Transparency Meeting #13 (10 October @ 19:00 UTC)

Attendees:

Sub-group members: Avri Doria, Cheryl Langdon-Orr, David McAuley, Herb Waye, Michael Karanicolas, Richardo Holmquist, Robin Gross, Samantha Eisner

Observers and guests:

ICANN organization: Bernard Turcotte, Brenda Brewer

Apologies: J Helsingius

** 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

N/A

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

- CCWG-Accountability-WS2-Transparency-Rev
- Revised Recommendations

Decisions:

- Final recommendations with suggested edits, with the exception of recommendation 15, are accepted.
- MK should schedule a call with ICANN Legal to discuss recommendation 15 further. If no agreement can be reached at this next call it will be removed. Regardless of the result the recommendations will be forwarded to the plenary, with or without recommendation 15, for final approval. It is expected that the changes made from the previous version of the document which went to public consultation are not significant enough that the plenary will require a second public consultation.

Action Items:

- MK to schedule a call with ICANN Legal to discuss recommendation 15.

Requests:

- (none)

Chat Transcript

Brenda Brewer: (10/10/2017 13:04) Good day and welcome to WS2 Transparency Subgroup Meeting #13 on 10 October 2017 @ 19:00 UTC.

Brenda Brewer: (13:05) When not speaking, please mute your phone by pressing *6 (star 6). To unmute, *6. This call is recorded.

Brenda Brewer: (13:05) Reminder to all, for captioning and transcription, please state your name before speaking and speak slowly. Thank you!

Michael Karanicolas: (13:57) Hi all

Bernard Turcotte - ICANN: (13:57) HELLO ALL
Cheryl Langdon-Orr: (13:58) hear you
Ricardo Holmquist: (13:58) Good day everyone
Bernard Turcotte - ICANN: (13:58) Yeah
Cheryl Langdon-Orr: (13:58) did anyone hear my audio?
Herb Waye Ombuds: (13:58) Hi everyone
Cheryl Langdon-Orr: (13:59) hey Herb
Brenda Brewer: (13:59) Try again please, Cheryl
Cheryl Langdon-Orr: (13:59) just did
Brenda Brewer: (13:59) broken, but you could be heard
Cheryl Langdon-Orr: (13:59) sigh ok bandwidth demons
Brenda Brewer: (13:59) dial out is in progress for you CLO
Cheryl Langdon-Orr: (14:00) no
Cheryl Langdon-Orr: (14:00) still no line into house not going to the office at this hour
David McAuley: (14:00) I am #4154
David McAuley: (14:00) Hello all
Cheryl Langdon-Orr: (14:01) hi David
Michael Karanicolas: (14:01) Can we bring up the same doc as last time? The main doc, not the one with just the three rec's
David McAuley: (14:01) Good evening (?) CLO
Cheryl Langdon-Orr: (14:01) 0600 David
Cheryl Langdon-Orr: (14:01) morning
David McAuley: (14:01) woops, top of the mornin
Cheryl Langdon-Orr: (14:02) though still dark as we have just started DST
Cheryl Langdon-Orr: (14:02) ð
David McAuley: (14:02) we here (DC area) plunging into Fall but hot as heck here
Cheryl Langdon-Orr: (14:02) keep hydrated
David McAuley: (14:03) good idea
Bernard Turcotte - ICANN: (14:03) been a VERY warm fall here in Quebec
David McAuley: (14:03) Hockey started in these roasting hot days
Herb Waye Ombuds: (14:03) Bernie you should have at least a few feet of snow by now
Cheryl Langdon-Orr: (14:03) not going to say anything about global
Cheryl Langdon-Orr: (14:03) warming
David McAuley: (14:04) I won't say anything either being here in DC area
Cheryl Langdon-Orr: (14:04) what page are we starting on?
Cheryl Langdon-Orr: (14:05) yes
Michael Karanicolas: (14:11) Where material subject to a DIDP request could potentially be withheld under attorney-client privilege, ICANN should review the material to determine whether any parts of the information are appropriate for release, including the scope of a potential waiver of the attorney-client privilege.
Robin Gross: (14:14) Of course we must have guidelines or we aren't really doing anything here.
Samantha Eisner: (14:15) Here is the current language that is in the existing DIDP: Information subject to the attorney-client, attorney work product privilege, or any other applicable privilege, or disclosure of which might prejudice any internal, governmental, or legal investigation.
David McAuley: (14:18) ok, just a suggestion
Robin Gross: (14:19) I haven't heard any argument against recommendations for good practice.
Robin Gross: (14:19) No good argument, that is.

Robin Gross: (14:21) Guidelines are not hard lines. ICANN retains enormous wiggle room.

Robin Gross: (14:24) Guidelines allow the community to play a role while ICANN still has discretion. Without guidelines, the community doesn't have any say on transparency at ICANN.

Robin Gross: (14:26) We have to balance legitimate attorney-client privilege and the public's right to know how it is being governed.

Robin Gross: (14:28) When NCSG filed a DIDP requesting materials that went into the staff's decision to create TM+50, we got a attorney-client privilege response for not telling us on what basis ICANN is creating policies)

David McAuley: (14:29) With respect to a problem statement, I don't recall in WS1 developing a problem around atty-client priv. I think this is a general new look at transparency, but perhaps memory fails me.

Robin Gross: (14:29) Our job is to improve transparency at ICANN. One of the ways transparency is avoided is via atty-client privilege.

Cheryl Langdon-Orr: (14:30) the ATRT3 option for the detailed work does appeal to me

Bernard Turcotte - ICANN: (14:33) Time check 27 minutes left in call

David McAuley: (14:34) Anything John and Michael agreed would surely be ok with me - maybe one more call is a good idea, thanks Sam

Cheryl Langdon-Orr: (14:35) good plan for this week

Bernard Turcotte - ICANN: (14:35) October 11 - tomorrow

Bernard Turcotte - ICANN: (14:35) 2359 UTC

Bernard Turcotte - ICANN: (14:35) CORRECT

Samantha Eisner: (14:36) I think that there are many parts of the report that are ready to go, setting this issue on privilege aside

David McAuley: (14:36) I agree with Micheal on this, about 2d public comment period that is

David McAuley: (14:37) Michael, that is

Samantha Eisner: (14:39) I'd recommend proceeding with the report and bracketing this one recommendation for further updating

Samantha Eisner: (14:39) so as not to hold back the entirety of the report for this one issue

Bernard Turcotte - ICANN: (14:39) because of the timeline we cannot really do that Sam

Bernard Turcotte - ICANN: (14:40) Final text - if going for public consultation - has to have final text for plenary to approve for it to go to public consultation

Ricardo Holmquist: (14:41) this is the same document of the last meeting?

Ricardo Holmquist: (14:41) ty Michael

Bernard Turcotte - ICANN: (14:45) Time check 15 minutes left on call - and yes speak a little more slowly please

Bernard Turcotte - ICANN: (14:46) yes

David McAuley: (14:46) it is

Cheryl Langdon-Orr: (14:49) good progress

Cheryl Langdon-Orr: (14:50) bye δ thanks everyone

Herb Waye Ombuds: (14:50) all the best everyone

David McAuley: (14:50) sounds slike a plan

avri doria: (14:50) bye

Ricardo Holmquist: (14:50) Ty Michael! good day to all

David McAuley: (14:50) good bye

Bernard Turcotte - ICANN: (14:50) all good - bye all