

2018-11-01 EPDP Team call #22

The meeting of the GNSO Temp Spec gTLD RD EPDP is scheduled on Thursday, 01 November 2018 at 13:00 UTC for 2 hours. Please note, will plan for 90 minute discussion with 30 minutes to run over if needed.

06:00 PDT, 09:00 EDT, 14:00 Paris CET, 18:00 Karachi PKT, 22:00 Tokyo JST, (Friday) 00:00 Melbourne AEDT

For other times: <https://tinyurl.com/ycmquf4e>



PROPOSED AGENDA

1 Roll Call & SOI Updates (5 minutes)

2. Welcome and Updates from EPDP Team Chair (5 minutes)

- a. Reminder to complete F2F Doodle Poll
- b. Review of outstanding action items
- c. Other updates, if applicable

3. Purpose E Data Elements Workbooks (Escrow)

Objective of discussion:

- 1. Confirm Collection Processing Activity
- 2. Confirm data elements

- a. Review Purpose E Data Elements Workbook (see https://community.icann.org/display/EOTSFGRD/e.+Data+Elements+Workbooks?preview=/96207076/96213062/Purpose%20E%20-%20Ry%20-%20Data_Elements_Processing_Workbook%20-%2023%20October%202018.docx and https://community.icann.org/display/EOTSFGRD/e.+Data+Elements+Workbooks?preview=/96207076/96212013/Purpose%20E%20-%20Rr%20-%20Data_Elements_Processing_Workbook%20-%2022%20October%202018_clean.docx)
- b. Confirm content of purpose E Data Elements Workbook
- c. Confirm next steps, if any

4. Draft Initial Report

- a. Overview of Initial Report template
- b. Open issues and explanation of highlighted items
- c. Approach for EPDP Team edits to Initial Report

5. Wrap and confirm next meeting to be scheduled for Tuesday, 6 November at 1400 UTC.

- a. Confirm action items
- b. Confirm questions for ICANN Org, if any

BACKGROUND DOCUMENTS

[EPDP Team Draft Initial Report - 1 Nov 2018.pdf](#)

AUDIO CAST INFORMATION AND VIEW ONLY ADOBE CONNECT FOR ALTERNATES AND 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>

View-Only Adobe Connect room for alternates and observers: <https://participate.icann.org/gns-epdp-observers>



RECORDINGS

[Mp3](#)

[Adobe Connect Recording](#)

GNSO transcripts are located on the [GNSO Calendar](#)



PARTICIPATION

Attendance & AC Chat

Apologies: Ashley Heineman (GAC), Georgios Tselentis (GAC), Chris Disspain (ICANN Board), Leon Sanchez (ICANN Board)

Alternates: Laureen Kapin (GAC), Chris Lewis Evans (GAC)



Notes/ Action Items

EPDP Team Meeting #22

Thursday, 1 November 2018

High-level Notes/Action Items

Action Item #1: Further to today's discussion, ICANN Support Staff will update the Purpose A workbook to include a reference regarding transparency of collection to the Registrant/Data Subject for purpose of escrow. ICANN Support Staff will also make notation/reference under E-PA1, which is collection of registration data for the purpose of escrow.

Action Item #2: Berry to summarize his issue summary of today's Purpose E analysis via email to the list.

Action Item #3: ICANN Support Staff to draft a recommendation for Purpose E for the EPDP Team's review regarding noting the jurisdictional impact to gaining registrar/EBERO designation.

Action Item #4: EPDP Leadership Team to publish a methodology for the EPDP Team to review and comment on the Initial Report in a consistent manner.

These high-level notes are designed to help the EPDP Team navigate through the content of the call and are not meant as a substitute for the transcript and/or recording. The MP3, transcript, and chat are provided separately and are posted on the wiki at: <https://community.icann.org/x/2lpHBQ>.

1. Roll Call & SOI Updates (5 minutes)

- Attendance will be taken from Adobe Connect
- Please remember to mute your microphones when not speaking, and state your name before speaking for transcription purposes.
- Please remember to review your SOIs on a regular basis and update as needed. Updates are required to be shared with the EPDP Team.

2. Welcome and Updates from EPDP Team Chair (5 minutes)

- a) Reminder to complete F2F Doodle Poll
- b) Review of outstanding action items
- c) Other updates, if applicable

- Please flag any items that need further consideration by the EPDP Team by Friday, 2 November.
- Please be judicious with any edits to the Initial report, as some of the language is a result of previous debate and compromise from the EPDP Team.
- Should the Team consider supplemental comment periods? In following the GNSO Guidelines for EPDPs, there is no requirement for a supplemental public comment period. The draft timeline covers required steps; however, the Team may consider if additional public comment periods are necessary or desired after reviewing the public comments.
- Re: optional provision of recommendations to GAC, this should be required, and the EPDP Team should ask for GAC comments before Board consideration. Response: optional only references public forum discussion as optional. The report will be provided to the GAC for review.

3. Purpose E Data Elements Workbooks (Escrow)

Objective of discussion:

1. Confirm Collection Processing Activity
2. Confirm data elements

3. Review Purpose E Data Elements Workbook (see https://community.icann.org/display/EOTSFGDRD/e.+Data+Elements+Workbooks?preview=/96207076/96213062/Purpose%20E%20-%20Ry%20-%20Data_Elements_Processing_Workbook%20-%2023%20October%202018.docx and https://community.icann.org/display/EOTSFGDRD/e.+Data+Elements+Workbooks?preview=/96207076/96212013/Purpose%20E%20-%20Rr%20-%20Data_Elements_Processing_Workbook%20-%2022%20October%202018_clean.docx).

- a) Confirm content of purpose E Data Elements Workbook
- b) Confirm next steps, if any

EPDP Team Discussion:

- Background: During the LA F2F, the small team only focused on registrar escrow.
- In Barcelona, Marc A. provided feedback for registry escrow, and Berry incorporated the edits into the new Purpose E template.
- Ultimate objective: Rys/Rrs processing of registration data for escrow is compliant with GDPR.
- Appendix B in the Temp Spec deals specifically with escrow.
- There does not seem to be any disagreement in the Team that escrow is not a legitimate purpose; however, the escrow agreements should be refreshed to take into account GDPR.
- The data elements workbook includes a recommendation for ICANN, escrow agents and contracted parties to enter into data processing agreements.
- The Registry Purpose E was modeled after the registrar purpose E. There is a departure from the other workbooks in page 2 for the lawfulness of processing.
- For processing activity 1, registry data escrow is a downstream processing activity, and no data elements are collected for the purpose of escrow, so the processing activity of collection is likely taking place under a different purpose, e.g., purpose A or C.
- Question for the Team: for EBERO, are there data elements needed that are not currently identified within Purpose E?
- For collection under escrow, there should be an acknowledgement of collection for this purpose, so the purpose does not need to change later.
- Note: Staff can make a reference back to Purpose A (reflecting registrant rights) regarding transparency to the Registrant/Data Subject. And we can make notation/reference here under E-PA1.
- Action: Berry to summarize Purpose E analysis via email to the list.
- A jurisdiction for a registrar in the event of a failing registrar could present issues, i.e., if terminating registrar is in Europe, and the gaining registrar is in North America, this may cause an issue.
- Action: support staff to draft recommendation for EPDP Team's review re: jurisdictional impact for registrar/ebero transition.
- EPDP Team to review the graphics in the workbooks to confirm this is an accurate representation.
- The lawful basis for escrow should be 6(1)(b) - could this be added to the workbook?
- A note will be added to the Initial Report that some members of the EPDP Team believe processing under Purpose E is lawful under 6(1)(b).
- Contracted parties are comfortable processing data for the purposes of escrow under 6(1)(f).
- If the team is focusing on baseline activities, 6(1)(f) probably makes the most sense.
- Does this workbook refer to collection by registrar or receiving the data by the registry? Answer: this processing refers to collection from the registrar. The intent is that the collection occurs at the registrar from the registrant, and subsequently is transferred from the registrar to the registry.

4. Draft Initial Report

- a) Overview of Initial Report template
- b) Open issues and explanation of highlighted items
- c) Approach for EPDP Team edits to Initial Report

- The draft initial report can be downloaded here: <https://community.icann.org/display/EOTSFGRD/2018-11-01+EPDP+Team+call+%2322>.
- Chapter 3 of the Initial Report was circulated to the group following the LA meeting; however, this has been updated since the Team last saw it to reflect discussion through ICANN63.
- Chapter 2 contains requirements to educate the reader on how the Team deliberated on the contents of Chapter 3, i.e., overview of the team's methodology - discussion summary indexes, data elements workbooks, F2F meetings, small teams, etc.
- Chapter 3 aims to capture all of the deliberation on the charter questions up through ICANN63.
- There is highlighting and color-coding to emphasize outstanding issues.
 - Items highlighted in yellow are flags for staff to populate supporting documentation (such as completed data elements workbooks, once reviewed by the EPDP Team).
 - Items highlighted in blue reflect documents still under discussion, e.g., Small Team 1 and 2 language that is not yet finalized. Blue highlights also denote areas where ICANN Support Staff has suggested language for the Team to review. Staff-suggested language appears in brackets.
 - Items highlighted in red have not been discussed in detail, and it would be helpful if EPDP Team members volunteer to provide draft responses to red items.
- Annex B includes the EPDP Membership and attendance records.
- Annex C captures the community input the Team received as a result of early input.
- For each section, there will be questions the team will ask the community for input on in an effort to get targeted feedback.
- While it is not complete, it will be helpful for the Team to review and focus on the highlighted items as it reviews the draft initial report.
- From a staff support perspective, the initial homework would be for the Team to mark items in blue, i.e., what items that are not currently flagged should be flagged for further review/discussion?
- Any clarifications or minor copy edits can be sent to support staff off-list; however, there please be mindful of the delicate balance b/w clarifying language and changing the substance of the recommendation.
- Leadership Team will brainstorm how to best organize and allow for EPDP Team feedback to the initial report.

5. Wrap and confirm next meeting to be scheduled for Tuesday, 6 November at 1400 UTC.

a) Confirm action items

b) Confirm questions for ICANN Org, if any