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Kurt Pritz

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Terri Agnew

Andrea Glandon

AC Chat:

Terri Agnew: (11/29/2018 07:14) Welcome to the EPDP Initial Report webinar on 29 November 2018 at 14:00 UTC.

Terri Agnew: (07:14) agenda wiki page: <https://community.icann.org/x/9grVBQ>

Glenn McKnight: (07:47) hi

Amrita Choudhury: (07:47) Hi Glenn

Kavouss Arasteh: (07:48) Terri

Kavouss Arasteh: (07:49) Hi, do you call me up ?

Terri Agnew: (07:49) @Kavouss, the op will dial out closer to start time

Kavouss Arasteh: (07:50) tks

Chris Disspain: (07:54) Terri are community members joining this room?

Terri Agnew: (07:54) All will join this room

Chris Disspain: (07:55) Cool...And the phone connection is in US for community is +1 347-569-6685 PIN: 125 575 216#?

Terri Agnew: (07:55) No, the telephone join information is in the pod to your left

Chris Disspain: (07:55) Ok thanks

Terri Agnew: (07:55) Dial-in details: https://urldefense.proofpoint.com/v2/url?u=https-3A_gnso.icann.org_sites_default_files_file_field-2Dfile-2Dattach_verizon-2Ddial-2Din-2Dnumbers-2D05nov18-2Den.pdf&d=DwIFaQ&c=FmY1u3PJp6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=5FQxinx0Ubiu_wloYLMo5bPqCBu7hIh7H13NsKhbNU&s=VGB_Nfva6V9tyrspAqiiqWYvH4bl2QTCyThivdC_Pdis&e= with passcode: EPDP

Glenn McKnight: (07:56) Here is the recording we did last night at the ICANN Barcelona Readout in Ottawa with Stephanie Perrin

Glenn McKnight: (07:56) https://urldefense.proofpoint.com/v2/url?u=https-3A_www.youtube.com_watch-3Fv-3DwyXJv9FPn2I-26feature-3Dyoutu.be&d=DwIFaQ&c=FmY1u3PJp6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=5FQxinx0Ubiu_wloYLMo5bPqCBu7hIh7H13NsKhbNU&s=Mr95iosg8SJqudzf7xS4h38Dsjcd2rS4FkdW2OdrTP4&e=

Leon Sanchez: (08:03) Hello everyone

David Olive: (08:04) Welcome All

Alberto Soto: (08:04) Hello everyone,hola a todos!

Holger Sperlich: (08:04) Hello from Berlin

Steve DelBianco - BC: (08:06) Given that most EPDP reps are bound to represent interests of their AC/SO/Stakeholder Group/Constituency, who do we imagine will heed the views of the general community?

Steve DelBianco - BC: (08:08) QUESTION Given that most EPDP reps are bound to represent interests of their AC/SO/Stakeholder Group/Constituency, who do we imagine will heed the views of the general community? QUESTION

Kurt Pritz: (08:10) Steve - can you elaborate? My knee-jerk reaction to your question is ALAC representation at the table - but I have the feeling that does not adequately address your question

Kavouss Arasteh: (08:12) Steve,

Steve DelBianco - BC: (08:12) @Kurt -- who is the audience for comments received? Do we imagine the ICANN board will read comments on interim report, or would they wait for comments on Final EPDP report?

Terri Agnew: (08:12) finding the line

Kavouss Arasteh: (08:13) As long as I remember, it was left to each constituency/ group to designate one person from those group to take leading representative

Kurt Pritz: (08:15) @ Steve - I think the audience is the EPDP team members, who will use the commentary to inform their positions and consider arguments that haven't been made in the deliberations to date. I doubt that the board will read the comments, unless we urge that they do that.

Steve DelBianco - BC: (08:15) note that we are distinguishing here between "Charter Questions" and "Gating Questions"

Kavouss Arasteh: (08:16) Steve, perhaps this type of question may not need to be analyzed here within an open meeting in which many may not be familiar with these category of question and could be misled

Alan Greenberg (ALAC): (08:17) @Kurt, ALAC is developing a response but it is certainly not solely our job to list to the entire community and heed their input. We are given the responsibility to represent the interests of individual Internet users by the Bylaws, Representing the rest of the "community" is not ours!

Steve DelBianco - BC: (08:17) @Kavouss -- just wanted to note that these are different kinds of questions

Kavouss Arasteh: (08:17) Yes agreed

Kavouss Arasteh: (08:19) Steve, sorry that I missed the opportunity to tell hi to you

Wolf-Ulrich Knoben: (08:19) Are all 22 Rec's missing consensus, or can you give more details?

steve metalitz: (08:19) QUESTION: What is the timetable for addressing the "gating questions," and for recommending a system for standardized access to non-public registration data? QUESTION

Wolf-Ulrich Knoben: (08:20) That was a QUESTION:Are all 22 Rec's missing consensus, or can you give more details?

Kavouss Arasteh: (08:21) Time for all types of question ,as discussed , is between 15-20 mints

Marika Konings 2: (08:22) @Wolf-Ulrich - no formal consensus call has been conducted yet on the preliminary recommendations, but the EPDP Team agreed to the inclusion of these preliminary recommendations for the purpose of the Initial Report.

Marika Konings 2: (08:24) @Steve, in relation to the gating questions and timetable, this is what the charter foresees: "work on this topic shall be once the gating questions above have been answered and finalized in preparation for the Temporary Specification initial report. The threshold for establishing "answered" for the gating questions shall be consensus of the EPDP Team and non-objection by the GNSO Council".

Kavouss Arasteh: (08:24) wolf, it is the matter of time constraint as the team considered the most earliest time to release INITIAL Report

Wolf-Ulrich Knoblen: (08:24) Thanks Marika and Kavouss!

Carlton Samuels: (08:27) Question: Will the form contain the question for which comment is sought and will there be indication of what GDPR clause[s]/principle[s]: are in contention?

steve metalitz: (08:28) @Marika, yes, I read that, but that does not constitute a timetable. The charter seems to indicate that the answers to the gating questions would be included in the initial report but I did not see such answers. Will they be included in the final report?

Stephanie Perrin: (08:28) That is an excellent question Steve.

Kavouss Arasteh: (08:29) The team will act as per clauses of the Charter at the time of release of the Final Report

Marika Konings 2: (08:30) Do note that all charter questions, including gating questions, are covered in the Initial Report., although as said, no formal consensus call has been taken yet on the Preliminary Recommendations.

Theo Geurts: (08:30) I guess if the EPDP team does not get to the gating questions they will not be included in the final report.

Steve DelBianco - BC: (08:31) QUESTION We are developing answers in the Word Doc version of the Google Form. When ready to submit, should we then paste from that Word Doc into the Google Form? Or will you accept the Word Doc submission?

Marika Konings 2: (08:31) For those less familiar with the gating questions, these cover: purposes, collection of registration data by registrar, transfer of data from registrar to registry, publication of data by registrar / registry.

Marika Konings 2: (08:32) @Steve - it would be really helpful both for staff and the EPDP Team if you could enter these in the google form.

Wolf-Ulrich Knoblen: (08:32) QUESTION: Can we use the Google form just individually or share a group working status with others?

Steve DelBianco - BC: (08:32) @Marika. Got it

sara bockey: (08:32) Marika, is there a character limit on the google form or is it unlimited so we can fully comment?

steve metalitz: (08:33) @Theo, true, when will the EPDP "get to the gating questions"? Is there any timetable?

Marika Konings 2: (08:33) @Sara - it is set to unlimited but we have heard that unlimited may still mean a limit. We are looking into this as it is not the intention to limit the length of responses.

sara bockey: (08:34) Thanks, Marika!

Amr Elsad: (08:34) @Steve: What do you mean by "listening"? The EPDP will need to consider all public comments, and provide responses to them.

Marika Konings 2: (08:35) @Wolf-Ulrich - I don't think it is possible to work on google form in a similar way as you collaborate on a google doc. However, if that is the way you would prefer to work, you could use the word version and upload that as a google doc to collaborate with your respective group before inserting the responses in the google form?

Theo Geurts: (08:35) @Steve M good point

Leon Sanchez: (08:35) @Steve the Board will and is paying attention to both the initial report and the comments

Amr Elsadr: (08:35) But there is no obligation to change recommendations in response to public comments. Some might be changed, but that depends on the EPDP Team's deliberations.

Steve DelBianco - BC: (08:35) @Amr -- would you imagine that NCSG might be persuaded by what the BC submits in our comment? (and vice versa)

Wolf-Ulrich Knoben: (08:36) @Marika: Thanks, we'll test it

Amr Elsadr: (08:36) @Steve: I think that is unlikely, unless there are new arguments that are more persuasive than the ones already brought up.

Amr Elsadr: (08:36) As Kurt just said. :-)

Kavouss Arasteh: (08:36) In order to assist the analysis of comments, those who disagree or propose changes are invited to provide the rationale for deletion or modification a " NO " answer without rationale may not be very helpful

Amr Elsadr: (08:36) New arguments from both sides, of course.

Marika Konings 2: (08:36) we have released the slides so you can also review some of the annexes that detail the community questions as well as links to further information.

Stephanie Perrin: (08:37) We might be "facile in commenting on the GDPR in great depth" Kurt, but I would argue we are not yet knowledgeable. Needed independent legal counsel to help us understand what our words actually mean.

Steve DelBianco - BC: (08:37) QUESTION How much specificity is required by GDPR when describing purposes to disclose to a third party ?

Kavouss Arasteh: (08:38) Stephanie, it is too early to engage 2Legal Council"

Stephanie Perrin: (08:39) Steve Del B....we still live in hope you will be persuaded by our arguments!!

Kavouss Arasteh: (08:39) " Legan Council "

Kavouss Arasteh: (08:39) Legal

steve metalitz: (08:39) @Kurt, thanks for response.

Stephanie Perrin: (08:39) And not Kavouss, in my view it will never be too late. We need it. This is not going to be magically finished in February.

Wolf-Ulrich Knoben: (08:40) Thanks Kurt

Stephanie Perrin: (08:40) In particular, we need help in reaching consensus on the gating questions.

Kavouss Arasteh: (08:40) Stephanie, do you want legal views on all terms, words, expressions and so on?

Stephanie Perrin: (08:41) No, I think we have an understanding on some terms....but we need some independent advice on some of the others.

Kavouss Arasteh: (08:41) Which ones?

Steve DelBianco - BC: (08:41) That's what I suspected, Kurt. I will paste into the Google Form

Stephanie Perrin: (08:42) As I have brought up numerous times, there is legal risk, policy risk, and economic risk all bound up in our responses to this EPDP.

Stephanie Perrin: (08:43) As reps of noncommercial users, who want the internet to remain open to all, we are concerned about the policy decisions which will cost so much they will price domains out of the market for individuals.

Maxim Alzoba: (08:43) most probably full data flow design might be required

Stephanie Perrin: (08:43) just as a for instance....

Kavouss Arasteh: (08:43) Agreed but we have only few months to terminate as well as some financial limitation, perhaps there would be no such financial resources as spent on Accountability

Thomas Rickert (ISPCP): (08:44) there is no clear rule on this rather than what Art. 5 says.

Jorge Cancio (GAC Switzerland): (08:44) <QUESTION>: what are your plans to involve the EU Data Protection Authorities in responding these questions?

Alan Greenberg (ALAC): (08:44) It is unfortunate that there is no automated way to populate the Google Form from the Word Doc. Cutting and pasting 147 answers without error will be no easy task.

Stephanie Perrin: (08:44) The fact that this group is being nickelled and dined on its resources says a lot about how seriously we are taking the endeavour....

Kavouss Arasteh: (08:45) I think , it would be good to take note of these comments and address them as soon as possible at the level of the Team

Wolf-Ulrich Knoben: (08:45) @Alan: you may have got some experience where I'd like to learn from...

Theo Geurts: (08:46) Why are we discussing disclosure on a webinar?

Thomas Rickert (ISPCP): (08:47) All, it was my understanding this webinar was to inform about and take questions about the initial report. So I support Theo's question and would ask that we do not discuss disclosure now.

Michele Neylon: (08:47) +1 Thomas

Kavouss Arasteh: (08:47) We should remember that we are faced with specific type of PDP (Expediated one) and we have some limitation and should not look for perfection

Olivier MJ Crépin-Leblond (EURALO): (08:48) Are the contents going to be discussed/summarised?

Kavouss Arasteh: (08:48) Thomas+1

Thomas Rickert (ISPCP): (08:48) The purposes should be as narrow and specific as possible. This is a part that we should definitely play safe. Rather add a purpose than trying to have broad brush purposes.

Marika Konings: (08:48) @Olivier - contents of?

Thomas Rickert (ISPCP): (08:49) Jorge - we have not taken a decision on this. A draft letter to the EDPB has been circulated, but controversially debated.

Thomas Rickert (ISPCP): (08:49) We do have some questions, but some say it is premature.

steve metalitz: (08:49) @Thomas and Theo, if the charter contemplates that disclosure to third parties (at least the gating questions) would be addressed in the initial report, the fact that they are not is on point for this webinar, as well as how best to ensure they are addressed in the final report.

Jorge Cancio (GAC Switzerland): (08:49) follow-up: I guess EU reps can help in fine-tuning that communication to the EDPB

Stephanie Perrin: (08:49) Some of us (ok, maybe just me) think it is a crazy idea to write the DPAs with questions.

Thomas Rickert (ISPCP): (08:50) I for one think we cannot afford to ask questions that are too basic and that we should focus on questions that are really legally doubtful and cannot be answered with legal literature. Edge cases basically.

Jorge Cancio (GAC Switzerland): (08:50) @Stephanie: why?

Thomas Rickert (ISPCP): (08:50) We have a call by a small team later today to work on this.

Stephanie Perrin: (08:50) Thomas is more diplomatic, I agree.

Kavouss Arasteh: (08:50) Nothing is crazy in this regard

Olivier MJ Crépin-Leblond (EURALO): (08:50) @Marika: the contents of the EPDP Initial Report. That's what we are here for, aren't we?

Amr Elsadr: (08:50) I believe the Charter requires the EPDP to send the EDPB a copy of our initial report, but there is no requirement to send them any questions. But like Kurt said, we are considering it.

Stephanie Perrin: (08:51) Annoying the DPAs at this point in time is a really crazy idea if you have skin in the game (i.e. are likely to be fined under GDPR).

Jorge Cancio (GAC Switzerland): (08:51) Thanks for clarifications and I support close dialogue with the EDPB...

Marika Konings: (08:51) @Olivier - the contents were covered at a high level at the beginning of the webinar.

Stephanie Perrin: (08:52) COnttracted parties and third party data aggregators are in my opinion the most likely folks to be sued.

Amr Elsadr: (08:52) @Kurt: Thanks for the clarification.

Marika Konings: (08:52) but it is not possible to go through the detail of the 22 Preliminary Recommendations and related questions and do these justice in these 60 minutes.

Kavouss Arasteh: (08:52) Amar, Questions are questions and they are valid we could raise it . We should not be selfish

Olivier MJ Crépin-Leblond (EURALO): (08:52) @Marika - ok - I thought there was going to be more detail. Thanks.

Jorge Cancio (GAC Switzerland): (08:52) @Stephanie: proactively looking for dialogue does not annoy anyone reasonable ;)

Marika Konings: (08:52) You'll have to read the Initial Report for the details :-)

Thomas Rickert (ISPCP): (08:52) My personal view is that we will face questions _after the gating questions_ that we need to reach out to the EDPB on. GDPR does not know the concept of accreditation of requestors etc...

Thomas Rickert (ISPCP): (08:55) Steve, I guess the point is that we should not ask questions that are: framed too open or too basic.

Stephanie Perrin: (08:56) I think the problem, Jorge, is that ICANN has been told for 18 years to figure out its purposes. We have still not done that, nor has ICANN figured out its role. We have not mapped the data. We have not done a DIPD> I think a logical response from reasonable people would be "ICANN, please do your homework. Then come back to us". We (NCSG) have been asking ICANN org for more precise information about the nature of the conversations they have had to date. We have not found the blogs that ICANN has released particularly informative, but perhaps there is a much richer dialogue going on that we are unaware of.

Jorge Cancio (GAC Switzerland): (08:56) +1 Thomas - but I guess that should be clear - the EDPB is very well aware of this process and already knows a lot about the specifics...

Mike Haffely: (08:56) ^

Thomas Rickert (ISPCP): (08:56) I think they were annoyed with ICANN when ICANN asked what retention period is appropriate. That is just impossible to answer. If you offer them an answer, i.e. a proposed retention period plus a sound rationale, they can say whether they like it.

Wolf-Ulrich Knoben: (08:56) @Marika: Do you circulate the presentation, e.g. to access the links provided?

Mike Haffely: (08:57) I agree with Stephanie, ICANN needs to figure out it's role in a multi-stakeholder model.

Thomas Rickert (ISPCP): (08:57) Jorge - not sure that is correct. Let me stick to the example of retention periods. we have now tied it to the statute of limitation in the TDRP. I do not expect the EDPB to know the specifics of the TDRP.

Kavouss Arasteh: (08:57) Kurt, it is a good suggestion

Marika Konings: (08:58) Slides are posted: <https://community.icann.org/display/EOTSFGRD/2018-11-29+EPDP+Initial+Report+webinar>

Stephanie Perrin: (08:58) (that was privacy impact assesement of DPIA. DIPD is what we need to put in to get greater detail about the converstations ICANN org has had with the DPAs to date, sorry for the acronym confusion.)

Amr Elsadr: (08:58) The slides can also be downloaded directly from the AC room right now.

Mike Haffely: (08:58) We've been puttering around, putting the cart before the horse in some of the PDP processes, having a decision that we then are trying to rationalize

Jorge Cancio (GAC Switzerland): (08:58) Thomas: I guess it depends on how specific specific is... but as far as I know they are not unaware of many of the issues at hand...

Amr Elsadr: (08:59) Use the drop-down menu on the top right of the AC room window, then click "Save As".

Kavouss Arasteh: (08:59) Thank you Kurt

Rafik Dammak: (08:59) thanks all

Lito Ibarra: (08:59) Thanks all

Wolf-Ulrich Knoblen: (08:59) Thanks Amr

Collin Kurre: (09:00) thanks for the summary!

Steve DelBianco - BC: (09:00) thanks all

Kavouss Arasteh: (09:00) Tks Marika and the ICANN tEAM FOR YOUR EFFORTS

Hadia Elminiawi - ALAC: (09:00) ThANK YOU ALL bye

Paul Diaz (PIR): (09:00) Thanks, all

Danko Jevtović: (09:00) thanks!

Holger Sperlich: (09:00) Thanks and bye-bye

Leon Sanchez: (09:00) Thanks everyone

Amr Elsadr: (09:00) Thanks all. Bye.

Leon Sanchez: (09:00) bye