

Adobe Connect: 22

Alan Greenberg (ALAC)	Julf Helsingius (NCUC)
Alan Woods (RYSG)	Kavouss Arasteh (GAC)
Alex Deacon (IPC)	Kristina Rosette (RySG)
Ashley Heineman (GAC)	Kurt Pritz (Chair)
Ben Butler (SSAC)	Marc Anderson (RySG)
David Plumb (CBI)	Mark Svancarek (BC)
Diane Plaut (IPC)	Matt Serlin (RrSG)
Emily Taylor (RrSG)	Rafik Dammak (GNSO Council Liaison)
Farzaneh Badii (NCSG)	Stephanie Perrin (NCSG)
Georgios Tselentis (GAC)	Thomas Rickert (ISPCP)
Hadia Elminiawi (ALAC)	Toby Berkman (CBI)

On Audio Only:

None

Apologies:

Ayden Férdeline (NCSG)
Amr Elsadr (NCSG)
Leon Sanchez (ICANN Board Liaison)

Audio Cast (FOR ALTERNATES AND OBSERVERS)

Peak: 6 joined

View Only Adobe Connect:

17 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:

Andrea Glandon:Welcome to the open house meeting with CBI and the EPDP team held on Monday, 17 September 2018 at 14:00 UTC.

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

Julf Helsingius (NCUC):Sounds like someone has mic open

Stephanie Perrin (NCSG):lost sound?

Matt Serlin (RrSG):whoops...

Terri Agnew:helping Thomas

Hadia Elminiawi - ALAC:thomas i can't hear you
Hadia Elminiawi - ALAC:good again
Julf Helsingius (NCUC):now we can
mark svancarek (bc):we hear you now
Julf Helsingius (NCUC):gone again\
Stephanie Perrin (NCSG):nope gone again
Matt Serlin (RrSG):that was really brief!
Kristina Rosette (RySG):we don't hear you
Thomas Rickert (ISPCP):I will yield the mic and dial in.,
Terri Agnew:Thomas, your line cuts in and out
Kavouss Arasteh (GAC):Thomas
Kavouss Arasteh (GAC): there is traditional echo
Farzaneh Badii (NCSG):Yeah Thomas it sounds like you are talking in an empty room.
Farzaneh Badii (NCSG):I think you probably need a new head set :)
Kavouss Arasteh (GAC):Farzaneh +1
Terri Agnew:Thomas is on the telephone audio.
Thomas Rickert (ISPCP):I am back, in case it is still a goot time for me to ask my question
Stephanie Perrin (NCSG):Please do
Stephanie Perrin (NCSG):Thomas is making a very important point. The fact that ICANN has been able to ignore the law in the past clouds the reality that we are talking about establishing a legal basis for action on registration data that minimizes legal risk. We are engaged in a combination of a risk assessment workshop, and a legal drafting exercise.
Julf Helsingius (NCUC):Exactly
Ashley Heineman (GAC):I think mediation is always helpful. I also don't think that subject matter expertise is always necessary... particularly if the point is to remove roadblocks and keep the discussion moving productively.
Farzaneh Badii (NCSG):no we are all talented. it's just in case of deadlock. it's about reframing and re-shaping how we say things so that we don't get into a deadlock
Kavouss Arasteh (GAC):Which budget?
Marika Konings:Please see the EPDP Fact Sheet that Berry just circulated to the EPDP Team mailing list.
Kavouss Arasteh (GAC):One time budget? or annual ICANN budget?
Marika Konings:Kavouss, please see [https://urldefense.proofpoint.com/v2/url?u=https-3A_gnso.icann.org_sites_default_files_file_field-2Dfile-2Dattach_chalaby-2Dto-2Dgnso-2Dcouncil-2D07aug18-2Den.pdf&d=DwICaQ&c=FmY1u3PJp6wrcrwl13mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7_ZjItyVqrCYH_o_rKms9SFxlmbYEJqG-y9I&m=f_3g6WIXDoCyllmTbzLeVvk38CZAWTEcSnmSSU9IS5MY&s=p8_YM1TJP9capL7fL1-fBFZH-lahNGp_jmmsLgFh-k&e=.](https://urldefense.proofpoint.com/v2/url?u=https-3A_gnso.icann.org_sites_default_files_file_field-2Dfile-2Dattach_chalaby-2Dto-2Dgnso-2Dcouncil-2D07aug18-2Den.pdf&d=DwICaQ&c=FmY1u3PJp6wrcrwl13mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7_ZjItyVqrCYH_o_rKms9SFxlmbYEJqG-y9I&m=f_3g6WIXDoCyllmTbzLeVvk38CZAWTEcSnmSSU9IS5MY&s=p8_YM1TJP9capL7fL1-fBFZH-lahNGp_jmmsLgFh-k&e=)
Kavouss Arasteh (GAC):pays for?mediation
Farzaneh Badii (NCSG):Yes Alan thank you. I agree.
Kavouss Arasteh (GAC):ICANN or the one who asks for mediation ?
Hadia Elminiawi - ALAC:+ 1 Alan (Consensus building is not always easy)
Kavouss Arasteh (GAC):In my view for certain cases, perhaps ,we could get the mediation from the regions concerned and not from a country outside that region as the conditions may be quite specific
Kavouss Arasteh (GAC):We have not yet decided for Section 4,4
Kavouss Arasteh (GAC):I do not think the three days meeting is focussing on mediation at all ?
Stephanie Perrin (NCSG):It would be very useful in my view if we could get the economic considerations on the table. How much does it cost registrars to provide access? How much do value

added service providers (e.g. Domain Tools, Mark Monitor) lose when WHOIS becomes differentiated (i.e. not wide open). How much effort does a registrant have to expend to manage the ancillary costs of a wide open WHOIS?

Farzaneh Badii (NCSG): mediators don't get involved with substance. it's about structure/reframing/reshaping/ rephrasing/ taking a breath in conflict and look at things from another angle if there is a deadlock

Stephanie Perrin (NCSG):I presume it remains the task of the Chair to keep us following the Charter and Charter questions, not the mediators.

mark svancarek (bc):+1 Stephanie

mark svancarek (bc):(on the economic topic)

Matt Serlin (RrSG):when can we anticipate receiving that agenda for next week?

Farzaneh Badii (NCSG):this economic consideration is not related to mediation

Stephanie Perrin (NCSG):Well the causes of the failure to get anywhere are buried now, in my view. That is why a little economic considerations focus might help clear away the cobwebs.

Ashley Heineman (GAC):Kavouss - it is like a meeting facilitator. Just helping keep things going constructively.

Farzaneh Badii (NCSG):yes we need them in face to face and I prefer them to be on calls too.

Ashley Heineman (GAC):We need a facilitator because we aren't making progress. (sorry)

Farzaneh Badii (NCSG):mediation is quite a new technique, it has worked very well in the US and helps us move forward.

Farzaneh Badii (NCSG):I agree Ashley

Farzaneh Badii (NCSG):I don't think this is traditional mediation with nonbinding outcome. it's mediating consensus.

Alan Woods (RYSG):+1 emily

Collin Kurre (NCSG):I find it difficult to square the notion of safe spaces with ICANN's high level of meeting documentation and transparency, and am uncomfortable with the idea of having off-the-record parallel mediation feeding back into the more formal process

Farzaneh Badii (NCSG):this is facilitation. It is about facilitating discussion. it is not resolving disputes

Hadia Elminiawi - ALAC:Kavouss no one said that mediators are going to supervise us - they are simply helping in building consensus which is something that we ultimately need to reach

Kavouss Arasteh (GAC):Still I am not sure why parties should be given an advice on how to formulate their argument.

Farzaneh Badii (NCSG):they are the ones that can identify deadlock and reasons that can lead to it and provide advice. you are free not to take their advice

Georgios Tselentis (GAC):IMHO mediation could start looking already at the Triage report and check the positions of the groups. By analysing those I would be curious to see the CBI proposal how to move fwd. I do not think is productive what we do now

Kavouss Arasteh (GAC):Those differwent parties should have a complete freedom and liberty on how to formulate their arguments . Are they naiev or disable to argue without intervention of mediator

Alan Greenberg (ALAC):Privaet "in camera" discussions may be helpful to get compromise, but that is NOT going to be easy based on our established methods of operation (ie can we really go off the record for 3 hours??)

Farzaneh Badii (NCSG):sorry Georgios I don't think that is what they should do. they are facilitators. they don't gauge consensus

Alan Greenberg (ALAC):I am chairing a call in 10 minutes and need to leave now. Thanks all.

Stephanie Perrin (NCSG):The problem is the triage report is not framed well enough to draw meaningful conclusions in my view. The questions were too circular.

Georgios Tselentis (GAC):@Farzaneh I think Kurt facilitates fine and the support of ICANN team is great so far. I see just now creating an artificial need without having a good analysis of the positions.

Farzaneh Badii (NCSG):well I am happy we showed a glimpse of how we don't make decisions in this group to the mediator today and keep getting sidetracked. Hope they have a solution for this

Farzaneh Badii (NCSG):they don't do substantive analysis Georgios . Kurt and leaders should gauge consensus not mediators

Stephanie Perrin (NCSG):I think if the mediators could help us get to the baseline positions of the various parties, we might make progress. For instance, NCSG will not budge from quite a few items....protection of vulnerable groups (so a no to insisting on no confidentiality for legal persons, even if it is a Charter protected right as opposed to a GDPR right). Each group has its own redlines.

Stephanie Perrin (NCSG):We want law enforcement agencies to follow due process according to national law. Not going to give much ground on that one either, even if that is not happening now.

Georgios Tselentis (GAC):@ Stephanie This is exactly what I meant

Farzaneh Badii (NCSG):yes they can make us think about others perspective

Farzaneh Badii (NCSG):ok Georgios sorry I thought they should gauge consensus

Stephanie Perrin (NCSG):I thought so Georgios, and I think there is no point in dancing around these core positions.

Thomas Rickert (ISPCP):Hearing that CBI has read the temp spec and heard about our concerns: Would CBI agree that we probably need to rethink our approach and work more off the two spreadsheets (the purpose document and the data matrix) and not that much about the existing document?

Collin Kurre (NCSG):Thanks Kurt. I do see the value in utilizing one-on-one time to give the mediators a more nuanced view of the group dynamics. However, a further concern may be that this would become yet another obligation for time-poor volunteers, as not capitalizing on that time to share individual perspectives could be seen as a disadvantage. That being said, I appreciate this initiative and the willingness of the mediators to engage!

Farzaneh Badii (NCSG):we have to reconsider our approach. We are not making progress CBI.

Farzaneh Badii (NCSG):Yes exactly David

Collin Kurre (NCSG):+1

Farzaneh Badii (NCSG):That's great thank you David.

Stephanie Perrin (NCSG):Mind you, our core positions are pretty easy to defend, as they are based on our interpretation of human rights and the preservation of an open Internet which allows individuals to grow and express themselves. Others who have cost and profit considerations, particularly in situations where the data has been gathered illegally and may have to be dumped, may have reservations about transparency.

Farzaneh Badii (NCSG):WE need help

Thomas Rickert (ISPCP):Kavouss, why don't we all accept as a fact that we will have support for the meeting.

Collin Kurre (NCSG):And we need some wins! It would be great to have some early successes to point to.

Ashley Heineman (GAC):Kavouss... lets move on. we need it.

Farzaneh Badii (NCSG):I have to leave you. I look forward to working with CBI and everyone else next week

Alex Deacon - IPC:It seems to me that if the focus of our time with the mediators was to get agreement on the purposes (4.4) for Registrars, Registries, ICANN and 3rd parties, based on the two spreadsheets, it will be time well spent.

Kavouss Arasteh (GAC):Ashley , you may need that but I DO NOT THINK THAT i am convinced that I NEED THAT

Farzaneh Badii (NCSG):well you don't have to use them Kavouss

Kavouss Arasteh (GAC): IT IS CLEAR THAT YOU WELCOME SUCH OUTSIDER INSTRUCTION BUT I may not feel comfortable that I NEED THAT

Kavouss Arasteh (GAC):Sorry and apologize for cap

Ashley Heineman (GAC):Kavouss - then please let those of us who want them move on. If you don't need them, then you don't need to take their recommendations. Please don't make it so we those of us who can benefit from their assistance can do so.

Kristina Rosette (RySG):+1 thomas

Kavouss Arasteh (GAC):Frzaneh, if you use that with your partner ,the agreement you conclude impact me

Stephanie Perrin (NCSG):Exactly, I agree with Ashley. It is a fundamental principle in mediation that you can refuse the opportunity.

Kavouss Arasteh (GAC):Any such intervention in form of mediation would or may result in undermining the very provisions of GDPR

Marc Anderson (RySG):@Kurt - I was expecting a 60 minute call - can you clarify are we over time or am I confused on the length of the call.

Kavouss Arasteh (GAC):The time is over

Kavouss Arasteh (GAC):We are at the top of the time

Stephanie Perrin (NCSG):ICANN should have implemented not just GDPR but the California privacy laws with respect to the use of contract help. They should have a clause in their contract that governs any personal data gathered.

Collin Kurre (NCSG):Maybe this is standard practice, but I think it's important for the mediators to keep good notes from all off-the-record conversations, and publicize high-level overviews at the end of the process (not necessarily on substance of discussions, but on time spent with each constituency group, etc)

Stephanie Perrin (NCSG):Leaving aside all the ethical rules that govern accredited mediators.

Collin Kurre (NCSG):I've also got to drop from the call, sorry. Looking forward to seeing you all next week

Kavouss Arasteh (GAC):K

Hadia Elminiawi - ALAC:yes

Alan Woods (RySG):have to drop alos. Thank you

Kavouss Arasteh (GAC):We have to drop off

Thomas Rickert (ISPCP):We also need to give sufficient assurance to those interested in access that access will be sufficiently and diligently addressed after we have discussed the gating questions. I guess there is a fear that this will fall off the truck.

Thomas Rickert (ISPCP):Kurt and staff - as mentioned by e-mail, I encourage you to join these calls.

Stephanie Perrin (NCSG):Mark is making a fundamental point, in my view. Because of the complexity of the ecosystem, and the difficulty in applying GDPR to a set of existing practices that were not developed to be in compliance with privacy law, and the way we have necessarily chopped up our work process, we require trust in order to forestall discussion of repercussions of decisions.

Kavouss Arasteh (GAC):Thomas, Yes then how you mediate between those two different ideas, if yes, then why you need outsiders to instruct you

Hadia Elminiawi - ALAC:Thank you CBI and all

Rafik Dammak (GNSO Council Liaison):thanks all

Julf Helsingius (NCSG):thank you all

Thomas Rickert (ISPCP):Thanks all! Kavouss - let's continue the conversation.

Georgios Tselentis (GAC):thank you and goodbye