Adobe Connect: 12 Members

 Alan Woods (RySG)

 Alex Deacon (IPC)

 Ashley Heineman (GAC)

 Ben Butler (SSAC) left the call at the
beginning

 Benedict Addis - SSAC

 Farzaneh Badii (NCSG)

 Hadia Elminiawi (ALAC)

 Kurt Pritz (Chair)

 Mark Svancarek (BC)

 Rafik Dammak (GNSO Council Liaison)

 Thomas Rickert (ISPCP)

 Volker Greimann (RrSG Alternate)

On Audio Only:
None

Guests:
David Plumb (CBI)
Gina Bartlett (CBI)

Apologies:
Georgies Teselentis (GAC)
Matt Serlin (RrSG)
James Bladel (RrSG)

Audio Cast (FOR ALTERNATES AND OBSERVERS)
Peak: 3 joined

View Only Adobe Connect:
13 joined

Staff:
Berry Cobb
Caitlin Tubergen
Marika Konings
Andrea Glandon

AC Chat:
 Andrea Glandon: (10/10/2018 07:03) Welcome to the Small Team #3 Meeting held on Wednesday, 10 October 2018 at 13:00 UTC.
 Andrea Glandon: (07:04) Wiki Agenda Page: https://community.icann.org/x/8AO8BQ
 Kurt Pritz (Chair): (07:57) Hi Volker - welcome
 Volker Greimann - RrSG Alt: (07:58) thabnks Kurt
 Alan Woods (RySG): (08:01) just joining phone bridge :)

Alan Woods (RySG): (08:01) thank you! :)

Thomas Rickert (ISPCP): (08:02) Hi all!

Farzaneh Badii: (08:02) Hi

Rafik Dammak: (08:03) hi all

Alan Woods (RySG): (08:03) hey guys!

Ben Butler (SSAC): (08:03) Greetings!

Hadia Elminiawi - ALAC: (08:04) hello all

Farzaneh Badii (NCSG): (08:04) it says if we can clarify reasonable access. short answer is no

Volker Greimann - RrSG Alt: (08:05) difficult.

Benedict Addis - SSAC: (08:06) Oops, both Ben and I are on this call. We will duke it out to work out who stays.

Farzaneh Badii (NCSG): (08:06) is it gonna be a duel Benedict?

Benedict Addis - SSAC: (08:06) Have you seen how big he is?

Thomas Rickert (ISPCP): (08:08) TBQH it is crazy to have this discussion in isolation

Ben Butler (SSAC): (08:08) Benedict won the duel. Enjoy all.

Thomas Rickert (ISPCP): (08:09) Haha, nice one, Ben

Benedict Addis - SSAC: (08:09) Hang on, I thought I lost it

Farzaneh Badii (NCSG): (08:09) he had mercy on you ... :)

Farzaneh Badii (NCSG): (08:10) we have to answer J1

Hadia Elminiawi - ALAC: (08:11) yes alan

Thomas Rickert (ISPCP): (08:14) Reasonable shall be replaced by "lawful"

Ashley Heineman (GAC): (08:14) Perhaps both Thomas?

Benedict Addis - SSAC: (08:14) Hmmm ... lawful where?

Thomas Rickert (ISPCP): (08:15) Well, lawful is the first test.

Ashley Heineman (GAC): (08:16) Fine, but we need to maintain the elements that ensure predictability in requesting and recieving a response to access requests.

Thomas Rickert (ISPCP): (08:16) I also don't like "access". We are talking about disclosure requests and how these shall be responded to. Access sounds like third parties can serve themselves, an impression we should not give

Ashley Heineman (GAC): (08:17) Words, words.... :-)

Benedict Addis - SSAC: (08:17) Thomas can you think of a better word?

Thomas Rickert (ISPCP): (08:17) Parameters for responding to lawful disclosure requests.

Ashley Heineman (GAC): (08:18) "parameters?"

Benedict Addis - SSAC: (08:18) I generally find that replacing one word with many words does not a clarification make :)

Alan Woods (RySG): (08:18) timley only in the sense of its not manifestly unreasonable ... like it took them a year to respond or even more than a month

Thomas Rickert (ISPCP): (08:18) Yes, parameters would encompass the points that Alan made.

Alan Woods (RySG): (08:19) i don;t know about a specific time limit

Thomas Rickert (ISPCP): (08:19) We can also say "criteria", no problem

Farzaneh Badii (NCSG): (08:19) we can't really get into this question. this

Benedict Addis - SSAC: (08:20) "Parameters" works for me

Benedict Addis - SSAC: (08:20) Criteria means something slightly different

Alan Woods (RySG): (08:20) also ... not up to use to set the criteria, if the EPDP is happy that t he wording is sufficient as is. THe definition of the criteria are not our job.

Kurt Pritz (Chair): (08:20) In alignment with Volker's comment - note that ICANN's response to our question is that reasonable is to be determined on a case-by-case basis

Benedict Addis - SSAC: (08:21) @Kurt my hope is that we'll start to build up 'case law'

Farzaneh Badii (NCSG): (08:21) it's already there appendix A says it

Benedict Addis - SSAC: (08:22) So it would be good to build a record of these requests

Farzaneh Badii (NCSG): (08:23) they are not gating questions

Benedict Addis - SSAC: (08:24) Can you explain Farzi?

Farzaneh Badii (NCSG): (08:24) yes section J are not gating questions --

Benedict Addis - SSAC: (08:24) Ah ok!

Alex Deacon - IPC: (08:26) we should consider criteria for two timeframes. 1) indication of receipt of request 2) response to request.

Farzaneh Badii (NCSG): (08:26) but they are there ...

Farzaneh Badii (NCSG): (08:26) we can't put time limits now before discussing fundamental questions

Volker Greimann - RrSG Alt: (08:26) I agree that providers should not be able to play dragon poker with requesters

Ashley Heineman (GAC): (08:27) you are a bit distant sounding Mark

Andrea Glandon: (08:27) Mark, you are pretty low

Farzaneh Badii (NCSG): (08:28) Marc is in the basement of his castle again

Volker Greimann - RrSG Alt: (08:28) better

Farzaneh Badii (NCSG): (08:29) I am getting lost here

Berry Cobb: (08:29) Mark, can you send this to staff so we can post in AC room? Seems like you have a written list.

Farzaneh Badii (NCSG): (08:29) so we are setting criteria for access now?

Alex Deacon - IPC: (08:30) @farzaneh - criteria for reasonable access.

Farzaneh Badii (NCSG): (08:30) no we can't . we can only talk about the overarching policy

David Plumb (CBI): (08:31) naming criteria, not setting the level

Ashley Heineman (GAC): (08:31) Hi Farzaneh. We are talking about criteria, which is question 2.

Farzaneh Badii (NCSG): (08:32) we have not responded question J1 --

Ashley Heineman (GAC): (08:32) Those who are speaking are responding to both questions.

Farzaneh Badii (NCSG): (08:33) everything is not on hold Hadia

David Plumb (CBI): (08:33) everyone so far has said yes to j1

Benedict Addis - SSAC: (08:33) The "criteria" in q2 appear to relate to criteria for disclosure (or not). Not under what conditions disclosure should happen.

Mark Svancarek (BC): (08:36) @Thomas, nice clarification

Farzaneh Badii (NCSG): (08:37) alright I am gonna answer the question here: J1. should access language remain: it might. J1(A) reasonable access cannot be defined by EPDP it's a legal question. J1(a)(2)criteria as laid out by law and a standard disclosure framework which we lay out later

Alex Deacon - IPC: (08:40) @alan - i think we can come up with criteria that is a win win for both registries/registrars and those asking for disclosure.

Mark Svancarek (BC): (08:40) old hand

Ashley Heineman (GAC): (08:46) We aren't discussing criteria for determining access..

Farzaneh Badii (NCSG): (08:47) I understand Ashley

Hadia Elminiawi - ALAC: (08:48) @Farzi everything we do here needs to abide by the law - reasonable access certainly should be legal and comply with the GDPR

Thomas Rickert (ISPCP): (08:49) You are right, Benedict. I should have been more precise.

Volker Greimann - RrSG Alt: (08:50) I have no objection to logging but will need to check back with our other reps

Benedict Addis - SSAC: (08:50) Please do Volker!

Thomas Rickert (ISPCP): (08:50) European LEA cannot even use 6 I f

Benedict Addis - SSAC: (08:50) Thomas indeed.

Alan Woods (RySG): (08:51) i can agree with that Ashely re ... predictability of 'seeking / requesting' thank you for that clarification

Mark Svancarek (BC): (08:51) new hand

Ashley Heineman (GAC): (08:52) If we are going to get into the dicussion of logging here... can I please note that LEA has concerns with making logging information public (particulary to the party under investigation).

Hadia Elminiawi - ALAC: (08:52) We are just putting general principles - I don't think that anyone is seeking a criteria for access out of our work

Farzaneh Badii (NCSG): (08:52) ok if well understood why do we have to clarify it?

Farzaneh Badii (NCSG): (08:52) oh got it Marc...

Farzaneh Badii (NCSG): (08:53) but you can come up with many many criteria ... but what should they be based on?

Volker Greimann - RrSG Alt: (08:53) the registrar abuse contact is still public.

Farzaneh Badii (NCSG): (08:53) so lets be a bit clear. it's criteria for the process of granting acccess. and you say it should be procedurally just

Volker Greimann - RrSG Alt: (08:53) which is usually the right contact point for disclosure requests

Benedict Addis - SSAC: (08:54) @Ashley absolutely not proposing that individual logs are made public. Propose that we publish stats, with Iindividual disclosure slogged by contracted parties for audit. Thank you for the clarification!

Ashley Heineman (GAC): (08:54) Criteria: registries/registrars provide a mechanism by which to request access. Registries/registrars respond to requests within certain time frame. Registries/registrars provide a rational for why request denied.

Farzaneh Badii (NCSG): (08:55) you are talking about due process when access is being granted. ok , will we give the requestor right to challenge if not given access?

Mark Svancarek (BC): (08:55) nw hand

Alex Deacon - IPC: (08:56) @farzaneh - we can add the "right to challenge" criteria to the list if you would like.   I would not object to that....

Ashley Heineman (GAC): (08:57) Hadn't thought about that Farzaneh, but it is more of an issue of giving the requester enough information to redo a request with, say... any missing information..., or at least to know what doesn't work in terms of a request. Learn lessons from the process so don't continually repeat requests that wont' go anywhere.

Benedict Addis - SSAC: (08:57) +1

Thomas Rickert (ISPCP): (08:57) I agree re audit trail, Mark!

Farzaneh Badii (NCSG): (08:57) haha no Alex. I just wanted to say it will be very complex. I wrote my doctorate on due process and procedural justice I get a bit nervous :)

Hadia Elminiawi - ALAC: (08:57) We could use both words reasonable and lawful - I believe that it is important to keep the term "reasonable" because it indicates that the criteria and principles would differ depending on the case

Alan Woods (RySG): (09:00) yes........

Ashley Heineman (GAC): (09:01) yes.

Benedict Addis - SSAC: (09:01) "Paving the way for a framework" ... like it!

Farzaneh Badii (NCSG): (09:01) well depends who ..

Ashley Heineman (GAC): (09:01) comfortable

Volker Greimann - RrSG Alt: (09:01) depends on thye paper

Benedict Addis - SSAC: (09:01) Farzi, now that's not good faith !

Mark Svancarek (BC): (09:01) @Hadia - I'd like to establish that "lawful" is merely the first attribute of "reasonable"

Benedict Addis - SSAC: (09:01) Nice Mark

Mark Svancarek (BC): (09:01) one does not replace the other

Benedict Addis - SSAC: (09:02) Mark I think you're volunteering ...

Farzaneh Badii (NCSG): (09:02) I was not too serious Benedict ! Duel got you too serious

Mark Svancarek (BC): (09:02) ....hmmm

Farzaneh Badii (NCSG): (09:02) I think staff should do it

Hadia Elminiawi - ALAC: (09:02) Ok Mark what you are saying does make sense

Kurt Pritz (Chair): (09:03) We are all here - put it up on the screen

Hadia Elminiawi - ALAC: (09:03) sounds good marika

Mark Svancarek (BC): (09:03) You have all heard my 6-point manifesto, so anything I write is going to be very similar to that, with additional details culled from the notes :)

Ashley Heineman (GAC): (09:04) I'm still concerned about logging of requests, but happy to stand down until we see actual text.

Volker Greimann - RrSG Alt: (09:05) opposed to timelines

Ashley Heineman (GAC): (09:05) Timeframes?

Alan Woods (RySG): (09:05) timeliness not timelines

Alan Woods (RySG): (09:05) exactly david

Mark Svancarek (BC): (09:05) I am less interested in logging of disclosures than logging of (random, rejected) requests

Mark Svancarek (BC): (09:06) sorry, *more * interested in disclosures

Alan Woods (RySG): (09:06) the criteria will ahve to be with die regard to the individual request though

Alan Woods (RySG): (09:06) due regard

Farzaneh Badii (NCSG): (09:06) you just need to have timeliness ... not criteria

Benedict Addis - SSAC: (09:06) +1 Farzi

Ashley Heineman (GAC): (09:06) It really can't be open ended...

Volker Greimann - RrSG Alt: (09:07) "We"ll get to it when we get to it" is my best offer on timeliness

Thomas Rickert (ISPCP): (09:07) I am ok with this

Kurt Pritz (Chair): (09:07) "Practiable timeliness criteria"

Kurt Pritz (Chair): (09:08) "Practicable"

Ashley Heineman (GAC): (09:08) "rational for response?"

Hadia Elminiawi - ALAC: (09:09) we need an upper limit, however in practice that would depend on the case for some purposes access to specific data could be required within hours -days

Mark Svancarek (BC): (09:09) lol

Mark Svancarek (BC): (09:09) adjectives = dangerous words :)

Benedict Addis - SSAC: (09:09) All registrars have small abuse staff.

Volker Greimann - RrSG Alt: (09:09) I think we did, Alex

Benedict Addis - SSAC: (09:10) We should not write policy around current practice, but around what outcomes we desire.

Marika Konings: (09:10) @Volker - with the addition of "practicable", can we remove the note at the bottom?

Farzaneh Badii (NCSG): (09:10) so I think if registrars for some reason cannot give access they can just provide a response

Farzaneh Badii (NCSG): (09:10) it's all about letting the requestor know you are processing your request

Farzaneh Badii (NCSG): (09:10) *their request

Benedict Addis - SSAC: (09:10) So I propose we remove "practicable timeliness criteria" and replace with "timeliness"

Volker Greimann - RrSG Alt: (09:10) Alex, that depends on volumes of abuse complaints in the queue before you, the size of staff allocated to abuse, etc

Mark Svancarek (BC): (09:11) It's not just about abuse staff. how long should I wait to get tech contact info if a site is down?

Marika Konings: (09:11) @Farzaneh - per Ashley's suggestion, I updated it to 'rationale for response', does that address your concern?

Farzaneh Badii (NCSG): (09:11) yes was talking about timeliness marika.

Farzaneh Badii (NCSG): (09:11) if there is a delay they can provide a reason

Farzaneh Badii (NCSG): (09:12) or they can give a best effort time limit

Mark Svancarek (BC): (09:12) I am interested in exploring it

Volker Greimann - RrSG Alt: (09:12) for example, we had a perfect storm a few weeks ago: Doubled numbers of complaints coming in as well as 2/3 of abuse handling staff either on vacation or out sick. Pushed response times up quite a bit

Alex Deacon - IPC: (09:12) @volker - an out of office auto response may do the trick to indicate receipt of an email. That functionality is available in all mail systems (and help desk systems) today.

Alex Deacon - IPC: (09:12) No staff is needed to meet that requirement

Farzaneh Badii (NCSG): (09:12) i really want clear to be removed before communication

Farzaneh Badii (NCSG): (09:13) haha Mark always in agreement :)

Volker Greimann - RrSG Alt: (09:13) oh, you will always get an immediate auto-response with a ticket number. just nothing substantial until the queue gets to you

Farzaneh Badii (NCSG): (09:13) that's good

Farzaneh Badii (NCSG): (09:13) I think it is about keeping requestors informed

Mark Svancarek (BC): (09:13) @Alex is exactly right. Any response - even out of office - is better than no rresponse until after 90 days

Marika Konings: (09:13) @Farzaneh - I've removed "clear" per your suggestion as presumably the objective will be to have clear communication?

Hadia Elminiawi - ALAC: (09:13) great team :)

Alan Woods (RySG): (09:13) Good work! :)

Farzaneh Badii (NCSG): (09:14) yes Marika

Mark Svancarek (BC): (09:14) This was fun and productive

Farzaneh Badii (NCSG): (09:14) really? we are done?

Ashley Heineman (GAC): (09:14) :-)

Volker Greimann - RrSG Alt: (09:14) imagine the time this would have taken with the full group

Ashley Heineman (GAC): (09:14) amen.

Farzaneh Badii (NCSG): (09:15) my goodness I cant believe this. I have to open champaign now

Benedict Addis - SSAC: (09:15) @Volker what do you think about using a standard template? Thinking of x-arf - see https://urldefense.proofpoint.com/v2/url?u=http-3A__xarf.org_&d=DwICaQ&c=FmY1u3PJp6wrcrwll3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7_ZjItyVqrCYHo_rKms9SFxlmbYEJqG-y9I&m=nQ3hSA1AN3dYQ9JQbssplDRiwVcpgrde7y5yPlBd6HU&s=sMY-dG4JSuq7GCe9KzKsW71kQSOujOAmtgsrL3t_EN4&e=

Alan Woods (RySG): (09:15) yes

Alex Deacon - IPC: (09:15) +1 to x-arf

Hadia Elminiawi - ALAC: (09:15) yes

Ashley Heineman (GAC): (09:15) THanks!!!

Volker Greimann - RrSG Alt: (09:15) benedict: standard per registrar is ok

Volker Greimann - RrSG Alt: (09:16) standard over all is bad

Benedict Addis - SSAC: (09:16) Cool. I'll add a proposal to the google doc

Farzaneh Badii (NCSG): (09:16) I have 45 minutes of my life back. thank you.

Alan Woods (RySG): (09:16) standard may not necessarily work based on differeing jurisdiction :)

Farzaneh Badii (NCSG): (09:16) thanks

Hadia Elminiawi - ALAC: (09:16) thank you all - bye - that was really quick benedict

Hadia Elminiawi - ALAC: (09:16) bye

Benedict Addis - SSAC: (09:16) It's not very standard. Just makes sure you get the info you need first time.

Benedict Addis - SSAC: (09:17) Cheers all!