

Adobe Connect: 8

Alex Deacon (IPC)
Ben Butler (SSAC)
James Bladel (RrSG)
Kurt Pritz (Chair)
Laureen Kapin (GAC Alternate)
Marc Anderson (RySG)
Margie Milam (BC)
Stephanie Perrin (NCSG)

On Audio Only:

None

Guests:

David Plumb (CBI)
Gina Bartlett (CBI)

Apologies:

Ashley Heineman (GAC)

Audio Cast (FOR ALTERNATES AND OBSERVERS)

Peak: 1 joined

View Only Adobe Connect:

15 joined

Staff:

Berry Cobb
Caitlin Tubergen
Marika Konings
Mike Brennan
Nathalie Peregrine
Andrea Glandon

AC Chat:

Andrea Glandon: (10/3/2018 07:01) Welcome to the GNSO EPDP Small Team #1 taking place on Wednesday, 03 October 2018 at 13:00 UTC.

Andrea Glandon: (07:01) Wiki Agenda Page: <https://community.icann.org/x/6gO8BQ>

Marc Anderson (RySG): (08:12) Hi James

James Bladel (RrSG): (08:24) I wouldn't characterize the status quo as an "accuracy" problem. The distinction/use of "Registrant Org" was unclear, and registrants/registrars interpreted it differently.

Alex Deacon - IPC: (08:27) Regarding distinction between legal/natural I agree using the "Registrant Org" field is not optimal. We could consider using it but it would be "a hack". As such I would prefer something more specific here.

James Bladel (RrSG): (08:28) Agree ALex

Marc Anderson (RySG): (08:29) also agree with Alex

James Bladel (RrSG): (08:35) that we should provide the facilities in RDS/WHOIS to make this distinction.

Margie Milam (BC): (08:37) I need to drive but will be on the phone

Ben Butler (SSAC): (08:47) Agree on the need for a phased approach.

James Bladel (RrSG): (08:49) Yes. This will take years. Maybe more than 5-10 yrs

Alex Deacon - IPC: (08:49) just to be clear I believe setting the policy for this is well within the scope of the EPDP.

Marc Anderson (RySG): (08:50) agreed - I wasn't saying it wasn't - just wanted to point out that we have options

Gina Bartlett - CBI: (08:53) Do folks agree with required going forward if implementation process is satisfactory?

Alex Deacon - IPC: (08:55) or its required even :)

Alex Deacon - IPC: (08:56) If I wasn't a patient person I would have left the ICANN world long ago.....

Alex Deacon - IPC: (08:59) our next task is to put words on paper that define the policy of what we have been discussing..

James Bladel (RrSG): (09:03) As a Registry (and a thin one at that), I think Marc's constituency has less riding on this question.

James Bladel (RrSG): (09:03) :)

Marc Anderson (RySG): (09:04) agreed, this is likely to be a much heavier lift on registrars

Stephanie Perrin: (09:05) Sorry for being late, we were not organized about who was on this call on short notice.

Gina Bartlett - CBI: (09:06) Good morning Stephanie. Probably helpful to skim the "NOTES and ACTION ITEMS" On right...recorder is doing a good job of capturing ideas.

Stephanie Perrin (NCSG): (09:08) Thanks Gina

Stephanie Perrin (NCSG): (09:09) where is the background document that was shared?

Alex Deacon - IPC:
(09:10) <https://community.icann.org/download/attachments/96207850/Small%20Team%20%231%20-%20Upd%20Background%20Info.pdf?version=1&modificationDate=1538508101000&api=v2>

Stephanie Perrin (NCSG): (09:11) Thanks Alex!

Alex Deacon - IPC: (09:11) also currently being displayed in adobe connect.

Stephanie Perrin (NCSG): (09:12) Oh thanks, I thought perhaps there was a paper on the issues with the distinction

James Bladel (RrSG): (09:12) GDPR yes, ePrivacy, no.

Laureen Kapin (GAC Alternate): (09:12) Excellent point about seeking information from ccTLDs about how they are currently handling the distinction between legal and natural persons so that could serve as a model or guidance.

Laureen Kapin (GAC Alternate): (09:13) Agree that GDPR distinguishes between natural and legal persons.

Alex Deacon - IPC: (09:14) PPSAI was about commercial/non-commercial not legal vs. natural.

James Bladel (RrSG): (09:15) Folks, I need to drop in 15. Sorry.

Stephanie Perrin (NCSG): (09:19) Well Alex I think the language we used was different on PPSAI, only because folks were ignoring the GDPR at the time. I think yours truly brought up that distinction regularly.

Marc Anderson (RySG): (09:19) and ICANN

Stephanie Perrin (NCSG): (09:19) Legal persons have had separate status under EU law for ever....

Stephanie Perrin (NCSG): (09:21) one other issue that registrars will have to consider is the protection of employee data. Varies by jurisdiction. Many employees work from home, use personal devices for work.

James Bladel (RrSG): (09:22) Ok. thx

Stephanie Perrin (NCSG): (09:23) There are no developing economies represented on this group. Commerce and home business is different in those jurisdictions, and requires us to examine the

reality of the digital strategies in developing countries.....most folks are operating businesses on phones.

Marika Konings: (09:25) the group may want to add more specific timing around these - as presumably education only makes sense if/when registrants are able to self select between natural vs. legal person?

Stephanie Perrin (NCSG): (09:27) I think "necessary" is too big a word to use. The distinction is useful.....supported by law. Making that distinction is a nightmare. The current educational resources/registrants rights and responsibilities package has been neglected for years.

Stephanie Perrin (NCSG): (09:27) Existing registrants are going to be unwilling to be educated with some 20 page document like an apple agreement.

Stephanie Perrin (NCSG): (09:28) The Playbook is very useful on this topic

Alex Deacon - IPC: (09:28) +1 Laureen and Mark.

Alex Deacon - IPC: (09:29) adding those details would be helpful before we send to the full list.

Kurt Pritz: (09:29) @Stephanie - thx for playbook recommendation

Marika Konings: (09:29) would it be helpful if staff puts this up as a google doc for this small group to work on?

Margie Milam: (09:30) Im losing connectivity/phone as i am in the mountains

Alex Deacon - IPC: (09:30) I thnk so Marika

Stephanie Perrin (NCSG): (09:31) Registrars should have procedures in place to inform registrants of their constitutional and charter rights, as well as their rights under GDPR.

Marc Anderson (RySG): (09:32) note - Marika has had her hand up for a while

Marika Konings: (09:34) thanks, Marc :-) - it is sometimes hard to see as it is further up the normal queue

Stephanie Perrin (NCSG): (09:34) note that the registrars will be held accountable for how well informed the individual is. If they give away their rights because they were not well informed, it will be the registrars fault.

Ben Butler (SSAC): (09:35) Thank you Stephanie. That would seem to raise the importance of getting the educational resources item right.

Stephanie Perrin (NCSG): (09:37) Caution is required hereif civil society were to sue under the GDPR, in my view (remember, I am not even a lawyer let alone a litigator) the strategy would be to go for ICANN as data controller responsible for the policy, and the registrar as data controller for the client relationship data.

Marika Konings: (09:37) the call is also recorded and transcribed, so that will be shared with all in any case

Marc Anderson (RySG): (09:37) no objection sending to the full group - it needs to get there eventually

Marc Anderson (RySG): (09:37) we can tweak as needed

Ben Butler (SSAC): (09:38) Agree on full group