) this should guide us further on.

Farzaneh Badii (NCSG):yes Alan, but you have to collect it based on ICANN purpose . I don't think we are being very specific in purposes for collection here.

Alex Deacon - IPC:+1 Benedict. I don't see how we can define a purpose statement without being specific (as required by GDPR) for all processing actions - including access/disclosure.

Stephanie Perrin (NCSG):Benedict, the registrar has plenty of data in their own right as controllers (of their business relationship with the customer).

Stephanie Perrin (NCSG):What we are talking about here is what ICANN through its MS process requires as a policy, for the registrars to collect, retain, and disclose

Farzaneh Badii (NCSG):Benedict didn't you say that you needn't more data to be collected than the current WHOIS?

Benedict Addis - SSAC:Yes Stephanie. But if we rely purely on registrar access then we get into a massive mess of bilateral agreements and thousands of different access procedures.

Benedict Addis - SSAC:@Farzaneh yes I did. But you think I'm contradicting myself. So clearly we have a misunderstanding here! Care to elaborate?

Amr Elsadr (NCSG):Consumer protection, within ICANN's bylaws is actually a very narrow issue, not broad as Diane suggests.

Theo Geurts RrSG:Correct AMr

Farzaneh Badii (NCSG):consumer protection is not in icann mission. it has to only address issues no enforcement

Farzaneh Badii (NCSG):no

Stephanie Perrin (NCSG):In my view, ICANN has no authority to tell registrars how to retain or disclose billing data. They still have obligations to meet under GDPR, but i would suggest this is why we need standards

Milton Mueller (NCSG):Clearly, copyright is out of scope for ICANN as it relates to content and not domain names or their semantics

Benedict Addis - SSAC:So to be clear: I am advocating that ICANN defines a standard framework for collection, and - as Amr says - for clearly defined purposes. That collection will continue to happen at contracted parties. No more data to be collected!

Alex Deacon - IPC:@milton - copyright infringement is not about content - its about conduct.  
Milton Mueller (NCSG):That is a distinction without a difference, Alex  
Alan Greenberg (ALAC):@Stephanie, who is saying that ICANN does dictate how registrars collect/use billing data???

Benedict Addis - SSAC:@Stephanie I'm open to a discussion on billing data and the data retention spec. As you know, I drafted that section of the RAA.  
Milton Mueller (NCSG):you're talking access, not purpose, Margie  
Theo Geurts RrSG:Wholesale registrars do not have billing data  
Benedict Addis - SSAC:Sorry Stephanie I just read your previous comment about MS model. Yes I agree!  
Benedict Addis - SSAC:@Theo but their resellers do  
Benedict Addis - SSAC:And they have contracts with their resellers  
Milton Mueller (NCSG):There are lots of ways to get identification other than ICANN. There are these things called subpoenas  
Stephanie Perrin (NCSG):Yes Benedict in my view there ought to be a bright line between what ICANN has the power to order the contracted parties to do, and what they are entitled to do as independent companies.  
Benedict Addis - SSAC:@Stephanie agree. Clarity is our friend here.  
Alex Deacon - IPC:+1 margie - regarding the need for specificity.  
Benedict Addis - SSAC:@James how do you feel about splitting these out?  
Hadia Elminiawi - ALAC:+1 Margie  
Theo Geurts RrSG:In my opinion we are going way off base to the original purpose of domain name registrations and conflating them with a ton of others.  
Ayden Férdeline (NCSG):+1 Theo  
Milton Mueller (NCSG):once again, Margie is confusing "purposes" with use cases. This is so tedious  
Milton Mueller (NCSG):I mean, RDS WG went through this for 2 years  
Stephanie Perrin (NCSG):and the fact remains, for a criminal investigation, the better data is under sole controllership with Registrars (or as Theo points out, they don't have it). However, the moment ICANN strays into telling its contracted parties what they have to collect for law enforcement purposes, they are in dangerous territories. The DPAS have pointed that out numerous times (Kohnstamm's letters which I cited on the list being illustrative of their views on the matter)  
Amr Elsadr (NCSG):@Theo: Agree, and the reason is because we all have conflicting interpretations of what is and isn't within ICANN's scope.  
James Bladel (RrSG):For clarity - we did not seek to capture ICANN's purposes in these edits.  
Farzaneh Badii (NCSG):data that is collected for ICANN purpose can be disclosed for third party legitimate interest. you don't have to add all your interests into ICANN scope so that you can have access to registrants data later!  
Alex Deacon - IPC: @james - thanks for clarifying this doc doesn't capture ICANN's purposes.  
Benedict Addis - SSAC:@james aaaaah  
Hadia Elminiawi - ALAC:+1 mark  
Farzaneh Badii (NCSG):no it's too broad actually for ICANN purposes! it has to be very specific purposes  
Matt Serlin (RrSG):The registrars were asked to put forth OUR purposes which is what we did...it does not include ICANN purposes  
Milton Mueller (NCSG):joint controllerism. I like that as a new ism  
Georgios Tselentis (GAC):For each purpose of 4.4 we need to define the Who? (ICANN, Registrar, Registry, 3rd party) and base it on a Why? (e.g. ICANN from bylaws ) No agreement to this leads nowhere  
Mark Svancarek (BC::)



Alex Deacon - IPC:@Georgios - all of that plus the lawful basis for processing.

Margie Milam (BC):@James - so do we need someone to spell out ICANN's purposes?

Georgios Tselentis (GAC):agree Alex

Milton Mueller (NCSG):ICANN's purposes are spelled out in its mission

Amr Elsadr (NCSG):@Matt: URS and UDRP are registrar purposes? I'd assume that those are ICANN purposes, and ICANN sets the obligations on registrars on how to deal with them.

Alan Greenberg (ALAC):This is surreal! We are discussing these RrSG edits as if they were proposing definitive changes to the doc. BUT now we are told that they were JUST drafted to satisfy Rr needs.

Margie Milam (BC):@Milton- its also to implement the consensus policies

Milton Mueller (NCSG):No, these are intended to be edits that become policy

Diane Plaut (IPC):Agree, Alan.

Margie Milam (BC):Im talking about all the consensus policies not just the WHOIS policy that comes out of this EPDP

Farzaneh Badii (NCSG):yes margie but it does not issue policies about consumer protection and copyright! says specifically in temp spec that it is not in charge of enforcement of consumer protection

Alan Greenberg (ALAC):@Milton, that is not what James just said above. "For clarity - we did not seek to capture ICANN"s purposes in these edits."

James Bladel (RrSG):Just to note that we also commented on the overlap of this effort with the development of the triage document.

Stephanie Perrin (NCSG):Mark, we totally agree with the need to get documents earlier

Milton Mueller (NCSG):Matt was wrong

Thomas Rickert (ISPCP):Will you go to the ISPCP (me in this case :-)), too?

Milton Mueller (NCSG):Put your hand up Thomas

Ayden Férdeline (NCSG):Yup, documents not received 48 hours or more in advance, it's hard for anyone to review

Margie Milam (BC):there Abuse Point of Contacts, as an example

Farzaneh Badii (NCSG):doesn't look promising Thomas. you are at the end of the queue! you probably need to jump the queue! :)

Thomas Rickert (ISPCP):Well after other groups have been asked to speak despite me being the first in the queue, I was wondering whether Kurt was just going around all groups, Milton.

Milton Mueller (NCSG):So did I, Thomas.

Amr Elsadr (NCSG):Extremely challenging to submit documents 48 hours in advance, with the pace we're moving at, and the need to consult with others while drafting.

Alan Greenberg (ALAC):@Thomas, I did see your hand up but it disappeared!

Kurt Pritz:@Thomas - were you first in the queue?

Farzaneh Badii (NCSG):well I think each group should be given limited time. some people went on too long

Thomas Rickert (ISPCP):Kurt, yes at some point

Milton Mueller (NCSG):Since the Tuesday and Thursday meetings are 48 hours apart, how can documents requested on Tuesday be submitted 48 hours in advance/

Thomas Rickert (ISPCP):after Margie

Farzaneh Badii (NCSG):I don't know Milton. this group doesn't like bed time readings but two meetings a week is fine.

Matt Serlin (RrSG):to clarify, what we put forth was from a registrar perspective on all of 4.4...we commented on the entire section which may include purposes not only limited to registrars

Ayden Férdeline (NCSG):Stephanie has previously raised the point that Tuesday and Thursday meetings should be independent of one another, i.e. what happens one Tuesday is returned to next Tuesday; what we discuss Thursday, we discuss again the following Thursday

Mark Svancarek (BC):2 meetings is fine, 6 a.m. meetings are fine.

Amr Elsadr (NCSG):@Matt: Which is why I'm surprised URS and UDRP are in there. I always thought they were ICANN purposes, not registrar purposes. Same for IP interests in general, law enforcement, etc...

Hadia Elminiawi - ALAC:I can't hear ashley

Margie Milam (BC):agree with Ashley

Hadia Elminiawi - ALAC:is it my audio

Thomas Rickert (ISPCP):They are registrar purposes, Amr as the policies are made part of the contracts between registrars and registrants

Milton Mueller (NCSG):security and stability of DNS!!

Marika Konings:@Hadia - you may want to try restarting your AC

James Bladel (RrSG):@Amr - I mentioned that Registrars have a role in URS/UDRP, and we need the data for the purposes of fulfilling that role.

Hadia Elminiawi - ALAC:ok marika thanks

Amr Elsadr (NCSG):I appreciate that registrars have a role in URS/UDRP, but those are obligations placed upon them by ICANN. If ICANN didn't require this, would registrars?

Thomas Rickert (ISPCP):Alan, we can certainly discuss registrar purposes and all agree on those

Milton Mueller (NCSG):URS / UDRP are required by ICANN and are part of ICANN's purposes in collecting the data

Thomas Rickert (ISPCP):There are other parts of our discussion that I find surreal, but not this :-)

James Bladel (RrSG):not "ignoring" but avoiding conflation with other (non-RrSG) purposes

Amr Elsadr (NCSG):So, I always assumed registrars are data processors in the URS/UDRP context, and that ICANN is the controller.

Margie Milam (BC):there is nothing wrong with ICANN mandating URS/UDRP

Alex Deacon - IPC:@milton and amr - to my point earlier - we will need to add ICANN's purposes on top of what the Registrars have suggested.

Milton Mueller (NCSG):whether it's right or wrong, it is a fact

Milton Mueller (NCSG):Alex, no, ICANN's purposes are quite well encapsulated by this document in their entirety

Amr Elsadr (NCSG):@Margie: Never said there is a problem with that. Just trying to figure out a distinction in roles between ICANN and registrars on this.

Margie Milam (BC):thanks for the clarification

Amr Elsadr (NCSG):@Alex: I agree.

Thomas Rickert (ISPCP):Let's please not agree with what is on the screen, but just flag issues

Theo Geurts RrSG:Good point on 4.4.5 Alan regarding content, [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_www.icann.org\\_news\\_blog\\_icann-2Dis-2Dnot-2Dthe-2Dinternet-2Dcontent-2Dpolice&d=DwIFaQ&c=FmY1u3PjP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7\\_ZjItyVqrCYHorKms9SFxImbYEJqG-y9l&m=b4Q1V0i1xWNwXgdkj12ybPXdmHMvdH\\_ESQS4Q-pcv2M&s=Wedrr7nEIMgEc4evp1a8I5mu71YPKmY0zleInwc3MIU&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_www.icann.org_news_blog_icann-2Dis-2Dnot-2Dthe-2Dinternet-2Dcontent-2Dpolice&d=DwIFaQ&c=FmY1u3PjP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7_ZjItyVqrCYHorKms9SFxImbYEJqG-y9l&m=b4Q1V0i1xWNwXgdkj12ybPXdmHMvdH_ESQS4Q-pcv2M&s=Wedrr7nEIMgEc4evp1a8I5mu71YPKmY0zleInwc3MIU&e=)

James Bladel (RrSG):We would need to define why registries would need to contact registrants. They rarely do.

Farzaneh Badii (NCSG):well there are a lot of things in temp spec that are just outright wrong.

Milton Mueller (NCSG):How is consumer protection facilitation different from law enforcement, Alan G?

Ashley Heineman (GAC):AGree with Alan on consumer trust point.

Stephanie Perrin (NCSG):Under the data minimization principle, we should actually constrain registry access to the registrant. Sorry about that thick migration thing....

Amr Elsadr (NCSG):@Alan: ICANN's role in "Consumer Protection" needs to be more specifically defined. Just saying that it is one of ICANN's role isn't very helpful, IMO.

James Bladel (RrSG):@Amr - agree. Too vague

Stephanie Perrin (NCSG):Certainly there is a possible need in cases of professional qualifications for some of the new gtlds

Hadia Elminiawi - ALAC:I fully agree that consumer protection needs to be called out and that actually requires a mechanism and not only a framework

Hadia Elminiawi - ALAC:+1 Alan

Daniel Halloran (ICANN Org Liaison -Legal):Thanks Kurt. We can add that to the questions for ICANN Org

Alan Woods (RySG):@stephanie, what about abuse mitigation?

Farzaneh Badii (NCSG):ICANN collects WHOIS data, then third party with legitimate interest might be able to access it later (we discuss it later not now!) we don't have to put consumer protection in ICANN mandate just because we want to disclose the data later! 3rd time I am saying this - I shall stop

Milton Mueller (NCSG):don't stop, some people still don't get it

Ashley Heineman (GAC):But disclosure as a general processing principle needs to be addressed in this section. That being said, it doesn't need to go much further than that. I don't think anyone is advocating that we list out all the third party access purposes.

Alan Greenberg (ALAC):@Amr, agree that consumer protection needs to be carefully framed to say our involvement is very limited, and likely restricted to just facilitating such efforts.

Amr Elsadr (NCSG):I've been curious from the start about why ROs would need to contact registered name holders?

Amr Elsadr (NCSG):@Alan: Thanks. Good to know.

Diane Plaut (IPC):Agreed, Ashley.

Milton Mueller (NCSG):Ashley, I am afraid that some people do indeed think we need to list all possible uses and deem them a "purpose"

Ashley Heineman (GAC):Shall we do another poll? :-)

Theo Geurts RrSG:Well made observation Thomas.

Milton Mueller (NCSG):get the temperature of the room?

Amr Elsadr (NCSG):@Thomas: Yes. Not conflating ICANN purposes with third-party purposes extremely important.

Ashley Heineman (GAC):Too many bad memories with that term of art Milton.

Milton Mueller (NCSG):hehe I know

Ashley Heineman (GAC):These are some good points Thomas.

Georgios Tselentis (GAC):I support the methodology stated by Thomas

Theo Geurts RrSG:Agreed, some real good pointers there

Diane Plaut (IPC):Yes, Thomas. The collection can address various purposes which are then supported by legal bases.

Amr Elsadr (NCSG):@Thomas: Thanks for continuing to explicitly point out what we need to do, going through this exercise.

Farzaneh Badii (NCSG):well we need to take this advice at some point ...

Stephanie Perrin (NCSG):Yes thanks Thomas. Particularly with reference to specific clauses of the GDPR.

Diane Plaut (IPC):Yes, Thomas and I are on the same page, as indicated in my edits and contributions to the Preamble we are working on (Thomas, Alex and I) - we are here to address the implementation of the GDPR and we can and should certainly additionally address and refer to present and future global data protection laws.

Hadia Elminiawi - ALAC:@Thomas i agree, we can always add an amendement or clause that would provide inculsion, I also agree with all your previuos comments

Stephanie Perrin (NCSG):People should read the entire GDPR carefully. We do not need to be explicit about every single potential disclosure, it makes that clear.

Ashley Heineman (GAC):Where is that made clear? I have read the GDPR carefully and have a mess of a binder with highlights and dog ears.

Ashley Heineman (GAC):Also, I'm not sure I udnerstand your point of "explicit about every single potential disclosure." I dont' think anyone is adovocating for that.

Thomas Rickert (ISPCP):Stephanie - I think we should cite the articles - maybe in brackets - throughout the document to make it easier to find the respective articles of the gdpr

Theo Geurts RrSG:don't forget the recitals :)

Ashley Heineman (GAC):Thanks Thomas... that is a much more constructive approach.

Amr Elsadr (NCSG):URS is not a Consensus Policy (yet).

Farzaneh Badii (NCSG):we should cite the principles. but we were supposed to go beyond GDPR. ...

Ashley Heineman (GAC):Sorry, Farzaneh! I was speaking about in our converstations. My bad if I was responding to something else specific to the text.

Benedict Addis - SSAC:@Farzaneh I think the GDPR principles are useful shorthand, but agree we shouldn't be tied to them.

Diane Plaut (IPC):Benedict - your proposal is correct and as Mark mentioned there has not been enough clear and direct discussion around the role of ICANN as a joint controller. The issue as pointed out previously is that many do not know or appreciate the needed GDPR application.

Benedict Addis - SSAC:Thanks Diane!

Thomas Rickert (ISPCP):@Kavouss - we will get entirely lost if we do not make reference to articles of the GDPR (and its recitals)

James Bladel (RrSG):Mute please?

Diane Plaut (IPC):Yes, Kavouss.

Milton Mueller (NCSG):God's middle finger?

Benedict Addis - SSAC:Ha!

Farzaneh Badii (NCSG):little

Milton Mueller (NCSG):ahhh.

Hadia Elminiawi - ALAC:@Thomas a proposal was made on tuesday that spells out the GDPR and the articles and i support it, and we can always as you mentioned earlier and an amendement that could provide the inclusion that others are asking for

Thomas Rickert (ISPCP):@Hadia - exactly. Thanks!

Benedict Addis - SSAC:@Thomas I'm up for working with you to split 4.4 into: 1) ICANN purposes 2) ICANN joint purposes (with contracted parties) and 3) ICANN's faciliation of third party interests

Thomas Rickert (ISPCP):Happy to, Benedict!

Benedict Addis - SSAC:Coolio :)

Amr Elsadr (NCSG):Thanks fellas.

Margie Milam (BC):Who will write the ICANN purposes?

Thomas Rickert (ISPCP):We can try. I need to travel tomorrow, but we can come up with a first take on it

Thomas Rickert (ISPCP):Let's try that, yes!

Hadia Elminiawi - ALAC:@kurt sounds good what you are suggesting - good luck thomas and benedict

James Bladel (RrSG):Yes! let's give them a turn in the hot seat. :)

Kavouss Arasteh (GAC):Milton and Farzaneh to whom you adressed ahaha?

Stephanie Perrin (NCSG):Recitals are useful for interpretation and guidance too.

Hadia Elminiawi - ALAC:@James :)

Farzaneh Badii (NCSG):to god's little and middle finger Kavouss (I think that is what you were asking)

Kavouss Arasteh (GAC):Please be kind and respect others

Georgios Tselentis (GAC):@Thomas + Benedict: If possible please point out background (e.g. bylaws)

Milton Mueller (NCSG):quick, load up Thomas with a lot of work before he can object...

Kavouss Arasteh (GAC):what that means?

Farzaneh Badii (NCSG):it's not too important Kavouss. it was addressed to god. not any existing person!

Benedict Addis - SSAC:@Georgios thank you for the suggestion

Alex Deacon - IPC:Thanks Thomas - no additional input from me.

James Bladel (RrSG):Have a hard stop at the top of the hour. Thanks everyone for your thoughtful comments on our edits. And the work progresses....

Thomas Rickert (ISPCP):Hi Benedict, my cell phone number is +49 172 2141564. I am trickert on skype.

Kavouss Arasteh (GAC):Pls kindly refrain to these inappropriate insinuation

Ashley Heineman (GAC):Uh oh... we all have THomas' cell number

Chris Disspain (ICANN Board Liaison):Careful Thomas....You might be breaching rules by publishing your number ;-)

James Bladel (RrSG):Staff - please redact this PII when circulating the chat transcript. :)

Thomas Rickert (ISPCP):Haha, Ashley. No problem. Call me anytime :-)

Benedict Addis - SSAC:And I'm +44 7977 144115, Skype benedictaddis. Most of you have my number already :)

Kavouss Arasteh (GAC):This is address to those consistently and continually disrespect other . pls be kind and quiet

Theo Geurts RrSG:Thomas gives consent to the publishing :)

Farzaneh Badii (NCSG):not to waste the group time I am not going to argue with you., but I don't know what is so inappropriate. anyhow ...

Amr Elsadr (NCSG):Thomas and Benedict's personal contact info going into publicly archived chats!!

Farzaneh Badii (NCSG):oh Benedict and Thomas phone numbers. this is perfect. we can even call up on the weekend. 24/7

Ashley Heineman (GAC):What about all the other input that was provided for today's call? ARE we going to scrap for the time being? FWiW- I'm not opposed, just curious.

Kavouss Arasteh (GAC):your address to little god and middle god and ...

Theo Geurts RrSG:It would be useful if staff has a read regarding, [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_iapp.org\\_media\\_pdf\\_resource-5Fcenter\\_wp169-5Fconcepts-2Dof-2Dcontroller-2Dand-2Dprocessor-5F02-2D2010.pdf&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7\\_ZltyVqrCYHo\\_rKms9SFxlmbyEJqG-y9I&m=b4Q1V0i1xWNwXgdkJ12ybPXdmHMvdH\\_ESQS4Q-pcv2M&s=-5l1eiaN8CX1id1EjWnqO-9nWIUSqrR92WLWA9otKXE&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_iapp.org_media_pdf_resource-5Fcenter_wp169-5Fconcepts-2Dof-2Dcontroller-2Dand-2Dprocessor-5F02-2D2010.pdf&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7_ZltyVqrCYHo_rKms9SFxlmbyEJqG-y9I&m=b4Q1V0i1xWNwXgdkJ12ybPXdmHMvdH_ESQS4Q-pcv2M&s=-5l1eiaN8CX1id1EjWnqO-9nWIUSqrR92WLWA9otKXE&e=)

Chris Disspain (ICANN Board Liaison):Kavouss, I think you may have misunderstood....

Kavouss Arasteh (GAC):Pls be kind and calm .This is the last warning

Farzaneh Badii (NCSG):it was god's fingers Kavouss! :))

Alan Greenberg (ALAC):Any chance of getting back to intent to have 90 minutes meetings?

Farzaneh Badii (NCSG):I support that Alan

Caitlin Tubergen:Thanks, Kurt. Will do.

Ayden Férdeline (NCSG):thanks all

Benedict Addis - SSAC:@Theo thoughts on how ICANN / Registries / Registrars act as controller and processor in this relationship? Ping me by email.

Amr Elsadr (NCSG):@Alan @Farzi: We didn't get through our agenda on a two-hour call. :(

Matt Serlin (RrSG):thanks all

Georgios Tselentis (GAC):thank you

Thomas Rickert (ISPCP):Thanks and bye all!

Hadia Elminiawi - ALAC:Thank you all bye

Rafik Dammak (GNSO Council Liaison):thanks all

Kristina Rosette (RySG):thanks, all

Amr Elsadr (NCSG):Thanks all. Bye.

Kavouss Arasteh (GAC):I HAVE NOT YET BEEN RECOVERED BY WHAT YOU SAID ABOUT ME BEFORE  
OK????