| YESIM NAZLAR: | Good morning, good afternoon, and good evening to everyone. Welcome to the At-Large Consolidated Policy Working Group (CPWG) Call taking place on Wednesday, the 26th of September 2018 at 13:00 UTC. |
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On our call today, we have Olivier Crepin-LeBlond, Jonathan Zuck, Maureen Hilyard, Cheryl Langdon-Orr, Tijani Ben Jemaa, Harold Arcos, Gordon Chillcott, Christopher Wilkinson, Eduardo Diaz, Sebastian Bachollett, Ejikeme Egbougu, Alfredo Calderon, Joel Thayer, Nadira Al-Araj, Abdulkarim Ousman, Kaili Kan, and Satish Babu.

We have received apologies from Marita Moll, Holly Raiche, Justine Chew, Alberto Soto, and Bastiaan Goslings.

From staffs ide, we have Heidi Ullrich, Evin Erdogdu; and myself, Yesim Nazlar.

Before we start, as usual, I would like to remind everyone to state your names before speaking for the transcription purposes, please. Now I would like to leave the floor back to you, Olivier. Thank you very much.

| OLIVIER CREPIN-LEBLOND: | Thank you very much, Yesim. And we are on another call of the Consolidated Policy Working Group. We've got a lot of work today to deal with since it's the deadline for the final draft of the consolidated new gTLD subsequent procedures policy development process. Subsequent procedures are … I think the deadline is today. So, we need to get all of this out of the way. |
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Before that, we'll hear from Alan and Hadia on the expedited PDP on the GDPR discussions. And then after that we'll also have an update on the statement that Greg Shatan is writing on the unified access model. That's pretty much going to fill our next 90 minutes. Are there any amendments or any additions to the agenda? Jonathan Zuck, you have the floor.

JONATHAN ZUCK:     Thanks, Olivier. We've begun looking at the RDAP comment and I wanted to raise some questions with the group, if we have time, some broad questions about our intentions with the comment, if you will. So, if there's time to add that to the agenda, I would like to do that.

OLIVIER CREPIN-LEBLOND:     That's great, Jonathan. Can we put this in agenda item six, the follow-up discussions on upcoming key policy activities?

JONATHAN ZUCK:     Sure.

OLIVIER CREPIN-LEBLOND:     Okay, perfect. So, we'll add that, the RDAP. I'm not seeing any other hands up, so we're okay with this updated agenda and we can move swiftly to the next item and that's the action items from our last call. You'll be glad to note that all of them are [inaudible] being done. There's just one that requires feedback which is to do with the work on the KSK rollover flyer, perhaps in different languages. Evin had gone to

check with ICANN Coms on whether they were going to do this. Evin Erdogdu?

EVIN ERDOGDU:          Thanks, Olivier. Yes. I've asked Coms. Still waiting to hear their feedback. John Laprise and I are coordinating on scheduling the upcoming Social Media Working Group call. It should be sometime next week and we'll discuss what information exactly, what message exactly, they would like to send and how to do it.

OLIVIER CREPIN-LEBLOND:    Okay. Thank you very much for this. The action items are on your screen. Are there any other comments or questions regarding any of these items? I'm not seeing any hands up. Let's then move on. Let's go to Alan Greenberg and Hadia Elminiawai, who will speak to us about the excitement of the EPDP. The two calls that have taken place, plus a number of others I understand since the last time that we spoke. I'm not sure who wishes to take the floor. Is it going to be Alan first or we start with Hadia?

YESIM NAZLAR:          Apologies for that, Heidi. I was just going to say Alan and Hadia are not on the call for now, but we're trying to reach out to Alan right now.

OLIVIER CREPIN-LEBLOND:    Okay. Then let's then move on. They lost their slot. I understand that they are in Los Angeles at the moment. It's probably hard to wake up at

this time of the day, although I do note that Heid is up. So, LA is still on the map. It still exists. Alright. That means that we can just move on then and we will fire them or diminish their salary by half or take something out of their lunchbox next time they're at ICANN meetings. Let's go to agenda item four and that's the final draft of the subsequent procedures PDP. Jonathan, you have the floor, with all the topic penholders.

JONATHAN ZUCK:          Thank you. We now have what passes for a final draft of our comments on the subsequent procedures work streams one through four. This is [inaudible] document on which a lot of people worked. I think we managed to come away creating internally consistent answers, which was one of the most biggest objectives for this document. We definitely need to give thanks to Justine Chew who did a lot of work, drafted a bunch of different sections, and did a lot to advance this draft. But we have a draft here that I think we can be proud of. Hopefully, everybody went in and made the comments that they wanted to make on the Google doc. I've now [inaudible] that editing and we now have a final Word doc that I guess we'll have staff proofread for grammar, but we'll be able to submit it today all time.

All we need to get comments done on time is monthly [inaudible]. we know that now. So, that's an exciting revelation. I don't know if there's other questions or comments or anything like that that people would like to discuss either about this draft and its process before we submit it, but that's the issue. Christopher, go ahead.

CHRISTOPHER WILKINSON: Hi, good afternoon, everybody. First of all, Jonathan, I would like to express appreciation and congratulations for the volume of work that has been undertaken. I found my way through all the 108 pages that are on screen and I have something to say about that.

I think the PDP should not produce quite so many open-ended questions which just reveal the extent to which there was lack of consensus and agreement in the PDP. Any ultimately minor issues have been referred to public consultation because of that and I think it's a message to ICANN that the PDP system has to be [timed up] somewhat.

I appreciate the rubric in a different color specifying that … Limited its comments to those that are directly concerned with user interests which is correct. Insofar as I have additional comments, I shall make them directly but they will not be of [inaudible] questions, which have not been treated in your replies. Of course, I will endorse my support for the replies that have been made. Thank you.

JONATHAN ZUCK: Thanks, Christopher, and thanks for your input on the document. It was a pretty strange public comment to be sure. Of course, we had some trouble reaching consensus on those issues within just the At-Large, so I guess it's understandable that the work streams might have had difficulty with them as well.

One of the things that we did include in our introduction that we wrote at Holly's request at the top of the document is that we're not that

anxious for a new round to happens. It's better to really get it right this time rather than rush it. So, I think part of why this comment process happened was to … It was because out of this [inaudible], this false sense of urgency [inaudible].

Did you raise your hand again, Christopher?

CHRISTOPHER WILKINSON:    Yes, I did, actually, specifically on that point. I think the whole process of this current PDP lacks an intelligent and informed assessment of the results of the previous round. I absolutely agree with ALAC's caution about proceeding to the next round because there have been aspects of the 2012 round which were not properly handled and I do have the fear that if we proceed to a new round quickly, those will not be corrected in the next round.

JONATHAN ZUCK:    Well, we'll keep on them. Tijani?

TIJANI BEN JEMAA:    Thank you, Jonathan. I read some paragraphs of the report, of the [inaudible] report that you made. I didn't have time to read everything. But, I find the part that I read and for which I contributed very good written and including all ideas. But my question is this is not the only thing that you will submit. We will submit the table with the questions and answers, isn't it?

JONATHAN ZUCK:              Oh, yes, I'm sure. Yeah, the whole document.

TIJANI BEN JEMAA:           Okay. This is very important because this is the piece that will be used for the evaluation, [inaudible] compilation of the comments to be considered for a new—

JONATHAN ZUCK:              Of course.

TIJANI BEN JEMAA:           Yeah. So, thank you very much.

JONATHAN ZUCK:              Yeah. Alright. If there's nobody else, I'll just repeat my congratulations to the group for completing such a gargantuan document and I will pass the microphone back to Olivier.

OLIVIER CREPIN-LEBLOND:      Thanks, Jonathan. It's an excellent document. I was going to suggest, since otherwise it's going to make for a very, very short consolidated policy call – not that I like short calls. But I want to just, for the record, so that we know that this has really been shared and if there's ever an opportunity that's been made to actually share the main points that we make. I'm not going to ask you to go through their 104 pages because that's obviously not going to happen in the 20 or 30 minutes that we've allocated to this. But perhaps just take us to the summary of the ALAC

responses, so as for anyone who wishes to comment on this summary. I know it's a few … It's only like three pages or two pages, so anybody could actually make any specific comments or show their agreement for their support, specific points of support, on this call. Is that okay?

One of the reasons why I'm asking this is because the ALAC and the At-Large community is often being accused of having a penholder that reflects their own views, doesn't reflect the views of anyone else in the At-Large community and then it gets passed on, passed as being the At-Large community views, when in fact it's just one person. And of course, this couldn't be further from the truth. The only way we can show that is by basically showing all of the different opportunities that we have and the different means that we've used to try and get that community input. And indeed for this specific exercise the amount of community input has been absolutely incredible.

I don't know whether you can spend a couple of minutes on this. That would be really helpful.

JONATHAN ZUCK:    Sure, Olivier. Thank you. And for the record, part of what we did to make this process better, and yet harder, for us is each week here on this call we took comments that we received and tried to boil them down into discussion points, in PowerPoints, so that we could address them directly as a group. So, even before it was put in front of the broader community, put in front of this group, fairly extensively, as you all know, with the discussion of rounds, with discussions of both during the call and on the e-mail listserv with discussions about community,

priority evaluation, and both of those were hotly debated topics before we reached some consensus on the call.

On the issue of rounds, we probably didn't end up with full consensus, but certainly with majority consensus. There were still a couple of votes that believed that we should go to a first come, first serve approach, but the majority view was that that would really overrun the notion of priority evaluations. So, that's how we ended up being supportive of the idea of rounds.

I think that there are probably instances in which an ALAC comment slips through with the opinions of an author because people just aren't paying attention. This is definitely a case where people were paying quite a bit of attention and had quite a bit to say about what we wrote.

So, if you see on the page here, this is the summary that we wrote to draw the attention of the subsequent procedures team to some of the top topics about which we were concerned. So, one of them was the conflict of rounds where we suggested that it would be very difficult to engage in priority evaluations of any type if this was done on a first come, first serve basis. So, that was the main point that was discussed there.

Then, we talked about community applications and community priority evaluation, and after significant debate on this topic believed that we should still try to pursue community applications by creating a broader definition of community, by changing the standards by which communities are judged from the standpoint of membership and other areas to make it more likely that a community application will make it

through the priority evaluation process. So, that was something that was strongly felt by At-Large.

I think part of what we're going to discover over time is that if we stick to the things that we feel strongly about we will also see that our comments are more powerful and more on point because we're talking about fewer things. That's something I think we're trying to do as well.

We talked about metrics as well and expanded on some of the metrics that were suggested and believed that they should begin to be collected before the program begins so that they can impact the program.

Public interest commitments was another topic of discussion. In particular, there was almost immediate belief that we should have mandatory PICs back, but we spent some time talking about voluntary PICs and whether or not that they have been useful and there was some consensus that they have been. So, we again were supportive of these public interest commitments in voluntary form as well.

The Applicant Support Program is one that was mostly a disaster in 2012, so we put some thought into improvements for the Applicant Support Program. I know the Subsequent Procedures Working Group has been putting quite a bit of thought into that as well. So, we made some comment about how that might be improved, even though there's some reservations about talking potential applicants in underserved regions into applying for a new strong when there's still limited market for second-level domains. So, there's still some caution associated with applications from underserved regions.

We talked about universal acceptance and how it's still one of the primary obstacles to successful rollout of new strings. Eduardo, through some discussions with others, like Edmund I guess and others, discussed some things that we might actually be able to do in the rollout which is require that the large registries and registrars are prepared for universal acceptance because a lot of them are big companies that have a lot of different, as we state, oars in the water and could go a long way to help with universal acceptance even by themselves and that's a community over which we have some control.

Alan believed that might be a bridge too far to get them to do that for all of their subsidiaries and everything like that, but we put it in there as a suggestion and it will start to be part of the conversation.

We also, in a number of different places, said that we were waiting on SSAC research and recommendations. Again, this idea of rushing is something that we don't support and believe there is some significant discussions going on inside of the SSAC related to dotless domains, related to name collisions, etc., and that work needs to be completed before there's any further round.

Finally, we suggested that we need to maintain high standards for applicants. There's a lot of grumbling about the so-called registrant protections of these applicant evaluations, etc., as being to strident, but continue to believe that these background checks and others really need to happen to ensure that potential applicants have both the capacity and the intentions to further the public good. And there were cases, frankly, in the 2012 round where the evaluations were done and

turned up negative and those applications were put through anyway. So, even adhering to the standards that are in place becomes important.

So, those are the things that we … Oh, there was objections, too. Sorry, I must have scrolled past.

Objections and improving that process for objections talked about both in the context of GAC but also ALAC objections. That was a big contribution from Justine that was critical to our comments.

I think that is the high-level stuff, Olivier, and I'm happy to discuss it further if people like. I see some hands up, so I will go first to Tijani.

TIJANI BEN JEMAA: Thank you very much, Jonathan. For the concept of rounds, I just read that the ALAC believes that regardless of whether future applications are called for by way of round or rounds, or on first come, first served basis, I think that the choice was between consecutive rounds or one single open round on the basis of first come, first served. And of course there is all the combinations that we had and the questions, the options, that are given in the questions.

I think that we discussed and we concluded that we had consensus, not full consensus but consensus, on rounds. But I don't see it on this paragraph, in the paragraph here.

JONATHAN ZUCK: Thanks. Tijani, let me just answer that question. What I believe that we reached consensus on was that we needed to make sure that the

assessments happened in batches, which was one of the permutations. So, where we reached consensus was that whether or not the applications came in rounds or not, that the assessment of those applications had to be batched to get the benefits that we wanted in terms of contentions with communities, etc. So, that's the part that I think that you might be missing and that's where we felt most strongly.

So, it's sort of like rounds, but we kind of said apply whenever you want, but we're going to batch the assessments.

TIJANI BEN JEMAA: And for the formulation here, I think that we have to say by way of consecutive rounds or an open round on the basis of first come, first served, [relevant] round or rounds, or on the first come, first served basis. Only a suggestion.

JONATHAN ZUCK: Okay. Thank you.

TIJANI BEN JEMAA: Thank you.

JONATHAN ZUCK: Thanks, Tijani. Eduardo?

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| EDUARDO DIAZ: | Thank you. The question I have, is this going to be put up for vote to ALAC or is it going to be sent to today due to time constraints? I'm just curious. |
| JONATHAN ZUCK: | Yes. Thanks for raising that, Eduardo. I believe, as has happened in the past, there was sufficient participation by the members of ALAC that were going to submit it on time and probably hold a vote in retrospect in the ALAC. Alan can perhaps speak to that, but I think that's probably the process is going to happen because we'd like to get these in today if we can. Alan, if you would like to speak to that concept. |
| ALAN GREENBERG: | That's what we were planning. |
| JONATHAN ZUCK: | Great. Thank you. Christopher? |
| CHRISTOPHER WILKINSON: | First, in relation to your just now exchange with Tijani. I've learned a lot time ago never to plan [inaudible]. But, a record would show that the PDP early discussions of this issue resulted in a proposal from myself and Greg Shatan that applications should be treated in batches and that, in my view, batches should be focusing on distinct characteristics, notably the community applications. This means that I will strongly oppose [inaudible] first come, first served system. |

I asked for the floor just to comment on objections. The discussion in the ALAC reply is interesting, very valid, but it does refer to work tracks one to four. I just think we should all be aware that there was a very strong opinion in work track five that the objection system is not a sufficient protection and that those particularly who are arguing from a point of view of geographical communities and the governments are seeking a prior authorization process rather than an objection process to deal with the geographical applications. For this purpose, go ahead with what you've got. The issue that I described and referred to relates primarily, if not exclusively, to work track five.

JONATHAN ZUCK:               Right. There's still some discussion to be had about that for sure. Olivier?

OLIVIER CREPIN-LEBLOND:   Thank you, Jonathan. In the paragraph of concept of rounds, because we are saying two things there – first, regardless of whether your future applications are called for by way of blah-blah-blah. We say that we need to be batched. But then we also say, in any case, the ALAC strongly advocates against immediate commencement of a permanent FCSFS process. May I suggest that we have that in a separate paragraph, so effectively, carriage return after CPE and in any case, so that spans out a bit more than currently where it's in that text.

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| JONATHAN ZUCK: | Okay. As staff now owns this document, Evin, can you make note of that edit? |
| EVIN ERDOGDU: | Thanks, Jonathan. Would you like me to make an edit now or after the call? |
| JONATHAN ZUCK: | After the call is fine. I'm trying not to have multiple versions of the document get edited at once. It's now in your hands. Unless anybody objects, I'm happy to make a separate paragraph within any case. |
| EVIN ERDOGDU: | Will do. Thanks, Jonathan. |
| JONATHAN ZUCK: | Okay. Olivier, back to you. |
| OLIVIER CREPIN-LEBLOND: | Thank you very much, Jonathan. I'm having my lunch at the same time. I apologize for having had my mouth full. |
| | Thank you and great job, Jonathan. Thank you to all the people who have drafted parts of this statement. I gather the next thing that will happen, as has just been mentioned, it will be submitted and there will be a vote on the ALAC on the document. I don't see any further hands up for this agenda item, so we can now go to agenda item number three |

where Alan Greenberg has woken up in the City of Angels and is going to speak to us about the EPDP. Wonderful day in Los Angeles at the moment. Alan, you have the floor.

ALAN GREENBERG:    Easier said than done. I wish someone had actually told me about this meeting.

The EPDP is going on. We're making some progress. It's not clear how we are going to be able to finish in the last day, but we will certainly do our best. We are trying to chip away at individual pieces and get closure on them. We're certainly doing that. Today is going to be working on a number of the harder issues. There's not a lot else to report. With a few exceptions, people are working together relatively well and we have facilitators here who are trying to guide the group. Most of the time, that's worked pretty well. Occasionally, it's caused some disturbances.

I'm not really sure what else I can say at this point, other than we're coming out of this meeting farther in advance than we are than we have gone into it. The really contentious issues of exactly what is within the bylaws and what is not are going to be addressed today and I'm not quite sure what else. I can certainly try answering questions. As I said, I wasn't aware this meeting was being held and I was supposed to be speaking on it, so I didn't prepare anything. I'm not sure what else I can say at this point, but I'll certainly try to answer any questions.

OLIVIER CREPIN-LEBLOND:   Thanks so much, Alan. I see that [inaudible] just one question I guess would be—

JONATHAN ZUCK:   Olivier, you're under water right now. We can't hear you.

YESIM NAZLAR:   Olivier, apologies for interrupting. We cannot hear you right now. Actually, you're under the water.

OLIVIER CREPIN-LEBLOND:   Oh, wonderful. It's a wonderful telecommunciations system. Tijani Ben Jemaa [inaudible].

YESIM NAZLAR:   Okay. We'll re-dial-out to you.

TIJANI BEN JEMAA:   Okay, thank you. I understood my name. Thank you, Olivier. Alan, thank you very much for this report. Can you please tell us what are the points on which you got some progress?

ALAN GREENBERG:   We're spending pretty much all of our time on the issue of what is the purpose that we are processing data and we have broken down the multiple purposes to about ten different categories and identified which of the elements are relevant to that and essentially trying to identify.

So, an example of a purpose that I believe we have come close to closure on is the purpose of putting data in escrow, certainly data in escrow – not all of it – so that in the case of a registrar failure, there can be … The business relationship with the registrant can be transferred to another registrar.

One of the other ones we're looking at is to collect data so that there can be a UDRP or URS in the case of [inaudible] that the domain name is violating some intellectual property rights. One of the ones that we're looking at today which has not been fully fleshed out is collecting data for third parties, for use because there are third parties with [inaudible] and that ranges from everything from law enforcement to security to, in our belief, consumer protection and a number of other things like that. And that, of course, is going to be one of the more difficult ones because there are people who believe that there are things within the ICANN bylaws and other beliefs they're not really there. So, that's an example.

But we're spending all of our time at this point, because it's the indeed crucial question of is there a rationale why ICANN needs to collect data and therefore later process to meet its business objectives.

The whole concept of how ICANN is collecting data from entities that it does not have contracts with, it's so different from the expectations of the GDPR because that's understanding how we fit into this model is something that's very, very complex. The liabilities of registrars, particularly European registrars, of making data available which then they [define] for, or actually the data commissioners can tell it to stop doing business is a huge threat and one that they really are not

comfortable with. So, there's a lot of disagreement on exactly what can be given out to who. It far exceeds the issues of … Is this registrant or registry issue? This essentially, how do we make sure that no one could ever question any of the legitimate needs? As I said, we haven't addressed the harder ones yet. Maybe tomorrow I'll have a better answer. I'm not sure.

OLIVIER CREPIN-LEBLOND:    Thanks for this, Alan. I hope that I've emerged out of the water again. I do have a question. I'm not seeing any other hands currently in the queue. But when it comes down the stability of the Internet's identifiers, I gather you are considering as a group what happens with a registry or a registrar failure.

ALAN GREENBERG:    Well, that's certainly one of the issues that ICANN covers largely through the escrow program but there are other programs that are – the EBERO program on new gTLDs and that's one of the current uses and one that we have to allow for.

OLIVIER CREPIN-LEBLOND:    And that's being taken into account, seriously. I do understand there's also the counter view which is, well, it's not an ICANN business to deal with it.

ALAN GREENBERG: We certainly believe it is within our business that we're trying to set up a stable domain name system and how you can have one which is vulnerable to a failure of an individual business that might have been exceedingly disruptive is certainly problematic. I don't think there's anyone, including the most strident people who believe that that is not within our legitimate domain, to use a word in multiple ways. I've never heard anyone say that is not within our legitimate scope, but I'm not sure who you're referring to.

OLIVIER CREPIN-LEBLOND: Alright. Thanks for this. Are there any further questions for Alan Greenberg? And Alan, is there any question that you wish to ask specifically that you know what items will come up, do you require confirmation on any specific point that you will be making?

ALAN GREENBERG: I don't believe so. These are all issues that we've talked about multiple times and the only concern people in At-Large have tended to have is that we understand the issue of proportionality and that has to do with access and we're nowhere near talking about access at this point.

OLIVIER CREPIN-LEBLOND: Okay. Thanks for this, Alan. I see Christopher Wilkinson in the queue.

CHRISTOPHER WILKINSON: Hi. Good evening, again. Thank you, Alan. Absolutely escrow is essential for the maintenance of registrations in the event of a corporate failure

and I cannot imagine that the European Commission or the data protection agencies in Europe would deny that.

I just asked for the floor to re-emphasize, as I indicated in my written comments, my concern that the combination of ill-defined third-party access with the maintenance of some version of bulk access is, to my mind, an open door to abuse and gaming which sooner or later data protection authorities are likely to reject. I think the combination of pasts that [inaudible] access and bulk access very likely resulted in substantial amounts of WHOIS data being downloaded and maintained outside the purview of ICANN. This is an area which the emergency group that you are participating in will sooner or later need to address. Thank you.

OLIVIER CREPIN-LEBLOND:     Alan?

ALAN GREENBERG:     As I said, we're not on that subject. I heard an interesting proposal that one could maintain some level of bulk access for some organizations by making them joint controllers which makes them liable to the data commissioners for fines and other things. It's an interesting concept, but nothing we discuss and nothing we're going to discuss in the near future.

OLIVIER CREPIN-LEBLOND:     Thanks, Alan. Next is Tijani Ben Jemaa.

YESIM NAZLAR:              Tijani, we don't hear you.


OLIVIER CREPIN-LEBLOND:     Seems to be a technical problem with Tijani.


YESIM NAZLAR:              Could you please use your phone bridge?


OLIVIER CREPIN-LEBLOND:     Whilst we try and get Tijani, Alan, another question. You mentioned you're nowhere close to looking at access models. Was the working group not supposed to already propose something by Barcelona on this or was that completely off the cards?


ALAN GREENBERG:           I don't think … At this point, our job, our first job, is to replace the temporary spec. The temporary spec does not provide an access model other than go to the registrar or registry and talk to them. So, our first job is to replace the temporary spec so that things that are addressed in it can be … That we can expect uniform performance because we have a replacement policy. The other stuff [inaudible] that are not part of the current temporary spec are secondary at this point.

OLIVIER CREPIN-LEBLOND:     Isn't that the easiest thing that you're working on at the moment, or supposedly?

ALAN GREENBERG:     I'm sorry. Say that again.

OLIVIER CREPIN-LEBLOND:     Isn't that supposedly the easiest thing that you're working on at present? Because the spec is there.

ALAN GREENBERG:     You'd think so, but that's not the case. Our first triage review … The charter required us to do a review of the EPDP to try to identify the sections that everyone agreed on so we can just move them forward. That misunderstood part of the issue of the temporary spec is a contractual term and is not a policy as such. So, there are things mixed into there which are not policy. But, ignoring that little detail, that we're not creating a replica in exactly the same format, we were told to go over the temporary spec and identify what we've all basically agreed on and what the contentious points are. There were no points, there were no paragraphs, in the temporary spec that somebody did not have an issue with.

The hardest part right now is the rationale. Remember, the data commissioners have told us we have not given them a sufficient rationale for even collecting the data. We have not broken it down [discretely] enough into why we need each piece of data

Remember, GDPR says we not only have to explain why we need it, but we need to explain every use of it separately. So, just because we already have your phone number for one reason doesn't mean we can use it for another reason unless we've included that in the overall rationale for why it meets a purpose that we have.

OLIVIER CREPIN-LEBLOND:    Thanks for this, Alan.

ALAN GREENBERG:    Right now we are looking at purposes. The access model assumes something related to a unified access model. Sorry, things like accreditation presume a unified access model of some sort. That's not clear that we're going to get agreement on that. As I said, parties that are subject to potential fines and essentially [seeks] business operations or demands are very leery of any automated method which does not give them the ability of refusing a particular demand.

So, don't presume that a unified access model or the accreditation that goes along – accreditation and things like that that might go along with it are given at this point.

OLIVIER CREPIN-LEBLOND:    Okay. Thanks for this, Alan. Let's see if Tijani can speak now. Tijani Ben Jemaa?

TIJANI BEN JEMAA:            Yes. Do you hear me now?

OLIVIER CREPIN-LEBLOND:      We can hear you. Welcome back.

TIJANI BEN JEMAA:            Thank you very much. Alan, the first sentence of Christopher that said the escrow agent is crucial made me think why it is crucial, because already the data is stored with the registrar and also with the registry. So, we have data, and in case of failure in the registrar, we will have data with the registry and we can transfer it to another registrar.

ALAN GREENBERG:             Okay. Two answers to that. Number one, for thin registries – and dot-com is a thin registry, which is just a few domains to it, like 180 million or so of them – only the registrar has the information, but [inaudible] only. So, that information is not replicated right now, and besides, a single point of failure is not a good thing. So, in a thick registry, however a registry has data, it is a single point of failure. Can you hear me?

OLIVIER CREPIN-LEBLOND:      We can hear you, Alan. I think Tijani might have had some problems, which is a pity because … Okay, Alan, please say your answer again quickly, briefly.

| ALAN GREENBERG: | Two things. First of all, for thin registries – and dot-com is a thin registry, with I believe about 160 million domains – the registry has no data. Only the registrar has the data. If the registrar disappears, it's gone. So, that's point number one. |
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| | Point number two, even for a thick registry, it is exceedingly [inaudible] to have a single point of failure where draw the line on one entity to provide, to have the data. That's just exceedingly bad practice. So, there is virtually no question of the [acceptance] of the concepts of escrow of both registry and registrar data. We had a nice discussion yesterday of how long should the registry – should the escrow provider keep the data. How many multiple copies should they keep in case of multiple failures? That's a valid discussion to have. But there's no question about the concept of escrow and the most strident privacy advocates in the room – and we have some pretty strong ones – do not believe that the data commissioners will have any problem with that or any concern in understanding it as [inaudible] process. |
| OLIVIER CREPIN-LEBLOND: | Thanks for this, Alan. I don't see any other hands up, so I think that means we probably can release you and you can go and have a wonderful day in the ICANN offices in Playa Vista. |
| ALAN GREENBERG: | Before I leave, and at some point I have to go take a shower and actually get to the meeting, are there any other issues in the gTLD paper that we have to submit today that you want any comments or responses on? I know Jonathan has been working hard at trying to clean |

up the document. I haven't had a chance to look at all of the changes and stuff, so I have full judgment – I made a lot of comments on the document and I left it up to Jonathan to use his best judgment on whether to, basically to listen to me or not. I'm comfortable with that. But, if there are any issues that you want to raise on that document while I'm still on the line I have a few minutes that we can do that?

OLIVIER CREPIN-LEBLOND:     Jonathan Zuck?

JONATHAN ZUCK:     Thanks, Alan. Thanks for all your comments on the document and I think I [inaudible] most of them and incorporated, rewrote some of your comments to actually be answers to questions and things, so you'll see your [inaudible].

ALAN GREENBERG:     Yeah. [inaudible] comments. I wasn't trying to [inaudible].

JONATHAN ZUCK:     I know. What I would like you to stay for is a brief discussion about the RDAP public comment. If you've got a few more minutes, it sounds like we're going to jump the queue because Greg is not on. I just wanted to get you to hold for just a second on that. But I think we're okay on the subsequent procedures document.

**EN**

ALAN GREENBERG:    I do want to thank you and Justine for the amount of work you put into this. It's quite unbelievable.

JONATHAN ZUCK:    Yeah. It's a crazy document, for sure.

OLIVIER CREPIN-LEBLOND:    It's a bit short at 104 pages, but never mind. Okay. Let's go to agenda item six, and over to you Jonathan, for the RDAP whilst Alan is still on the call.

JONATHAN ZUCK:    Thanks, Olivier. On the last call we talked a little bit about the RDAP and it being largely a technical specification. Alan kind of spit balled the basics of a response and I really created something that was that brief because, as you know, I've been trying to figure out how not to do 104-page comments wherever possible and just sort of said that the ALAC believes that RDAP is absolutely necessary to address the shortcomings of WHOIS and to allow for a tiered access model and it was about a paragraph.

[Johanna] did a draft as well to begin to ask what seemed to be almost policy related questions about the RDAP specification, and I guess in a way have nobody to blame but themselves for having left themselves open to some of this in the document, but I wanted to just discuss with the group a little bit about whether or not we feel it's important to address some of these things.

The basic issue is that a lot of the ambiguity, if you will, of the GDPR has found its way into the RDAP specification. And so one school of thought would be that it remains there to allow for policy developments to happen in parallel and elsewhere of the other school of thought. Where [Johanna] was coming from was do we need to clear up the ambiguity in the context of the RDAP specification?

So, these were some of the questions that are on the screen right now that [Johanna] was asking in her draft and I wanted to get people's feedback and I wanted to get Alan's feedback before he left on whether or not we should kick the can down the road, so to speak, and not try to raise these questions in our comment on the RDAP specification even though they sort of left themselves open for those questions to be asked.

So, it's things like legitimate purposes, more clarity on appropriate law enforcement needs, handling of contractual compliance monitoring requests, a reasonable access. A lot of these vague terms in the GDPR were just adopted in a whole in the RDAP specification. I guess my broader question is should we address that ambiguity there or keep our comments to a minimum on the confidence that these questions and ambiguities are being handled elsewhere, for example, in the EPDP. That's the conversation I wanted to get going with Alan and with the wider group.

ALAN GREENBERG: Yeah. I think the short answer is it is trying to have a brief statement saying there are lots of ambiguities and this and you can cite those, but

they're virtually all ambiguities and that's just what they are and they're going to be subject to the interpretation of the registrars because they come down to GDPR liabilities among other things.

[inaudible] look at this as a privacy document, as the whole GDPR, but the concern of some parties around the table and specifically the contracted parties and ICANN for that matter is that there are huge potential liabilities associated with doing it wrong, and therefore they are being given a lot of discretion in these areas. Hopefully, the outcome of the EPDP and associated activities will provide some level of clarity. There may always, depending on who you believe – as I said, the access model which presumes automated processing of these kinds of things is what some people want but not what everyone wants.

So, at some level, for instance, the contracted parties may well want ambiguity which gives them the ability of making judgment calls on particular issues.

So, are there ambiguities? Yes. RDAP provides a lot of capabilities of making judgments, automated or not, and that is inherently part of it. That's one of its benefits. How we use it is going to be a different matter.

But, the kinds of things that are not questionable is, among other things, RDAP is not seven-bit ASCII-based. So, suddenly, with RDAP, we will be able to do things like store registrant data, their names, their addresses, the names of their businesses in the script that is appropriate for them instead of trying to mangle it into seven-bit ASCII. So, RDAP gives us a lot of capabilities. It's not only the modified discreet level of

access and this is trying to put RDAP in place so we have the infrastructure that will allow us to implement the policies we're talking about. It doesn't set the policies. And because it doesn't set any policies at this point, there is ambiguity of how it's going to be used and interpreted.

JONATHAN ZUCK: Okay. Thanks, Alan. So, maybe it's worth adding that caveat to our general support of RDAP overall, but it sounds like you're agreeing with me that the RDAP specification itself is not the place to – whatever clarity we're going to obtain is not going to be in the RDAP specification itself.

ALAN GREENBERG: That's correct. I mean, in a different world where we knew all the answers, maybe there would have, but that's not where we are today.

JONATHAN ZUCK: Well, it's also a technical versus sort of policy question as well. So, keeping the RDAP specification as a technical one probably has some value. Olivier?

OLIVIER CREPIN-LEBLOND: Thanks very much, Jonathan. I think that's what's being looked at, really, the RDAP as a technical protocol. It can do a whole lot of things. It wasn't developed specifically for ICANN. It was developed partly by the IETF and others and it's just a protocol for exchange of information.

So, the number of features that it has might not all be suitable to ICANN's uses, but ICANN can make whatever use of it it wants to make of and it looks as though the proposal that is being made there is something that's quite suitable.

That being said, because it was developed, it's a purely technical standard and it was developed in absence of the GDPR. This thing predates the GDPR. Perhaps one of the things that we would ask or that we should point out is that, obviously, any implementation of the RDAP, it will have to respect the results on the GDPR work that is currently being undertaken by the EPDP. That sounds like … I mean, it sounds like a given, but obviously we might have to point this out. Thanks.

ALAN GREENBERG:     It absolutely is a given.

JONATHAN ZUCK:      All I was going to say is the specification as it was presented for public comment has portions of the GDPR cut and pasted into it, so it borrows from the language of GDPR. So, the specification as it was presented to the ICANN community for public comment is not just the IETF version of the RDAP, but in fact has been GDPRitized a little bit and that's what opened the door as to whether or not we should be pushing back on the vague terms. So, maybe part of what we ought to recommend is that they maintain this document as a technical one and not open the door for policy conversations within the specification.

ALAN GREENBERG:    No, no. We're asking people to implement GDPR. There's no question about that. And therefore, the … GDPR has lots of knobs and controls on it. These knobs and controls have to be [set] and we're simply putting the words in that we now are associating with the GDPR type things.

In a prior of WHOIS world, before GDPR, we would have said that you're implementing RDAP and you must make all fields available to anyone who makes a query. So, we would have told them to turn all the knobs all the way to the right. We're not in that world right now, so we're trying to say where the knobs get set, and the reference at this point is to the things that are identified in the temporary spec because that's our only model.

So, to say that this will have to be, the details will have to be adjusted, based on the results of the EPDP and other related activities, I think is a given and [inaudible] to say it, but that's just part of the world. The thing has knobs on it and we have to say how they're set and we don't have the luxury of saying turn them all on the way we would have two months ago.


JONATHAN ZUCK:    Okay. Any other comments from anyone? Thank you, Alan, for participating so early in the morning. Olivier, go ahead.


OLIVIER CREPIN-LEBLOND:    Thank you, Jonathan. I think just to answer your question, then, quite clearly, the answer to should we ask for more clarity on what constitutes legitimate purpose, I guess, no, we shouldn't I guess

[inaudible] for some of the ask for clarity regarding a number of things here which are all dealt with by the EPDP. Is that correct?

ALAN GREENBERG: That is correct. You can point out there are sorts of fussiness because of the lack of clarity of how we're addressing the GDPR. That's a [fact] and you can put an aspirational statement in. You hope by the end of the PDP this will all be clear. So do we.

JONATHAN ZUCK: Alright. Well, get to it.

ALAN GREENBERG: Okay. Bye-bye.

JONATHAN ZUCK: And thanks to everyone else on this call. Is there anybody else that has an opinion about these bullets? Cheryl, please go ahead. Or you were just clapping Alan for participation. Alright, now you've raised your hand. Can you speak? No. Okay. Well, then, thank you, everyone. Thanks, Olivier, for letting me jump the queue. Greg Shatan has now joined the call, so we can go back to that item on the agenda.

OLIVIER CREPIN-LEBLOND: That is [super]. Thanks very much, Jonathan, for having [inaudible] forward so then we've also got good guidance on that. And now having done six, we'll just do five, unified access model public comment. Greg

Shatan has joined us for this. That, I believe, is also reaching the final countdown. Although we've had a more recent, updated unified access model has been brought, Greg, will you take us through any questions that you might have or any comments? Is this ready for launch?

GREG SHATAN:          Can you hear me?

OLIVIER CREPIN-LEBLOND:     Yes, we can.

GREG SHATAN:          Okay, thanks. Sorry for joining late, but I was on the RPM Working Group call which started an hour before this one and I took that call from home and I have to take this one from work so I can keep my job and therefore couldn't join before now.

I apologize for not having circulated a revised draft. I had just ran out of daylight, or actually nightlight to be honest. But, I'm pretty close. I'll have something circulated later today, trying to take into account comments from Justine Chew on the Wiki and from Christopher Wilkinson and Tijani, primarily with some plus ones on the e-mail list. And also to try to create an executive summary or shortened version.

I will note that the UAM, to use an acronym, is 25 pages long. So, the fact that the reply is 10 pages long to be taken in context. Nonetheless, I understand, given just picking through it to read the italicized parts, which are really the commentary or statements, everything else is really

kind of just setting up the statements so that they can be read in [inaudible] long.

So, boiling it down to an executive summary is even harder and requires reading it several times in order to end up with something useful and that's boiled down.

By and large, I tried to find a way to account for the comments. I think there are certain comments that are just kind of in opposition to each other, but rather than ignore them, we'll reflect them and then we can talk about on the Wiki how to go forward on those points and try to find our way.

I will note that just in the last day or so a new blog post came out from Goran Marby on the general subject of EPDP and GDPR and UAM and other fun acronyms in this space, and just noted that they were continuing to accept comments on this version of the UAM. Although there is no actual deadline, clearly we want to get it done well in advance of Barcelona, and right now there's not too many more days before we are no longer well in advance of Barcelona.

So, with that, I'll take any questions, and again, apologies for not getting this out, but I hope to try to produce something that will square the circle to the extent possible.

OLIVIER CREPIN-LEBLOND:     The floor is open for questions. Well, there doesn't seem to be that many people in the queue, Greg. Either you've done a terrible job or you've done a fantastic job. Seeing that you had already collected some

feedback in earlier calls, I would imagine that you probably are in the wonderful job category since there doesn't seem to be any further comments. What are the next steps on this?

GREG SHATAN: Thanks. I think I'm more probably in the incomplete category than in the wonderful category, although I'll take all the help I can get. The next step I think is over the next few days to … I'll post this both to the list and then staff will post it as a second draft to the Wiki and we'll get comments on that.

It would be nice, I guess, if all the comments to be on the Wiki because it makes it a little bit harder when some comments are in one place and some in another. But that's life and I'll deal with it if that's what happens. And I would hope by this time next week, if not earlier, that we would have a draft that we can take that's suitable for finality and the next step in the process.

I would have one question myself for Tijani, who I see has his hand raised now. I think somebody else may have their mic open because I'm getting some feedback. My question is – and Tijani, in your comments on the e-mail list, you characterized this as a too-long advocacy piece. So, I guess I'm confused about one thing which is whether this … We're not intended to advocate for certain positions and also being too long, what parts should be cut out or down? Are the statements that are our commentary too long or is it the fact that we have the prior [inaudible] summary of the UAM and the prior comments of ALAC on the subject? And also a brief summary of each of the questions and answers before

OLIVIER CREPIN-LEBLOND:    Tijani Ben Jemaa?

TIJANI BEN JEMAA:    Thank you, Olivier; and thank you, Greg. First of all, I would like to thank again, Greg, for the huge amount of work he did, and when I said it was too long, I am not saying that we don't have to explain things, we don't have to make things very clear so that everyone can understand it. But, I found, for example, a paragraph that is absolutely useless. It was about the explain the public comment, etc. etc. So, this is the kind of things that perhaps need to be removed, and as you said now, you approved the draft.

And Olivier, it's normal that there is no hands because we didn't see yet the second draft. And as soon as it is sent, I will comment on it if there is a comment to do. Already, thank you, Greg. Bye-bye.

OLIVIER CREPIN-LEBLOND:    Greg Shatan?

GREG SHATAN:    I think that pretty much wraps it up. I will assume that advocacy is still part of the draft here advocating from an end user perspective, of course. So, I will look especially at the paragraph that Tijani just

mentioned and try to cut, chaff out stuff that just kind of weighs it down, so it just doesn't create the TL;DR reaction (Too Long, Didn't Read reaction) for somebody who gets into it because I think if someone actually takes the time and realizes that the meat of it is not as long, trying to extract the meat I think is something that we should do for the reader a little bit more than we did.

One last point is that the readers are really two categories. One is the, of course, our own ALAC itself and At-Large Structures and end users in general, and also of course the rest of the community and other stakeholders, but the primary target in many ways is the working group, or actually it's ICANN itself [inaudible]. As I said, if the [inaudible] many ways is similar to the way the working group handle it, all of the comments will be sliced and diced so that every question [inaudible] commentary [inaudible] to it gathered up [inaudible] comment from, instead of [inaudible] format that I've chosen makes it easier to do that, rather than pick apart a comment and try to assign it to a particular [inaudible] questions. Thanks.

OLIVIER CREPIN-LEBLOND:    Thanks for this, Greg. I'm not seeing anybody else putting their hand up, so thank you very much for the work you are putting in this. We'll look forward to the next version. I note Leon Sanchez has put his hand up, so Leon, you have the floor.

LEON SANCHEZ:    Hello, Olivier. Hello, everyone. I'm currently attending the EPDP working group sessions on the temporary specification, as you know. This is a

very interesting topic that you just spoke about, Greg, the proposed unified access model.

I want to share with you my concern about some ideas that I've gathered in this meeting. Some people are making comments about how this unified access model seems to be some sort of preconceived output between certain parts of the ICANN community and ICANN Org and I can assure you that it's not at all like that. I just want to put this on the record because I think everyone is doing their best and we're all in this together and I think that all efforts are welcome and part of these efforts are, of course, the efforts being made by the organization and other parts of our community to try to take us to a solution for a common problem.

I would really encourage the At-Large community to comment on the unified access model, so it actually gets improved and ironed out in all of the aspects that concern the different actors in our community. We see this … I encourage you to see this as a good faith effort, not only by your organization, but from everyone who has contributed so far to reaching this access model that can actually help us solve the non-public data access issue. Thanks so much, Olivier.

OLIVIER CREPIN-LEBLOND:     Thanks very much, Leon, and thanks for joining us in your hectic timeline of the day and as a board member having just flown back in from Europe and now over in Los Angeles for this wonderful EPDP activity.

One of the things with regards to this, just to let you know and I know you've just made it on the call there is a second version or third version of this statement that Greg Shatan has put together, so I also invite you to read through it. It's rather good, in a very British way rather, meaning very.

Greg, any few words on this or are we done?

GREG SHATAN:         Thanks, Olivier. I think we're done for now, but stay tuned to the Wiki and e-mail list for the next draft. Thanks.

OLIVIER CREPIN-LEBLOND:   Thanks very much, Greg. Leon, your hand is up. Okay, Leon has put his hand down. I also noticed that Justine Chew is on the call and very correctly, Jonathan mentioned that Justine's name was mentioned a number of times and praised a number of times. Jonathan, a few words? I think we're reaching the end of the call. I'm seeing any other business right now. I don't think we have anything else to discuss. Jonathan Zuck?

JONATHAN ZUCK:      Yes, yes. Justine has joined the call at the last minute, taking all the credit for the subsequent procedures public comment. So, let's all join in a round of applause. I'm just teasing you. Thanks so much for all of your efforts, Justine, on the subsequent procedures documents. It was really a beast and it wouldn't have been as good certainly, and maybe

not at all, without your extensive participation in the process. So, thank you so much.


OLIVIER CREPIN-LEBLOND:    And that takes us to any other business. Not seeing any other business on the table. When is our next call, Yesim?


YESIM NAZLAR:    Hi, Olivier. Sorry, I just dropped the phone. I hope everyone can hear me.


OLIVIER CREPIN-LEBLOND:    We're still here. We have a bump on our head because you dropped us, but that's okay.


YESIM NAZLAR:    So, the next call will be same day next week, Wednesday, and at 19:00 UTC. I'm trying to see which place it is, 3rd of October. Just checking if it's … Oh, yes. Once again. Next week's call is normally at 19:00 UTC, but if we schedule it for 19:00 it's going to clash with AFRALO Monthly Call.


OLIVIER CREPIN-LEBLOND:    Aha! Okay. APRALO Monthly Call, do you mean, or AFRALO?


YESIM NAZLAR:    AFRALO.

OLIVIER CREPIN-LEBLOND:     AFRALO Monthly Call, okay. So, we need to … And if we put it at the same time as today, does that cause any problems for anyone? Today was 13:00 UTC.

CHERYL LANGDON-ORR:     Only for my general disdain for being woken up and then, of course, only operating on three hours sleep in 24, but that's all right.

OLIVIER CREPIN-LEBLOND:     Oh, I feel for you Cheryl. I've done this this week earlier and I've only just recovered. Well, Tijani, I believe you're probably the primary person affected with regards to the AFRALO Monthly Call clashing with this. Do you mind if we keep this at 19:00 UTC in the interest of … I know that Cheryl and Maureen have been having some terrible recent nights.

TIJANI BEN JEMAA:     Thank you very much. Why don't we do it at 17:00 UTC?

OLIVIER CREPIN-LEBLOND:     17:00 UTC, is that a possibility? Let's check first with Yesim if that's a possibility because I think that we also have … Do we have interpreters maybe for this? No, we don't.

YESIM NAZLAR:    We don't, and currently, 17:00 UTC is available. We don't have any clashes.

OLIVIER CREPIN-LEBLOND:    Okay. So, exceptionally next week, is 17:00 UTC okay for everyone and is that better for Maureen and Cheryl and the people in the [inaudible]? Unfortunately, no win for Justine. Okay. Let's do it 17:00 UTC next week, then.

YESIM NAZLAR:    Okay, thank you.

OLIVIER CREPIN-LEBLOND:    Thanks, everyone.

CHERYL LANGDON-ORR:    I will have a clash, but it's something I can multitask. It's fine.

OLIVIER CREPIN-LEBLOND:    Thank you, Cheryl. So, with this, I'd like to thank everyone who has worked on all our different public comments and penholders, commenters, and people who have been on the call as well. We've got a number of comments that are reaching the final signup, the final ratification. We've got one that is getting developed, the RDAP public comment. So, we no doubt have more work coming up. But, this is really exceptional. I think we've had an excellent call today and I really thank everyone. Jonathan, a few more words or should we close?

JONATHAN ZUCK:              I've said enough. Let's let people go.

OLIVIER CREPIN-LEBLOND:      So, I guess the last congratulations go over to you for doing some excellent work in coordinating all this. I know how hard it is with all the inputs and from when the process started you got a bit thinking, "Wait a minute. There's stuff coming from all over the place. How do we put an order to this?" It seems that you've managed to juggle it very well, so I think you will now qualify as a full At-Large juggler. Well done.

TIJANI BEN JEMAA:           And a big thanks to Justine because she did a lot, a lot of work.

OLIVIER CREPIN-LEBLOND:      Absolutely. Justine is the rising star of At-Large. So, well done for all this work. Everyone, thank you. Have a very good morning, afternoon, evening, or night. And this call has now ended. Thank you, bye-bye.

YESIM NAZLAR:               Thank you. This meeting is now adjourned. Have a lovely rest of the day. Bye-bye.

**[END OF TRANSCRIPTION]**