

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)
Ben Butler (SSAC)	Leon Sanchez (ICANN Board Liaison)
Benedict Addis (SSAC)	Marc Anderson (RySG)
Chris Disspain (ICANN Board Liaison)	Margie Milam (BC)
Diane Plaut (IPC)	Mark Svancarek (BC)
Emily Taylor (RrSG)	Matt Serlin (RrSG)
Esteban Lescano (ISPCP)	MiltonMueller (NCSG)
Farzaneh Badii (NCSG)	Rafik Dammak (GNSO Council Liaison)
Georgios Tselentis (GAC)	Stephanie Perrin (NCSG)
Hadia Elminiawi (ALAC)	Tatiana Tropina (NCSG Alternate)
	Thomas Rickert (ISPCP)

On Audio Only:

None

Apologies:

Ayden Férdeline (NCSG)

Audio Cast (FOR ALTERNATES AND OBSERVERS)

Peak: 17 joined

View Only Adobe Connect:

38 joined

Staff:

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

AC Chat:

Marika Konings:Welcome to EPDP Team meeting #14 on Tuesday 18 September 2018
Andrea Glandon:Agenda Wiki Page: <https://community.icann.org/x/3AONBQ>
MiltonMueller (NCSG):yes
Caitlin Tubergen:The GDPR Q&A session will be Wednesday, 19 September at 1300 UTC.
Chris Disspain (ICANN Board Liaison):lost sound...Dialling back in

Kristina Rosette (RySG):Would it be possible for staff to let us know by EOD today what our meeting times are for next week (8-6? 9-5?, something else)? That will be really helpful for planning purposes. Thanks!

Terri Agnew:@Chris, let us know if a dial out on the telephone is needed.

Berry Cobb:@Kristina - as of now the F2F agenda times are tentatively set at 09:00 to 18:00 PST for all three days. A full agenda will be sent later in the week.

Kristina Rosette (RySG):@Berry: Thanks!

Alan Greenberg (ALAC):Have others received hotel confirmations for next week?

Farzaneh Badii (NCSG):I have not but I know where it is gonna be! luxurious Double Tree.

Berry Cobb:Note on the timeline above, the 8 remaining meetings also include the 3 days of F2F. Thus 5 remote meetings prior to Barcelona.

Alan Greenberg (ALAC):Yup, it is indeed. I like it there! Good diner across the street.

Benedict Addis - SSAC:The SSAC are having their workshop in the same hotel, the same week!

Ashley Heineman (GAC):You won't be allowed to leave the EPDP room, Benedict!!!

Ashley Heineman (GAC):-)

Kavous Arasteh (GAC):I have not received support for hotel too

Terri Agnew:We are checking when hotel confirmation emails will be sent.

Diane Plaut (IPC):Can the redline be put up now for everyone to see?

Thomas Rickert (ISPCP):Can anyone help me understand why a policy established by ICANN should just quote - for most part - the text of the law? I think that Appendix C will likely cause confusion. I would rather add explanatory notes to the policy quoting the respective articles of the GDPR in full. Am I missing something=

Thomas Rickert (ISPCP):?

MiltonMueller (NCSG):Agree Thomas.

MiltonMueller (NCSG):It's really just an early skirmish over the access issue and I suggest we don't go there until the gating questions are answered

Chris Disspain (ICANN Board Liaison):@ Thomas, Does it have anything to do with enforcement as policy rather than at law?

Georgios Tselentis (GAC):@ Thomas my understanding is that the Appendix C has as purpose to clarify the definitions as in the law in the specific context. But this is a question to ICANN who drafted the specs

Julf Helsingius (NCSG):Hadia, your microphone is still way too loud

Thomas Rickert (ISPCP):Chris, that is a good starting point. We need to make GDPR requirements enforceable vis a vis those that might not be governed by GDPR. However, the policy we need to come up with has to adhere to the named principles, so they will (hopefully) be baked into our policy. For other areas, I would prefer to just state that GDPR principles need to be followed and maybe have an explanatory document along with the Policy (but not part of it) that quotes the text of the law,

Mark Svancarek (BC):breaking up

James Bladel (RrSG):can't really hear hadia

Thomas Rickert (ISPCP):@Georgios - I agree it would be helpful if the authors of the TS could explain why they did what they did. We might not do them justice.

Kavous Arasteh (GAC):The audio is heard with distortion

Farzaneh Badii (NCSG):I think we just wasted so much time because we keep coming back to the access issue every meeting that we will be even delayed discussing access and not answer gating questions...

Kurt Pritz:@ Thomas: Could you frame up that question for the Temporary Specification authors?

Thomas Rickert (ISPCP):@Kurt - I would have many questions for the authors :-). For this section, the question is why they chose to quote the language of the GDPR in several areas of the TS and what benefits these quotes have opposite to making reference to the Articles of the GDPR.

Thomas Rickert (ISPCP):@Diane - I do not object to giving visibility to GDPR principles. In fact I think it would be good to explain why certain things are done (or not done). However, I think just quoting (in part not complete quotes) is not the best way forward.

Farzaneh Badii (NCSG):we were discussing data collection purposes ...

Farzaneh Badii (NCSG):now we are arguing over appendix C!

Thomas Rickert (ISPCP):If we chose to quote, let's quote the law accurately and conclusively (some of the quotes were not complete).

Hadia Elminiawi - ALAC:+1 alan

Diane Plaut (IPC):I agree and never stated that App. C does not need to be enhanced but it has value - it lays out the purposes and bases as required under the GDPR

Hadia Elminiawi - ALAC:I was referring to the gTLD processing activities (The table)

Margie Milam (BC):Appendix C is not just a recitation of GDPR - a lot of it is applied to WHOIS -- so those should be kept

Thomas Rickert (ISPCP):Wouldn't it be better to ask staff to come up with an advisory paper on what Articles of GDPR are relevant, quote them and offer explanatory notes for their application?

Alan Greenberg (ALAC):@Kurt, when you agree with "Alan", please specify which!

Thomas Rickert (ISPCP):...and not make it part of the policy? The law might not be static, while we hope that our policy will last for a number of years.

Kurt Pritz:@alan G - I was agreeing with your recent statement

Alan Greenberg (ALAC):@Marc, if you are saying "delete App c and replace the SUBSTANTIVE parts" we agree, presuming we can unanimously determine which parts are substantive.

James Bladel (RrSG):Without tying up the queue, Registrars agree with Marc/Alan/RySG that Appendix C is unnecessary and can be removed.

Farzaneh Badii (NCSG):this is the third meeting we are talking about appendix C. why? we clearly don't have consensus and it's not a necessary part of our work for the moment. lets move on, lets argue over this later

Margie Milam (BC):There are provisions that dont appear elsewhere so its still needed, whether as an appendix or in the body of the policc

Marc Anderson (RySG):@Alan G - I think we aren't far off - I'm not sure how to close the gap all the way, but we aren't talking about removing scope from the working group or removing necessary policy

Farzaneh Badii (NCSG):We can talk about those provisions if they are a part of gating questions

Ashley Heineman (GAC):+1 Margie

Kavous Arasteh (GAC):Margie and Ashley +1

Farzaneh Badii (NCSG):and then we can talk about access. it is not possible to get things done if we keep coming back to the same issue over and over. really.

Diane Plaut (IPC):I agree completely - our goal as an EPDP is to support ICANN policy creation - this App. only helps support the Registries and Registrars - in clearly meeting their legal obligations of making the respective roles clear.

Farzaneh Badii (NCSG):Diane is there another way to achieve this goal instead of working on the current text of appendix C?

Mark Svancarek (BC):+1 Margie - staff can identify the non-redundant sections and the group can move on in the meantime

Hadia Elminiawi - ALAC:+1 Margie and Mark staff to identify the non redundant sections

Farzaneh Badii (NCSG):I think section by section and appendix by appendix focus is fatal for this group. we need to work on issues/gating questions then access. arguing over an appendix will not yield any results

Emily Taylor (RrSG):+1 Marc

Stephanie Perrin (NCSG):When are we going to get to the gating questions that the GNSO Council asked us to address? I agree with everything Thomas has said. The Temp spec, in my view, is wholly inadequate as a policy document. It shows much evidence of being a workaroud. However, we are never going to be able to improve upon it if we cannot even get an appendix that basically repeats favorite sections of the law (for those who have never read it)

Stephanie Perrin (NCSG):Removed (was missing from that last clause)

Emily Taylor (RrSG):We do seem to be talking at cross-purposes sometimes, as the legal obligations imposed by the GDPR are not comparable with consensus policies developed by the ICANN community. The contracted parties face considerable financial penalties if they fail to comply with GDPR.

Farzaneh Badii (NCSG):yes Marc. I agree!!! if we keep working on sections and appendix then a group would bring up one appendix every meeting it will not work out.

James Bladel (RrSG):Generally agree with Marc. Omitting a principle from the policy doesn't remove our obligation to comply with the same principle in the law. AND it leaves our contracts vulnerable if the law(s) change(s) at some point in the future.

Amr Elsadr (NCSG):@Marc @James: +1

Alex Deacon - IPC:@Farzaneh - I'm not sure what "group" you are talking about but I'll note we are talking about appendix C because it was listed as agenda item #3 for today's meeting.

Ashley Heineman (GAC):Let's do the exercise of seeing what concepts aren't already addressed in the temp spec and then go from there.

Thomas Rickert (ISPCP):We are arguing about how to structure the document. There is no way to ignore the GDPR principles. We have disagreements whether clauses shall be parroted in the policy. Why don't we test the water as to who wants the information in and who wants it out.

Thomas Rickert (ISPCP):If the group leans towards including it, so be it. If it doesn't, let's do the gap analysis and keep the points that are not paraphrasing the law and see whether we want to keep those.

Julf Helsingius (NCSG):+1 to Thomas

Ashley Heineman (GAC):Thomas... and add a "why" at the end of your proposal.

Thomas Rickert (ISPCP):@Ashley - sure :-)

Ashley Heineman (GAC):Never mind... you got that in your follow up comment. :-)

James Bladel (RrSG):I think Thomas and Ashley are aligned and on the right track.

Diane Plaut (IPC):This app yields the results to identify the GDPR roles and clearly lays out the information for citizens who have no privacy law knowledge can read the document and understand as a data subject how and why their personal data is being collected and processed. As Kavous said this is part of our scope here and only support this scope. It does not matter what it is called or where it exists but this is necessary to include and only support ICANN, Registries and Registrars in fulfilling their legal obligations under the GDPR.

Thomas Rickert (ISPCP):Either way, we should not spend more time on this. This is a good candidate for parking, too.

Farzaneh Badii (NCSG):whatever issue the appendix is addressing that we need to work on we should include in our work.

Farzaneh Badii (NCSG):I think parking is the best option

Stephanie Perrin (NCSG):+1 Thomas.. We are wasting precious time arguing about this. Park it, amend it, do something, but let us not keep discussing it. NCSG tried very hard to keep this appendix out, because we knew it would be a giant sinkhole. Turns out to be coming true

Amr Elsadr (NCSG):Very much agree with Milton.

Farzaneh Badii (NCSG):Agreed

Mark Svancarek (BC):Yes, let's move on

Farzaneh Badii (NCSG):drop it doesnt mean to remove it. we should just see if it is relevant to our various gating questions and later on to access part

Stephanie Perrin (NCSG):To anyone familiar with data protection law, these are no brainer clauses here.

Ashley Heineman (GAC):FWIW - I don't agree with dropping or parking for the EPDP. What I do agree with is doing some homework and comeback after that.

Farzaneh Badii (NCSG):we have been doing homework for three weeks Hadia we are not getting anywehre

Ashley Heineman (GAC):(Ashley)

Ashley Heineman (GAC)::-

Farzaneh Badii (NCSG):oh sorry Ashley my eyes are failing me today

Mark Svancarek (BC):I think repetition of the purposes is fine if the separation makes the issues more clear

Mark Svancarek (BC):(which I think it will)

Alex Deacon - IPC:Agree with this new format - lets work thru each in order (a, b, c, d)

Thomas Rickert (ISPCP):I see this more as a thought exercise to be clear on who wants what. Once we establish that Rrs, Rys and ICANN pursue joint purposes, you can group them together.

Thomas Rickert (ISPCP):But first you need to establish who wants what.

Thomas Rickert (ISPCP):So in fact no big disagreement with Benedict :-)

MiltonMueller (NCSG):Disagree with Benedict and agree with Thomas that we need to be clear on who needs what (not who "wants" what)

MiltonMueller (NCSG)::-

Benedict Addis - SSAC:Milton the problem with that approach is that we inevitably get into a subsequent argument of who needs what for what purpose ... and how the data is processed. That way we get into a 3rd matrix

MiltonMueller (NCSG):that's exactly what we should be doing, Benedict

Farzaneh Badii (NCSG):you mean "access" Benedict I believe.

Alex Deacon - IPC:there could be 4th axis also - lawfulness of processing.

MiltonMueller (NCSG):Right, confusing access with purpose again....and again....and again

Benedict Addis - SSAC:Milton my understanding is that there's no specific 'access' discussion to be had under GDPR

James Bladel (RrSG):I appreciate the sentiment, but not sure the EU authorities would agree that "we're all in this together". :)

Ashley Heineman (GAC):agree with Alan G.

Benedict Addis - SSAC:@Milton Processing follows from the purposes we define here no?

MiltonMueller (NCSG):yes

MiltonMueller (NCSG):ICANN purposes are the general "we are all in this together" ones you are searching for - but those purposes are limited by its mission

Farzaneh Badii (NCSG):Benedict I have multiple times read and posted the WP29 guidelines about this. why does it keep being ignored

MiltonMueller (NCSG):and it's mission is narrow

Benedict Addis - SSAC:@Farzaneh because I'm just one person trying desperately to keep up with all this ?!

Thomas Rickert (ISPCP):In my view, the aim of this table is ONLY to establish who is pursuing what purposes. Let's work on legal basis, rationale and other questions in the data matrix and then link back to this document to match (if possible) the processing activities in the data matrix with the purposes (which might need to be refined or narrowed as the case may be). Hence, the language in this list of purposes is provisional only.

Alan Greenberg (ALAC):There may be SOME elements that are unique to some parties.

MiltonMueller (NCSG):hurray for Benedict for drawing bright line between purposes and interests

Mark Svancarek (BC)::)

Georgios Tselentis (GAC):+1 Thomas

Matt Serlin (RrSG):+1 Alan W

Alex Deacon - IPC:I'll note that In the July 5 Letter from Jelinek to Marby, the EDPB states "There are processing activities determined by ICANN, for which ICANN, as well as the registrars and registries, require their own legal basis and purpose, and then there are processing activities determined by third parties, which require their own legal basis and purpose".

Farzaneh Badii (NCSG):oh that phone ring reminds me of my parents home. long ago :)

Ashley Heineman (GAC):I agree that third party interest are seperate. However, folks seem to ignore that ICANN has responsibilities under its bylaws for te collectinon of certain data. To be clear, the detailed specific interests of third parties should be a seperate exercise, but the 4.4.9 and 4.4.8 (in a hopefully agreed to manner) fit within ICANN's purpose.

Farzaneh Badii (NCSG):yes third party purpose for access can be discussed. you don't need to establish your purposes now to have access later

Thomas Rickert (ISPCP):@Alex - agreed. But let's do that in the other document.

Amr Elsadr (NCSG):I don't even understand why third-part interests are being considered at this point. I thought we were considering purposes for collection and other purposes, but not access/disclosure at this point. Are there any third-party legitimate interests (or even purposes) that are applicable and relevant to this exercise?

James Bladel (RrSG):But even if we indulge this, we end up with a policy/contract that isn't enforceable.

Chris Disspain (ICANN Board Liaison):foum

Kavous Arasteh (GAC):Ashley +1

Diane Plaut (IPC):Agree Ashley -

Stephanie Perrin (NCSG):Emily is making a very valid point. IF ICANN wants to take the responsibility, as a controller, for its over-reaching bylaws, then fine.

Amr Elsadr (NCSG):Aren't both controllers and processors both liable anyway? From a solely liability perspective, is there a purpose in making distinctions?

Alex Deacon - IPC:@thomas - just to be clear - what is the "other document" you reference? The one with the data elements?

Thomas Rickert (ISPCP):Correct, Alex

MiltonMueller (NCSG):Teh voice of "ICANN" is the bylaws and specifically the mission and core values

Margie Milam (BC):Agree with James - we need ICANN's voice !

Alan Woods (RySG):@Amr ... moreso under the GDPR yes. but the Controller still bears the brunt of it.

Kavous Arasteh (GAC):Chris, what do you mean by "foum"

Matt Serlin (RrSG):well said James...

Thomas Rickert (ISPCP):I think we can better do the run throught the catalogue of Art 6 I and test Art 5 with the data elements in question in front of us.

Thomas Rickert (ISPCP):Talking purposes in isolation is difficult.

Diane Plaut (IPC):agree, well said James

Chris Disspain (ICANN Board Liaison):Sorry Kavouss...Typring in the wrong window

Ashley Heineman (GAC):I think we are talking past each other as well...

Alan Woods (RySG):Also, there is also a requirement for processor to refuse to do the actions which are not lawful, and to tell their controller that .. .and this would grind the DNS to a halt aas far as I'm concerned

Stephanie Perrin (NCSG):Did I miss a call yesterday?

Alex Deacon - IPC:@thomas - ok - then lets get to work on purposes for registrars, registries and ICANN...and see where we end up.

Julf Helsingius (NCSG):It would be great if those conversations were on the mailing list

Thomas Rickert (ISPCP):I would not go further than establishing here who pursues what purposes.

James Bladel (RrSG):@Kurt - Correct. I think that's missing.

Stephanie Perrin (NCSG):We have tried and tried to find out what ICANN's position is on this. All we get is a blog.

Chris Disspain (ICANN Board Liaison):Kurt...Can't be anything wrong with having senior staff talk...You can always ignore what they say

Kristina Rosette (RySG):+1 James.

Chris Disspain (ICANN Board Liaison):Seems like a good idea from James

Farzaneh Badii (NCSG):ICANN has a limited mission. you can try and interpret every clause in the bylaws as ICANN purpose and mission but it's not accurate

Chris Disspain (ICANN Board Liaison):I think you would need to frame the 'ask' well and I'd be happy to help in any way to make that happen

Stephanie Perrin (NCSG):If ICANN's purpose for collecting registration data is to facilitate law enforcement's cross border access to personal data, then fine. Let's have them take the responsibility for that.

Kavous Arasteh (GAC):There are valid elements in the 4.4 original and in the proposal made several important elements were deleted

Chris Disspain (ICANN Board Liaison):And it might be useful to remember that the current ICANN bylaws are the product of the CCWG and the CCWG's independent lawyers

Farzaneh Badii (NCSG):yes

Thomas Rickert (ISPCP):@Chris, they are great, aren't they?

Thomas Rickert (ISPCP)::-

Stephanie Perrin (NCSG):It cannot be the purpose of a registry or registrar, because as companies resident in countries, they have to comply with national law. That includes constitutional rights.

Tatiana Tropina (NCSG):Thomas :-)

Chris Disspain (ICANN Board Liaison):I should have also listed me and Becky!

Farzaneh Badii (NCSG):great point Chris. and it was crafted to keep ICANN mission limited

Tatiana Tropina (NCSG):and we had tons of community discussions about the mission

Tatiana Tropina (NCSG):when the bylaws were drafted

Chris Disspain (ICANN Board Liaison):Agree Farzaneh

Chris Disspain (ICANN Board Liaison):Afree Tatiana

Chris Disspain (ICANN Board Liaison):Or even agree

Tatiana Tropina (NCSG):I was wondering why you agree with Farz and aFree with me. Probably a different degree of agreement...

Chris Disspain (ICANN Board Liaison)::-

Margie Milam (BC):Can Dan Halloran be the voice of ICANN on this group and be more active?

Farzaneh Badii (NCSG):what were the questions we were addressing? question a1. a2?

Farzaneh Badii (NCSG):ICANN org is not a mission setter. community set the mission, it's narrow and should be interpreted narrowly.

MiltonMueller (NCSG):No, neither Dan nor anyone else can say what ICANN's purposes are - the bylaws are the will of the community not the staff

Chris Disspain (ICANN Board Liaison):I suggest that if you want to pursue James' idea then we get a note of the hypothesis, send it to me and León and we will put it to the GDPR caucus to see if we can get relevant staff to address or debate in LA next week

Stephanie Perrin (NCSG):Somehow I don't recall the CCWG doing a DPIA on those bylaws, but maybe I missed something. I was only skulking...

Chris Disspain (ICANN Board Liaison):@Milton, I don't think that was James' point

Mark Svancarek (BC):In the future we should use a bigger font on the chart

Stephanie Perrin (NCSG):+1 Mark

Amr Elsadr (NCSG):@Mark: you should be able to zoom in on your monitor.

MiltonMueller (NCSG):@Chris, I was responding to Margie not James

Chris Disspain (ICANN Board Liaison):And the fact that the by-laws are the will of the community should not prevent staff from offering opinion on their interpretation or on any propose they may feel ICANN has on GDPR...

Stephanie Perrin (NCSG):Where is the column for the Registrant's purpose?

Chris Disspain (ICANN Board Liaison):@ Milton...Apologies..

Farzaneh Badii (NCSG):well I can't see anything today but I don't think anyone can see this chart

Stephanie Perrin (NCSG):I believe I brought this up the last time. The registrant is a major actor in this data sharing exercise, they have a purpose in providing the data.

Emily Taylor (RrSG):@Chris Thanks for the offer. I agree with you that it would be useful to have the 'voice of ICANN' in this debate, as the key driver for the collection and publication of WHOIS is the interest(s) of third parties as outlined in the bylaws

Thomas Rickert (ISPCP):Stephanie - there is a comment on that in the table. I guess the issue is that the controller will be responsible for the processing and thereby for the purposes. It is difficult to imagine that the data subject itself shall assume responsibility for the processing of data. Makes sense?

Marika Konings:Please note that this chart was also attached the email with the other materials.

Kavous Arasteh (GAC):Kurt , my question on why half of the essential elements from 4.4.2 were deleted?

MiltonMueller (NCSG):the chart is available on the wiki, no?

MiltonMueller (NCSG):oh i seem Marika bet me to the punch, the doc is available on the email. Don't try to look at it here.

Alan Greenberg (ALAC):And attached to the agenda Marika sent out last night (my time)

MiltonMueller (NCSG):*Marika

Marika Konings:@Milton - yes, also posted here: <https://community.icann.org/x/3AONBQ>

Stephanie Perrin (NCSG):Sure Thomas. As long as, sometime in a land far away, we get to ponder which aspects of this processing the registrant can reasonably object to, and still get a domain name.

Ashley Heineman (GAC):+1 Alex

Farzaneh Badii (NCSG):it is about access. yes. we made all these meetings about access. while charter explicitly said before answering the gating questions dont go there.

Diane Plaut (IPC):Thank you Alex for that clear statement

Ashley Heineman (GAC):Disclosure/Access is not out of scope. The *process* by which to allow access is what is to be discussed after the gating questions.

Farzaneh Badii (NCSG):it is unfortunate. because we are going to get sidetracked and we will not discuss gating questions, and we will have delays in discussing access even .

Farzaneh Badii (NCSG):no one said it's out of scope

MiltonMueller (NCSG):@Thomas - we MIGHT get sidetracked??? :-)

Farzaneh Badii (NCSG):but gating questions have to be answered. we are not answering them. every meeting has turned into an access meeting. groups send letters to ICANN for an interim access mechanism and here they keep taking us away from discussing issues including access

Ashley Heineman (GAC):there are indication that it cannot be discussed as a processing point until the gating questions are dealt with , but disclosure/access in the general sense are within the gating questions. Do you agree?

Kavous Arasteh (GAC):Alan +1
Ashley Heineman (GAC):Sorry.. that last statement wasn't very clear.
Farzaneh Badii (NCSG):ok Ashley. but if you want to set ICANN purpose for data collection based on access and disclosure we will have to expand ICANN mission and we should not
Kavous Arasteh (GAC):Ashley +1
Margie Milam (BC):what section are we talking about
MiltonMueller (NCSG):eyeroll
Kavous Arasteh (GAC):Margie, every thing and nothing
Ashley Heineman (GAC):I think we are talking about two seperate things Farzaneh. Perhaps a conversation better left for LA.
Alan Woods (RySG):genuine question . When does ICANN contact the regsitrant?
MiltonMueller (NCSG):It doesn't. He is talking about third partie iterests again
Alan Woods (RySG):ahhh
Farzaneh Badii (NCSG):what are we doing? going over the comments?
Chris Disspain (ICANN Board Liaison):@ Emily, thanks. Over to Kurt to see whether this is worth pursuing....
Mark Svancarek (BC):makes sense
Alex Deacon - IPC:@milton - because I was aksed to discuss the new x's . If we are going vertically then it can be discussed later.
Benedict Addis - SSAC:@Milton ICANN interests are sometimes served by third party processing of data. This is the point that Ashley made in her email.
Farzaneh Badii (NCSG):I have responded to that email
Kavous Arasteh (GAC):Benedict+1
Ashley Heineman (GAC):I think Benedict is referrng to Lauren's email, which quotes the bylaws and makes a clear justification/rational for the proposed 4.4.9.
James Bladel (RrSG):Are we talking about transfers now?
MiltonMueller (NCSG):we're talking about what data needs to be collected
Farzaneh Badii (NCSG):not identifying ...
Benedict Addis - SSAC:@Ashley sorry yez
Farzaneh Badii (NCSG):contacting. not identifying.
MiltonMueller (NCSG):UDRP requires contacting the registrant, not "identifying" as I undertand it
Benedict Addis - SSAC:@Milton correct
Kavous Arasteh (GAC):before contacting one should identify the one who wishes to contact
Farzaneh Badii (NCSG):for transfer purposes the registrars have to identify but that doesn't relate to data elements in WHOIS! we are not collecting drivers license are we
Farzaneh Badii (NCSG):no Kavous. I very much respectfully disagree
Kavous Arasteh (GAC):TKS
MiltonMueller (NCSG):Whois data verifies the owner of the domain in an authoritative sense
James Bladel (RrSG):That's how transfers USED to work....
Benedict Addis - SSAC:James +1
Benedict Addis - SSAC:Unfortunately, the current implementation of transfers is weaker and offers less security to the registrant
Alan Greenberg (ALAC):Yes, I was refering to how the data has traditionally been used.
Emily Taylor (RrSG):+1 James
Alan Greenberg (ALAC):@Benedict, but curiously we are told that there are fewer problems!
MiltonMueller (NCSG):Correct @Benedict - what is necessary vs what is "wanted"
Benedict Addis - SSAC:@Alan yes, but it's amenable to a sensible technical solution. We don't have enough data yet to determine whether there are more or less problems post GDPR. Probably both!

MiltonMueller (NCSG):Who was the author of the Temp Spec?

Farzaneh Badii (NCSG):I guess ICANN legal

Farzaneh Badii (NCSG):JJ?

MiltonMueller (NCSG):well maybe we just don't need whois at all ;-)

Farzaneh Badii (NCSG):oh maybe their lawyers that are taking registrars to court in Europe

Alan Greenberg (ALAC):@Milton, we do NOT need WHOIS at all - FOR SOME THINGS. But for better or worse, there are other things for which we do need it (or something comparable) .

Farzaneh Badii (NCSG):Benedict enlighten me. I think SSAC wants to identifying pattern of registration and not a person. right?

Chris Disspain (ICANN Board Liaison):The temp spec was drafted by ICANN legal and the Board caucus team were closely involved

Stephanie Perrin (NCSG):ONce again, if we were approaching this whole compliance with GDPR issue from a logical data protection perspective, we would have a data map of all registrant data processing. Then we would address the various areas, with a DIDP. I refer those who are unfamiliar with this process to the excellent book by David Wright and Paul de Hert on the subject

(https://urldefense.proofpoint.com/v2/url?u=https-3A_www.springer.com_us_book_9789400725423&d=DwlFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7_ZiltyVqrCYHo_rKms9SFxImbYEJqG-y9I&m=HHqH-NPoORwgOKhr8x_DmhF-6Y40HYIXO1Zp52gTvAw&s=LZAfgOr7jcl2ylyAwMhABpUl_3-ft7wl2XCvfK0TyiE&e=)

Thomas Rickert (ISPCP):I think it can be deleted.

Thomas Rickert (ISPCP):Yes.

Thomas Rickert (ISPCP):I

Kavous Arasteh (GAC):Then the drafter needs to describe the rationale for each para.

Amr Elsadr (NCSG):Yes to deleting it.

James Bladel (RrSG):Zone files shouldn't contain private data.

Emily Taylor (RrSG):@James they don't.

Emily Taylor (RrSG):We do regular work with the zone files, looking for IDNs and there is only domain + NS data

Kavous Arasteh (GAC):I do not agree with deletion

Alan Greenberg (ALAC):It has been claimed that your choice of dns server is a personal choice, but it is one that is necessary for the domain to work.

Julf Helsingius (NCSG):loud but not clear

Farzaneh Badii (NCSG):yes it's much better just that you talk passionately loud Hadia :)

Amr Elsadr (NCSG):@Emily: Exactly. Do you need registration data in any way to get that done?

MiltonMueller (NCSG):Zone files are published by name servers anyway, aren't they?

Farzaneh Badii (NCSG):you had access to personal info?

Benedict Addis - SSAC:@Milton no.

Alan Woods (RySG):what personal data is in the zone file?

James Bladel (RrSG):There could be a weird scenario where my published nameserver contains someone else's personal data (e.g. "ns.emilytaylor.co.uk") but that's an extreme edge case

Benedict Addis - SSAC:If you know the domain name, the auth nameserver will respond.

Farzaneh Badii (NCSG):well that's a use case anyhow. we don't work on use cases

Benedict Addis - SSAC:But you can't (now) easily traverse the zone

MiltonMueller (NCSG):respond how?

Amr Elsadr (NCSG):@Hadia: I don't understand. You needed access to registration data to facilitate your access to the zone files?

Hadia Elminiawi - ALAC:it does not include personal information

Thomas Rickert (ISPCP):Domain Names can be PII, therefore we need to explain why it has to be published. I have not understood why it is really required.

Hadia Elminiawi - ALAC:No amr

Amr Elsadr (NCSG):Ah, thanks, Hadia.

Thomas Rickert (ISPCP):You can publish domain names in the DNS no problem to perform the contract, publishing it as part of public whois is no problem, too. But zone files??? We need to speak to that.

Alex Deacon - IPC:CZDS 9s what I was thinking about regarding an ICANN purpose.

Hadia Elminiawi - ALAC:@Amr we used the zone files to try to come up with information that could be useful to the industry

Alex Deacon - IPC:*is

Thomas Rickert (ISPCP):CZDS access must be granted to virtually everyone. The reasons on which you can refuse access are virtually never present.

Mark Svancarek (BC):You have to submit PII to gain access to the CZDS, is that PII ever published externally? I didn't think so

Benedict Addis - SSAC:No Mark, not to my knowledge

Amr Elsadr (NCSG):@Hadia: Cool. But for the purpose of this exercise, was just curious about 4.4.10 as a purpose for processing gTLD registration data.

MiltonMueller (NCSG):thunder was stolen...

Amr Elsadr (NCSG):@Alan W.: Suspect that you are right.

Benedict Addis - SSAC:@Kurt could we do a show of hands?

James Bladel (RrSG):It's not part of the Registration or the Resolution of the domain

Benedict Addis - SSAC:@Alan yes, spot on!@

Hadia Elminiawi - ALAC:@Amr it could be a community interest - and I think that it is great that ICANN can help with this

James Bladel (RrSG):+1 Alan W.

Emily Taylor (RrSG):+1 Alan W

Mark Svancarek (BC):I have put up my hand to agree that we remove zone files

Alan Woods (RySG):NP :)

Stephanie Perrin (NCSG):Another useful document on the DPIA process, endorsed by the Schleswig Holstein DPA (co-author) is available here....shorter, and targeted to GDPR compliance. https://urldefense.proofpoint.com/v2/url?u=https-3A_www.researchgate.net_publication_319276698-5FA-5FProcess-5Ffor-5FData-5FProtection-5FImpact-5FAssessment-5Funder-5Fthe-5FEuropean-5FGeneral-5FData-5FProtection-5FRegulation&d=DwIFaQ&c=FmY1u3PJP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdISb7_ZiItyVqrCYHo_rKms9SFxImbYEJqG-y9I&m=HHqH-NPoORwgOKhr8x_DmhF-6Y40HYIXO1Zp52gTvAw&s=sjfgFV2PTzYv9viDgwBv_COT1zXZbVOkdZWLCpGKZ98&e= (file under

educational efforts, or what we ought to be doing at this point)

Stephanie Perrin (NCSG):Useful also in that it crosslinks to relevant standards

James Bladel (RrSG):But domains don't work (resolve) unless they are published. So registering a domain with your personal data touches on Consent, fulfilment of contract/service, etc.

MiltonMueller (NCSG):right Marc, that was very confusing reference to IANA

Hadia Elminiawi - ALAC:I think we need to take another look at the zone files to make sure that no personal information is there

Benedict Addis - SSAC:@Hadia we really don't

Hadia Elminiawi - ALAC:@benedict ok agree

MiltonMueller (NCSG):right @James, FQ domains must be published and accessible by anyone on the internet if they are to work

Emily Taylor (RrSG):@Hadia, please believe me, the zone files do not contain registration data

Alan Greenberg (ALAC):@Hadia, it depends on whether you consider the domain name and the DNS servers as personal data.

Emily Taylor (RrSG):or registrant data I should say

Benedict Addis - SSAC:Here's an example of a zone

file: [https://urldefense.proofpoint.com/v2/url?u=http-3A_www.mygreatname.com_how-2Ddns-2Dzone-2Dfile-2Dworks_nameserver-](https://urldefense.proofpoint.com/v2/url?u=http-3A_www.mygreatname.com_how-2Ddns-2Dzone-2Dfile-2Dworks_nameserver-2De13.gif&d=DwIFaQ&c=FmY1u3PJp6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7_ZjItyVqrCYH_o_rKms9SFxlmbYEJqG-y9I&m=HHqH-NPoORwgOKhr8x_DmhF-6Y40HYIXO1Zp52gTvAw&s=dPfwG2PQgrHwwAZg6ppWzbylapZ15Wf6r9kv4_RBY4&e=)

[2De13.gif&d=DwIFaQ&c=FmY1u3PJp6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7_ZjItyVqrCYH_o_rKms9SFxlmbYEJqG-y9I&m=HHqH-NPoORwgOKhr8x_DmhF-](https://urldefense.proofpoint.com/v2/url?u=http-3A_www.mygreatname.com_how-2Ddns-2Dzone-2Dfile-2Dworks_nameserver-2De13.gif&d=DwIFaQ&c=FmY1u3PJp6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7_ZjItyVqrCYH_o_rKms9SFxlmbYEJqG-y9I&m=HHqH-NPoORwgOKhr8x_DmhF-6Y40HYIXO1Zp52gTvAw&s=dPfwG2PQgrHwwAZg6ppWzbylapZ15Wf6r9kv4_RBY4&e=)

[6Y40HYIXO1Zp52gTvAw&s=dPfwG2PQgrHwwAZg6ppWzbylapZ15Wf6r9kv4_RBY4&e=](https://urldefense.proofpoint.com/v2/url?u=http-3A_www.mygreatname.com_how-2Ddns-2Dzone-2Dfile-2Dworks_nameserver-2De13.gif&d=DwIFaQ&c=FmY1u3PJp6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7_ZjItyVqrCYH_o_rKms9SFxlmbYEJqG-y9I&m=HHqH-NPoORwgOKhr8x_DmhF-6Y40HYIXO1Zp52gTvAw&s=dPfwG2PQgrHwwAZg6ppWzbylapZ15Wf6r9kv4_RBY4&e=)

Thomas Rickert (ISPCP):putting the name in the DNS is no problem

Emily Taylor (RrSG):+1 Marc

Thomas Rickert (ISPCP):Granting access to zone files to whoever asks for it is a problem

Matt Serlin (RrSG):agree with Marc on PII relative to zone file information

Benedict Addis - SSAC:@Thomas That's not really relevant to this exercise. I also feel you are advocating for a position here.

Thomas Rickert (ISPCP):I am sure it is a processing activity and it needs to be covered. If not here, then elsewhere.

Amr Elsadr (NCSG):Agree with Marc.

Benedict Addis - SSAC:@Thomas ok!

Alex Deacon - IPC:+James - agree with that!

Ashley Heineman (GAC):+1 James

Farzaneh Badii (NCSG):someone who registers a domain name with their personal info have not consented to it? I wonder

Benedict Addis - SSAC:@Farzi, no James's example was registering a domain name with someone ELSE's data

James Bladel (RrSG):@Benedict - correct. A weird form of "doxing"

Benedict Addis - SSAC:Hehehe!

Farzaneh Badii (NCSG):ohhh yes

Farzaneh Badii (NCSG):I always wanted to own miltonmueller.org

Diane Plaut (IPC):+James,

Benedict Addis - SSAC:Hadia - where do you see an email address in a zone file?

Chris Disspain (ICANN Board Liaison):I'll take miltonmueller.global

Farzaneh Badii (NCSG):haha

Farzaneh Badii (NCSG):oh sorry. I said haha. please forgive me.

Alan Woods (RySG):+1 milton

Benedict Addis - SSAC:Forgiven.

Thomas Rickert (ISPCP):I think we are still conflating a few points. The fact that domain names can be PII does not mean they cannot be processed to make them work in the DNS. It is however, problematic, to process the data in other ways that the registrant did not expect, such as zone file access. I am not saying that is a show stopper. We just need to explain it and reflect it in the record of processing activities.

Ashley Heineman (GAC):Delete... move on.

Alex Deacon - IPC:no objection here.

Thomas Rickert (ISPCP):As long as ICANN covers it, we can delete it.

Hadia Elminiawi - ALAC:@benedict first line (Start of authority)

MiltonMueller (NCSG):@chris - welcome to it! spreading my fame

Thomas Rickert (ISPCP):But it must be covered somewhere.

Chris Disspain (ICANN Board Liaison):I live to serve, Milton!

Alan Woods (RySG):Just not by us Thomas. on a list that is not on our table! :) We need to take a huge note elsewhere though definatly!

Alan Woods (RySG):(or should I say ICANN)

Benedict Addis - SSAC:@Hadia Ah yes you're right. The SOA record can represent an email address.

James Bladel (RrSG):Thanks all. Spirited call. Kudos, Kurt & Staff

Thomas Rickert (ISPCP):Exactly, Alan. And that needs to go into the data subject information.

Julf Helsingius (NCSG):Thanks everyone

Matt Serlin (RrSG):thanks all

Alan Woods (RySG):thanks

Farzaneh Badii (NCSG):bye

Mark Svancarek (BC):thx

Tatiana Tropina (NCSG):thanks all -- bye

Thomas Rickert (ISPCP):Thanks all!

Hadia Elminiawi - ALAC:bye

Amr Elsadr (NCSG):Thanks all. Bye.

Rafik Dammak (GNSO Council Liaison):thanks all