2019-10-17 EPDP- Phase 2 call #25

The next meeting of the GNSO Temp Spec gTLD RD EPDP – Phase 2 is scheduled on **Thursday, 17 October 2019 at 14:00 UTC for 2 hours.**

For other times: https://tinyurl.com/y3gx4fla

ⓘ PROPOSED AGENDA

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1. Roll Call & SOI Updates (5 minutes)
2. Confirmation of agenda (Chair)
3. Welcome and housekeeping issues (Chair) (5 minutes)

a) Update from legal committee

b) Status of building blocks

4. Accreditation[docs.google.com] (building block f and j) – second reading continued (30 minutes)

a) Overview of implementation guidance section

b) Feedback from EPDP Team

c) Confirm next steps

5. Financial Sustainability [docs.google.com] (building block n) – second reading

a) Overview of updates made following first reading

b) Feedback from EPDP Team

c)Confirm next steps

6. Terms of use / disclosure agreements / privacy policies[docs.google.com](building block m) – first reading

a) Review building block

b) Feedback from EPDP Team

c) Confirm next steps

7. Wrap and confirm next EPDP Team meeting (5 minutes):

a) Tuesday 22 October 2019 at 14.00 UTC

b) Confirm action items

c) Confirm questions for ICANN Org, if any

BACKGROUND DOCUMENTS

Meeting Audio Cast (for observers)

To join the event, click on the link:

Listen in browser: http://stream.icann.org:8000/stream01

Listen in application such as iTunes: http://stream.icann.org:8000/stream01.m3u

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⊘ **PARTICIPATION**

Attendance

Apologies: Marika Konings (staff)

Alternates: Jen Gore (IPC)

⚠ **Notes/ Action Items**

Action Items

1. Support Staff to update the text of the Accreditation Building Block and Financial Sustainability Blockbased on today's discussion.
2. EPDP Team to provide additional edits in the Accreditation Building Block re: implementation guidance and definitions by COB tomorrow, **Friday, 18 October**.
3. EPDP Team to provide additional edits from today's conversation to the Financial Sustainability Block by **Friday, 18 October**.
4. EPDP Volunteers needed to propose initial text for Building Block M – Terms of Use/Disclosure Agreements/Privacy Policies by **Monday, 21 October**.

1. Roll Call & SOI Updates (5 minutes)

1. Confirmation of agenda (Chair)

1. Welcome and housekeeping issues (Chair) (5 minutes)
2. a) Update from legal committee
3. b) Status of building blocks
4. Accreditation (building block f and j) – second reading continued (30 minutes)
5. a) Overview of implementation guidance section
6. b) Feedback from EPDP Team

Principle b

- Requirements should be spelled out as part of the policy discussion
- There will be different types of entities and may have different documentation to provide
- These requirements should be as uniform as possible
- C may need to come before B
- There needs to be an underlying baseline of requirements that are uniform.
- Accreditation is all about identification; thought the group agreed that accreditation is at a minimum about identity, but it could also establish other things as well – such as law enforcement, cyber security, etc.
- It would be helpful to draw a line b/w the accreditation process and what needs to be included in the disclosure request – parties seeking accreditation should probably not have to include every scenario where a law enforcement would have to interface with the SSAD – hoping the Team can be more specific with baseline requirements for accreditation
- Law enforcement will likely have a different accreditation system than other entities, so that conversation should be separate
- What does accreditation mean? The group discussed the potential for allowing for the automatic disclosure where allowed under the law suggest "and automation of responses where possible under applicable law"
- Accreditation does not equate to automated response by default – each query will be decided upon on its own merits
- Certain types of people (user groups) may allow for streamlining – some categories may involve more scrutiny – to that extent, accreditation is more than authentication of identity
- By adding too much into one subject, the discussion is encumbered. The discussion of accreditation and authentication should be decoupled.
- The small team for accreditation agreed that accreditation is not authorization. It might be desirable and helpful to have attributes associated with accreditation. The only attribute that will consistently make a difference is whether it is law enforcement or not. With respect to cyber security researchers, any IT person could legitimately claim to be doing cyber security research. There shouldn't be entry barriers that say you are or are not cyber security researchers.
- The building block includes a list of definitions, which the Team has not yet discussed.
- If accreditation only proves identity, the Team is limiting what it can discuss with regard to the release of data.
- Support Staff to try to analyze what was said during the conversation with respect to Subpoint B and Subpoint C for online consideration

Principle d

- What is the expectation for what de-accreditation means?
- Accreditation would be that the accreditation is who they say they are; as a result, there is access to the system without further verification of identity. If an entity is de-accredited, it would need to be re-accredited.
- This would mean that the authority could revoke access to the system, not "de-accredit".

Principle g

- What is the accreditation policy and requirements – where is this?
- The accreditation policy and associated requirements have not been drafted/implemented yet

Principle i

- Issue with replaced "must be paid for service" with "cost-recovery system" – this could suggest that the costs need to be covered by another form. The whole system is for the benefit of third-party users who would request disclosure of registration data – concerned with costs being shifted to registrants
- Two types of costs involved – development and deployment of the system and then the cost of day-to-day running of the system
- The costs need to be considered in a cost-recovery system. The purpose of accreditation is to lower these costs. Whatever cost-recovery system takes place – these costs need to be recovered from the users of the system, not from registrants or contracted parties.
- Have issues with the terms "significantly reduce". This is a separate system. The Team really needs to consider a cost-benefit analysis of figuring out someone's ID – how much will this actually cost? Is it achievable?
- Perhaps the second sentence could be moved to Block N.
- There are two sets of development costs – accreditation system and SSAD. This paragraph should be limited to the development of the accreditation system. Re: development of SSAD – that should be moved to Building Block N.
- Agree with moving the second sentence to Building Block N. If the benefit exceeds the cost, there needs to be an escape valve in the policy. As a policy principle, it should be the benefits of the SSAD system must outweigh the costs.
- If there are too many requirements, the system will be too expensive. Avoid saying the costs outweigh the benefits. This language needs more work to make it clear what the team is after.
- Maintain first sentence and delete second sentence
- This conversation can be moved to the financial building block.
- Registrants do get something from the SSAD – a reliable and secure DNS. The SSAD is not a clean slate – the current system is the registrars having to do the work themselves, and someone is paying for this.
- There is a clean and reliable DNS system today – to say "cleaner" and "more reliable" would be preferable. Costs may be occurring in other areas that are offset for a system that doesn't currently exist is problematic and disproportionate.

Principle k

- The use of the word "tagging" is confusing
- Marc to submit proposed updated online
- What is the meaning b/w the first and second sentence?
- The SSAD takes requests from accredited and unaccredited users, so unaccredited users will be treated a different way. RDAP is a query response protocol, where you query the system and get a response back. There will now be instances where some queries will be responded to right away and others will be queued (for balancing tests have to be conducted) and the response will be returned later – RDAP was not designed to be used in this way.
- The second sentence in k does not make sense.

Implementation Guidance Feedback

- Drafting note c – legitimate and lawful purpose described above (stated)
- Some implementation belongs in the policy – a and b could be left in implementation guidance. C and D could be left in the policy language as opposed to implementation guidance.
- De-accreditation – this will depend on what the specifics of accreditation are and what it would mean for someone to be de-accredited
- At the F2F, the Team talked about de-accreditation for the users of the system and the accrediting entities. E and G are potentially in conflict with each other.
- What does access to the system mean? Even bad actors should have access to the public data.
- This hinges on unaccredited users having access to the system – is the SSAD being used by everyone, or just accredited users?
- Can the Team agree that the SSAD could be used by both accredited and non-accredited users? The difference is that accredited entities will query the system w/o verification of the entity.
- SSAD should be usable by everyone and not exclude anyone
- How one does identity verification is a decision ICANN should be making in the public interest.
- Concern that individuals should not be prevented from getting access to data they may need to protect their domain name

1. c) Confirm next steps

- Support Staff to update the text of the Accreditation Building Block based on today's discussion. EPDP Team to provide additional edits in the Google Doc for implementation guidance and definitions by COB tomorrow, Friday, 18 October.

1. Financial Sustainability (building block n) – second reading
2. a) Overview of updates made following first reading
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- Third paragraph: cost-recovery basis is used in multiple places. The Team needs to define this term. Cost-recovery is a term of art in accounting, and that definition is probably not what the Team meant here.
- Cost recovery may mean different things to different people. Also, what does "historic costs" mean in this context? The users of the system should be sustaining the capability of the system on an ongoing basis.
- Second paragraph – object to contracted parties bearing the costs.
- Different parties will bear different costs – this language does not explain that division of responsibilities. For example, accredited entities will bear the costs of getting accredited. The parties who are receiving the queries that contracted parties would be responsible for setting up their systems to receive queries and respond to them.
- Registrants being beneficiaries of the system may be a tenuous argument
- Fourth paragraph – in favor or usage-based fees that sustain the operation of this system.
- A system cannot be costed out unless we know what the system is designed to do.

1. c) Confirm next steps

1. Terms of use / disclosure agreements / privacy policies (building block m) – first reading
2. a) Review building block
3. b) Feedback from EPDP Team
4. c) Confirm next steps

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