

**Adobe Connect: 25**

Alan Greenberg (ALAC)	Julf Helsingius (NCSG)
Alan Woods (RySG)	Kavouss Arasteh (GAC)
Alex Deacon (IPC)	Kristina Rosette (RySG)
Amr Elsadr (NCSG)	Kurt Pritz (Chair)
Ashley Heineman (GAC)	Leon Sanchez (ICANN Board Liaison)
Ben Butler (SSAC)	Marc Anderson (RySG)
Benedict Addis (SSAC)	Margaret Milam (BC)
Brian King (IPC Alternate)	Mark Svancarek (BC)
Collin Kurre (NCSG Alternate)	Matt Serlin (RrSG)
Farzaneh Badii (NCSG)	Rafik Dammak (GNSO Council Liaison)
Georgios Tselentis (GAC)	Sarah Wyld (RrSG Alternate)
James Bladel (RrSG)	Stephanie Perrin (NCSG)
	Thomas Rickert (ISPCP)

**Audio Only:**

Hadia ElMiniawi

**Apologies:**

Diane Plaut (IPC)  
Emily Taylor (RrSG)  
Milton Mueller (NCSG)  
Marika Konings (ICANN Staff)

**Audio Cast (FOR ALTERNATES AND OBSERVERS)**

**Peak:** 12 joined

**View Only Adobe Connect:**

42 joined

**Staff:**

Berry Cobb  
Caitlin Tubergen  
Daniel Halloran (ICANN Org Liaison-Legal)  
Mary Wong  
Trang Nguyen (ICANN Org Liaison-GDD)  
Sara Caplis  
Terri Agnew  
Andrea Glandon

**AC Chat:**

Andrea Glandon: (12/18/2018 07:06) Welcome to the EPDP Team Call #35 held on Tuesday, 18 December 2018 at 14:00 UTC.

Andrea Glandon: (07:06) Wiki Agenda Page: <https://community.icann.org/x/BQvVBQ>

Terri Agnew: (07:55) finding the line  
Julf Helsingius (NCSG): (07:56) Thanks, Terri!  
Rafik Dammak (GNSO Council Liaison): (07:56) hello all  
Amr Elsadr (NCSG): (07:59) Hi all.  
Amr Elsadr (NCSG): (08:00) Maybe Kurt is just not looking fwd to beginning today? :-)  
Ashley Heineman (GAC): (08:01) Hello and welcome to Sarah Wyld. :-)  
Marc Anderson (RySG): (08:02) I'm in Adobe now.  
Amr Elsadr (NCSG): (08:02) Need to step away for a few minutes. brb.  
Brian King: (08:02) Welcome Sarah!  
Brian King: (08:02) Good day, all.  
Sarah Wyld - Tucows: (08:02) Thanks, all! Glad to be here.  
Berry Cobb: (08:03) Current Members:  
Berry Cobb: (08:03) Board - LeonBC - MargieIPC - DianeISPCP - ThomasRySG - KristinaRrSG - EmilyGAC -  
LaureenALAC - HadiaEPDP Leadership - Kurt, Rafik1st Meeting scheduled for 19 Dec, 14 UTC  
Ashley Heineman (GAC): (08:03) Berry - Laureen is GAC.  
Berry Cobb: (08:03) PLease ignore that paste.  
Benedict Addis - SSAC: (08:03) Yes, it's community - name  
Berry Cobb: (08:03) I've pasted the list in the upper right pod.  
Margaret Milam (BC): (08:03) Berry -- I am with BC  
Ashley Heineman (GAC): (08:03) Ah! Looks confusing.  
Margaret Milam (BC): (08:04) sorry -- confusing  
Berry Cobb: (08:08) I'll not the structure of the Legal Committee is modeled after the CCWG-WS2  
group. Their original rule was currently practicing attorneys. EPDP leadership wanted the first criteria  
to be cross represented and practicing attorneys where possible.  
Berry Cobb: (08:08) \*\*note  
Berry Cobb: (08:10) NCSG and SSAC have yet to provide reps.  
Benedict Addis - SSAC: (08:10) SSAC don't have any lawyers amongst members or alternates. Only  
nerdy engineers :)  
Stephanie Perrin: (08:11) My apologies for being late.  
Stephanie Perrin: (08:11) With respect, non lawyers issue lots of RFPs for legal advice.  
Stephanie Perrin: (08:12) You don't have to be a lawyer for this job, you have to be familiar with asking  
questions of lawyers.  
Kavouss Arasteh (GAC): (08:12) tERRI i am disconbected why?  
Terri Agnew: (08:13) @Kavouss, you may need to check your plug in's I am sending you an email with  
directions  
Terri Agnew: (08:14) We are also checking your audio line  
Kavouss Arasteh (GAC): (08:14) Kurt, you did not give any answer to my ciomment regarding behaviour,  
ethics and friedly manner to be observed by members of the team  
Caitlin Tubergen 3: (08:18) Please email additional questions regarding the Google Form to: [gns0-epdp-  
lead@icann.org](mailto:gns0-epdp-lead@icann.org).  
Kristina Rosette (RySG): (08:21) substance, please  
Mary Wong: (08:24) Thank you Kurt; I am just listening in today but will be happy to take back any  
questions to the team that's working with the community-based IRT on privacy/proxy accreditation.  
Alex Deacon - IPC: (08:30) @james - so lets solve for the majority case - not the edge case.  
Matt Serlin (RrSG): (08:30) It's a good point...law firms will often register names under their name on  
behalf of a client...hard to make that distinction for redaction purposes  
Amr Elsadr (NCSG): (08:30) @Matt: Web developers too.

James Bladel (RrSG): (08:31) @Alex - but ICANN Compliance doesn't work that way..they spend the bulk of their time chasing edge cases....

James Bladel (RrSG): (08:32) @Alex - I proposed more specific language, not throwing out the policy. Please don't mischaracterize. Thx.

Alan Woods (rysg): (08:32) so are we suggesting the consensus should bind 3rd party companies that are P&P providers? Or isn't this just something we are going to have merely accept we have no jurisdiction here, and say to the PPSAI, this is an issue for you, please fix?

Alex Deacon - IPC: (08:32) @james - I agreed with the need for more specific language here.

Daniel Halloran (ICANN Org Liaison -Legal): (08:33) For reference, the RAA rules relating to privacy/proxy apply to services "offered or made available by Registrar or its Affiliates in connection with each registration" (3.4.1.5)

Matt Serlin (RrSG): (08:34) that's good language for this purpose Dan

Brian King (IPC): (08:34) good point Margie, the 3.4.1.5 p/p services are a good idea

Brian King (IPC): (08:34) (and Dan)

Brian King (IPC): (08:34) (and +1 Matt)

Stephanie Perrin (NCSG): (08:35) The problem in my view is that this lets lawyers off the hook, setting up a differential transparency for big corps who use lawyers as proxies.

Matt Serlin (RrSG): (08:35) isn't part of PPSAI an accreditation model?

James Bladel (RrSG): (08:35) Dan's language would work

Margaret Milam (BC): (08:36) add " or known to "

Alex Deacon - IPC: (08:36) lets propose updated language that includes Dan's and move on.

Sarah Wyld - Tucows (RrSG Alt): (08:36) Matt - yes.

Brian King (IPC): (08:37) something like "or known to registrar, including the list of accredited p/p providers" could get us close

Kristina Rosette (RySG): (08:39) "known to the registrar" is too broad and vague.

Alan Greenberg (ALAC): (08:39) Known to be a P/P provider

Kristina Rosette (RySG): (08:40) @Alan, still too broad.

Farzaneh Badii (NCSG): (08:40) revealing privacy proxy info is nothing but an access issue.it's about "disclosure"

Amr Elsadr (NCSG): (08:41) Would "known to the registrar" be somehow enforceable? How does one (such as compliance) prove that a p/p provider is known or unknown to the registrar. And would registrars be expected to monitor registrations to provide some kind of notice that a know provider has registered a name?

Kavouss Arasteh (GAC): (08:41) Kurt, , may you repeat again what do you expect from ICANN after an issue agreed by consensus,

Kavouss Arasteh (GAC): (08:41) Did you say ICANN may modify that?

Brian King (IPC): (08:42) Amr I think the concept might be to capture the no-brainers cases (e.g. the name field is "Domain SuperPrivacy, Inc.") that might not be accredited p/p providers

Farzaneh Badii (NCSG): (08:44) yeah Marc... I don't know why we are talking about this here... and now...

Amr Elsadr (NCSG): (08:44) @Brian: I have no issue with this, in principle. Just wondering about the practicalities of implementation. How would the registrar confirm that "Domain SuperPrivacy, Inc." is a p/p provider? And even if it does know, would it be required to look out for any registrations by it, or others that are known? Affiliate providers is more straight fwd. Generally not opposed to this, but would just like some clarity on how it'd work.

Matt Serlin (RrSG): (08:45) agree with Marc...feels like they will take whatever we come up with and leverage that for their implementation...not sure we specifically need to address anything we otherwise wouldn't

Kristina Rosette (RySG): (08:45) It also seems to involve some guesswork. If PPSAI needs us to do X, they should be specifically and clearly telling us that. I haven't been involved with or following PPSAI for almost 4 years.

Alex Deacon - IPC: (08:46) Lets make sure we are not guessing here - hopefully Mary and those that are involved in PPIRT can help.

Sarah Wyld - Tucows (RrSG Alt): (08:46) Agree with Matt and Marc - the PPSAI team can take the EPDP results and see how that should apply to their requirements around reveal/relay, we shouldn't solve that here.

Benedict Addis - SSAC: (08:46) Enumerating 3rd party P/P providers is hard. But if a registrar is using their own (or affiliated) P/P service provider, then they can easily follow the recommendation in the temp spec.

Amr Elsadr (NCSG): (08:47) @Benedict: +1

Farzaneh Badii (NCSG): (08:47) we might not even need P/Ps after this group recommendations. (sorry throwing a bombshell but I think if we apply data protection globally then we don't need PPs) ...

Mary Wong: (08:47) To be clear, neither ICANN Org nor the PPSAI IRT is requesting that this EPDP team take on additional work. Some community members did raise concerns about the impact of GDPR and the EPDP's discussions on the ongoing work on privacy proxy services and their accreditation, however,.

Farzaneh Badii (NCSG): (08:47) Yes Benedict I totally agree

Brian King (IPC): (08:47) Benedict/Amr +1, that may be as far as is reasonable to expect in practice

Leon Sanchez (ICANN Board Liaison): (08:48) I would strongly suggest we don't throw into the EPDP's pipeline, work from other working groups, regardless of the reason we think we should throw anything else to the EPDP

Brian King (IPC): (08:48) And I would add the list of accredited p/p providers too

Kavouss Arasteh (GAC): (08:48) Leon+1

Mary Wong: (08:49) To the extent that the EPDP team (within its charter scope) has specific guidance on the issues as they relate to PP services, therefore, that may be helpful to the PPSAI IRT when they finalize their proposed model and draft agreements.

James Bladel (RrSG): (08:49) @Alan - not to pick old wounds, but this is also my concern with Registrant Org...

Kristina Rosette (RySG): (08:49) +1 Leon

Alan Woods (rysg): (08:50) +1 James!

Farzaneh Badii (NCSG): (08:51) I have a general point to make

Farzaneh Badii (NCSG): (08:52) because I sincerely don't think we have to discuss something because one or two reps think it needs to be discussed.

Benedict Addis - SSAC: (08:52) I think other groups like PPSAI will be more easily able to do their work if we produce clear, coherent guidelines.

Ashley Heineman (GAC): (08:53) +1 Alex

Kavouss Arasteh (GAC): (08:54) We need to discuss issues based on their merits and not whether that issue comes from minority or majority

Alan Greenberg (ALAC): (08:55) We cannot have the entire group spend time discussing agenda items. That is why we have team leadership!!!!

Mary Wong: (08:55) All, please note that there is no request from the IRT to the EPDP team at this point; however, the IRT realizes there may be overlaps and implications due to the ongoing EPDP discussions and their outcome may assist with the IRT's work.

Farzaneh Badii (NCSG): (08:58) we should discuss things that the group as a whole thinks is within our remit and needed to be discussed. merit is arbitrary. some think it has merit some think it doesn't based on point of view. agenda is not a laundry list of issues.

Kavouss Arasteh (GAC): (08:59) i disagree with the definition given for merit???

Farzaneh Badii (NCSG): (08:59) yeah. your disagreement is acknowledged.

Benedict Addis - SSAC: (09:00) +1 Brian

Kavouss Arasteh (GAC): (09:00) we should discuss things that are within the mandate of the group

Kristina Rosette (RySG): (09:01) Lowering my hand because Alan just covered my point.

Farzaneh Badii (NCSG): (09:01) should registrant seek the opportunity to publish additional contact information, they should be given that opportunity.

Mark Svancarek (BC): (09:02) +1 FB

Brian King (IPC): (09:02) +1 Farzaneh

Kavouss Arasteh (GAC): (09:03) No such green light to be given as we do not know the nature and sensitivities of those additional information

Ashley Heineman (GAC): (09:03) +1 on giving the registrant the opportunity to have their contact information published.

Brian King (IPC): (09:03) Temp Spec 7.1.3. requires registrar to notify RNH about which data are voluntary for them to provide

Collin Kurre (NCSG): (09:03) Great proposal Amr

Alan Woods (rysg): (09:03) Publication is not necessary for the contract.... so we are really not looking at 6(1)b

Sarah Wyld - Tucows (RrSG Alt): (09:04) +1 Alan re contract

Kavouss Arasteh (GAC): (09:04) Additional contact information is very broad unless it is defined

Mark Svancarek (BC): (09:04) I thought Amr was referring to contract between registrant and registrar

Amr Elsadr (NCSG): (09:05) 61b "processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract", so if the data subject actively requests publication of contact data, would this not work?

Amr Elsadr (NCSG): (09:05) @Mark: I was.

Collin Kurre (NCSG): (09:05) I like that idea, Alan. Publication of data as a service. Privacy by design, publication for a fee

Amr Elsadr (NCSG): (09:05) For a fee, or not for a fee is not something we need to decide on as a policy.

Amr Elsadr (NCSG): (09:06) But yes, privacy by design.

Mark Svancarek (BC): (09:06) Pub as service does not actually require a fee, just as P/P as a service does not actually require a fee

Matt Serlin (RrSG): (09:06) So Amr were you suggesting it would be optional for registrars to provide that service or a requirement that they make that option available?

Alan Greenberg (ALAC): (09:06) There is already a contract between the registrar and registrant. It is the T&C that a registrant is subject to. Why do we need a second contract?

Matt Serlin (RrSG): (09:07) +1 Sarah

Collin Kurre (NCSG): (09:07) Good distinction on the must vs may.

Amr Elsadr (NCSG): (09:07) @Matt: I didn't go there. Just trying to not go into issues of consent. But it makes sense to me that this additional feature would be up to the registrar to provide.

Alan Woods (rysg): (09:07) +1 Sarah

Amr Elsadr (NCSG): (09:07) @Sarah: Also +1. As I said..., makes sense to me.

Amr Elsadr (NCSG): (09:08) But to be clear, in 61b, being necessary for performance of the contract is not the only criteria.

Collin Kurre (NCSG): (09:08) Can't hear you well Stephanie

Sarah Wyld - Tucows (RrSG Alt): (09:08) +1 Steph - not easy at all, and there's a significant burden of proof on the registrar's part if they're relying on the registrant's consent . It's definitely risky.

Alan Woods (rysg): (09:08) FYI Thomas Rickert has joined but is on phone only - he asked me to convey the message

James Bladel (RrSG): (09:09) If someone refuses to provide this for their Registrants, they're welcome to transfer to GoDaddy, or another registrars who has opted to offer this function.

Matt Serlin (RrSG): (09:09) So registrants who know enough to have their data published are not savvy enough to find a registrar who provides that service? Not sure I'd agree with that

Alan Greenberg (ALAC): (09:10) @James, maybe we need to have ICANN publish a list of what services each registrar provides!

Kavouss Arasteh (GAC): (09:10) Terri, may you kindly resolve the mismatch between my itinerary and hotel booking. I sent three messages to you and Joseph without being answered

Terri Agnew: (09:11) @Kavouss, we are checking into this and will send a response shortly.

Kavouss Arasteh (GAC): (09:11) tks

Brian King (IPC): (09:12) Let's not assume the registrant knows that it's an option, especially if the first registrar they come across does not offer it.

Sarah Wyld - Tucows (RrSG Alt): (09:13) Amr - interesting point, but I still don't see publication as necessary to perform the contract, so it wouldn't really be needed as a step towards entering into a contract either...

Kavouss Arasteh (GAC): (09:13) Brian, I do not understand your comment.

Stephanie Perrin (NCSG): (09:13) Is my name showing up in the queue? Should be after Thomas Rickert

Kavouss Arasteh (GAC): (09:14) Option is option .We do not have open option ND HIDDEN / CLOSED OPTION

Alan Woods (rysg): (09:14) @amr - the preliminary steps are the processing necessary to enter into a contract such as ... using the email to send the contract, or a phonenumber to contact the registrant about entering into the contract. I don't see you point at all, the request of the data subject is not about the content of the contract, but about allowing the controller to process the data PRE contract.

Georgios Tselentis (GAC): (09:15) Art. 4: 'Consent' of the data subject means any freely given, specific, informed and unambiguous indication of the data subject's wishes.

Sarah Wyld - Tucows (RrSG Alt): (09:15) +1 Alan

Stephanie Perrin (NCSG): (09:15) Publication is a service. Certainly a marketing service for domainers. Security service for large brands, to assist in TM management.

Julf Helsingius (NCSG): (09:15) Stephanie: you have been at top of the queue on AC for quite a while

Stephanie Perrin (NCSG): (09:15) Thanks Julf, just wondering.

Stephanie Perrin (NCSG): (09:16) Can someone point out to Kurt that I am in the queue?

Brian King (IPC): (09:16) I don't have an issue with registrars selling publication as a service.

Ashley Heineman (GAC): (09:17) I would also argue that there are those out there for good business practice want their information published. Ex: retail web based and making sure that it is clear that they are reputable. I see this as a public service

Brian King (IPC): (09:17) +1 Ashley. Small brick and mortar businesses, etc.

Matt Serlin (RrSG): (09:18) I think we all agree we see some value for allowing this...we disagree that it should be required for registrars to provide for this option

Amr Elsadr (NCSG): (09:18) @Alan W.: I see your point, and the last bit in 61b might be a little tricky. How about a separate contract to publish data as a service, or an addendum/amendment to the contract? Is this something that might be feasible?

Stephanie Perrin (NCSG): (09:18) Yes

Brian King (IPC): (09:18) Amr +1 to exploring that

Stephanie Perrin (NCSG): (09:19) I am muted because Alan was asked to speak, and has started to speak.

Alex Deacon - IPC: (09:19) The only way to guarantee that Registrants get the right, is if we require Registrars to offer the option.

Margie Milam: (09:20) agree with Alan  
James Bladel (RrSG): (09:20) We do that. We also buy space on search engines and on television to spread that message. :)  
Brian King (IPC): (09:20) That's my point, Alan and Alex  
Alex Deacon - IPC: (09:20) you can put it on the godaddy nascar.  
Ashley Heineman (GAC): (09:20) I still think this should be a "must," but for the sake of conversation... just throwing this out there... optional but reflected as a recommendation? I also worry that registrars won't know it is an option for them.. particularly those who are super gun shy when it comes to GDPR.  
James Bladel (RrSG): (09:20) We don't have that anymore. Sold for parts  
Brian King (IPC): (09:21) +1 Ashley  
Mark Svancarek (BC): (09:21) Wouldn't withdrawal of consent be part of the obligatory "change my data" user experience?  
Brian King (IPC): (09:21) wait, +1 to the gun shy when it comes to GDPR  
James Bladel (RrSG): (09:24) Alan W. summarized our entire posture w.r.t GDPR: Private companies must determine their own legal exposure, and can't be forced to accept risks for the benefit of other parties.  
Sarah Wyld - Tucows (RrSG Alt): (09:25) +1 James! +2 even  
Georgios Tselentis (GAC): (09:28) Can please contracted parties clarify the risks they are talking about?  
Amr Elsadr (NCSG): (09:28) In the spirit of compromise, if we can agree on this being offered as a service by registrars; providing the RNHs with a "service" to publish, would be fair to allow registrars to choose whether they provide this service, or not. Works for consumer choice too, doesn't it?  
Alan Woods (rysg): (09:29) not offensive at all Ashley ... just felt it miscategorizes our genuine issues with it :)  
Mark Svancarek (BC): (09:30) There are many areas where this EPDP team has pursued policy recommendations to guarantee registrant rights. Ensuring registrants understand which features will not be available from their registrar should be one of them.  
Alan Woods (rysg): (09:30) So MAY not MUST ?  
Brian King (IPC): (09:31) This must be a must  
Alan Greenberg (ALAC): (09:31) We could require that ICANN include in its directory of registrars what services each registrar offers.  
Ashley Heineman (GAC): (09:31) I threw out "may" as something to talk about.  
Ashley Heineman (GAC): (09:31) I'm still in the "must" camp, but willing to discuss options.  
Alan Woods (rysg): (09:31) May makes much more sense! :)  
Matt Serlin (RrSG): (09:32) I don't think we're going to resolve this today as there's clearly a divide between the "must" and "may" camps...  
Kavouss Arasteh (GAC): (09:32) must IS TOO STRONG  
Brian King (IPC): (09:33) Disclosure requirement is interesting, James.  
Julf Helsingius (NCSG): (09:33) There may be a divide, but not sure there must be a divide  
Amr Elsadr (NCSG): (09:33) Like how James presents this as a value-added service, but really needs to be an option for registrars to provide. Why should registrars be forced to provide a value-added service?  
Kavouss Arasteh (GAC): (09:34) SHOULS IS BETWEEN THE TWO TERMS MAY AND MUST  
Amr Elsadr (NCSG): (09:35) @Benedict: I'm not clear on how "bad registrars" fit into this. Would you mind elaborating?  
Mark Svancarek (BC): (09:35) Well said, BA  
Kurt Pritz: (09:36) Hi Benedict - 1) Are you planning to sign up for legal team?  
Benedict Addis - SSAC: (09:36) Amr: bad registrars could opt-out of the publication service, thereby attracting more bad registrants.  
Benedict Addis - SSAC: (09:37) Kurt - no

Margie Milam (BC): (09:37) Marc-- dont you have the same problem with tech contacts?  
Benedict Addis - SSAC: (09:37) Hoping that another SSAC member or alternate can attend :)  
Margie Milam (BC): (09:38) agree with Alan  
Amr Elsadr (NCSG): (09:40) @Benedict: OK, thanks, got it, but not sure I see the risk. If this is an option provided as a service (or even an option based on consent), even name holders seeking "bad registrars" can still keep their data redacted. It doesn't really change anything, does it?  
Trang Nguyen (ICANN Org Liaison): (09:41) @Kurt, we can take those questions back internally to get answers if those are questions that the EPDP Team would like to have answered.  
Alan Greenberg (ALAC): (09:41) The thick whois PDP decided that registries are authoritative and are thought to be a more reliable source than registrars.  
Stephanie Perrin (NCSG): (09:41) The registrar is acting as a processor in that relationship.  
James Bladel (RrSG): (09:42) Need to drop in 4 min. Thanks all.  
Matt Serlin (RrSG): (09:42) Bad timing but I need to drop  
Matt Serlin (RrSG): (09:42) Maybe we can provide some feedback to Ashley on the list  
Kurt Pritz: (09:42) 2) Do you have to make a choice between attending one of the two GDPR F2F meetings in January? (The EPDP team and the tech team)  
Alex Deacon - IPC: (09:43) +1 Ashley.  
Margie Milam (BC): (09:43) Ashley +1  
Brian King (IPC): (09:43) +1 Ashley  
Benedict Addis - SSAC: (09:43) Kurt: No, I've asked the tech group to add some dates so can attend both, back-to-back!  
Amr Elsadr (NCSG): (09:43) @Alan G.: If any "thick" whois policy recommendations raise issues with privacy/data protection laws, they need to be addressed, as per the "thick" whois PDP recommendations. If their whois records being authoritative in all scenarios raises concerns, then we need to work that out, right?  
Alan Greenberg (ALAC): (09:44) The RRA (Registry-Registrar Agreement) needs to put responsibility on a registrar to certify that they have legal consent to publish data.  
Georgios Tselentis (GAC): (09:44) The consent is an indication of the data subject for its data so I see no issue to "transfer" consent to registries  
Georgios Tselentis (GAC): (09:44) Get it wrong is not the liability of the Registrant?  
Terri Agnew: (09:44) finding the line  
Collin Kurre (NCSG): (09:44) Very calming  
Amr Elsadr (NCSG): (09:45) Speaking for myself, I believe "consent" is a terrible idea in this context. Would not be supportive of it at all. Publication as an additional service seems less messy to me.  
Sarah Wyld - Tucows (RrSG Alt): (09:45) Georgios - I think the registrar would be liable, if they published the data improperly  
Collin Kurre (NCSG): (09:46) Agree, Amr. It gets messier when we expand it to include informed consent, and the different levels of consent required for publication of sensitive data, as Stephanie pointed out earlier  
Stephanie Perrin (NCSG): (09:46) The problem Amr is that publication as a service still requires consent under the GDPR.....the legal requirements do not change regardless of what you call it.  
Georgios Tselentis (GAC): (09:46) @ Sarah I believe that the liability of the registrar is with regards to provide an informed choice to the registrant  
Alex Deacon - IPC: (09:48) @thomas - perhaps it can happen by EPP (or an update to EPP)  
Brian King (IPC): (09:49) Sounds like we need to unpack the registry vs. registrar distinction (or lack thereof) in light of RDAP  
Margie Milam (BC): (09:49) Or add another field to WHOIS  
Brian King (IPC): (09:49) yep

Margie Milam (BC): (09:49) Its been done before

Georgios Tselentis (GAC): (09:49) I see this easily implementable

Kavouss Arasteh (GAC): (09:49) Thomas +1

Collin Kurre (NCSG): (09:50) I think this is the issue with thinking about Amr's proposal in terms of consent. Thomas, wouldn't a request for publication be handled (and transferred) in a different way than any granting of request?

Thomas Rickert (ISPCP): (09:50) I am not saying it cannot be done. I am saying I do not understand how it can be done within the framework of this EPDP

Alan Woods (rysg): (09:50) how would we take back the publication as per Art 17 ?

Margie Milam (BC): (09:51) We can recommend a policy that is implemented afterwards

Thomas Rickert (ISPCP): (09:51) @Collin, but even for that (I would need to think about that more) we do not have the means to do that.

Alex Deacon - IPC: (09:51) +1 Alan G

Kavouss Arasteh (GAC): (09:51) Lan Greenberg,

Kavouss Arasteh (GAC): (09:52) The difficulty is the modality to do those things

Alan Greenberg (ALAC): (09:52) Either we acknowledge that e-commerce is possible and that transaction of all of this are possible. Or we go back to a pre-Internet world!

Alan Greenberg (ALAC): (09:52) ANd yes, I know I am being over dramatic.

Thomas Rickert (ISPCP): (09:53) Alan, I know you are being dramatic - I am trying to be pragmatic.

Thomas Rickert (ISPCP): (09:53) :-)

Stephanie Perrin (NCSG): (09:53) With respect, I think thomas is asking legitimate questions, from a legal perspective. Sure it can be done technically, but how do you ensure that you have consent to publish if you are the registrar or the registry?

Kavouss Arasteh (GAC): (09:53) Kurt, for the reasons you described we can not use the term " MUST"

Benedict Addis - SSAC: (09:54) Tucows consent model explained

here: [https://urldefense.proofpoint.com/v2/url?u=http-3A\\_opensrs.help\\_gdpr&d=DwIFaQ&c=FmY1u3PJp6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7\\_ZjItyVqrCYHo\\_rKms9SFxImbYEJqG-y9I&m=AmEPBbGTbuN7UqwFrlx-LQNNPT5cvtnwto85v9EHoLI&s=UN2Ileoct-FLol2m-WcN-HDHlyCTLACa3cTrZohyRiY&e=](https://urldefense.proofpoint.com/v2/url?u=http-3A_opensrs.help_gdpr&d=DwIFaQ&c=FmY1u3PJp6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7_ZjItyVqrCYHo_rKms9SFxImbYEJqG-y9I&m=AmEPBbGTbuN7UqwFrlx-LQNNPT5cvtnwto85v9EHoLI&s=UN2Ileoct-FLol2m-WcN-HDHlyCTLACa3cTrZohyRiY&e=)

Georgios Tselentis (GAC): (09:55) +1 Benedict and MarkSV

Thomas Rickert (ISPCP): (09:55) @Mark SV - account-based consent does not work with transfers, it does not work for escrow as the consent would then not be attached to the data set that travels through the eco-system.

Thomas Rickert (ISPCP): (09:55) Again- it can be done, but is must be done before it can be made mandatory.

Stephanie Perrin (NCSG): (09:56) So the question is the following....Benedict has described a scenario where Tucows (second largest registrar, I think?) has a good process. IF you are the registry are you going to trust a small, lesser known, foreign registrar?.

Alan Woods (rysg): (09:56) silly 2 hour call kick out!

Brian King (IPC): (09:56) We need to consider what RDAP does to this conversation

Kavouss Arasteh (GAC): (09:57) Thomas, what you you mean by "it can be done, but is must be done before it can be made mandatory."

Sarah Wyld - Tucows (RrSG Alt): (09:57) RDAP is great in that it allows us to provide different data elements depending on the requestor's authentication level. Brian, waht are you getting at with this one?

Sarah Wyld - Tucows (RrSG Alt): (09:57) We still think that registrant consent to publication should be a MAY

Stephanie Perrin (NCSG): (09:58) RDAP has nothing to do with the reliability of the consent that further processing must rely on. You can authenticate it, add extra fields and tags, but at the end of the day you are relying on the strength of the consent mechanism employed by the entity that has primary contact with the customer.

Sarah Wyld - Tucows (RrSG Alt): (09:58) Steph - true

Brian King (IPC): (09:59) I'm not sure that consent is the only or the best basis for this

Brian King (IPC): (10:00) and RDAP changes the historical roles of registrars/registries, and in thick/thin situations

Brian King (IPC): (10:00) Perhaps a small team could work through it?

Alan Woods (rysg): (10:00) what's the other basis Brian?

Kavouss Arasteh (GAC): (10:00) registrant consent to publication should be a NEED and NOT must

Brian King (IPC): (10:00) What's the basis for processing data that's necessary to contact the registrant?

Brian King (IPC): (10:01) I have to consult my charts :-)

Brian King (IPC): (10:01) ttyl

Benedict Addis - SSAC: (10:01) Kurt: will we have facilitators in Toronto?

Julf Helsingius (NCSG): (10:01) Thanks again everybody!

Sarah Wyld - Tucows (RrSG Alt): (10:01) Thank you

Rafik Dammak (GNSO Council Liaison): (10:01) thanks all

Collin Kurre (NCSG): (10:01) Thanks all

Amr Elsadr (NCSG): (10:01) Thanks all. Bye.

Georgios Tselentis (GAC): (10:01) bye thanks

Leon Sanchez (ICANN Board Liaison): (10:01) thanks everyone

Kavouss Arasteh (GAC): (10:01) the basis for processing data that's necessary to contact the registrant is the data protection of registrant ?