Transparency Meeting #12 (04 October @ 19:00 UTC)

Attendees:

Sub-group members: Avri Doria, Cheryl Langdon-Orr, David McAuley, Herb Waye, Julf Helsingius, Michael Karanicolas, Ricardo Holmquist, Robin Gross, Wale Bakare

Observers and guests: None

ICANN organization: Bernard Turcotte, Yvette Guigneaux

Apologies: None

** If your name is missing from the attendance or apology, please send note to acct-staff@icann.org **

Transcript

- Word Doc
- PDF

Recording

- Adobe Connect Replay
- mp3 Replay

Agenda

I. Welcome

II. ICANN Legal reactions to the Transparency Group updated recommendations

III. Recommendations to improve ICANN’s Transparency

Raw Captioning Notes

(Please note: These are the unofficial transcripts. Official transcripts will be posted 2-3 days after the call)

- Word Doc
- PDF

Documents Presented

ICANN Legal reactions to the Transparency Group updated recommendations.pdf

Decisions

- (none)

Action Items

- MK to report on proposal from ICANN on 3 recommendations and arrange a meeting with ICANN legal prior to the next meeting of the sub-group on 10 October.

Requests

- (none)

Chat Transcript

Yvette Guigneaux: (10/4/2017 11:17) Hi All and Welcome to the Transparency Subgroup Meeting #12 - 4 October @ 19:00 UTC!

Bernard Turcotte - ICANN: (11:55) Hello all

Ricardo Holmquist: (11:57) good day

Julf Helsingius: (11:58) good <timeofday>

Michael Karanicolas: (11:58) Hi all
David McAuley: (12:01) Hello all
David McAuley: (12:01) I am #4154
David McAuley: (12:02) yes
Yvette Guigneaux: (12:02) we hear you
Cheryl Langdon-Orr: (12:02) little bit low vol for me
David McAuley: (12:02) vol fine here
Yvette Guigneaux: (12:03) legal response on display
David McAuley: (12:04) middle one tricky to me
Yvette Guigneaux: (12:04) Michael you now have slide control
Wale Bakare: (12:05) Hi all
David McAuley: (12:06) none here - not sure how to refine it
avri doria: (12:06) seems fine to me
David McAuley: (12:06) seems ok that way
Julf Helsingius: (12:06) Looks good enough for me
avri doria: (12:07) saying any decision process would be clearer, but I expect that is not what they are looking for.
Yvette Guigneaux: (12:07) would the 703# kindly identify for the record?
Yvette Guigneaux: (12:08) nvm David I see thats you
Yvette Guigneaux: (12:08) got it thanks
Michael Karanicolas: (12:10) Recommendation 16: Wherever possible, ICANN’s contracts should either be proactively disclosed or available for request under the DIDP. The DIDP should allow ICANN to withhold information subject to a non-disclosure agreement, however such agreements should only be entered into where the contracting party satisfies ICANN that is has a legitimate commercial reason for requesting the NDA, or where information contained therein would be subject to other exceptions within the DIDP (such as, for example, where the contract contains information whose disclosure would be harmful to the security and stability of the Internet).
Cheryl Langdon-Orr: (12:10) an important differentiation
David McAuley: (12:12) not really
Bernard Turcotte - ICANN: (12:12) hand
Cheryl Langdon-Orr: (12:13) let them know
David McAuley: (12:13) sounds good
Bernard Turcotte - ICANN: (12:13) hand
David McAuley: (12:13) hand up
David McAuley: (12:14) yes
Ricardo Holmquist: (12:14) very loud
Yvette Guigneaux: (12:14) yes we hear you
David McAuley: (12:14) we hear
Cheryl Langdon-Orr: (12:14) yes
Michael Karanicolas: (12:14) yes - can hear you
David McAuley: (12:15) I think that makes sense Bernie
Michael Karanicolas: (12:15) Recommendation 15: Where material subject to a DIDP request could potentially be withheld under attorney-client privilege, ICANN legal should review the material to determine whether its disclosure might be harmful, and should only invoke this privilege if the disclosure would be harmful to an ongoing or contemplated lawsuit or negotiation or similar process, or where its disclosure would reveal material provided in confidence by a third party, or would otherwise be subject to exceptions contained in the DIDP.
Bernard Turcotte - ICANN: (12:17) Michael can you speak a little more slowly for the captioners - now is ok but when reading you are very fast
Ricardo Holmquist: (12:21) what happen if we do not agree with ICANN legal answer?
Ricardo Holmquist: (12:21) agree*
Bernard Turcotte - ICANN: (12:22) hand

Cheryl Langdon-Orr: (12:22) that helps me better see the issue David... the

David McAuley: (12:22) can't hear Avri

Michael Karanicolas: (12:22) can't hear?

Bernard Turcotte - ICANN: (12:22) I am not hearing Avri

Cheryl Langdon-Orr: (12:23) nope

Bernard Turcotte - ICANN: (12:23) My hand is up

David McAuley: (12:23) Bernie's hand also up

avri doria: (12:23) sorry, why did they remove legal?

David McAuley: (12:25) good points @Bernie

Robin Gross: (12:27) I agree with Michael.

Robin Gross: (12:29) Ordinary companies don't have public governance transparency requirement that attorney-client privilege masks.

Robin Gross: (12:30) ICANN is unique - it is not an ordinary company. it has greater transparency obligations than the usual situation

David McAuley: (12:30) Michael - didn't you and JJ discuss this - where did that come out, I cannot remember

Robin Gross: (12:31) good point, Michael

David McAuley: (12:32) ok, thanks

David McAuley: (12:33) we need to get him or Sam reengaged if we want to wrap this next week - I think I can agree with whatever Michael and JJ or Sam agree

Bernard Turcotte - ICANN: (12:35) 30 minutes minimum

Cheryl Langdon-Orr: (12:35) seems like a way forward...

Bernard Turcotte - ICANN: (12:39) time check - 20 minutes left in call

Bernard Turcotte - ICANN: (12:40) Guidelines with SHOULD could possibly help

Bernard Turcotte - ICANN: (12:41) meaning should apply the guidelines vs should only invoke?

David McAuley: (12:44) If that is what they said then let's go for it

David McAuley: (12:46) great, thanks Michael

David McAuley: (12:47) not hre

David McAuley: (12:47) here

Cheryl Langdon-Orr: (12:48) not a lot of choice

Robin Gross: (12:48) Thanks, Michael.

Ricardo Holmquist: (12:48) thanks Michael

David McAuley: (12:48) thanks all

Julf Helsingius: (12:49) Thanks everybody!

Robin Gross: (12:49) Bye all!

Bernard Turcotte - ICANN: (12:49) thanks - bye

Wale Bakare: (12:49) Thanks, bye

David McAuley: (12:49) good bye

Cheryl Langdon-Orr: (12:49) bye for now

avri doria: (12:49) bye

Herb Waye Ombuds: (12:49) bye al