ICANN
Transcription
EPDP Team F2F Meeting
Wednesday, 26 September 2018 at 15:30 UTC
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(David Plum):   Good morning, everybody. That's all I get? Good morning, everybody.

Man: Good morning.

(David Plum):   I'm sorry.

Man: Much better.

(David Plum):   Yes, just barely. Registered on the needle. Okay. It's day three.

Man: Day three and four.

(David Plum):   Day three and four. You all changed your tickets, right? Okay. So (David
Plum) for people who are on the line. So we've got a good day. I'm not going
to say it like jam packed day because that's a little cliché, but we do have

some really critical things we want to get through and it's going to require an intensity of work today that'll be similar, perhaps even a little more intense than in previous days, and I'm going to ask that, you know, we all contribute not only to that, but we have a little bit of patience and mercy with each other, with me, (Gina) had to go off and do another prescheduled thing, unfortunately, so I'm here solo at this point.

So it's going to be an exciting day and we're going to be moving in and out of working in smaller groups in here in the plenary, and that's going to be the spirit of the day, it's really trying to nail down the things that we think we can make progress on face-to-face. Okay. I'm not going to go through a detailed agenda of what we're going to do today, but I'm going to say what the issues are that we're going to need to prioritize our time on today.

Man: (Benedict) take the…

(Crosstalk)

(David Plum): All right.

(Crosstalk)

(David Plum): Like, right, what goes around comes around. Yes. Okay. So folks, the things that are going to be a priority for us today we're going to take advantage of having some ICANN compliance folks with us right now this morning to talk about compliance which is our Purpose F, I believe, right? And we're going to ask the questions we want to ask of them so we can accelerate that work and be - and work on that purpose.

We're then going to listen to what the folks who have been looking at that legal basis question, the group that's been meeting upstairs and we're going to hear about the logic that they've developed and the progress they've made, and then we're going to segue from that into having a shared group discussion right here in plenary about how we want to attack Purpose B, right, that's kind of been the elephant in the room that we left till today in part to get better at using that data metrics and we're going to get even better at it right now, hopefully with the contributions to that group that's been upstairs.

And we're going to spend this morning on - really on Purpose B and making some progress on that. We've got a bunch of bits and bobs that we need to pull together as well in the afternoon around Purpose N, making sure the group who did C was on the right track. There's the new purpose around research, ICANN research that we need to tuck into, right? And we're going to look at our parking lot and figure out what we need to deal with in our in-person basis. There's a lot of folks who are interested in doing a quick take on legal versus natural persons, okay?

So these are the things that we're going to be scheduling up to deal with later in the day. But our priority for the morning after we deal with compliance and getting a check in from all of the good work that's going on with the legal basis group is to really dive into Purpose B. Okay, sound good?

Now, we have - and just - (Kurt), any more comments on that before we get going and diving in?

(Kurt Pritz):   No.

(David Plum):   Okay, great. So let's take advantage of the fact that we have some folks from ICANN compliance and I'll let you introduce yourselves because I've never

met either of you. So we have someone on the phone, we have someone in the meeting with us now. And let me just frame it up to say, you know, Purpose F is about compliance and so there's been a lot of interest in asking some questions to the compliance folks about the data elements that are important for their work the other inputs that will help us tease out the results of this data metrics for Purpose F, okay?

So perhaps I'll let the two of you introduce yourselves and I'll turn the floor over to you.

Maguy Serad: Good morning, everyone. My name is Maguy Serad. I'm VP of Contractual Compliance and with me I have Jennifer Scott, Senior Director of Contractual Compliance. We also have on the phone, I was happy that Jamie was able to join us. So I'm going to turn the mic to Jamie first. I'll do a brief summary and then hopefully Jennifer will share a bit of examples. And then we are here - I hope you're not going to deal with us, I was worried when you said you're going to deal with us. I hope we are here to hear your questions.

Yes, I know some people are (showing) their hands. Yes, we are very popular in the ICANN community. I tell you it's a tough job to meet everybody's expectation. So we will turn it then over to you to ask us questions. We are here to facilitate the dialogue with you and we'll do our best to facilitate and support that. With that, Jamie.

Jamie Hedlund: Sure. Thank you. So this is - I'm Jamie Hedlund. I'm Head of Contractual Compliance and Consumer Safeguards. And we are happy to engage with you and support your important work now and at any time during the process. I only have a vague understanding of the questions, but my high level understanding is that you are interested in understanding what data we need,

Contractual Compliance needs in order to enforce its - the contracts and do the work that we do.

As everyone there knows, we enforce the Contractual Compliance department, enforces the registry agreement or registration - register accreditation agreement. And in doing that, we are limited to the terms of those agreements. Those agreements spell out, obligations for the contracted parties, and we enforce those either as a result of complaints or information from reporters or as we audit the contracted parties and ensure that they are complying with their obligations.

We need - in order to enforce the obligations, we need the data that's required for, you know, for those obligations to be fulfilled. So it's a little circular but if for example a registrant is supposed to wear a blue shirt when registering dot com domain name, we need data that shows that that person wore a blue shirt. If the RAA does not require a registrant to provide a registrant's birth date we are not going to and we'll have no grounds to seek that out.

So, you know, we - up until May 25 we had access to all of the data that we needed in order to enforce each of the obligations of the contracts. As you all complete your work and those obligations change, then our need for data will may change as well. We're not going to be in a position of saying whether or not a particular data element is or is not consistent with the GDPR. We don't enforce the GDPR, we enforce the temporary specification, and eventually the policies that they - that you develop as they get incorporated into the agreements.

So I guess it's a long way of saying that we need the data that's required for the registries and registrars to comply with their obligations. And if it would be helpful, later down the line, as those obligations become more clear, we

can confirm, you know, what data that we need. But with that, we're happy to answer any questions.

Maguy Serad: Do you want us to continue and then do the Q&A at the end or you want us to do the Q&A now?

(David Plum): I would say if there are some additional things -- this is (David Plum) speaking -- if there are some additional things you'd like to say and in particular as it relates to how this group has been structuring its conversation which is around, for instance, these data matrices that we've pulled up, that would be great. And then, we can sort of go around and do a little Q&A.

Maguy Serad: Thank you, (David). This is Maguy Serad. Continuing on with a little bit of an update of what Jamie shared with the team. Since the 25th of May what we have been doing in Contractual Compliance -- as you might have seen the blog -- is we are enforcing the temporary specification. And the way we have approached it, as you know, we do have complaints from external parties, but we also conduct internal monitoring or proactive monitoring activities.

We have not created a new process or approach. We still follow the same compliance approach and methodology. We have not created a specific complaint type that says, "Temp spec complaint type." Because as you know the temporary specification touches on many aspects of the agreement. So what we have been seeing is we're seeing and receiving complaints in the different complaint types. For example, if the WHOIS complaint or a transfer complaint, and we deal with each complaint type one on a case-by-case situation.

The other thing I want to share with the team is yes we have adjusted our approach. You heard Jamie speak, we used to have access so that the whole

community used to have access to full WHOIS records or full registration data. In light of the change due to GDPR, our way of enforcing the temporary specification is we review what's stated in there and we will adjust or ask of the contracted parties or the reporters based on the case we are dealing with.

To date I am happy to share that yes we do get some pushback sometimes when we are dealing or investigating or reviewing, but when we explain what we are trying to resolve, we are seeing collaboration from the contracted party to provide the information. With that, I'm going to ask Jennifer to share briefly how that - it has changed, what I mean by we have adjusted our review to share probably an example of two - and it will tie in to the table that you have built here for yourself.

Jennifer Scott: Thanks, Maguy. This is Jennifer Scott, Senior Director of Contractual Compliance. So the WHOIS inaccuracy complaint type is one of our largest volumes of complaint types. We're now seeing a lot of end users of the internet, as well as registrants who just don't understand where the WHOIS web. So it's not as much of an inaccuracy complaint as it is - effort in educating them about the redactions of the temp spec has now asked certain registrars to implement.

But conceivably and looking forward to addressing this purpose, conceivably those folks who would still get access to underlying or unredacted data could still have legitimate WHOIS inaccuracy complaint. So what data compliance will need to address that will be on a case-by-case basis depending on what that complaint or what data elements that complaint is about.

There's other complaint types like a transfer complaint type, you know, we have to ensure that if someone is requested into a registrar or transfer, that that person is a transfer contact. So matching up their name and their email

address for that type of complaint is essential. Same with domain renewal and redemption issues. If the registrar has complied with those obligations of sending renewal reminder notices to the current contact, we would need to be able to see that contact.

In the current state of things, we're asking the registrar just to confirm that information but we have no external validation source. You know, it's just on the honor system right now. But before the 25th of May, we were able to see that in the public WHOIS and confirm and if there was any discrepancy follow up on that.

(David Plum): Okay, great. Anything else that you all would like to share before we just open it up and make some questions? Okay. So I see some hands up, (Thomas), (Alan), and then just start throwing up your stuff and we'll build a queue here. And again think about this as our great opportunity, almost in real time to be working through the sheet with these resource folks right in the room with us. So, (Thomas)?

(Thomas Rickert): Thanks, Dave, and this is (Thomas) for the record. Thank you so much for joining us today. So, basically, what we're trying to establish here how the flow of data and the gTLD ecosystem can be made lawful or can be made compliant. And we have little insight into - as to what personal data you are processing in the course of your activities, because we want to make sure that what we're doing does not impair your work, and that we adequately adjust retention periods, what data can be kept for how long, for what purpose so that we can bake that into our documentation, and GDPR is all about documentation for the most part.

So if you could maybe speak a little bit to whether you process registration data, processing would be if you get it, if you alter it, if you send it on, you

know, do you get any of that data? If so, from whom do you get it? What do you do with it? Do you pass it onto third-party and how long do you keep it in your system? And if there's different treatment of personal data for different types of actions that you take, that would be great, and if this is maybe too complicated to answer on the spot, you know, GDPR requires those who are subject to GDPR to have a so-called record of processing activities that needs to detail all of those actions.

So if in the course of your GDPR compliance work, if you've already established, set record of processing activities, it would be great if you could share that with this group. Thank you.

Maguy Serad: Thank you, (Thomas), for the specific questions you've asked of us. Maybe it would be helpful to share with you a bit of a - like a day in the life of a complaint. That will address what we receive, how we receive it, and something of that nature. Jennifer, do you want to...

Jennifer Scott: So when we receive a complaint, we often do a follow-up with the complaint reporter and ask them for information to support their complaint. That usually contains personal data, usually of their own, and that stays in our secure ticketing system that we have here at ICANN. Whether or not we share that with any third parties or other entities will depend on whether or not the complaint reporter provides their permission for us to do that. So we typically don't share anything that's been provided to us other than the original complaint summary, unless there's specific permission for other attachments or data that they've shared beyond the original summary to us.

Now, that original summary does contain personal data; name, email address, sometimes phone number, sometimes postal address. We're looking at ways at streamlining what we ask for in that regard. And there's also an option for

reporters to request to remain anonymous, so that if we are addressing their complaint with a contracted party, their personal data is not included in that.

So really it depends on what the reporter's preference is in terms of sharing and how much they want to provide us and allow us to share with others. When we do ask for the permission for sharing, we make it a broad ask and we say registrar or registry operator or any other entity that's necessary to address your complaint with.

But typically that's limited to just a registrar for that domain name or if it's a registry issue of that registry operator. There's not too many cases that I can think of where we're sending that data to somebody else other than that.

Now, what they do with it, you know, that's on them. They might ask their back-end provider to look at it, a reseller, but because our contracts are limited to the contracted parties, registrars and registries that we usually limit our conversations and communications with. In terms of retention, you know, that's something we need to look at because right now it stays in that secured ticketing system.

You know, we can't control how long it takes a reporter to come to us with a complaint. They might sit on it, you know, two years after their domain name has expired or been transferred or subject to a UDRP. And so we never know how long or timely a complaint might be according to the situation at the domain name or whatever is being complained about is in. So it could be that, you know, documents that we're asking for might be quite old or stale and if we're setting data retention policies around this, then it might just be too bad you waited too long and that's what we have to tell the reporter if that happens. Is there anything else that I've missed or that you want me address?

(Thomas Rickert): If I may, a quick follow-up, is there any personal data that you request from the registries and registrars, because that's primarily what we have to deal with here.

Jennifer Scott: So like I was saying before, for instance, on the renewal complaints, we would ask, you know, "Did you send - registrar, did you send a renewal reminder to the registrant and give us that information." So we do ask for that, you know, and WHOIS right now we're asking for information if it was changed, you know, from what it was previously to maybe now if there is an issue with verification or an accuracy or anything like that. So we will get data elements from the WHOIS related to that.

So there's quite a few complaints that we will need to ask for data from the registrars and registries for. And looking at the list that you've got up here in the Purpose document, you know, it's really a case-by-case situation but - yes, I wasn't quite sure what the ones and the dashes meant, but if we're going by the ones meaning, it's something that the compliance could potentially need, that would be great.

(David Plum): Let's move through - I've got like 12 people on the queue. (Alan) and then (Margie). (Alan)?

(Alan Greenberg): Thank you very much. A multi-part question, unfortunately, but they're linked together. They're all parts of the same thing. We're talking to compliance here, but as a result of the last WHOIS review, the first WHOIS review team, there is an accuracy reporting system which is not run by compliance, it's run by another part of ICANN. The output from it is then fed into compliance. That - the accuracy reporting system looks at a sampling of 12,000 domains every quarter, I think, quarter and a half something, every periodically.

Currently, as of May 25, they only have access to public data. So, essentially, the whole accuracy reporting system is dead, because to a large extent they have no more access to data anymore. So that's a problem that I think we need to think about, so it's not just compliance access to data, but ICANN access the data for other parts of what we're doing. And the accuracy reporting system is linked to the 2013 RAA also.

However, when that data then goes to compliance, the current numbers we're seeing are out of the 12,000 sampling, the accuracy reporting system tends to report something between 40% and 50% of them have a problem. I think that's the number, I may be out by it in the last significant digit. That's a rather startling number, but that's not our business here.

Compliance then if I understand correctly, and I'm meeting with Maguy tomorrow on this by the way, so I don't - my story is not quite straight. Maguy can probably provide more. Compliance then handles those for 4,000 to 8,000 - 4,000 to 7,000 tickets that they get from the accuracy reporting system, and verifies each of them to see is there indeed a problem. I take it right now if - I don't know if you had an ARS report since May 25 or not, but I presume when you get these N thousand tickets, you will now have to make N thousand queries of the registrars or registries to see what the data looks like now to verify whether there is still a problem or not. Am I correct in that? If indeed that is the answer, that sounds like an absolutely huge increase in workload and the amount of effort associated with handling each of these queries. So that that's the first question.

(David Plum):   Can we leave it there? Yes.

(Alan Greenberg): Yes. Just the second part of it either is there or is not there depending on the answer.

Maguy Serad: Thank you, (Alan). Yes, I look forward to our meeting tomorrow. So the WHOIS ARS reporting system was a review team recommendation that was approved by the Board where ICANN had to proactively take action in ensuring that the WHOIS registration data is cleaner. So part of the internal reviews that ICANN is conducting is also a review of the WHOIS ARS. But to specifically answer the question - some of the questions, if I forget some of it, please - I know you will remind me, not - please remind me, I know you will.

The percentage of closed before first notice that you're referring to, you know? Okay.

(Alan Greenberg): I was just referring to the number that gets sent to you as problematic.

Maguy Serad: Yes.

(Alan Greenberg): Not - whether you close them or not depends on your judgment...

Maguy Serad: Yes.

(Alan Greenberg): ...but you have to ask for the data to get - to make that judgment.

Maguy Serad: So, yes, the WHOIS ARS system, the way it's been working, now of course many things have to be adjusted since the temporary specification, but the way it has been working to date is that we receive specific records with specific issues. I want to make sure that the team understands that. If the

issue is about a telephone number or it's about an address or a zip code or a specific issue, we are not looking at a holistic view of the record.

We have now put a bit of a hold on the processing of WHOIS records because we are reviewing all of these records and what is the impact on compliance, but also in relation to the temporary specification. But the practice has been is that you focus on that issue, you look at the WHOIS record that's currently available. If it's still available and you address a specific issue, if it's redacted then we have to, like I said, we have adjusted our review. And you heard Jennifer say has it changed or something.

But I want to assure the team that that effort at this point is on hold, because we've got a lot of questions and a lot of other activities on an external complaint level that we're trying to work through.

(Alan Greenberg): So the short answer is if you were to start processing them again you would have to make queries to the registry, registrar for each of those to be able to verify whether the data has changed or not.

Jamie Hedlund: For the non-public data, (Alan), that's correct.

(Alan Greenberg): All - your accuracy complaints are all non-public data. Well, in some cases they may be if the registrar has chosen to still make the information available, it may still be available, not in all cases. Yes, thank you. That's all I have.

(David Plum): Great, thanks. (Margie)?

(Margie Milam): I think I'd like to - I mean, a lot - I have a lot of questions. But I think in particular I want to focus in on access. What kind of complaints are you receiving related to availability of access to the non-public data when requests

are made? From the Facebook perspective, I can tell you that we've made approximately 9,000 requests and we're seeing a very low response rate. We're seeing 55% where no - there's no response at all from the registrar…

(Crosstalk)

Jamie Hedlund: Hey, (Margie), this is Jamie, can I just interrupt for a second? My understanding of this meeting is to talk about what data we would need in enforcing the agreements going forward. It's not about the temporary specification or what's required or not required to be provided now. And as I'm sure all of you can appreciate we're not going to be in a position to talk about any ongoing investigations or complaints.

(Margie Milam):   Jamie, I'm not talking about a specific complaint. I'm just talking about generalities and part of what this EPDP will do is talk about access at some point after we get through some of the purpose issues. So we could certainly talk about that later, but I would like to make a formal request to the compliance team to talk about that when we get to that part of our conversation. So maybe it would be...

(David Plum):   That'd be great.

(Margie Milam):   ...in Barcelona.

(David Plum):   Okay. Great. Noted on that, (Margie).

(Margie Milam):   Okay. Sure.

(David Plum):   Thanks.

(Margie Milam):   But let me - I can still ask - I have other questions that relate to the topic. So tell me about the UDRP related purposes and whether you're seeing any issues related to the UDRP and access to data as it pertains to UDRPs. So, for example, if someone has some - has anyone complained that they haven't been able to access the WHOIS data for a UDRP and what kind of data do you request when you receive a complaint like that?

Jamie Hedlund: But, again, (Margie) you're asking about what's happening under the current temporary specification, correct?

(Margie Milam):   No. I'm talking about the data that compliance needs in order to process a complaint related to the UDRP as it relates to WHOIS.

Jamie Hedlund: Right, under the current agreements.

(Margie Milam):   No, under the…

                 (Crosstalk)

Jamie Hedlund: In the current agreements (unintelligible) okay, so you're asking about the, is that right, the - again, I mean, I guess it would be helpful to understand whether you're asking us about the temporary specification or you're asking us what's the policy, you know, what would be required under the policy that you all are working on…

                 (Crosstalk)

(Margie Milam):   I'm working on access to data that compliance needs in order to do the compliance function. So I'm just asking what kind of - like, you know, do you

access the WHOIS data for that purpose so that we ensure that we have the proper definition of it in our work.

Jennifer Scott: This is Jennifer Scott again, so pre temp spec - well, let me back up. The UDRP complaint type with compliance is related to complaints about implementation or not of a UDRP decision. So it's not typically something we would get a complaint about from a potential UDRP complainant who's trying to get information about a domain name and that's WHOIS. So those complaints aren't showing up.

Post temp spec that, I believe, the change to the UDRP is that registrars have to provide the full data to the provider. So we have had a couple of instances of complaints from providers where they haven't been able to access the full WHOIS. Those are the, you know, things that we can address with the registrar under the temp spec. But in terms of what information we would ask for once a decision gets to the point of being made by the UDRP panel and then we get a complaint about its implementation, we would need to see the WHOIS to see if the decision has been implemented, you know, who the domain name is with in terms of the registrant and if a transfer or if that's what the decision is - have been made.

(Margie Milam): And the other question I have is could you explain the interactions between the party that complains on WHOIS' inaccuracy and compliance? So if you - so, for example, let me walk you through this, if someone makes a complaint with respect to a particular domain name that WHOIS is inaccurate and then you go back to the registrar and you - and do your investigation, when you close the investigation or when you follow up, how do you follow up with a third party that actually submitted the complaint?

Jennifer Scott: Yes. So the complaint reporter who filed the complaint with ICANN
Compliance is treated like any other complaint type reporter. You know, we
get their information when they submit their original complaint to us and we
use that information to communicate with them throughout the processing of
the ticket. You know, registrar information is through what we call our radar
system right now as ICANN contact information for registrars. But all of the
information that we use is provided to us through the complaint form. We
don't generally use any additional information.

So, for instance, if the complaint forms information differs from what is in the
WHOIS we wouldn't reach out to the information that's in the WHOIS, unless
it was also part of the complaint form.

(Margie Milam): I think what I'm asking is once the information is received from the registrar,
so if it's an inaccurate WHOIS record and if we've made a complaint that
there's an inaccurate WHOIS record, is there a point where compliance would
respond back to the complainant and say that WHOIS record information is
this - I would give you - you know, so in other words for the specific
complaint does the WHOIS data get - is part of the response?

Jennifer Scott: So pre temp spec was there, right? We didn't have to share it. They could go
and see it as a public WHOIS query. Post temp spec we do not share
information that's been provided form registrars or registry operators through
the complaint ticket processing process unless it's something that they've
specifically give them permission for us to share with other parties. So we
can tell the reporter that information has been updated, but then they would
have to go through the process of requesting access to be able to see that
themselves.

(Kurt Pritz):   Thanks, (Margie). This is Kurt. I just want to support the point Jamie made and that is what we need as our first inquiry is to know which data that compliance requires and why so that we can fill out the rest of this form here and justify or, you know, provide justification for that data or question compliance again. So I think our approach here is to hone our, you know, hone that question and - as we go around the room and any specifics you need around that question. And then, once we understand which data is needed and why then we can flush out with additional questions for compliance as a next step.

So I'd like as we go around the room to really focus on, you know, what data elements are needed and, you know, how you might better ask compliance that question in an effort to get around the room a little faster. So, (Milton), you're next in the queue.

(Milton Mueller): That was exactly the point that I was going to make here. It was a - obviously, the change from open to redacted WHOIS is going to dramatically change the whole WHOIS accuracy equation in two ways. Number one, there would be less incentive to be inaccurate, because it wouldn't be public. And, secondly, there would be no random automated challenges coming from people who are just scanning that WHOIS data and looking for domains to take.

But what I'm curious about in this exercise is what data does compliance need that they're not already getting? When I think about it, I think mostly of compliance as being a disclosure issue, that is when do you need to see data that's already been collected. But then Jamie's blue shirt comment was a very good way of highlighting the issue of collection. So if indeed a registry has as part of its contract that you have to be wearing a blue shirt at the time of

registration to register in this domain, then obviously you would need to collect data about that.

And since every registry might have completely different requirements, I'm seeing a somewhat disturbing open-ended collection mandate there which - I'm not sure how he would handle, could we view compliance in purely terms of disclosure or do we really need to collect new data certainly at the ICANN level? I'm curious as to what you would do with the diversity of registry requirements if you're talking about enforcing, you know, what we used to be talking about under N, right?

Jamie Hedlund: So this is Jamie, (Milton), if I could just start and then Jen and Maguy chime in when I go astray. But - well, all that I meant was that there are obligations under the agreements for registries and registrar's to collect certain data. They don't need to disclose that to us unless and until there is either a compliance action or an audit.

So we're not asking them to collect the data on the registrant and immediately disclose it to us. You have to, obviously, escrow the data as well. So I don't know - so we're not - in terms of the different registry and registrar requirements that they may have, we are not enforcing whatever requirements or looking at their different requirements to operate as a going concern. We are simply trying to ensure that they're complying with the agreement's obligations.

(David Plum): Okay. Thanks, Jamie. Yes...

Maguy Serad: I'd like to add to what he was saying, this is Maguy. You heard Jennifer describe the operation aspect of the external complaints and how data is dealt with. For this team, you also know we do proactive monitoring in the form of

contracts or compliance audits. To emphasize on that one, the data we - in the audit that we request from, the contracted parties, once we complete an audit program, and there are no deficiencies, we remove the data.

So it is not kept in our systems because there's one purpose in the audit program that we address it and we close it once the other program is closed or when the remediation is completed by a contracted party. I just want to make sure that the team understands that. It's a little bit different approach than operational.

(David Plum):   Thanks. Alex, and let's test out how brief we can be knowing that we've got gobs of work to do today, so let's really try to be brief. Thanks. Alex?

Alex Deacon: Thanks, Maggie, and this is Alex Deacon from the IPC. I want to make sure I understand how compliance is doing their job in the temp spec world in order to fill out this worksheet that we're working on. So let me do a quick day in the life of someone who would be doing an IP investigation and I'm going to ask a specific question, but just bear with me for a second.

So let's assume that I'm asking for a registrar for non-redacted WHOIS information based on legitimate interest, an IP infringement, for example. The registrar receives my requests and does what they do to prove that it's a legitimate request and it's balanced with the rights of the registered name holder. And because of that they return the non-public WHOIS data to me, so that's great.

I get this data and realized that it's inaccurate. Maybe it's Mickey Mouse or it's - that the address is clearly inaccurate or the phone number is zeros or something like that. And then, I will go ahead because now that I have access to the non-public WHOIS information and have determined that it's inaccurate

I file an inaccuracy complaint with the compliance. What do you do at that point? What are you requesting from the registrar to get that information for that specific domain?

And, I guess, it's just not clear to me from this conversation exactly what the process is from the compliance team at that point. In a world where non-public WHOIS, what - where WHOIS is now redacted.

Jennifer Scott: This is Jennifer. So in that situation we would ask for evidence supporting the inaccuracy claim. So if it's a postal address, maybe a returned letter, if it's an email address...

Alex Deacon: You would ask the - you would ask me for that information, okay, and then I will provide that to you and then what would you do?

Jennifer Scott: And then that's when we would forward your complaint on to the registrar to have them address it and if that resulted in an update to the non-public WHOIS, they would provide that information to us to support that correction.

Alex Deacon: So they wouldn't provide you with the data, they would provide you with an indication that the data has been updated?

Jennifer Scott: So we do ask for evidence of the update. Whether or not we're getting it is a different story, because, you know, under the temp spec we feel like it's something we should ask for because we do like to have evidence to support...

Alex Deacon Right.

Jennifer Scott: ...the registrar's responses.

Alex Deacon: Okay. So in terms of us filling out this form and hopefully you could validate once we've got through it, because you guys are the compliance experts and this is all about you guys is that - and that there are cases where you will need access to this data and we need to ensure that there's a policy set, that's legal and compliant with GDPR that allows you to do that, and you get access when required. Okay, thank you.

(David Plum):   Great. I'm going to (Christina) who is next on my queue. (Georgios) because you - Georgios, I had you up but your thing went down, are you all set? Okay.

Woman: No.

(David Plum):   Yes, but...

Woman: Georgios is fine.

(David Plum):   So I got (Christina), (Benedict), (Mark S), and then (Ashley). I'm sorry.

Kristina Rosette: I'm Kristina Rosette, Registry Stakeholders Group. I have two questions and I'll pose them both. One of them is somewhat related to the question that (Milton) posed on following up on purpose N which covers enabling validation of registered name holder satisfaction of registration policy eligibility criteria.

And I think what would be helpful for us to understand is the - when compliant - does compliance-only audit that - the registry operator's collection of data elements that would demonstrate the registered name holder satisfaction where they're in connection with specifications 11 through 13 or is it also in connection with a registry operator that may have outside of 11

through 13 have decided to adopt for its own business model an additional registration policy eligibility requirement, question number one.

And question number two is one of the things that we were talking about yesterday in a group that was discussing the dispute resolution policies, was - the question that came up is the circumstances in which compliance would contact a registry operator in connection with a UDRP decision where the registrar was failing to implement, and does that happen and if so what data elements does compliance expect that the registry operator will be able to - will have in order to act on whatever the compliance request is. Thanks.

Jennifer Scott: This is Jennifer. I'll take your second question first. On the UDRP, we don't typically contact registry operators if the registrar has failed to implement a decision or follow the UDRP rules and procedure, that's on the registrar to demonstrate compliance with that. So that would follow the normal enforcement process for that registrar.

For your first question I might need some clarification. I think you're asking about if we're auditing collection for data elements that would fall under spec 11 through 13, but if you can elaborate on that.

Kristina Rosette: Sure. So one of the purposes that the registries put forward in terms of our broader discussion of purposes is to enable a registry operator or a registrar to validate that a registered name holder has satisfied whatever registration policy eligibility criteria might apply in a particular TLD. So in order to make sure that we're accounting for whatever data elements compliance may need, we wanted to have a - it's I think important for us to understand when compliance is conducting audits of the registry, of the satisfaction of those is compliance limiting its audit scope to just any registration policy eligibility requirements that might be in specs 11 through 13 or do they also include kind

of beyond that, that a registry operator might adopt. And if so, in either scenario what data elements are you expecting to see as part of the audit?

Jennifer Scott: Okay. Thanks for that clarification. So the scope of our audits or operational questions is to what's in the contract. So if the registry operator has implemented additional registration policies that require other elements, you know, that might come into play if they mention it but it's not something that we could hold them to demonstrating compliance with, because that's out of our scope.

(David Plum):   Great. Thanks. (Benedict)?

(Benedict Addis): Hi, Maguy. Can you just help me with one thing I haven't really understood so far, does compliance use WHOIS data internally at the moment?

Maguy Serad: So the question is do we use WHOIS data?

(Benedict Addis): At all.

Maguy Serad: Yes. We use WHOIS data when we are reviewing external complaints based on the cases that we receive, but we also may use it in the audit when we are testing for compliance related matters.

(Benedict Addis): Thank you. So you've answered my second question which is what do you use it for. The third question how long do you keep that for, please or how long do you want to keep it for?

Maguy Serad: I cannot answer how long do I want to keep it for. It's going to depend on the data retention. Today there are certain requirements in the contract about data retention or there are some contracted parties that have brought forward some

of their local reasons for data retention to be changed. So we follow and apply that, but from an audit perspective I said earlier we do not keep the data past an audit that has what we call a clean report.

If a contracted party has a remediation plan that is - well, I don't know, a month duration or three months duration because of the complexity of whatever it is they are trying to remediate if it's a system or rolling out tools or something, we follow through, we keep the data because that's our means to compare at the end of the remediation to see have they corrected that issue and we request a revision of these data that we were testing for. But, again, once an audit report has been cleaned we do get rid of the data.

(Benedict Addis): Just to be clear, you - what we're looking to do is help you - you're not obliged to delete data immediately. You're allowed to retain it for as long as you can justify that. So one of the things we're doing in this exercise is try to work out what looks like reasonable, is that 10 days or is that two years. So it would really help us and we're not trying to catch you out here to understand how long - what sort of time ranges you look at.

Maguy Serad: Thank you, (Benedict). It's difficult to put a time range. As you all know, you may have been reporters to - in the complaint system to ICANN. We have reporters who file a complaint. We go back to them and ask for additional data and it's - we do not hear from them. They resurface a year later, "Hey, you know, we closed those complaints and if the requirement is - do not keep data beyond a year, then that would be our response." If we don't have it we cannot resolve or assist in resolution.

So for those who respond timely and provide information, we are able to assist with. Now, there may be different scenarios where a data is being presented for a legal purpose or something. I cannot predict what that might be. I think

Jamie stated it best at the beginning and Jennifer earlier on today is that we do follow what is in the contract. And if - we try our best to help resolve and facilitate that resolution, but we also are limited by whatever the environment is dictating.

So I cannot tell you if it's five years, two years, six months, you know, it's - you guys are more familiar with what cases you might be saying.

(David Plum):   Great, so (Ashley)?

(Ashley Heineman):   Thank you. This is (Ashley) representing the GAC. (Benedict) essentially asked my question, but I have a follow-on to it. So - and so it sounds like you get requests years after the registration year has ended. But in terms of helping try to quantify what data retention period would be helpful, do you track the number of complaints that you get and in terms of like would you be able to identify - like is there a significant number of complaints that are filed a year after or two years after that would really warrant a data retention period that is a certain time period?

Maguy Serad: Thank you, (Ashley), for the question. This is Maguy. We do not track on that data element that you specifically asked for.

(David Plum):   So I'm just checking, (Alan) - oh, I'm sorry, go ahead, please.

Jennifer Scott: Yes, just a small follow-up on that. We do track though the total from receipt to closed and sometimes we're in a period of remediation with a contracted party. That might take some time for them to do things like update systems and implement new ways of doing things to be in compliance with the contractual obligations. You know, it's rare that we have a complaint open that's been open a year, but that data might be able to help us at least predict,

you know, what some of the longest complaints open are to be able to know whether or not they would need to retain data at least during the processing of the complaint itself, and same for our for our retention as well.

(Benedict Addis): And if possible could you share the statistics of that data? Bearing in mind, we're just talking about retention for your purposes. You're not obliged to keep data for 10-years in case someone happens to need it. That's their problem. That's their - what we describe as purpose, not your purpose. We're just trying to understand your purpose and your compliance needs to retain data, because you're not allowed to keep beyond that under the rules. So we'd be really helpful if we could just understand roughly just the - if you're able to share that sort of length of complaint data to inform our work.

Maguy Serad: I'm sorry, we're trying to understand. (Ashley), can you repeat your question one more time, because we went around a big circle with this answer.

(Ashley Heineman): Yes. This is Ashley representing the GAC. Just to be clear, I'm not talking only - it's not only limited to ICANN's retention, I'm talking about retention of data by the registry - the registrars as well. In terms of being able to help us determine data retention, trying to put together some data points here, are you able to quantify how many complaint requests you all get that are in a certain time frame like, you get - you - within a year, you get 150 complaints, that's probably total way out there, that are a year after the life of the actual registration.

So, basically, for you to follow up with that complaint, you have to have access to data that is retained. So we're trying to figure out what the data retention period is, but it's hard to do that without something to point to. Thanks.

Maguy Serad: Thank you. The answer, no, we do not keep data elements.

(David Plum):   Okay. That seemed to open up a bunch of questions. I'm just conscious of time. Let's - for the final questions, let's see if we can drive this home, the final things that are going help us later this afternoon fill out this sheet, all right? So I know that (Mark) you put your thing up, so let's go (Mark), and then (Mark), and then (Thomas), and...

Jamie Hedlund: I'm sorry, this is Jamie. Can I just go back to (Ashley)'s question really quickly? Because I think there are two things going on here. One is how long, you know, how long should registries and registrars hold on to data along - in case there's a complaint, and then secondly how long should compliance hold on to data that it gets - and it compiles or get - as a result of complaints or audits.

Those are two different things and it would be helpful, I think, to get more precise questions about what kind of data and what instances in order for us to be able to respond appropriately. But we're happy to work with anybody nailing that down.

(David Plum):   Yes. Thanks, Jamie. I think that's a super helpful clarification, folks. Let's be really clear what we're talking about, right? So compliance folks have said, after a complaint is excessively closed or the clean closed, you delete your data. And then, (Ashley)'s question is about data that registrars - no?

(Ashley Heineman):   No. No.

(David Plum):   Okay. I'm sorry.

(Ashley Heineman):   The statement you just made, a place to audit, not to external complaints that are filed in the system.

(David Plum):   Okay. (Mark), (Mark), Thomas?

(Mark Svancarek):   (Mark SV) for the record. This is a question for (Dan), actually. Given that this data is being processed by more than one organization with - in ICANN and there's a lot of details that were asked here, I think those details could have been addressed if there were a data privacy impact assessment that was available to us to review, and so my question is will you be creating a data privacy impact assessment related to these topics, and will we be able to review them.

Dan Halloran: Thanks. Dan Halloran. We have not done a data privacy impact assessment. It's been discussed several times. We've never like been directed to do one or - and we've looked at it and haven't seen a requirement to do one, but I guess over to the possibility that one might be done in the future.

(Mark Svancarek):   I think - yes, I think given that you are holding data for a period that you should strongly consider doing one.

(David Plum):   Thanks, (Mark). Marc A?

Marc Anderson: Thanks. Marc Anderson for the transcript. And, you know, thank you Maguy, Jen, Jamie for joining us. A couple of follow-ups. As I've been seeing here, I've been trying to take everything we've been talking related back to our work, you know, the work we're doing in trying to develop policy recommendations here and how that relates to compliance. It's - you know, one comment, I think as far as the retention of data received from compliance,

I think that's outside of our scope, right? I think we're concerned with the retention of registration data.

And I think really the retention of that data beyond the life of the registration, so obviously that data is going to exist during the registration. I think the question is how long after the life of the registration is that need to be retained, so just trying to focus that question a little bit. And then if I can tease out like some of the conversations we've been having, there seems to be sort of two processing, you know, processing maybe is not the right word, but bear with me, there are - it seems to be two sort of processing activities that that occur related to compliance.

One is audit which you've mentioned, so there's an audit that occurs and the other is sort of compliance activity initiated as a result of a reporter. And so in each of those cases, I think, we need to understand what is the personal data being processed, you know, and how that's being used and - you know, I think that's where we're - that's where our focus is as a group is what are the processing activities for this registration data directory services related to compliance, and what policies do we need in order to, you know, be GDPR compliant and enable compliance to do their work.

So I hope I summed up where we are, you know, adequately. But I guess with that, you know, that was more of a statement than a question, but with that, I guess, the question is back to compliance, you know, what is the, you know, where are you processing, you know, personal data in these two activities, you know, audit or compliance activity as the result of a third-party requester?

Maguy Serad: Marc, thank you for the question. This is Maguy. The last one, did you say where are we processing, I didn't - I don't understand.

Marc Anderson: I'm sorry. I guess where was probably an imprecise word, you know, I guess I - you know, first you confirm that I've - you know, I've got that right as far as the processing activities, you know, and sort of what are the things, you know, what is the - what are the things you need to be able to do, you know, to complete your tasks related those two activities, and specifically where does that touch on personal data?

Because I think, you know, as we're talking about GDPR, right, the - you know, the personal data is where you know we need to be concerned with making sure it's justified under GDPR.

Maguy Serad: Thank you, Marc A. For the record this is Maguy. So the simple answer to this is the process and the approach for audits or external complaints or practice monitoring or external complaints is the same process that's published on our website and the approach.

For external complaints, the - it's a simpler approach because it is focused on a specific complaint. As you've heard, Jennifer speak to it whether it's a transfer or WHOIS inaccuracy or different aspects of complaints received. For audit, it's the same but we do a more approach, for example, if it's a full audit of the agreement and the policies that we're launching or if it's a focused audit, the data we look for is very similar.

If we are testing, if a registrar is sending in a new, you will notice this is the same as if you are looking at a renewal ticket. We look for the data that's there to support the evidence and to support the - either the resolution or to look at giving them a clean test of that audit. So the - from that approach, it's pretty much the same, it's just the scope that determines the ask and what we do.

Marc Anderson: Thank you. If I could follow up.

(David Plum): Just real quick, super quick, because we really need to wrap up, and we could carry this off into another conversation or give some tasks, maybe they can give some written comments on the backend of this.

Marc Anderson: Yes. But - understood, but I'm trying to bring this back to our work, you know, that was useful, but I'm not sure, you know, from that answer, I'm not sure where the processing of personal data was.

Jamie Hedlund: So if I could try -- this is Jamie -- the processing of personal data comes where there is an obligation relating to personal data. If a registry or registrar has an obligation related to personal data of a registrar, we need to be able to confirm that that personal data was collected or whatever per the terms of the contract. We're not going after personal data because it's personal data or because we want personal data. It is tied to an obligation in the agreement. So if there's an obligation in the agreement for a registrar to collect personal data, then whether it's a result of a WHOIS complaint, WHOIS inaccuracy or an audit, we need to be able to confirm that they collected that personal data. Does that help?

(David Plum): Thanks, Jamie. There's some - there's just a sidebar going on right now. (Mark), last chance, you want to say something, then we have (Thomas), we got Kavouss, and (Ashley). Okay, (Thomas)?

(Thomas Rickert): Yes, I think you made and excellent point that we need to take stock in probably asks you to get back to us in writing so that we're clear on what you're doing. Let me try to frame exactly what our requirements are to be able to do our work. Probably I should what we don't need from you. If you're

getting third party complaints that you're working on, you're getting PII from the complainant and process that case. That has nothing to do with our work.

So we're interested in the cases maybe audits or individual complaints where you got to a contracted party and ask them to either offer excess to or provide personal data. So if you tell them we have a complaint on this specific domain name please send us a copy of the email that you sent to the customer or to the registrant. That would contain PII and that's something that we would need to know, right? So you might have different compliance actions WHOIS rectifications or other stuff, renewal complaints. So maybe you can just specify in the heading, you know, what the complaint is, what the type of complaint is and what you then ask from the contracted party.

The same would be for audits whether you ask the audit reports to contain personal data. And if so, how long and I guess there's some confusion around the retention. Retention - the clock is not ticking as of the opening of the case. But for how long you want to retain it after the case is completed, right? And that would be valuable for us to understand. Because we need to find justifications for registries and registrars to tend, transmit or offer access to personal data for you. I hope that makes it clear/

(David Plum): So this is what I'd love to do. Let's take a couple more questions and then some final comments from you all and then perhaps we can follow up with some written material, okay? We have Kavouss.

Kavouss Arasteh: Excuse me, good morning to you in Los Angeles. If you allow me, I want to just make one question. It seems that there is a need to retain the data, but we don't know for how long. ICANN is not in a position to say for how long because as they mentioned, it depends on case by case basis and (unintelligible). But during the last 20 years of life of ICANN, perhaps we

could provide some sort of statistic, the minimum and maximum two year. That (unintelligible) to the case that they need to go and look at the data. It could provide that information.

And the last issue that I mentioned. Is there any restricting or limiting factor that you could not retain the data more than a certain period? It is a legal limitans. It is incremental limitations, or it is (unintelligible) limitations. Why you cannot retain the data beyond certain years? So what is here? But I think the statistic minimum and maximum would help. I don't think that this group would arrive at the specific period which is based on the valid argument that data should be retained for fixed year and (unintelligible). The only thing you should have an estimate or guesstimate or average something (unintelligible). That is just for discussion in the group. Thank you very much for giving me the floor.

(David Plum):   Thanks Kavouss. So, you know, (Margie), (Maggie) and team, you know, there's a request to react to Kavouss and to (Thomas) right now before we got two or three more comments. Do you want just a quick reaction to those?

Woman: No reaction, just a comment. Kavouss, hey. Retaining the data, I mean the general comment that I want the team to keep in mind is that the list you have here as (Jennifer) stated the ones. These are all requirements by the agreement. We follow the agreement. We follow the policy. And on a case by case, if the policy is not stating that this information is required for a certain policy whether it's a transfer who is inaccuracy. We do not ask for it. We do not retain data outside of a specific case that we are dealing with. The data is limited to the case. We do not retain audit data once an audit is complete.

(David Plum):   Okay. Yes, there's a request (Thomas) just quickly if you could. If there's a specific thing you'd like to hear from them right now? That's that. Or maybe

(Benedict) wants to articulate that for you. But I just, yes, just quickly and then I've got, you know, two more people, three more people in the queue and then we really should move onto the next thing. So quickly (Thomas) if there's something you want to hear from right now, this is a good chance.

(Thomas Rickert): I think if we got an email from you specifying what you get in the (unintelligible) of what compliance work. And if it's just a point or two, the respective policies that would help us greatly.

(David Plum): Great, (Ashley) is that for a fresh question? Okay, please.

(Ashley Heineman): Sorry, very quickly. So during the complaint and compliance process, you noted that you follow up with the party that the complaint is filed against to see that they've taken action. But do you, beyond just asking them, do you track changes within the WHOIS record? Like do you - I mean whether it's public or not. Do you need to - do you confirm it as opposed to just asking?

Woman: We would like to. In the current situation, we have to rely on providing us either confirmation if not the full data element that's changed. Pre-25 May, you know, we would us the public WHOIS as an external validation source. And we would like to be able to do that. You know, as honest as all contracted parties are, it's just a pay for a close the loop type of situation to be able to see that record as well.

(David Plum): (Hadia) and then I'll swing back to (Mark).

(Hadia Elminiawi): (Hadia Elminiawi) for the record. So just a quick one. I don't know if it's appropriate to ask you to look at the data and confirm that you need all these data for your audit or you don't. Is it okay to ask you to look at the data up there and?

(Thomas Rickert): (Unintelligible).

Woman: Again if it's case by case on what we need...

(Hadia Elminiawi):   No, for your audits, so that's not case by case, right?

Woman: Well it depends on the audit.

(Hadia Elminiawi):   A whole audit.

Woman: Yes, I mean for the most part, yes. The other part of this is sometimes to be able to confirm data escrow as being deposited correctly, that would also require a full WHOIS set to make sure that that's all there as well.

(Hadia Elminiawi):   So basically what you're saying that all this data out there is required, right?

(David Plum):   Right.

Woman: Generally speaking, yes.

(David Plum):   So okay, Marc bring us home. Marc Anderson, do you want to ask anything?

Marc Anderson: No.

(David Plum):   Okay. Any last words (Kurt)?

(Kurt Pritz):   Thank you very much you guys for showing up. So to put a point on it and to follow up on (Hadia)'s last question, and what (Thomas) asked. We need in

this policy we're creating, we're not just saying what we're going to do, but we need to say why because it has to stand up to security. The legitimate interest you have in data has to stand up. So I think what we need from you is a writing describing what data you need for audits and what and what data you need for complaints and why. So that we can put that legitimate interest in our document so tit stands up to the scrutiny of others. So that's, I think, that's the sort of thing we need. And it doesn't have to be on a piece of data by piece of data. You know, you can group data to say, you know, with this group of data we need for these purposes so that we can - so that would give this group a prose to put into the policy to discuss and then put into the policy. Come back to you with questions or agree with that. Is that off base, (Alan) or?

(Alan): I was just going to say that what you're asking from compliance, we really should ask ICANN in general if any other parts of ICANN have similar needs. The ARS is an example. Just because we have identified compliance today, we want to make sure we're not forgetting some other critical part of the organization.

(David Plum): To be clear are you asking for a listing of data that we need to enforce a temporary specification, original agreements, new policy that you may develop?

(Alan): So I think - so I'm learning some of the lingo. So I think ICANN has a legitimate interest in the data in order to enforce its contracts and, you know, in line with its stability and security mission. So it's not in line with the temp spec. We're writing a policy that replaces the temp spec. So it's, sort of, a zero base analysis of what data you need so that it can be included.

(David Plum): All right folks, so many thanks. Anything else that you all would like to say, Jamie or others as we close this out? Any final comment?

Woman: Jamie anything?

Jamie Hedlund: No, just thank you all and we are happy to have had this opportunity and we'll look forward to working with you all in the future. And getting this right. Thanks.

Woman: I just want to confirm. First of all, thank you. Welcome to LA. It's good to see everybody here. Good luck to all of us through this process. But the last ask is please let's submit those in writing. I tried to take notes but don't assume I've captured the questions exactly. Once we receive that, we will do our best to provide. I like the approach that (Kurt)'s proposing, more of a general approach because taking - I - the - I heard (Thomas) say taking every policy and every agreement. That would - it's a huge effort to undertake. Okay. I mean it's a (unintelligible). Thank you and good stay for the rest of the week.

(David Plum):   Many thanks. Great, okay. So okay, so our transition now is going to be going into looking at this work that's the folks who have been doing the changes around legal basis. And what that can mean in terms of slight modification of our matrix. And then working on B together for a little bit. And then splitting up. (Margie), what's your comment?

(Margie):   It relates to - we were just talking about other uses that ICANN has. Can we invite someone from the security team (John Crane) or (David Conrad) to talk to us about similar thing like what they use - how they use WHOIS in their process?

(David Plum):   Okay, so can I suggest (unintelligible).

(Benedict Addis): Sorry guys. So I queried ICANN org. So I did this informal process. (JJ) my understanding is that (JJ) has informed ICANN staff that they may not use registration data internally. That includes security. I put a question by (Marika) to (unintelligible) on the 8th of September asking about contractual compliance, use of registration data. That be great. So it would be great if we could follow up on that one. So my understanding is no other parts of ICANN gets that. Thank you.

(Margie): But can we at least talk to them about it? And find out what happened before? Same conversation we've been having with compliance, because then we can at least ensure that our policy, you know, addresses it or doesn't address it and we'll have a conversation about it.

(David Plum): Yes, I'm just going to be a little bit of a pain in the butt right now which is we've got to move, right? And I wonder if something like that is well addressed through some questions that maybe the two of you sit down and make sure we put the right questions and we put the out there, right? And that might be a more efficient way. Get that information into an (unintelligible) like that. Trying to do that today, doing another hour and fifteen, whatever we just did conversation doesn't seem like the right way to move right now. Okay?

But let's not forget about it (Margie). Let's sit down. Maybe we go to (unintelligible). Make sure you've got the right questions. And then with the power of the whole group, maybe we can get a little bit faster response, right? And (Dan) maybe can help us with that and others. Sound good? Okay, great.

Okay, so can we just like stand up for one second? I feel like. Let's just stand up for one second like shake that off a little bit. Oh yeah, okay. We're just

standing up to get blood going. Okay, yes, okay. You guys want a break for coffee out there? No, but there is a bathroom.

Okay, so there's five minute bio break. Let's do that. Let's try to be back, right, so what time is it, 10:00 right now? Yes, so we're back in our seats at 10:10. Getting going, all right folks? Let's take 10 minutes or 5, 10 minutes. We're back here at 10:10. And we'll get going, thanks.

Okay, we're back. Let me just give you a quick vision about what's about to happen. First the smaller group that's been working on the issue of legal basis is going to give a quick update of where it's gotten to in terms of its logic for making those decisions of deciding between 6.1B or 6.1F for instance. It's going to show an example of how it applies that logic to one of these purpose statements and processing activities, okay?

Then we're going to pull up the matrix of the data element sheet for our dear friend Purpose B, right? Our dear amalgamation of five purposes in one. And we're going to talk for a little bit amongst ourselves, all of us in plenary about how we're going to use this data element matrix to go through Purpose B. Which has some complexities because it involves third party interests and other things. Okay.

And then we're going to work in parallel small groups on the same questions that we're going to decide how we're going to do it in the group. And we're going to work in parallel small groups for probably up until lunch or close to lunch and then we're going to come back and we're going to see how we did in our groups and filling out our data elements matrix for Purpose B.

That's what we're going to be doing for the rest of the morning. And we start - (Thomas) is going to be giving us this report back on how your group has

been - that group upstairs has been doing, both in terms of the criteria for deciding on legitimate purpose or legal basis, excuse me. And then how to apply that. So (Thomas) I'll give you the floor.

(Thomas Rickert): Thanks very much (David). This is (Thomas) for the record. Now, the sub team that's been working upstairs was quite efficient in getting the matrix to the next level because we thought, or we established that some points were not obvious, or they were obvious to Farzaneh and myself when we wrote it, but they were not obvious to everyone. So basically, the first thing that we added, and you will see that in a moment. And (Caitlan) you don't have to change things in the Adobe for the moment. But there were some mismatch of how the processing activity, i.e., what is done to data elements is connected to the purposes.

So we added an additional field, or we renamed field for brief description of the processing activity, you know, collection of certain data elements or a transfer of certain data elements, a brief description. And also that just goes back to the point that Stephanie made a couple of times. We discussed responsibilities, i.e. who's the controller, joint controller or processor for certain processing activities? That we also find in three. So we established a new 3A and 3B for that information. And that allows us to quite efficiently walk through the steps that are required to establish the lawfulness of a processing activity.

So what we basically did and (Caitlan), I guess we need the little list that I've written up a moment ago. So, the groups had issues at times making a distinction between 6.1B and 6.1F. So and I'd like all of you to take all of you to take a look at this and let me know if I'm on the wrong track here. But I think that the way the groups should conduct this in addition to filling out the form is, you know, start with describing the processing activity.

So collection of data for the resistant by the registrar would be a description of the processing activity. Then you would say what purpose does this relate to? Because we have the purposes in the upper section of the table. And that would be a typical (unintelligible), you know, because that's a part of the data that we collect in order to entitle the registrant name holder or to enable the registrant name holder to exercise rights in a particular domain name.

So we have the processing activity and the purpose. And then the question is what is the legal basis for that? And the first question to be answered there is in Number 3 here. Is the processing necessary? I'm making it bold here, because that's the key word. Is the processing necessary to perform the registration agreement, i.e., the contracted three and the registrant and the registrant?

And then you take a two-step approach to make things - to keep things simple things simple. First question is A, from a technical perspective, so we've established that, you know, in order to give the registrant name holder the right in a domain name and make sure that we can always trace back who is the owner of a particular strength, we'd say yes technically, it's required to make that association. And then we can conclude that point and say okay, the collection of registrant data by the registrar is required to perform the contract and then you have your 6.1B. Does that make sense? I hope.

But there are other processing activities where it's not so obvious. These requirements come from ICANN and the RA or the RAA. And there your test would be 3B. Is this based on a lawful ICANN requirement. That ICANN dumps on the registrar and does that make its way into the registration agreement? Right? And a good example for that could be ICANN or in the temporary specification there's a requirement for the registrar to pass on data

to the registry, registrant data to the registry. So the question, again is let's use that example. Is that technically necessary to make a domain registration available? The answer is likely not, right?

Is it a lawful ICANN requirement to pass on that data to the registry to perform the contract? Is it necessary for that? Is it necessary to perform the contract? And then then answer is likely well, not so much, right? So you would then say no, for the - for passing on the data. And you would move to Number 5. So we would then check 6.1F. And then the first question is, is there a legitimate interest pursued? And ICANN has an interest in providing for the security and stability and registries want to do checks on DNS abuse and all that. So I'd say yeah, they have an interest in ensuring that all the data lands - is with the registry. So they - the registries can asset that interest based on this ICANN requirement.

Then you would say is the processing necessary to achieve that? And the answer is also yes, because in a decentralized system, you can't do DNS abuse checks, because in decentralized WHOIS, you wouldn't be able to conduct checks for the whole zone. So you need it in one place. What are the interest of the data subject? The interest of the data subject are that the data is not compromised and stuff like that. But this would not include publications. So we can well, the interest of the data subject are not impaired by this data transfer because the data is kept under lock and key. And therefore the exercise in this regard would be in favor of the controller. So we could say that part of the transfer would be a typical 6.1F. It's a legitimate ICANN interest. It's not outweighed by the rights of the data subject.

Right, so we've now gone through one example of registration data collection by the registrar where we'd have a perfect 6.1B. And the transfer between registrar and registry which would be a perfect 6.1F. But let's take this one

step further and (Christina) will hopefully love this. Because there might be cases where the registry has particular eligibility requirements. But (abogado), the law. So they want to establish that only eligible registrants can get their domain name. The registry wants to conduct validation of the eligibility requirements. So the contract, the product offered to the registrant is slightly different. It's not just you get a domain name. But it is you get a domain name, and we make sure that - or that everyone in the zone fulfills the eligibility criteria so that it's a particularly trusted zone that your domain is registered in, right?

And in that case, we see a change happening. There's an additional requirement that is required to perform the contract and therefore since the registry needs to conduct the validation, the passing on of data from the registrar to the registry becomes a 6.1B, right? So that is to give you an example of where the same processing activity and practical terms can pursue different processing purposes and can be justified according to two different legal bases.

So that's something you should go through as you conduct your checks of the spreadsheet. Last question is then who is responsible for the processing activity? So you would say that is it ICANN is the controller? Is the registry is a controller? Is it the registrar is the controller? And for example for the collection of registration data by the registrar. We've established that this is joint interest of ICANN registries and registrars. So they would be joint controllers in that instance.

So our group, I think in a matter of 75 minutes or so in total, we've been able to establish this, though I think four or five sheets. So, you know, that can go relatively quickly. We will try to work - I will try to roam between subteams

and answer questions should there be any. But this is basically what you're about to do when you populate the additional data matrixes.

(David Plum): Yes, why we don't show up what the new question three looks like on the data matrix, so people can see what that looks like.

(Thomas): And some of what you find here is already on the spreadsheet. I just wanted to give you - to share my thought process with you. You see a new 3A and a new 3B. We scroll down a little bit. You know, that's the description of the processing activity and the addition of the responsible parties. So that we would have (Lindsay)'s point, you know, addressed to spell out what the concrete processing activity is and Stephanie's point about responsibilities as well. Thank you.

(David Plum): Okay, so we can have a quick conversation about this. I think the real takeaway at least for me in helping all you have these conversations is that what this group has done is added that conversation about let's talk about the specific processing acidity or activities that are part of this purpose, right (Thomas)? Let's talk about that. And let's do that analysis against how it relates too that contract and the service between the registrant and the registrar and that will help us answer the (unintelligible).

Right, so I see a couple - let's go quickly around here. (Alan) and then (Georgios) and then yes.

(Alan): Thank you. I know this is a very ICANN-centric discussion, but there may be some edge cases and the case of data to validate special registry criteria. I don't believe we are controller at all. I believe the registry is the controller. We may have to have processing access and rights to be able to validate the contract, but that data is solely under their control and I don't think shows

should show up on our records at all from the point of view of what we're presenting. They're the one who invented that data. They control it. And they have to give us access for contract auditing or complaint handling.

But so I think we have to be careful as we're going forward not make sure - not treat everything as ICANN data if it really isn't ours. Or really isn't us specifying it.

(David Plum):   You want to just jump on that real quick?

(Thomas):   We had that discussion on the breakout team. And the response that the group came up with was that ICANN enforces those. ICANN might enforce (unintelligible) and other criteria. So it can be an ICANN requirement, but it doesn't have to be. And we don't need to do a back and forth here. I think it's just a matter of proper documentation. There are many things that you can do this way or the other, but we need to come up with a plausible way of explaining things and justifying things.

(Alan):   Just to follow on, it does mean that we have to - if we decide to look at it that way, we have to make sure the registry lists us as a processor and has a third party interest.

(Thomas):   No, they could (unintelligible) on controllers. But let's not go into that level of detail.

(David Plum):   (Georgios).

(Georgios Stilantis):   So (Georgios Stilantis) from the GAC. Just to add to what to (Thomas) presentation. Despite the fact that also in the previous discussions we have several times evoked that we can have both 6.1B and 6.1F as basis, legal basis

for our processing. The way it is presented is that we first go for 6.1B because it's the stronger point or if I can say so, it's more strong as - and it's (unintelligible) the processing, the analysis that we are doing as (Thomas) presented there. And if we arrive that we have 6.1B, we base ourselves in this legal basis. And then we go to 6.1F. It doesn't mean that we say that they cannot be both valid. But we start with the one which is a stronger basis. This is -- correct me if I'm wrong (Thomas) -- this is what we discussed also.

(David Plum):   (Beth). Okay, as you wish, the two of you, please.

(Georgios Atlantis):   All right, thank you (Beth). Thanks (Thomas). This is like - a computer program for working through this, is (Brill). How do you defend - can we flip back one page?

(David Plum):   Straight to the PowerPoint.

(Georgios Stilantis):   (Unintelligible), than you. Yes the one that (Thomas) is.

Woman: The Word document.

(David Plum):   Yes, the document with the (unintelligible).

(Georgios Stilantis):   Thanks. So 3B is a test based on a lawful ICANN requirement. How do you avoid the (James Biddel) argument that this could be a circular? This could be a circular argument. How do you defend this test against that?

(Thomas):   By doing - by conducting a proper legal analysis of the lawfulness. So the example that's been used earlier during this week is an ICANN requirement which technically wouldn't - probably wouldn't be necessary as (James) said, you know, to know the data for every registrant. It's a good requirement

because that's ICANN's service that you make that association of the domain name to the registrant. While unfettered publication of WHOIS data is also an ICANN requirement. And we know that's not a lawful requirement. So we have to look at the requirements on a case by case basis.

And again, lawful in this sense is not only GDPR, it's all applicable laws. It's the human rights charter and particularly Article 8 can come into play there. So we have to take a quite holistic approach at this.

(Georgios Stilantis):   Thank you.

Woman: Me? All right, so thank you for switching back. I actually have a question about this. So I do think that (unintelligible) straight over. I think defining this as evaluation the space on is it part of the service could be potentially problematic, but I do like that we're doing this in general. So I'm going to reserve that as a question, because I think this is going to be super-duper valuable.

I would say that I think it would make sense if we moved 6 up into the first section. I think it's important to identify who the parties involved in the processing activity are. I think it very much helps us inform what the legitimate interest will be. Rather than looking at this all as, you know, we're starting with ICANN purposes. But at this point, you know, I think with this exercise we're really looking at all of the parties and all the processing activity as it relates to all the parties involved in that activity as opposed to as we were before with the sheet saying it's an ICANN purpose. It's a registry purpose. Now we're just looking at the processing activity and the parties involved.

(Thomas):   I think you're making an excellent point if I may, because that caused some confusion to take the purpose as a starting point without the complete

processing activity. And I think that, you know, we've been using the purpose matrix on these efforts. My idea when co-drafting it with (Benedict) that we would take that as a basis for allocating responsibilities. Because typically the party that is involved in a certain processing activity to be conducted, the party that's interested in pursuing a certain purpose is the one that will ultimately assume responsibility for that processing.

You can move 6 up to 0 and that's the first question. I think what's important is that you really start with anodizing 6.1B and then move to 6.1F, but if you want to tackle the responsibility question first that's perfectly fine.

(David Plum):   In the queue I have (Hadia). I have Kavouss and (Alan) is that a fresh or is that an old one? Okay. So (Hadia) and the Kavouss.

(Hadia Mineaves):   (Hadia Mineaves) for the record. So my question is a little bit similar to what (Beth) was saying, because in the exercise that we were doing yesterday, we have - we had the ICANN purposes and then solving for this - for example, for certain purpose, for putting it as an ICANN purpose, we might end up having the lawful purpose as an example of 6.1F and then if we're solving the same purpose but from the point of - but tacking it as a registry or registrar purpose, we could have the lawful basis as 6.1B. So for the same purpose, depending on for which one you're solving, you could have different lawful purposes.

So for example for the same purpose, you could have 6.1F if you're considering it as an ICANN purpose and you could have 6.1B as the lawful purpose if you're consider - if you were considering it as a registrar purpose. And in the end, we still have one purpose with two identified lawful purposes. I mean when we're compiling things together after, you know, after we're done with the exercise. And that's (unintelligible) for ICANN, you have 6.1F

and then folding for the registrar you have 6.1B. In the end when you compile this, which purpose would you - which lawful purpose would you refer to?

I don't know if I can get my point through. I have an answer by the way, but I just want to put it out there and hear from you. It's...

(David Plum):   Could we take first Kavouss's question and then let's circle back because I think what (Hadia) is saying is relevant for how we want to be talking the remaining work in this meeting, right? How we want to be sticking it ICANN purpose versus looking at it from the angle of registrar/registry? Kavouss?

Kavouss Arasteh: Yes, someone said that 6F is more stronger than 6E therefore we could take 6F. That is not the case. There are overlapping in 6E and 6F, but there are element in 6E talking about public interest which is not in 6F. So if you want to take that, you have to take that part of dealing with the performing the task for the public interest. So that is very important element. Thank you.

(David Plum):   Thanks Kavouss. I want to just jump in there because I think it was a problem with the sound and the microphone, because the comment was it's 6.1B and is boy is stronger than 6.1F because F has a balancing requirement on the backend, if I understood that correctly. So that was the comment. It was just about 6.1B as in boy being stronger than 6.1F because 6.1F has a balancing requirement. That was the comment.

Kavouss Arasteh: Excuse me, maybe I misunderstood the people talk about 6.1F. Yes, 6.1B and 6.1F, I don't think that we should take the notion of which is the stronger and which is weaker. We should see whether there are some overlapping in 6.1B and 6.1F. If there is overlapping, we should take one of them 6.1B for instance and to see whether there is any element in 6.1F which is not in 6.1B.   If we confirm that, therefore; we can take 6.1B and not 6.1F. If we don't confirm

that, we have to transfer part of the 6.1F which is not currently either directly or indirectly in 6.1B. I'm sorry. I am remote participation and I cannot directly say what was discussed. But this is my view that we should be quite careful and not opting for a stronger or weaker. We talk about the substance. Thank you.

(David Plum):   Excellent, thanks. And there's a lot of head nodding here Kavouss supporting what you're saying just to let you know. Okay, so I think we've reached where we need to get to in terms of understanding what that group has been going through and their process. And I think what - if I heard correctly, (Thomas) the suggestion was one, you know, it may be helpful to bump this - the look at who's the responsible party up to a higher, you know, higher in the conversation, okay? In general, people found it a useful way of looking at processing activity and therefore determining lawful basis on that, legal basis.

Okay, great. And then I think (Hadia) we should have a conversation. Maybe it doesn't need to be right now, but I feel like my proposal to everyone is let's stick to ICANN-centric purpose, right? And let's see how far we get. And if we get to the end and we're like oops there's things here that's not enough, but let's for now just stick with that and we'll not do the mental exercise about who else has the same purpose and how that changes their lawful basis, okay? Great. So we're sticking with ICANN purpose on that. All right.

Now comes fun. B, so let's pull up - go back to the matrix here. Now our task is to take our - this compromise language of purpose B, right, and it's up on the screen right now. Remember what it was, we rolled up a bunch of third party issues and we put them into this single purpose called facilitate lawful access - oops there's a to and a for there. I hope - facilitate lawful access to legitimate or for legitimate? Help me out guys. Facilitate lawful access for

legitimate third party interests to data that is already collected and identified herein. Okay?

So and (Terry)'s passing out blank copies of this too that we'll use. Now you can imagine that one of the dilemmas of doing this matrix and for B, is that it may, and I just say may because I really don't know, it may be different in terms of the data collected, right or anything else in this sheet may be different based on the type of legitimate third party interest you're talking about. Right? You may have a different sheet if we're talking about a different kind of third party interest or legitimate third party interest or we may not.

So I want to just have everyone pause for 30 seconds. Look at this blank sheet, or actually it's one minute. Look at that blank sheet and think individually for one minute. If you can get off your computers for a second guys, yes? Jump off the computer for one second. Take that blank sheet. Look at it. Look at the purpose and does it say to and for in the blank sheet that we just passed out? Okay, so pick a word. Pick your favorite word between to an for in the.

Where is says facilitate (unintelligible) to/for. I think it's probably for, right? Look at this sheet and think about how you would fill it out given that there are different types of legitimate third party interests. Everybody take a minute. Look at the sheet. Think about it. How would you do this work if you were to go off in a group right now and try to fill out this sheet, this purpose. Let's take a minute individually and just think about it.

Woman: Thanks. I think we're getting off caught up on ICANN (unintelligible) and what we talked about this morning and yesterday was not to get completely caught up on ICANN purposes to look at, sort of, data processing activities

and that kind of thing. And we did talk about this yesterday. And I think the sheets were meant to be updated, but I don't think this one has been.

(David Plum): Indeed it has been updated to reflect that Question 3 really now is about the processing activity, right, and responsible party. We are still keeping the frame of this is within our analysis of an ICANN purpose because that's our mandate of this group is to understand what the purposes are.

So I think one of the reflections we can have on this is when we attack this purpose and others how much do we want to start by saying, let's look at the actually processing activities connected to this, right? Is that our Step 1 question? Or is our Step 1 question, do we need to distinguish between different kinds of legitimate (unintelligible)?

(Thomas): (Lindsay) what were you expecting to see there in that box?

(Lindsay): (Unintelligible). I was expecting it to be nearer the top, sorry.

(David Plum): So I'm seeing some hands go up, and I think this is - I mean I gave you a little bit less than a minute. Sorry about that, but let's see. What did you think about when you say - how would we go about using this tool for analysis to make sure we're refining our purpose and understanding what we're saying here? So (Beth) and then over here, and (Fiona), okay, yes.

(Beth): So to build off (Lindsay)'s comment and I think what I - what we tried to say in the beginning, before we started this, I would use this - our new tool, our new - the Word document. And start with who are the parties involved and therefore it would not just be an ICANN purpose. It would be who are the parties involved. This is the purpose and then these are the parties for which this is a legal basis. So I would actually just dissect this a little bit, kind of,

like you're diagraming a sentence. So I - because I do think that looking at these from the ICANN purpose lens is just going to make us have to do this three times. And if we identify the parties and then the processing element for the processing element, we will then - this - the rest will shake out very naturally.

(David Plum): Let's build on those ideas and see if that's going to work for folks. (Margie), (Fiona)?

(Margie): As we try to fill this out, I think I'm confused because it say the third party interest identified herein. And so it's - I'm not sure what that refers to and it's hard to fill it out if you don't know what the identified herein does. I think it's something similar to what (Beth) is saying. You, kind of, need to identify what that is in order to answer the questions. Otherwise, we were, kind of, answering in a vacuum.

(David Plum): Right, so exactly, when that phrase was put in, the ideas there would be some reference to legitimate third party interest elsewhere in the document, right? That's why that herein was put in the purpose. So that's, as I understood, so if others understood that differently, please chime in, okay. So that, you know, part of our analysis might be all right, what are we going to be mentioning herein? Okay, great. (Fiona)?

(Fiona): Your question was if we look at this form, how would we work with this tool to be able to answer the question of the different - looking at a different lawfulness of processing. And because those three areas are not exactly in tandem and they mate all in different ways, when you look at the issue of performance with a contract with a B, the legitimate interest of third parties to access information and the issue of consent, they don't necessarily work together. Because third parties may want very - the way they want to purchase

may be very different and so - and you need to be able to - we still need to be able to protect the subjects in as far as (unintelligible) is given.

So if I was to fuse this, I would naturally (unintelligible) it three times with each document addressing one lawfulness for processing. So one document would have Article 6.1B and address all the issues in relation to that. And that needs to do it three times like what (Beth) has - was suggesting...

(David Plum): I'm not sure (Beth) was suggesting doing it based on - and she can't hear you right now, but right. I don't think (Beth) was suggesting we have three times based on each potential lawful purpose. I think she was suggesting doing it based on the party and the processing activity. But that's incorrect.

(Fiona): Okay. However then, my suggestion would then would have to do it out of - it will be three times so that then it is we are able to capture everything uniformly and in the same way with all the other documents we worked with that is easy for somebody who's not set in this room to understand.

(David Plum): Okay, great. So there's - (Beth) is going to help explain her initial suggestion. But basically she wanted to go use that logic that (Thomas) put up there and that would necessarily look more at processing activities and parties, right? Rather than just starting with purpose. (Margie)'s saying let's identify what are those interests herein. So we know what we're actually talking about here. And (Fiona)'s saying well maybe we should go through by lawful basis by the three lawful (unintelligible), okay. Those are all interesting suggestions. (Hadia) where's your mind on this?

(Hadia Mineaves): Okay, I - it's a quick one and I'm answering (Margie). And I was thinking, you know, why do we need to identify the legitimate third parties interests here. We are - we already - let's say we identified legitimate third parties and

we want to facilitate lawful access for them. That's the purpose. So why do you need to identify them here? Why do you need to see the third parties in here? It's not really within the - the purposes, you know, facilitate lawful access to legitimate third party interests. That's the purpose.

Somewhere else or someone else or identified those third parties and we established here that they are identified, and they are legitimate. And so...

(David Plum): So your point is that the data - hang on. The data analysis doesn't change for you based on which third party interests we're talking about. It's the same data analysis for you. Okay. Kavouss, you have your and up. You've got the floor.

Kavouss Arasteh: Yes, sorry. I don't really understand the situation. I do not discern either thing why we have to identify the (unintelligible) third party. The integral third party isn't important. I don't think that we should say 6B is stronger than 6F. In 6F clearly mentioned legitimate interest of the third party. And 6B does not talk about that directly. So they are not mutually exclusive. We have to take part of the 6B and put in 6F and now I agree with (Georgios). That can take 6F as something. But I request you can be. Convince me if I'm wrong. Third party interest, legitimate interest is important element as had been mentioned many times in the GDPR and we should not say that we will be identified by somebody. Who is that somebody? Thank you.

(David Plum): Okay. Thanks Kavouss. All right, (unintelligible) a few, okay. So I see Stephanie, excuse me (Margie), Stephanie, Milton and (Alex) and (Beth) and (Lindsay). Okay.

(Margie): Sure to answer (Hadia)'s question, I think your - our answers are going to for like the data elements and whether the processing is necessary to achieve the purpose. I think it's going to vary depending upon which third party interest

you're talking about. That's why I think you have to break it out by, you know, the ones that are identified herein. Because I don't think it'll be the same answer for, you know, for all three of them or however many we have. Thank you.

(Thomas): And the legal basis is also different, right?

(David Plum): All right the data could be different, and the legal basis could be different, yes. Stephanie.

Stephanie Perrin: Thanks very much. Stephanie Perrin for the record. I'm very sorry. I'm very confused about what we're doing right now. And that's probably because I'm late, but my colleagues have been unable to elucidate matters for me. So I thought we were going back to the matrix that (Farsi) and (Thomas) has worked on. And I would just like to submit a suggestion that might help. We need definitions of terms and people need to read them, because we are using them very loosely here and it is adding to the confusion of an already somewhat recursive process. Thanks.

(David Plum): Thanks Stephanie. And, you know, let's try to clarify that in just a second. Let's run around the queue here. (Milton).

(Milton): Yes, so I think I do know what we're doing. We're talking about B and we are trying to fill out the matrix for B, are we not? So one thing I think I can clear up here is that (Margie) and others were talking about the word identified herein as if it were the third party interests. I think that's exactly what this is a good statement of purpose. That it doesn't identify specific third party interest. Those, I agree with (Hadia) that there's no need to do that.

But the herein is a reference to the data that is already collected, okay? That's what gets identified herein, okay? So the...

(David Plum):   Yes, thank you.

(Milton):   I'm not done. Okay, all right.

(David Plum):   Thank you for that point.

(Milton):   It's pretty clear from the English language there that interest to data that is already collected. And that was a very important part of this compromise was that we didn't like these expansive purpose before or some of the different purposes precisely because they might justify all kinds of new collection and we said, you know, we're willing to recognize these as an ICANN purpose if it just means that these legitimate interests get access to data that is already collected. So I think our problem of what the data elements are is pretty much solved. It's all the stuff that's already been collected under WHOIS and we don't need to spend a whole lot of time on that. We just need to recognize the lawfulness questions and go through that, I hope.

(David Plum):   Great okay. All right, well there's a lot of enthusiasm around that. Okay, great. (Beth), (Lindsay), (Benedict) yes.

(Beth):   What (Milton) said? I think that...

(David Plum):   That's fine you can say whatever (Milton) said.

(Beth):   No, I agree heartily with (Milton). I will say I think part of this - can we - can I ask just to be annoying and put (Thomas)' list up? Because I think if we're looking at the thing that we're supposed to process, we're supposed to be

following, I think it will help us. Because I think one thing is missing from this particular sheet is that we're talking about - we're basing this. Briefly describe the processing activity. This is the purpose, not a processing activity. So what I think we need to do is maybe talk about what's the process act as (Milton) very much described. Yes.

(David Plum):   Down in three, right?

(Beth):   Yes, but I think we need to do that first, because why are we creating a purpose for something that we don't know what the activity is? So I think (Milton) described it really well. You now, we're - this is just legitimatizing disclosures based upon (unintelligible) - well no. I mean we're collecting it for this purpose yes, but the processing act is collection. So I think that if we have that, then we understand who the parties are. So I just wanted to clarify that and just maybe we guide ourselves with this as well as this.

(David Plum):   Great, okay. (Lindsay)?

(Lindsay):   Just want to echo what Milton said because that was great.. And yes, let's - we're talking about processes. Let's just get on with it.

(David Plum):   Okay, great. Anybody else? (Benedict) do you want to say something before we just get on with it? Yes.

(Benedict):   (Milton) the to data that is already collected begs the process activity question. It's a logical fallacy. Can you think - and Stephanie has quite rightly told us that we should be thinking of in terms of the processing activities. Can you think of a better, more elegant way to create the controls that you're concerned about without begging the question in the purpose? Thank you.

(Thomas):   Do you want me to answer that?

(David Plum):   Sure.

(Thomas):   So offhand I don't have any other alternative language. I suppose we can think about that. But I'm not sure why it begs this question. It is - we're facilitating lawful access. Now if you're saying this is not a purpose. This is an access question, we totally agree with you. We didn't want it in there. But we made that concession because other stakeholder groups wanted it in there as a purpose of ICANN. So we said okay, let's call it a purpose of ICANN so that you feel like you're getting a guarantee that you will get, you know, access to this data that's already collected. But I don't quite get the logical contradiction.

(David Plum):   I think maybe that's something you guys want to - the two of you take offline unless others are extremely worried about it as well. So this is what I'm going to suggest folks. I'm going to ask the team here if we can print out copies of this. Wow, okay. So what we're going to do is we're going to go as (Lindsay) says. Let's go do it, right? We're going to use our matrix sheet, our worksheet. And we're going to be also using this set of questions that (Thomas) and the group have put together as a way of getting into this sheet, okay? And we're going to do that in smaller groups and we're going to do it parallel all answering the same things. Then we're doing it in small groups because we've seen over the last few days that you guys are accelerating your pace in smaller groups, okay?

So we're going to divide this time into three groups, I think, unless we want to try to do four. Let's do three groups. So we're going to do one right in here. And we're going to do - do we have those spaces available to us? Yes? So we'll do Group A here, Group B in the kitchen on this floor and Group C in

the kitchen upstairs. So what you want to do within your stakeholder groups folks is split yourself up. Send a person to A, a person to B and a person to C if you have three. If you have more, you know, distribute as needed. If you have two, whichever you want, okay?

This is parallel work, right? We're all working on the same set of question and what we're sending you off to do is fill in this sheet. Answer these guiding questions from (Thomas). Figure out what the lawful purpose is for the activities that associated with this purpose, right? And we'll bring it back in and see how far you got. Okay? We'll see how, you know. This is the time. Infer with your stakeholder group. Divvy yourselves up. Group A is here. Group B is in the kitchen on this floor. Group C is upstairs, all right? And we'll be distributing ourselves in those different groups as well to help capture and take notes. And we'll do that.

Let's - it's 11 - almost 11:10 right now, yes?

(Thomas): Sorry, we're talking just specific to B? Is that right?

(David Plum): B, now B may have different processing activities, right? There are potentially different processing activities connected with B. But we are in B, yes? Everyone is doing B. Okay? Just different, spread yourself out folks. This is - let's do this. Let's take an hour and see how far we get in one hour, yes?

Woman: If we could - sorry. (Unintelligible) speaking. May I suggest we do not divide into groups?

(David Plum): You can suggest that and we're still probably going to do it. I'm sorry. Okay? So we're dividing into three. We're going to have one in here, one in the kitchen and one upstairs. Yes, wait. There's a question about how to self-

select in your stakeholder group, divide. That's all. All right divide in your stakeholder group. That's the only self-selection. There's no preference between A, B and C, okay?

The reason - just folks, the reason why we're doing it this way, we're doing the experiment is that there's been extremely strong evidence is this is the pathway to getting faster actual product, right? So we're in the product creation mode right now. We're going to test that. We're going to test that theory. We're going to do it for an hour and then we're going to see what happens, okay? (Beth) and (Christina).

(Beth):   So I just have a question. When - if we do it this way. Notice I say if. If we do it this way, are we the three groups, Group 1, 2 and 3 who are all working on the same thing, we're going to come back and then (moosh) it together?

(David Plum):   Yes.

(Beth):   So we're going to do it a fourth time? Okay.

(David Plum):   Well we always do anyway, right? Yes, we always do anyway. We bring it back in. There's plenty to say. Let's run with this folks. We're going to invest an hour in this and see how it goes. We're going to bring it back, okay? So let's split up. Let's do A, B and C, okay? And divide yourselves up in your stakeholder group, right?

Okay, folks. Let's go. So who's going to go upstairs to the? Okay, (Kurt) and (Caitlan) are going to lead people upstairs. Group B is going to go with (Kurt) and (Caitlan) upstairs, folks.