

Andrea Glandon: (9/24/2018 09:39) Welcome to the EPDP Face to Face meeting, Day 1, held on Monday, 24 September 2018.

Andrea Glandon: (09:39) Agenda Wiki Page: <https://community.icann.org/x/rQarBQ>

Milton Mueller: (10:42) Is there an agenda that can be posted here?

Marika Konings: (10:44) The agenda can be found here: <https://community.icann.org/x/rQarBQ> but as Kurt noted there will likely be some fluidity in the agenda depending on where conversations go.

Terri Agnew: (10:44) you will hear silence for 5 minutes

Terri Agnew: (10:52) will begin again shortly

Terri Agnew: (10:52) will begin again shortly

Terri Agnew: (10:56) we have started again

Julf Helsingius (NCSG): (11:06) So what did we decide about alternates in the room?

Alan Greenberg (ALAC): (11:07) I believe we said alternates could be in the room but not at the table.

Julf Helsingius (NCSG): (11:07) Is Kavouss at the table or not?

Marika Konings: (11:10) @Alan is correct. Rahul is observing for the morning and will step in as the alternate for Kavouss for the afternoon when Kavouss is not available.

Julf Helsingius (NCSG): (11:13) Thank you Alan and Marika for the clarification

Collin Kurre (NCSG): (11:13) Kavouss, our group is also feeling visa challenges — Amr wasn't able to make this meeting because he couldn't get a visa. Respectfully, however, I don't think that now is the time to be having this conversation.

Milton Mueller (NCSG): (11:14) This point has been made Kavouss

Alan Greenberg (ALAC): (11:15) There are no places that do not have such issues. We have had a long-time ALAC member who travels extensively who was refused a visa for Barcelona.

Mark Svancarek (BC): (11:24) on't know Lindsay hamilton-Reid, what can you tell me about her

Marika Konings: (11:26) @Mark - Lindsay is the alternate from the RrSG replacing Emily Taylor who could not be present.

Milton Mueller (NCSG): (11:26) yeah, let's talk about Lindsay ;-)

Kavouss Arasteh (GAC): (11:26) MILTON, WHICH POINT HAS BEEN MADE?

Ayden Férdeline (NCSG): (11:26) +1 Alan G - these challenges impact everyone

Milton Mueller (NCSG): (11:27) Why me???

Kavouss Arasteh (GAC): (11:27) Are you referring to the statement?

Kavouss Arasteh (GAC): (11:27) you are not entitled to comment

Collin Kurre (NCSG): (11:29) I like that suggestion, Benedict

Kavouss Arasteh (GAC): (11:29) Milton you are not involved on the nature of statement as it was not addressed neither to a specific country nor to any participant

Kavouss Arasteh (GAC): (11:30) Because you said the point was made. I GUESSED YOU REFERRED TO MY LEGITIMATE STATEMENTS

Stephanie Perrin (NCSG): (11:33) Sadly, I find it hard to agree to a method that fails to identify the accountable parties before working on purposes and data elements. This is not how Data protection authorities perform an investigation, and we are skipping fundamental steps, that have to at least be acknowledged.

Kavouss Arasteh 2 (GAC): (11:41) c

Kavouss Arasteh 2 (GAC): (11:43) C

Kavouss Arasteh (GAC): (11:54) i raised my hand

Terri Agnew: (11:57) @Kavouss, your raised hand is acknowledged

Kavouss Arasteh (GAC): (12:01) but the sequence is not observed

Collin Kurre (NCSG): (12:02) Good point to keep in mind re contract, Alan. We can get into a chicken and egg situation

Milton Mueller (NCSG): (12:02) Kavouss you cannot see whose cards are raised here. They ARE observing the queue

Alan Greenberg (ALAC): (12:03) Can we please add time-stamps in the chat?

Stephanie Perrin (NCSG): (12:03) In the interests of time, I have stepped out of the queue. My point was merely that the slides projected in the room are illegible because the saturation of the text box is too dark. May I suggest you follow standards for legibility, focused on the possibility that some of us are disabled.

Alan Greenberg (ALAC): (12:05) +1 Stephanie. Also the speaker jacks on the microphones are not enabled which I find problematic.

Marika Konings: (12:06) Apologies Stephanie - I had used black instead of white, but I think because of the lightening in the room it is difficult to see, but please note that the information can also be found on the first page of the document.

Terri Agnew: (12:10) @Alan, Adobe Connect time stamp has been added.

Julf Helsingius (NCSG): (12:11) Thanks, Terri!

Stephanie Perrin (NCSG): (12:12) Thanks Marika.

Stephanie Perrin (NCSG): (12:13) I think it is the saturation in the text boxes that needs to be toggled....across the board.

Collin Kurre (NCSG): (12:14) We're also starting with ICANN's processing purposes first, then it's my understanding that we could potentially disaggregate base(s) for pursuit by registries, registrars, and third parties afterwards

Caitlin Tubergen: (12:18) @Kavouss, we note your hand is raised. Please note the group is about to take a break, is it OK to ask your question after the break?

Terri Agnew: (12:20) we are taking a 15 minute break, will chat when we return

Marika Konings: (12:21) Please take a moment to read through the document up on the screen during the break. It is also posted on the wiki; <https://community.icann.org/x/rQarBQ>

Kavouss Arasteh (GAC): (12:22) Terri, pls remind the convener that the remote participants have no opportunity to exchange their views with other during the break thus they should be given the floor to express themselves

Terri Agnew: (12:43) we are back from break and starting again

Terri Agnew: (12:55) as a reminder, documentation is on the wiki agenda page: <https://community.icann.org/x/rQarBQ>

Collin Kurre (NCSG): (13:01) I think that in the interest of clarifying basis we should avoid combining ANY purposes. Each should be disaggregated and justified independently

Milton Mueller: (13:03) No, H I J K L are the same discussion in effect.

Collin Kurre (NCSG): (13:07) @milton I meant in the context of the spreadsheet, not in terms of discussion format. Find to group for discussions, but I find L to be especially problematic because it combines so many purposes under one heading.

Milton Mueller: (13:08) I would like to suggest that there doesn't need to be a separate group for D

Lindsay Hamilton-Reid (RrSG): (13:09) Agree Milton - it shouldn't even be there.

Collin Kurre (NCSG): (13:13) We run the risk of word-smithing in small groups, then word-smithing once again as a plenary, essentially doubling the time spent on each issue

Milton Mueller: (13:16) yes

Kristina Rosette (RySG): (13:22) Folks: RySG would like to add a new purpose, which we believe is a purpose of both ICANN and Registry Operators: Enabling validation of Registered Name Holder satisfaction (fulfillment) of registration policy eligibility criteria. Plan to get in the queue as well, but wanted to add in chat so folks have it.

Milton Mueller: (13:24) Kristina: I am not sure what "enabling validation of RNH fulfillment of reg policy eligibilty criteria" means

James Bladel (RrSG): (13:24) +1 Kristina, but that can be added when we get to RY and RR purposes?
Or are folks saying this is an ICANN purpose (e.g. compliance?)

Milton Mueller: (13:24) look forward to your comments on that.

Kavouss Arasteh (GAC): (13:24) Terri pls advise that I have raised hand

Marika Konings: (13:25) @Kavouss, you are in the queue

Collin Kurre (NCSG): (13:25) So for example, could we say: "Enable a mechanism for the communication or notification by ICANN, Admin-C, or Tech-C to the Registered Name Holder of technical issues with a registered name"

Milton Mueller: (13:27) These finer points about C and D can be handled once the discussion is merged

Kristina Rosette (RySG): (13:27) @James: It's primarily an RO perspective. However, to some extent, I think it is an ICANN purpose (I'm thinking of Spec. 13, for example). I also wanted to put the marker down to the extent that there is a view that any Rr or Ry purpose must also be an ICANN purpose.

Kristina Rosette (RySG): (13:28) @James; purpose, not perspective.

Milton Mueller: (13:30) Kristina: What's the relationship between Spec 13 and your proposed purpose?

Lindsay Hamilton-Reid (RrSG): (13:31) Well said Stephanie.

James Bladel (RrSG): (13:32) The Q is much longer than usual.

Thomas Rickert (ISPCP): (13:33) Kavouss, you are not excluded. We have someone managing the queue and you get your chance to talk - as you did many many times already today,

Marika Konings: (13:36) Here is the proposed combination of C and D: Enable a mechanism for the communication or notification to the Registered Name Holder of technical issues with a Registered Name and allows the Registered Name Holder to provide optional additional data for Admin-C and Tech-C.

Milton Mueller: (13:37) looks good to me as a basis for discussion

Chris Disspain: (13:37) drop the s from allows

Marika Konings: (13:40) Proposed rewrite: Enable a mechanism for the communication or notification to the Registered Name Holder and/or their delegated party of technical issues with a Registered Name

Marika Konings: (13:41) Further update: Enable a mechanism for the communication or notification to the Registered Name Holder and/or their delegated party of technical or administrative issues with a Registered Name

Alex Deacon - IPC: (13:41) looks good to me

Milton Mueller: (13:43) I support the last proposal from Marika

Collin Kurre (NCSG): (13:43) How about Enable a mechanism for the communication or notification to the Registered Name Holder, Admin-C, and/or TEch-C of technical or administrative issues with a Registered Name

Milton Mueller: (13:46) I still support the last proposal of Marika

Collin Kurre (NCSG): (13:46) Here, to keep this fresh in the chat, last proposal from Marika:

Collin Kurre (NCSG): (13:46) Here is the proposed combination of C and D: Enable a mechanism for the communication or notification to the Registered Name Holder of technical issues with a Registered Name and allows the Registered Name Holder to provide optional additional data for Admin-C and Tech-C.

Milton Mueller: (13:47) Incorrect, Collin. This is the last and best version Marika circulated:

Milton Mueller: (13:47) Enable a mechanism for the communication or notification to the Registered Name Holder and/or their delegated party of technical or administrative issues with a Registered Name

Alex Deacon - IPC: (13:47) +1 Milton

Collin Kurre (NCSG): (13:47) Oopsies!

Collin Kurre (NCSG): (13:47) trying to be helpful :)

Marika Konings: (13:49) This is the text: Enable a mechanism for the communication or notification to the Registered Name Holder and/or their delegated parties of technical or administrative issues with a Registered Name

Kristina Rosette (RySG): (13:50) @Milton: Spec 13 is an example. A Registry Operator may decide to adopt a registration eligibility policy for its TLD to meet its Spec. 13 obligations (to limit registration to itself, its Affiliates and TM Licensees), voluntary obligations under a voluntary PIC, or simply because of the RO's selected business model for a TLD. The RO needs to validate that a particular potential Registered Name Holder meets those criteria. In order to validate that eligibility, the RO needs to process RNH data. Does that explain? If not, happy to discuss further. And I am planning to raise my hand to introduce when we're at a point in the discussion when it makes sense to do so.

Kavouss Arasteh (GAC): (13:51) FARZANEH +1

Collin Kurre (NCSG): (13:51) Enable communication or notification to the Registered Name Holder and/or their delegated parties of technical or administrative issues with a Registered Name

Kavouss Arasteh (GAC): (13:52) We need to s drop mechanism and retain optional

Collin Kurre (NCSG): (13:53) On the discussion re delegated parties, representatives, etc. we could park that semantic discussion and defer to whatever's most appropriate as per GDPR

Kavouss Arasteh (GAC): (13:53) We Dont need delegated party

Kavouss Arasteh (GAC): (13:55) Marika, may you pls put the last version of combined C and D PLS

Marika Konings: (13:56) The agreed language to take to the next exercise (data elements worksheet) is Enable communication or notification to the Registered Name Holder and/or their delegated parties of technical and administrative issues with a Registered Name

Kavouss Arasteh (GAC): (13:58) WHY ALWAYS BOTH TECH and AMIN. it should be and/ or because sometimes only one is necessary and sometimes the other both

Ashley Heineman (GAC): (13:59) Isn't B1 essentially covered in C?

Julf Helsingius (NCSG): (14:01) yes

Milton Mueller: (14:02) except that C is more clear and specific

James Bladel (RrSG): (14:08) Benedict - Sorry, but my point was that this was not an ICANN purpose.

James Bladel (RrSG): (14:08) Not discounting that contact/identification may be a purpose or interest of another party

Ashley Heineman (GAC): (14:17) Hey James. What about contract compliance? Failover? Aren't those reasons in which ICANN would be involved in identification?

Collin Kurre (NCSG): (14:19) The choice between including the B's -or- HIJK is also a false dichotomy. In our opinion they should all be removed.

James Bladel (RrSG): (14:19) Ashley - those are captured in E and F

Ashley Heineman (GAC): (14:20) Thanks James. I guess I'm just grappling with the aversive reaction to ICANN having as a purpose "identifying" the registrant. E and F do not specify that specifically, but based on your last chat comment I assume you then agree that "identification" is inferred.

James Bladel (RrSG): (14:21) Yep, and my first comment was "outside of a compliance function" And even in E and F, ICANN wouldn't contact registrants directly, but via a registrar

Ashley Heineman (GAC): (14:25) Alan... but we do believe there is a difference between an ICANN purpose (at the basic level) and detailed legitimate interests of third parties. They are two separate things.

Milton Mueller: (14:27) Hadia is not quoting from ICANN's mission.

Caitlin Tubergen: (14:29) The group is now breaking for lunch for 30 minutes.

Terri Agnew: (14:40) Lunch break

Terri Agnew: (15:22) we will be starting shortly

Terri Agnew: (15:23) we are starting again

Rahul Gosain: (15:24) Ok

Collin Kurre (NCSG): (15:31) Agree with Lindsay — I also interpret references to "ICANN" as referring to ICANN org by default (particularly when talking about purposes for collection as a data controller). Any references to ICANN community should be delineated, and defined

Margie Milam: (15:36) +1 Chris

Collin Kurre (NCSG): (15:37) So is our task then to interpret ICANN's mission?

Chris Disspain: (15:37) In some respects Collin, yes

Lindsay Hamilton-Reid (RrSG): (15:38) Well ICANN's mission should surely not be the security of the Internet but domain names?

Chris Disspain: (15:38) not domain names, Lindsay, the domain name system

Lindsay Hamilton-Reid (RrSG): (15:39) Yes and that's fine but not the Internet - that is far too wide
Chris.

Chris Disspain: (15:39) I agree

Chris Disspain: (15:39) did I say Internet?

Chris Disspain: (15:39) If so...Nit intended

Chris Disspain: (15:39) Not even

Lindsay Hamilton-Reid (RrSG): (15:39) No but it's all over the mission statement.

Chris Disspain: (15:40) well, with respect, the mission was drafted by and agreed to by the community including many people in this room

Lindsay Hamilton-Reid (RrSG): (15:40) Yes I understand that, I am just wondering if that has left it open to interpretation.

Collin Kurre (NCSG): (15:44) In order for data collection purposes to be construed as fulfilling ICANN's mandate without conflating third-party interests, we should be able to unequivocally demonstrate such collection is critical to a stable, functioning DNS.

Collin Kurre (NCSG): (15:51) Noting that a lot of these questions will come up in the second part of today's exercise (the other colorful spreadsheet). Maybe it would be good to carry on working on the ICANN purposes and table discussions about bylaw interpretation until part 2?

Ashley Heineman (GAC): (16:02) Can we get Milton's comments on the record??? :-)

Kavouss Arasteh (GAC): (16:04) Raul, Are you connected

Marika Konings: (16:04) @Kavouss - Raul is here in the room.

Marika Konings: (16:04) Sorry, Rahul

Rahul Gosain: (16:04) Yes Kavouss!

Kavouss Arasteh (GAC): (16:05) Raul, pls takepaart in the discussion if you so wish

Rahul Gosain: (16:05) Tks

Ashley Heineman (GAC): (16:07) I don't agree that we are trying to expand ICANN's mission.

Rahul Gosain: (16:07) I don't think expand is the right word +1 Ashley

Rahul Gosain: (16:07) I think its about a correct interpretation of the full ICANN mission

Alex Deacon - IPC: (16:11) I think it time we look at specific text.

Farzaneh Badii: (16:11) yes the wording is important . lets reframe it

Farzaneh Badii: (16:11) yes

Farzaneh Badii: (16:11) Alex I totally agree lets look at the text

Collin Kurre (NCSG): (16:19) Great points by Alan W

Collin Kurre (NCSG): (16:20) Support getting rid of B1, B2, H I J and K

Lindsay Hamilton-Reid (RrSG): (16:20) Yes me too Collin.

Alex Deacon - IPC: (16:21) appreciate Alan's comments here, but while the purpose needs (per gdpr) to be specific and unambiguous.

Alex Deacon - IPC: (16:21) s/while//

Ashley Heineman (GAC): (16:22) Agree with Alex Deacon.

Alex Deacon - IPC: (16:23) CAn we type Jame's text into the chat?

Caitlin Tubergen: (16:24) Proposed H: supporting a framework to enable ICANN Org to access registration necessary to address domain name issue related to bylaws.

Caitlin Tubergen: (16:24) Proposed I: enable ICANN community to develop a framework for access for third parties to pursue legitimate interests

Kavouss Arasteh (GAC): (16:25) " Proposed H: supporting a framework to enable ICANN Org to access registration necessary to address domain name issue related to bylaws."

Collin Kurre (NCSG): (16:25) What are the options? Remove B's, HIJK

Collin Kurre (NCSG): (16:25) Rephrase HIJK

Collin Kurre (NCSG): (16:25) and third option?

Kavouss Arasteh (GAC): (16:26) " Proposed H: supporting a framework to enable ICANN Org to access registration necessary to address domain name issue related to bylaws." "This is senseless

Caitlin Tubergen: (16:27) Small update to Proposed H: supporting a framework to enable ICANN Org to access registration data necessary to address domain name issues related to bylaws.

Ayden Férdeline (NCSG): (16:29) Stephanie's hand has been up for a long time; I hope she will be called upon soon.

Kavouss Arasteh (GAC): (16:29) Small update to Proposed H: supporting a framework to enable ICANN Org to access registration data necessary to address domain name issues related to bylaws.. This is irrelevant as it is not clear to whom it is addressed ? Are we talking of extending or interpreting bylaws

Collin Kurre (NCSG): (16:29) Access should not be part of the purpose.

Julf Helsingius: (16:30) Kavouss: are you or Rahul the active representative?

Caitlin Tubergen: (16:31) @Kavouss - Proposed H is the text that James worked on for discussion purposes.

Terri Agnew: (16:37) 20 minute break

Terri Agnew: (17:24) we are back from break

Collin Kurre (NCSG): (17:32) C/D was never on the chopping block

Collin Kurre (NCSG): (17:32) It's just B1 B2, HIJK at the moment, correct?

Marika Konings: (17:32) @Colin - as I understand also replacing G

Lindsay Hamilton-Reid (RrSG): (17:32) These points should just be removed.

Milton Mueller (NCSG): (17:33) So when Alan says C and D are not enough, what additional data does he want collected?

Milton Mueller (NCSG): (17:33) Marika: correct, G goes too

Lindsay Hamilton-Reid (RrSG): (17:36) Facilitating access (whatever that means) is not a legitimate purpose.

Kristina Rosette (RySG): (17:41) Without taking a spot in the queue, what does "uniform Registration Data" mean?

Matt Serlin (RrSG): (17:42) +1 Kirstina...not sure what that means

Georgios Tselentis (GAC): (17:42) +1 to what was said by margie to keep accurate and reliable

Marika Konings: (17:42) Current proposed language: Facilitate lawful access to accurate, reliable, and uniform Registration Data for legitimate 3rd party interests for data that is already collected.

Milton Mueller (NCSG): (17:42) Kristina: probably that it does not vary across registrars

Lindsay Hamilton-Reid (RrSG): (17:43) I think we should move on now.

Alex Deacon - IPC: (17:45) Agree with the addition of "accurate, reliable and uniform data"

Thomas Rickert (ISPCP): (17:48) Alex, I think we should avoid the impression that we are establishing additional validation requirements for contracted parties.

Julf Helsingius (NCSG): (17:48) I think we have to understand "accurate" in the sense it is meant in the GDPR

Collin Kurre (NCSG): (17:48) +1 Thomas

Lindsay Hamilton-Reid (RrSG): (17:50) Agreed Thomas

Lindsay Hamilton-Reid (RrSG): (18:12) I agree with James, this is not an ICANN purpose. In respect of accurate, we have that elsewhere in the RRA and in our T&Cs with the registrant.

Lindsay Hamilton-Reid (RrSG): (18:12) Or privacy notice.

Milton Mueller (NCSG): (18:20) +1 Thomas!

Milton Mueller (NCSG): (18:21) ICANN whois must serve as the authoritative titling for domain name ownership

Collin Kurre (NCSG): (18:39) Funny, taking them out of alphabetical order makes it so much harder to read

Collin Kurre (NCSG): (18:39) Maybe that's why nobody realized L was missing at first ;)

Collin Kurre (NCSG): (18:45) @alan we can return to those questions as we work on the third deliverable

Collin Kurre (NCSG): (18:45) on access

Alex Deacon - IPC: (18:49) I think the recent comment from Thomas is important - we will discuss language for Law Enforcement and the legal basis for it in the next step of the process (i.e. filling out Barry's word doc with the data elements etc.)

Ashley Heineman (GAC): (18:50) Can we sleep on this existing compromise text and then go through the worksheet exercise before coming back (if we need to)?

Collin Kurre (NCSG): (18:50) Perhaps @benedict could suggest a rephrasing of L to more clearly underscore what you want there?

Marika Konings: (18:50) I believe this is the language that Benedict proposed: Supporting a framework to support appropriate law enforcement needs

Collin Kurre (NCSG): (19:09) It seems like including reg policy eligibility criteria as an ICANN purpose would also contravene data minimization principles, no? because it would likely add additional data fields that wouldn't be applicable for a large portion (majority?) of registrants

Terri Agnew: (19:10) taking 5-10 minute break

Terri Agnew: (19:21) starting again after break

Marika Konings: (19:29) The matrix is also posted here: <https://community.icann.org/x/rQarBQ>