

**ICANN
Transcription ICANN Barcelona
GNSO – EPDP Team Face to Face Meeting Session 2 of 4
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Kurt Pritz: Hi everyone. For today's session we're going to try to take up two topics. One is to review Purpose C, which has to do with notification to the registered name holder or agents of technical or administrative issues. And we're - we also want to discuss participation in the high interest session tomorrow. So to those of you who volunteered to participate, stay for the second session.

What? Okay. Does everybody have in front of them the workbook for Purpose C? Hey, Terri, back there do you have any announcements with regards to alternates or who's attending this meeting?

Thomas Rickert: Kurt, it's Tom. I'm not sure whether you can hear me but I'm on the phone line. I'm not in the Adobe but on the phone bridge.

Kurt Pritz: Terrific, Thomas. Thank you so much. Yes, Amr?

Amr Elsadr: This Amr. I don't know if we're being - if the recording's started yet but we weren't aware that we were going to be discussing Purpose C so a bunch of our members actually aren't here. I don't know, we don't want to delay the discussion but we'll try to get them to come as quickly as possible.

Kurt Pritz: Okay and it's certainly acceptable to take a position...

Amr Elsadr: (Unintelligible)

Kurt Pritz: ...and then take it back to the rest of your group, in any event.

Amr Elsadr: Sure. Well we thought we were just going to prep for the HIT session, so.

Kurt Pritz: Yes.

Marika Konings: This is Marika. The only alternate form that we've received is Laureen stepping in for Ashley.

Kurt Pritz: Steve, are you - (Steve), this is Kurt. How are you doing? Are you subbing in for someone?

(Steve): Kurt, when Marc arrives, I will decamp the table.

Kurt Pritz: Okay. Terrific. Thanks for putting that on the record.

Okay with yesterday's session we spent quite a bit of time wordsmithing the various purposes. I hope I'm not jinxing myself today by saying in Purpose C our issue and our focus is going to be a little bit different that having generating the definition and explanation of this purpose and receiving no comments on it in the ensuing weeks, we think that's settled there, but we'll touch on that, but rather get into the more pertinent issue of a discussion around the furnishing of technical and administrative contacts and how that's optional and what optional means.

So I think I'll just turn it over to Gina to - we'll take the workbook, we're going to go through it in order, touch on the ICANN purpose. I think that's been

acceptable around the room, and then get into the issue of the discussion. I think Berry wants to say something first.

Berry Cobb: Hi all. Berry Cobb for the transcript. And just like yesterday, you have hard copies that are printed in clean form in front of you and there's the redline that's available again on the wiki. I think in general there's kind of two primary inputs to this particular workbook. The first was the small team when we had our face-to-face in L.A. so there's just kind of like initial comments and notes. And then secondarily, I believe Alan Greenberg around the 14th of October -- I have it in the comments, I can't remember the date -- but he also provided input, and that's also included in here. Thank you.

Gina Bartlett: So I think - hello, everyone. My name is Gina Bartlett from The Consensus Building Institute and I'm serving as the facilitator and mediator. So I think we're going to spend about the first hour on this and then shift to prepare for the high interest topic presentation.

So as Berry outlined, we want to spend time on the rationale and then also the processing, lawfulness of processing each element and processing activities. That's our primary focus. Is there any final comments on the purpose language? We're hoping we can just move right into the rationale since we haven't heard from anyone but we want to just close the loop on that.

Kavouss?

Kavouss Arasteh: Yes. Good afternoon all. Good evening to everybody. May the author of this purpose kindly clarify the difference between communication and notification? And second, why we have or between the two? If it is or, what is the difference between the communication, it's very general standard English language, and notification, which is inform, and so on, so forth? Communication usually is corresponding to or with or so on, so forth, but

notification is informing or similar to that. So why we have both and why there is or between them.

Is it not and/or? But this is just acceptable once you kindly clarify why we need communication and notification, why one of them is not sufficient. And if it is not, what is the difference between the two? Thank you.

Gina Bartlett: Thank you.

Berry Cobb: So, Berry Cobb for the record. I can't answer precisely. There was really no direct author for this particular purpose statement. If you'll recall back in L.A. - or Kavouss, you were on remote -- but this is a consolidation of four provisions within the temporary specification 4.4.3, .5, .6, .7, which all had different wording of communication or notification to different parties. This purpose statement was consolidated or created within the face-to-face kind of on the fly, so I don't think there's a direct author to this one, but that's kind of where - what we have now is the nexus where that came from.

Dan Halloran: Dan Halloran from ICANN Org. Thanks for that. I think, going back a step, it comes out of the temp spec language probably, which has this I don't want to say strange because I'm not going to disparage the temp spec in any way but it has the or there. I think it was, and again I'm not taking credit or blame for this language either, but it looks like it's talking about a mechanism for communication with the admin or tech contact or notification to the tech admin contact of issues or something. So it's kind of mashed together. It is a little strange the way it comes out now.

Kurt Pritz: So could we just reword it and say communication with or notification to? Or and notification to is actually there.

Gina Bartlett: So make it an and?

Kurt Pritz: Yes. Communication with or notification - and notification to.

Gina Bartlett: Alan G and then back to Kavouss.

Alan Greenberg: Thank you. I have a vague recollection, but I admit is a vague recollection, that we talked about this a little bit in the group and, you know, if a registrar chose to have a, you know, a webpage to allow you to send a message that maybe that's where the notification came out of. But honestly I think we had that discussion, I'm not sure. But the words came out of the temporary spec originally. I think that gave us a level of comfort that we could live with them though.

Gina Bartlett: Okay. I'm going to - I have Kavouss, then I'll go to Georgios. There's a proposal to make it enable communication with or - I'm sorry, enable communication with and notification to. That's the recommendation. Back to you, Kavouss, and then Georgios.

Kavouss Arasteh: Yes. I think there is a difference in the meaning of communication or communicate, the word communicate. If you go to any source, any dictionary, any Google and you can find they are different, and notification. They are two different things. They are not the same, but if you say communication with or communicate with and/or notify to, maybe to avoid any further discussion and take into account the essence of time or time essence, I have no difficulty.

But we should be quite clear they are not the same. Notification is just sending something or informing, but communication is the source of the correspondence and so on, so forth. It is to the same. I am not still convinced that we need both of them but should you need both of them, (unintelligible) communication with and/or notification to. Thank you.

Gina Bartlett: Great. So that's what we'll go with. Georgios, anything that you wanted to add?

Georgios Tselentis: No, just to say this is for 4.4.5 exactly copied from the words there. I think what Kavouss is suggesting is better.

Gina Bartlett: Okay. Thank you, Georgios. So we'll go with that. Okay I'm going to move on to the rationale. Great. So for the rationale there's a couple things we want to talk through. So on rationale one, is the purpose based on an ICANN -- I can't talk today -- ICANN contract? I think one thing to note is that on item one, registrants must have the option to provide the data. There's been some question around what optional means. And optional is defined as the field is available but it's up to the registrant to be able to - to submit the data. I got that right, right?

So any comments or discussion on Purpose 1? And then we're curious to talk more about two and three as well. Emily?

Emily Taylor: Thank you very much. It's Emily Taylor. I just wanted to elaborate a little on the optional fields because we talked a little bit about it yesterday and I think - I mean having discussed with colleagues here, one of the - I think one of the things that we perhaps haven't all put across to the group sufficiently clearly is that while it might be optional for a registrant whether or not they fill it in, it would not be optional for the contracted parties to provide that field and therefore collect that data.

And so our proposal would be to try to really think about those optional fields and what they're worth. You know, are - if there - obviously, and we heard yesterday from (Marc), if there are fields there that people rely on that are useful, absolutely. If nobody can think of a useful purpose for, for example, administrative contact or billing contact, we would suggest that we actually eliminate those fields altogether but obviously continue with any fields that the group as a whole feels are worthwhile.

Alan Greenberg: It's Alan Greenberg speaking. There are many instances both at the very low end user where people have, you know, contract with a web service or

something like that to do the technical work for them and yet we don't want the web service to be the owner, the registrant of the domain, that there's a need for technical at the very least.

Similarly in large corporations a technical contact may be something that's available 7/24 whereas the registrant of record may be the legal office and administrative may be the billing office. So they're rather different. Moreover I would question even if we could come up with a rationale why we don't need administrative contact for instance, I'm not sure we have a transition path to just erase it from all the domains that already have it.

So, you know, the combination of those two makes me inclined to say I can certainly justify technical. I'm not sure I personally can justify administrative as well, but I'm not sure I see a clear path to eliminating it anyway.

Gina Bartlett: I have Milton, Kavouss, James, (Matt).

Milton Mueller: So this is confusing me, this issue. So my understanding was the way we handled this problem was to make it optional, that we understood that some registrants might want to have a administrative and/or technical contact and they could fill it out if they wanted. What bothered me however was this business about when they don't provide anything then does that mean that their private data will be listed as their contact data in the public Whois? We don't want that to happen obviously.

So I'm not sure what the proper way to resolve this problem is but clearly for me the best result would be that if registrants, particularly non - particularly legal persons, want to provide an administrative and/or technical contact, they could. And if they don't want to then nothing appears. That's what we would like to see as a result.

Gina Bartlett: Mark - I mean, Alan, did you respond briefly?

Alan Greenberg: Yes, because as far as I know listing in the public Whois, if there is ever a public Whois in the future, is an access issue that we're not discussing right now. So I just don't think that's the relevant thing. Now what you do if we later decide that someone has - can be allowed, someone or anyone, might be allowed contact, access to the technical contact, then we have to decide how to handle it, but that's not today's discussion, I didn't think.

Gina Bartlett: Okay. So...

Berry Cobb: Berry Cobb for the record. You know, I guess at this point, very much following how we went through pretty successfully with Purpose A yesterday in terms of the discussion that we're having right now, two things. First let's only kind of focus on the collection part, whether it should be collected or not. Then we can worry about transmission or disclosure and retention.

Secondarily, now that we've kind of passed through the actual purpose statement, what I'm really looking for, hoping that we can get out of this group is to really properly or adequately answer the three rationale questions to this purpose statement. And I'll also draw your attention, I think it was sent to the list earlier, that we published the almost final or hopefully near final version of Purpose A, and you'll see how those three questions are answered.

Those are kind of general suggestions from staff obviously that's open for continued edits, but that's kind of where we want to get to in our finished product.

Gina Bartlett: So I have the thread but I think where we're looking for input, not that this isn't an important issue, but I think the idea was introduced more conceptually to be considered through all the data when you're looking at optional. So we are hoping to get some input on this first question: is the purpose - if the purpose is based on an ICANN contact, is this lawful as tested against GDPR and other laws?

So I have Kavouss, James, (Matt), and Marc A.

Kavouss Arasteh: Thank you, Gina. My comment is on the rationale. Are we there or not yet? Yes. On rationale number three, in the second line we say delegate the same person, same to what? Are we talking himself or herself? What the same is meaning, the same person, same to what? We have not expressed already who is the origin (unintelligible) referred to the same. Are we saying that herself or himself, what the same is meaning?

And the other one is the line -- one, two, three, four -- line four when we see e.g. admin (unintelligible) company.com. This converts the natural person to the legal person because when you tell company.com, you convert from the registrant, which is a natural person, to the legal person. So do really we want that because it says the contact person concerned, we are talking about person and all of a sudden we go e.g. which is not a person, which is a legal entity.

So why we say e.g. so on, so forth. So we have difficulty to that unless we have sufficient explanation whether we need this e.g. or if we need that we should put it in a way that a natural person is not replaced by the legal entity. Thank you. Because company is legal entity unless the company itself is represented by a real or natural person. Thank you.

Gina Bartlett: Thank you. James?

James Bladel: Not supposed to move the microphone. Who's doing that? So as I think we touched on a little bit yesterday and focusing on collection, there's some concern I think and angst from registrars and perhaps, to a lesser extent, registries about collecting all of the additional contacts, primarily because in, you know, a number of cases they're not relevant, they're not, sorry, chapter and verse limited and necessary for the performance of the contract.

And as we've shown in the case of a number of large registrars, they're 90-plus percent redundant. So I think what we were proposing, and to build on Emily's earlier comment, was that billing contact probably should go away. I think everyone - that's probably a non-controversial statement. We don't use it for billing so therefore it's irrelevant.

I think the legal distinction between the registrant and the admin contact is very weak to me. They seem to be the same role. If you look at ICANN consensus policies and the RAA, they essentially have the same authorities, like with regard to transfers. They're essentially redundant. I think where we heard (Marc)'s intervention yesterday is that there is some value -- and I think Alan as well -- that when we talk about web pros that design for customers or resellers that there is a value in dedicating a technical contact versus the legal entity that's responsible for the registrant.

So I think what we were saying is essentially yes, okay, there is a case to be made that technical contact information should be collected. It is distinct from the other contacts. But I think one of the proposals that we've been kicking around over here is the idea that it should be pared down quite a bit. So maybe not necessarily phone number, fax number, street address but technical name, technical email as far as the collection because that's essentially what we would use to communicate with them, and then everything else would be registrant. And of course all of this would be considered private information.

So that's sort of - and I know that kind of takes our matrix and kind of takes a big red marker to it, but I think it gets us close to this idea that redundant, unnecessary and, in some cases, legally thin contact information probably shouldn't be collected in the first place.

Gina Bartlett: Do any of the contracted parties have anything they want to add on that, on the data collection?

Matt: Yes, this is Matt. I just want to say James said exactly what I was going to say, and I'm pretty sure my card was up before him. But, no, I think after, you know, (Marc)'s point yesterday about the Home Depot name, which was a good one, I can absolutely rationalize the use of a technical contact because even, you know, (Marc), your point about the fact that a larger organization it's a different contact, absolutely right.

But I do think to James' point of minimizing that to the email address, right, that's where the communication is going to go. But in terms of admin contact, as James said, the admin contact from the registrant we think really there's no need for the administrative contact even being optional because remember, as you said, even if it's optional for the registrant, the registrars and the registries still have to build systems to continue to support that.
Thanks.

Gina Bartlett: Okay. So I'm going to try to bring this collection piece to closure if we can because I know staff really need input on the rationale, but Marc A you were next...

Woman: Gina, I'm sorry. Can I raise a quick point of order? You'd asked for Contracted Party House input so I think Alan might want to speak to that on behalf of registries.

Gina Bartlett: I'm so sorry. Thank you.

Alan Woods: So Alan Woods for the record. Just one issue that I have with the wording here - well it's a rather interesting issue in the sense of if we are saying that a piece of data is optional to collect, how can we then go on and say that is then necessary for the performance of the contract? Because, you know, an optional piece of data, if it's optional, it's not necessary. You know, that is the way my brain works on that.

So I think we probably need to kind of figure out a way around that issue. I think it is workable but I don't think as it is written it makes sense from a it's optional, therefore it's not necessary.

Berry Cobb: Berry Cobb, real quick. Again, what is listed under question one under the purpose rationale is strictly notes. None of this is formal language or anything. So these three bulleted items I believe were taken out of question nine from the old format that Alan Greenberg had submitted, so talking points for anything else.

Gina Bartlett: So I'm going to finish out the data piece and then I'm looking for a proposal for rationale one. So if someone could be crafting a proposal for rationale one, that would be super helpful. So, Marc A, thanks for waiting.

Mark Svancarek: I'm Mark S, Mark Sv. So, yes, I actually put this up a while ago. So some of my feedback is stale. So to Emily and then subsequently others, yes, I really only care about tech contact. Admin and billing contact I really don't care about at all.

To Milton's question, I think what we were discussing was simply duplicating the registered name holder information into the tech field if it was not optionally given. To Alan's point, yes, there may be access issues whereby that data isn't even exposed, it's just a web form or something like that. And I think that's all I was going to say.

Gina Bartlett: Okay. I've got - now I'm questioning myself on my names. I have Alex D. I have Alex D, Alex G, Kavouss and Amr. Did I get everybody? Yes. So Alex Deacon.

Alex Deacon: Hi. Alex Deacon for the record. I'm thinking about use cases here because I think it's important and I - you know, we've been talking about large legal entities who want to, you know, put different contact information in the tech field and I think that is the most interesting one. But another use case that

comes to mind, which I think is an important one, is the use case of an individual domain name holder or registrant, if you will, that may decide to use a reverse proxy service like Cloudflare is one of many examples.

And so the ability for that small or individual registrant to indicate in the Whois that they're using Cloudflare for other technical services I think is important. So not only is collection important there but also the ability to update that because the services make it quite easy for folks to click a button and, boom, the service is enabled. So I think we should keep that in mind when thinking about this particular purpose.

And again, I think I agree with the sentiment in the room here that of the other contacts, the tech contact is the most important and relevant to capture moving forward.

Gina Bartlett: Thank you, Alex. Alex G?

Alan Greenberg: I assume that means Alan G. A number of points. Proxy registrations were the other ones that I was going to mention, where the registrant of record is certainly very different from the technical contact since few proxy providers want to access the technical interface.

By the way, there's a typo on this page. It should be EDPD - European Data Protection Board, not D at the end.

Again, to - if we settled technical contact, and maybe this is moot, James pointed out the other day that a significant percentage of reseller domains are - do have technical contacts separately, you know, for the reasons of because they're often web providers or other things like that.

In terms of the - if we have restricted information, I would say for technical contact you must include a field for phone number. For a large organization

that wants to receive phone calls if there's a problem, we need to be able to provide that. Thank you.

Gina Bartlett: James, do you have a comment about the phone number?

James Bladel: So just specifically I think that we were looking to pare it down as slimly as possible, so I think we were even debating whether name was necessary or just a technical contact email address. But - and I just want clarify, when we talk about significant number of reseller-driven names have different things, we talk about the level of redundancy and duplication drops from like mid 90% down to about 75%. So it's still the vast majority of domain names have, even in those scenarios, have redundant info.

Alan Greenberg: I view 25% as a large number.

Gina Bartlett: Kavouss?

Kavouss Arasteh: Yes, Gina. When I read the text there is inconsistency between rationale and the purpose. And also in the purpose you referred enable communication with and/or, as is corrected, notification to the registered name holder, singular, and then (unintelligible) and/or they've delegated. It is singular. It is not they've. It is not registered name holders. Then you cannot say they've.

And then I am questioning whether you say delegated or designated or both, delegated and/or designated. So we need to be consistent. And then go to the rationale also, in the third rationale also, the second line, you have delegate to the same person. I hope you correct the same to something else. The registrant and say or its representative. Or it's representative should not be in the round bracket because when you put round bracket it means explanation of something outside the round bracket.

So it should not - you have to remove round bracket, because either it's the same person, you (unintelligible) by same, or the representatives. So when you say representatives here in the text you talk delegated. Here we are talking three terms: delegated, designated, representative. I don't know what we are talking about. So we should have consistency in the language in the purpose and so on, so forth. So the first line says name holder or her or his representative, and then in the rationale you refer to representative.

If you retain delegated or designated in the rationale also will refer to delegated and designated. You should have consistency between the terms and so on, so forth. You should not use so many different terms. Thank you.

Kurt Pritz: Thanks, Kavouss. You know, I think your comments are spot on. I want to point out that this isn't anyone here's language. It's from the data protection board. So that when we choose to adopt part of this or all of this language in our policy, we'll make those recommendations that you suggest because I think that language is spot on. Thanks, Kavouss.

Gina Bartlett: Okay, I've got Amr and Margie and then I'm going to go to Kurt to sort of wrap up the data comments and then we're going to shift to the rationale.

Amr Elsadr: Thanks. This is Amr from the Non-Commercial Stakeholder Group. I think on the second page, the lawful basis is quite accurate. So if from - for registrars it would be 6.1b, but for ICANN the joint controller would be 6.1f. And on the first page if we're discussing an ICANN purpose, so we're discussing a legitimate purpose pursued by the controller, I think the lawful basis under the purpose rationale here should be 6.1b, not - 6.1f, sorry, not 6.1b.

Gina Bartlett: I'm sorry, I just want to make sure I'm capturing. So you're saying for the rationale on Page 1 it should be 6.1f?

Amr Elsadr: Yes.

Gina Bartlett: Okay.

Amr Elsadr: It should be 6.1f. I think this is - it's correctly listed on Page 2, so on Page 2 it says ICANN is a joint controller, registries as joint controller. Then the lawful basis here is 6.1f. So changing 6.1b on Page 1 to 6.1f would make the document more consistent. It would be correct as well.

Gina Bartlett: Thank you, Amr. Okay. Margie, thanks for - Margie?

Margie Milam: I had asked earlier for staff to circulate where the admin and tech contact was being used in policy because I think it helps the use cases, and I think you guys did share it but for some reason I can't find it. Could you re-circulate it or put it up or something because just I was thinking about it in the UDRP as part of the - when you're serving on a UDRP, you serve to the different contacts.

And if in the case of where a contact might be a hosting provider or, you know, it actually might hurt the registrant if they can't get access to the - knowing that they've been sued in a UDRP case and be subject to a possible default. So that's just one example. I'm sure there's others. If you look at the policy, you'll see where they've made a distinction between administrative contact or technical contact.

Kurt Pritz: Sorry. I think that's right. So let's summarize where I think we are and some of the tentative - did you have something to say, James? No? All right. So and where we are so far. So I've heard agreement, and I'm - but I'm going to pause after I say this to address Margie's issue to test it. So I heard tentative agreement that we would maintain the technical contact but not the billing or administrative contact and that we would still need to discuss the precise data collected for the technical contact in order to achieve the purpose for which it's collected, which is a timely notification or communication to the technical contact in the event of an important event.

I - my - and a potential carve-out for administrative contact. I understand the administrative contact is part of the transfer process and well Marika's going to maintain that but I also understand that with the advent of GDPR it's no longer used because it cannot be and so that's no longer required. So I think that requires some discussion and verification from us.

Margie Milam: I don't think that's actually true. The temp spec says that you send it to the admin contact - to the contact if you have them, you know, and so it's a question of whether registrars provide it. But so it actually still allows you send it to them.

Kurt Pritz: So - yes I agree.

James Bladel: Can I clarify? Because we're kind of - the policy designates the transfer contact, which is defined as either the registrant or the admin contact, so either of them can serve the role as transfer contact. So again, it's one of those things where there's really no distinction between the two. No distinction between the two contacts in that particular policy. So.

Gina Bartlett: Okay. So I'm having a hard time with the queue here because we have two conversations going on, right? We have a data conversation, optional, which field, and then we were trying to get to the legal rationale. So there's kind of two parallels. So I feel like we need to finish one or set one aside and go to the next. But Marika wants to provide a clarification on this and I'll consult with Kurt on which we do.

Marika Konings: Yes, thanks very much, Gina. This is Marika. So actually if you go to the Purpose F data elements worksheet that was shared prior to this meeting, we've included there the list of existing ICANN policies and procedures that include or reference the administrative and technical contact.

But at least from our understanding is, you know, based on whatever changes this group recommends, we would need to go back then and update

that there accordingly. But that list is in there and in reference there are one, two, three, four, five, six different policies and procedures that are referenced there that currently include, you know, references to admin and/or tech contacts.

Gina Bartlett: So I can see your card? I have - so I have on my queue I have Laureen and Hadia. Are you on the data collection because Kurt said let's continue with the data collection, or are you legal rationale? Okay. So if you're responding to Amr, then can we put you first in the queue? We're going to come to Amr's proposal. Perfect. Okay.

So I'm going to continue. If you want to speak to the data collection, I see Mark, Kavouss and Alan. Okay. First Laureen's been waiting for a long time and she's on this. So I'm going to go to Laureen.

Laureen Kapin: Thank you. This is Laureen Kapin for the GAC. Regarding data collection for technical contact and on the issue of what information should be collected from the technical contact in addition to name, email address, it would also be helpful to have phone number and physical address for that in this context of if a domain is compromised, the registrant information may not be feasible to use to contact someone associated with that domain.

Therefore you want some additional pathways to make that contact. So we would want that information collected vis-à-vis the technical contact to be complete to allow other mediums of communication in the event of a compromised domain where someone needs to be reached quickly.

And just regarding Kavouss, you had raised an issue regarding converting an email from a natural to a legal person, I think the issue there actually is converting an email address from something that contains personally identifiable information to something that doesn't contain personally identifiable information. But even admin@abccompany.com could be a

natural person, it's just the email address doesn't contain personally identifiable information.

Gina Bartlett: Thanks, Laureen. So I think the fields I'm hearing proposed, I'm not saying they're agreed to, for tech would be email, phone and mailing address with Laureen's comment.

I have Marc, Alan and Kavouss.

Marc Anderson: Thanks, Gina. Marc Anderson for the transcript. I just wanted to build on what Marika said as far as, you know, updates to other policies that - as necessary. You know, part four of the - of our charter actually pertains directly to that. It talks about URS, UDRP, transfer policy, you know, getting to Margie's point. You know, I think if in the recommendations, the policy recommendations we make we break something else, right?

It's part of - our charter, you know, sort of gives us the obligation to go through and look at those and see where they need to be fixed. And I think that also touches on, you know, sort of one of the concerns Alan keeps bringing up is that, you know, there, you know, I think, Alan, if I can hopefully state this right, you know, I think Alan's concerned with a scenario where there may be somebody that's, you know, that is authorized to contact the technical person but that technical person is blank.

And, you know, right now I think that's a theoretical scenario but, you know, I think it's incumbent on us to, you know, recognize, you know, Alan's concern there and make sure we have policy that addresses that. You know, Alan suggested duplicating the registrant into the technical to avoid that. You know, I, you know, I understand Alan's concerns. I think there's a better - you know, there's better ways that we can address that but I think, you know, Alan makes a good point. I'm just not in agreement with this proposed solution for it.

Gina Bartlett: Do you have an alternative solution?

Marc Anderson: I think we just need to make sure that the policy, you know, the policy doesn't limit, you know, I think, you know, James - you know, James read the language on the transfer contact where it suggests admin or registrant, right? And I think if we take a similar approach, I think we can address Alan's concerns where we're not, you know, we're not necessarily - you know, we're not setting somebody up to have access to blank data, right? And I think that's essentially Alan's concern. He doesn't want somebody to have access to blank data.

Gina Bartlett: Great. Thanks, Marc. Alan, you're actually next, so straight to you.

Alan Greenberg: My non 6.1b versus 6.1f comment is just - and it's not - it's similar to what Marc just said, we're doing a PDP. If we do something which makes - which invalidates some clause in the transfer policy or the UDRP, we have to change that clause. You know, it's not as if it's inviolate. Our consensus policy can alter those if that's part of what we have to do. So what it says today is what it says today.

I also have a comment on Amr's 6.1f versus b but I'll wait for that one.

Gina Bartlett: Thanks. I'll start a separate thread and go to you, Hadia and then you, for the 6.1f for rationale number one. Kavouss and then I have Thomas on the phone.

Kavouss Arasteh: Yes, Gina. I'm sorry that I have to say that there is a lot of difficulty in the purpose in the language. We understand that now we have almost agreed to say enable communication with and/or notification to the registered name holder. Why we said and/or designated or representative? Do we send communications to both? No. We don't need and/or.

We should only or. Either we send it to the registered name holder or if that registered name holder, designated or delegated or something representative, we send it to that one. We don't send them to both. Why we said and? We don't need and. We have to delete and. Either this or that one. And then why do we say agent? Do we have several agents, several representatives? So we need to look at that one quite clearly and precisely to have the correct language to advance the situations. And then once we did that, the rationale should be consistent with that language.

However, in the rationale, once again in the third rationale on the fourth line, I said yes we delete round bracket e.g. admin (unintelligible) company.com. We delete that. We don't need to say e.g. this one because if you retain that, you switch over from the natural person to the legal entities. We should not have that switchover. So we should be consistent. Thank you.

Gina Bartlett: Okay. I made a mistake. Thank you, Kavouss. It was actually Marika, not Thomas. Go ahead, Marika.

Marika Konings: Thanks, Gina. Just responding to Marc and I think Alan as well, there may be a easy way to address that by adding a general kind of recommendation that says, you know, any changes or any policy recommendations that impact other existing policy - existing consensus policies or procedures need to be updated accordingly as part of the implementation.

So in most case - and then you can either add as well a clause saying should there be any policy implications of such changes, that would need to come back to the GNSO Council for consideration, but if it's just a question that it kind of overrides, you know, if you decide to remove admin contact as a function, that it is just deleted from those policies.

So you can flag it already in your policy recommendations and then kind of deal with it at implementation but have a kind of safety valve there should

there be broader implications of such changes that is brought back to the council to deal with.

Gina Bartlett: Okay. Okay so, sorry we just - I needed to huddle here for a second to understand what we're doing. So the technical fields I guess the proposal is for the technical fields is that there's a email, there's a phone and a mailing address. So I'm going to go back to the contracted parties for the - and this is for this purpose, for Purpose C, can you live with the tech fields being email, phone and mailing address?

James Bladel: The less the better I think is where we're going but the first point is that this is all kind of assumed to be private information and enjoying the same protections I guess, it's not publicly available and everything. So in that case I would probably be more comfortable saying yes. But I'm looking down this table at bigger brains than mine, bigger brains and smaller mouths, please chime in now.

Gina Bartlett: Okay. So I saw Laureen nod yes. Milton's got his card up. Are you on this? Great.

Milton Mueller: The rationale we were given for including the address, the physical address in the technical contact was that the domain might be compromised and presumably means somebody would go in and check - change the contact information for the registrant. Well if they were doing that, wouldn't they change it - the contact for the tech admin also? I don't get it.

If you, you know, most of the serious and important forms of communications between a, you know, on issues technical administrator will have to be email, and the physical address is in there for basically jurisdictional legal reasons. You're not going to be able go in and arrest the technical contact or serve notice upon the technical contact. So I don't think you need the physical address for the tech contact at all.

Gina Bartlett: Okay. I've got Georgios, Alan G, (Matt) and Laureen. Alan G, are you still in thread?

Alan Greenberg: I was into the thread when we get to 6.1b versus f.

Gina Bartlett: I noted you for that so I'll come back to you for that. So Georgios, (Matt), Laureen.

Georgios Tselentis: Yes, Georgios here. I want to ask a question here because we are talking about the practical implications whether we cannot contact somebody whose information is compromised. And again I will bring up the issue of inaccurate or not verified data in this case that we - that this will impeded actually what the purpose is about. The purpose is about to communicate on the certificate, notify the registered name holder. And I want to know how this is compliant against GDPR in this case. It's a general question.

Gina Bartlett: (Matt)?

Matt: Yes this is (Matt) for the record. I was just going to agree with Milton. I couldn't come up with a good rationale for having a technical contact mailing address. And so I think, to James' point, to the greatest extent possible that we can minimize the data collected, I think technical contact email and phone would be about it. Thanks.

Gina Bartlett: So, Laureen, I think you're the one who proposed that. Do you want to just - do you have any flexibility on this issue?

Laureen Kapin: Sure. And just to respond to the questions, in the event that the email address is the aspect that's compromised, that's why you want some other channels, and the more options you have, the better. And to echo James' recognition here, if this is all behind the gate then there is privacy afforded for this information and people can only access it if they comply with the requirements of the GDPR.

Thomas Rickert: Gina, it's Thomas. Can you put me in the queue, please?

Gina Bartlett: Yes, go ahead, Thomas. You're next. I don't have anyone in the queue on this issue.

Thomas Rickert: Well that's great. Hi everyone and sorry for what might be very bad sound quality because I'm driving. I think that what we need to do if this deal of retaining certain data elements for the tech fields is pursued further is to reflect on the principle of data minimization because so far, ICANN policies wouldn't even allow for all the data elements to be populated with the same data. That's what James mentioned earlier for all the identical data in the databases.

So I think we would need to come up with a robust rationale as to why additional data points are required. That could be achieved, for example, by having different roles or different service levels attached to the different contacts, but then the additional complication that I see that needs to be explained to ensure that what we're doing is passing muster is that, from what I learned from previous discussions, is that if there's an issue with the domain name, typically folks would contact the registrar and not necessarily the technical contact.

So how does this work in the light of the principle of data minimization to add this additional data point? You know, so I'm not saying that it can't be done but - and I certainly need to circle back with the ISPs on this particular point, but I think that if we want to move into that direction, we need to come up with more explanations than we did so far. Thank you.

Gina Bartlett: Thanks, Thomas.

Kurt Pritz: So I want to bring this very important conversation to a close and hopefully to a tentative agreement. So Alan and then Marc and Alan and Kavouss.

Alan Woods: I'll be very succinct. It's Alan Woods for the record. When we're talking about data minimization, just to extend what Thomas is talking about there as well, is, you know, we're not looking for things - we're not looking to justify data which might be useful at some point in the future. If that is our basis that for collecting or displaying or getting this data that is might at some point become, then I mean we're straight away into the realm that it's then not necessary.

We need to look at the things that are necessary to achieve the purpose, and adding things to the Christmas tree is not helping anybody here today and it's not really our job in the PDP to be adding to things. We want to make sure that it is - that we are creating a consensus policy that allows us to continue as best as possible to process this data. Maybe a future process, a future PDP we can talk about that, but I think we're trying to adorn the Christmas tree over the top here.

Kurt Pritz: So what's your recommendation - so my understanding is that we'll collect a technical contact email address and that if the website's compromised the email might not work so there should be an alternate means of contacting.

Alan Woods: Just from my point of view, I'm not certain at all. I mean I'm very intrigued to see how things like (unintelligible) goes on this one and where they're going with that decision-making. But, you know, from my point of view, this whole concept of optional and necessary still, I mean they are grating my brain at the moment. If something is optional we are stating that it is not necessary. Therefore from a GDPR point of view, we need to be exceptionally careful. So I don't have a recommendation at the moment. I'd need more time to think on that.

Kurt Pritz: So let's go to Alan Greenberg.

Alan Greenberg: I'll just point out that ICANN's technical contact in their Whois is something@icann.org. It's not a really good place to go to if the domain isn't working. Phone numbers are somewhat useful on occasion.

Kurt Pritz: Margie?

Margie Milam: I also wanted to point out that the SSAC mentioned that you should have administrative and technical contacts because it plays a role in reducing single points of failure of attack, and that's in SAC 44. So I think it's the same thing that Alan is saying essentially.

Alan Greenberg: Okay. That quote that Kavouss has mentioned several times from the data - the European Data Protection Board doesn't seem to have a data minimization problem with having multiple fields.

Kurt Pritz: Kavouss?

Kavouss Arasteh: Yes. I have another problem and that is if you go to the column three, the question asks are there any circumstance and below that it says all good. What does it mean all good. We say none, not all good. What is all good? Say no but not all good. What is all good?

And then in column two it says that is the purpose in violation with the ICANN bylaws? I think when we say no, we should clearly mention the purpose is directly related to mission. We should say what we mean by directly. What is directly? We should say the purpose is directly related to, or relating to, the ICANN mission or we can say consistent with or in confirmative with. And I don't know whether you want to put mission with capital M or with lower case M. That is another issue.

But we should not say no directly related. What is directly? It's quite clear. The purpose or it is directly related. We should add a subject. It is directly related but not directly related. We don't have any phrase without any

subject. We should have subject and then verb or adverb and then the others. Thank you.

Kurt Pritz: Okay. Go ahead, Mark.

Mark Svancarek: I would just like to clear up some misconceptions about data minimization. Data minimization does not mean that we have to be incomplete or inefficient. I know Alan's worried about these fields but they're not useful maybe in the future, they're useful now. We've established their utility in a number of ways. Well yes we have. You just heard a few examples right here. Well you were shaking your head so I thought you were disagreeing with me. So.

We have - their utility has been demonstrated over time and so this is not about, you know, guessing maybe these would be useful in the future. It's been established that they are useful for some people some of the time. So we are totally allowed to have them and I don't think we have to have any concern from the perspective of data minimization that we'll get in trouble for having them.

Kurt Pritz: Go ahead, James.

James Bladel: I think Benedict was up before I was.

Benedict Addis: Thanks, James. That was very generous. Benedict. Margie, you brought SAC 44. Thanks for the mention. It says two things. It says if you have these contacts -- if -- and make sure you keep the credentials well secured because they often, all of them often have rights at the registrar, so that's a fairly sensible bit of advice. This is all about advice to registrants. And it says it's not a bad idea to have diversity in your management of the domain.

So it's a good idea to have more than one contact. So it doesn't talk about diversity within the contact, like having an email address and a phone number as has been proposed. It says it's a good idea to have more than one. So I

think - and I think that's where they're all getting to. So - but I just wanted to clarify what SAC 44 says. Thank you very much.

Kurt Pritz: Go ahead, James.

James Bladel: So, yes, I think I'm getting motion sickness a little bit because I think we're going backwards. So I just want to point out that since 2013, the 2013 RAA, all Whois records post the name, the contact information, and the abuse contact - point of contact for the registrar. So all of these concerns that we're kind of getting ourselves worked up about about what happens if the registrant ignores me or I don't have the technical - the backstop is there is a sponsoring managing registrar that is public and never redacted.

So I feel like, you know, Mark, to your point, I understand we're saying that all of these things could be useful, certainly. We could collect a whole bunch of things that are useful but data minimization says is it exclusively useful, do you need it? It says necessary - limited and necessary. Limited to what is necessary.

Look, I'm not a lawyer but I'm not going to - what I'm saying is just because something is more useful to have more, data minimization, the point of it is try to get by with the least amount of data, the smallest data footprint you possibly can. Well, okay.

Mark Svancarek: That is correct. But just because I can play the piano with nine fingers does mean I'm obliged to play the piano with nine fingers. I know that's not a great analogy but I think it's apropos here. Just because we could theoretically get by with two fields less or three fields less or seven fields less, does not oblige us under GDPR to get rid of a whole bunch of fields. So I mean we can get rid of those fields as part of our policy development. I'm just saying don't use data minimization as the sole justification for doing so.

James Bladel: I don't know what to say because what you just described to me sounds the exact opposite of the text of the data minimization provisions is do with as little as possible as you need. If you're building a car, you know, don't use 100 parts or 100 different sizes of bolts when you only need six. You know? Don't go out of your way to make the data footprint larger simply because it could have utility if you can get by with a smaller footprint.

Kurt Pritz: So I understand that, so what's your position now versus what it was 15 minutes ago?

James Bladel: I think the only thing we've - I don't know. I think we were saying that when we started off you were saying we were going to drop billing. I don't think anybody cares because we don't use it. We send the bills and we don't use the billing contact. So that should be the very, you know, that's full stop.

Kurt Pritz: (Unintelligible)

James Bladel: Yes. Admin contact I think we were looking through Marika's Purpose F and the chart that she had attached there and in every case it's either redundant with registrant or it's just a notification. Okay? So I think what we're really talking about here is the technical contact. Registrant contact I think we're all saying is obviously required, okay? It's in the gate and everything. So we're really just under the microscope is the technical contact. And I think we're saying name, email address and I think we're on the fence on phone number because this generation isn't going to respond to a phone unless you text it.

Kurt Pritz: So I think let's close the conversation and let's - we have certain parties advocating for additional information, but with that as a baseline with the open question and write it up that way.

Milton Mueller: One question. I just don't understand the rationale for the people who want the tech content because, first of all, these are the same people who we

agreed with last time it would be optional, right? And now you're saying it's required or what?

So my understanding is that we're talking about legal persons who would not necessarily have a technical contact at all. So they would put something in there that in 75% of the cases would be their own contact information. And the rationale is that if the website is compromised, which I'm interpreting as the domain itself is compromised, that somebody's gotten in there and changed the record.

But if the website is compromised then you still have the Whois data, so that's not an issue, right? It has nothing to do with what data you need in the Whois record. But if the actual domain is compromised then, and somebody changes that information, then why wouldn't they also change the tech contact? I don't get it. And then you have a backup of the registrar abuse contact.

So I just don't understand the rationale. Can you explain, other than this vague sort of we might possibly need it, what is your reason for wanting this extra data?

Kurt Pritz: No, so you can't try. So we're going to have a high interest session tomorrow and we have to say something coherent so we need to take our last few minutes to discuss that. So we'll go forward with this baseline compromise that James had into place. We'll note the very last comments and also Laureen's.

And go ahead, Marika?

Marika Konings: This is Marika. So staff will go ahead and do what was discussed here. We can similarly, like we did for the legal basis, capture that. You know, I think I heard the GAC speak. If others want to be added to that list of also including the physical address, we can just make a note of that and record it so it can

be included in the initial report as such, noting that there wasn't full agreement on that. But again if other groups want to be added then to that position, we can do that. So we'll update in that way in the data elements worksheet we will then hope to circulate again shortly.

Kurt Pritz: We're done with this, Kavouss. We'll have to talk about it later. We're going to talk about the high interest session next, so anybody who wants to stay and play, please do, and whoever volunteered to present, and the rest of you can stay or not.

So, Marika, do you have a list of potential participants? And by the way, I have drinks at 7. I have drinks at 7 and it's a taxi ride.

Kavouss, do you have something to say while Marika brings this up?

Kavouss Arasteh: Not about this but I have raised the question before. When we're talking of email, many, not all, they have several emails. Perhaps we should ask preferred email because sometimes they don't trust one (unintelligible) email. They go to the other. For instance, in Switzerland many people are (unintelligible), they are not Gmail, nor or the others. So you have to put preferred email. Otherwise you don't know which email you have to send. Thank you.

Kurt Pritz: Thanks, Kavouss. We'll capture that.

Marika Konings: Yes so thank you, Kurt. So the volunteers that raised a hand previously to help out with the high interest topic session are Alan Woods, Diane, Thomas Rickert, Hadia, Emily Taylor, Milton Mueller, Ashley Heineman, and Benedict Addis. I think Ashley pulled herself out of the list as she wasn't able to be here.

But obviously we're not going to go through it but we made some updates to the slide deck per Kurt's input so we'll just release slide decks so those that

are in Adobe Connect can run through it. But we're basically looking for volunteers for the different sections. I don't know if people had a chance to look at the original deck. Basically the sections are fairly the same. I don't know, Kurt, if you want to go through that and - or you want me to read them off.

Kurt Pritz: So here's the slide deck. Stunningly there's six items on the agenda for an ICANN meeting. So I think why don't we just scroll through it and...

Thomas Rickert: Kurt, this is Thomas. Can I get in the queue on the slides, please?

Kurt Pritz: Yes, go ahead. Go ahead, Thomas.

Thomas Rickert: So I have sent an email to the list earlier. So I think that the slide deck is great. Congratulations to and thanks to staff for that. I would recommend that we...

Kurt Pritz: Did you read it in comments? Go ahead, Thomas. I'm sorry.

Woman: Thomas sent his comments to the email list. They're about sort of replacing the older slides.

Kurt Pritz: Yes, about a half an hour ago.

Marika Konings: Yes. Thomas' line dropped apparently.

Benedict Addis: Just reading his email he's basically proposed more transparency about our methodology, so just showing a blank workbook to show how he got there. Because it's quite a - we've now gone into GDPR land and I don't think - I think one of the things we need to do is bring our audience with us because it's really different to the way that I think a lot of us thought about this before.

So like one of the things, things like we still talk about the full Whois. For example, you hear that elsewhere but we've kind of updated our thinking about, you know, talking about full and redacted and language like that. So I think we can be - stand to be quite clear about how we've updated and bring them with us.

Marika Konings: Yes. And this is Marika. We'll have a look at Thomas' email, and it looks like it's fairly straightforward what he's suggesting so we can definitely, if there are no objections to that, we can definitely adjust it accordingly. I don't think the changes that we still need people to put up their hands for these different sections. So.

Kurt, why don't we just go through the slides? I think, you know, welcome and introduction I presume that's where you start.

Kurt Pritz: Okay. So I can take that slide and I asked for some additions to this so we'll add those. So. To this slide I want to talk a little bit about - oh never mind, it's in there. So anyway, let's continue.

And then the next two slides I think Rafik could do these. And then I'll take the next one and I'll do this one, and I'll talk about triage and how green doesn't necessarily mean agreement and red doesn't necessarily mean disagreement.

Woman: People are saying don't show it.

Farzaneh Badii: I think this table - Farzaneh Badii speaking from NCSG. This table is unnecessary and I think it kind of signals - I mean you have like green and red and stuff but then you say but it doesn't necessarily mean that they are like in agreement or consensus. So I think we can just go through it. And also it doesn't look too pretty.

Kurt Pritz: I think it's really pretty. So the point of this slide is to, you know, this was a deliverable to the GNSO, right? So first of all we spent a few weeks on it, and that's important. And second, you know, maybe we want to point out the value or non-value of doing this in the future.

All right, let's keep going. So - and then let's go to the next slide. So this is really where - so Marika and I disagree on this, and I know it's breaking the rules, but Berry did a great job on these worksheets and I'm thinking, you know, Thomas, if we can scroll through the workbook, Thomas might present on that. Is there - well - we're both for Thomas. So is that all right with everybody because Thomas and Farzi actually did the work on the matrix. And, you know, Farzi, you and Thomas can decide how you want to present on those things. Yes.

Yes, Kavouss?

Kavouss Arasteh: Yes. Could we select another term instead of drilling?

Kurt Pritz: No. I think it's excellent. Drilling down. We started with funnel and we threw that out because there already is a funnel.

Kavouss Arasteh: This is maybe some colloquialism. Drilling I don't know. This is not a standard line.

((Crosstalk))

Kavouss Arasteh: What happened to the table? It was supposed to be deleted. Is it accepted to delete the table? So many colors, the previous table.

Kurt Pritz: I was going to use that but I'll tell you what, I'll just flash it up there briefly and then get rid of it.

Kavouss Arasteh: I think I support the deletion.

Kurt Pritz: Yes?

Kavouss Arasteh: Because it just gives a sort of divergence of views. Exceptionally, I agree with Farzaneh. Truly an exceptional basis. This time only. No more. (Unintelligible)

Kurt Pritz: I think it's surprising how much you guys agree.

Kavouss Arasteh: (Unintelligible) then please delete that because it shows - demonstrates the divergence of views and we should to do that.

Kurt Pritz: All right.

Kavouss Arasteh: Because that may change in future. Thank you.

Kurt Pritz: Well I think Alan had his hand up too.

Amr Elsadr: Kurt, it's also bad for the environment, so.

Alan Greenberg: I had my hand up before we started the detail. I'm happy to wait until after we finish the detail to make my point.

Kurt Pritz: All right. Milton?

Milton Mueller: I wanted to support Mr. Kavouss on the objection to the drilling. It sounds too much line mining, data-mining, and we thought that we shouldn't be encouraging that view of the...

Kurt Pritz: Yes don't change it. Berry, don't change your graphic but change...

We've got to move forward. So we're going to delete the pretty green and red table and Berry and I will have a discussion about drilling for data elements,

but it might remain. So at which point here do we want to put the workbook?
All right. Okay. Which one? Okay.

Well I'm doing all the talking here. Yes, Kavouss?

Kavouss Arasteh: Thank you, Kurt. I suggest we delete conclusion and. We are far from conclusion. Preliminary recommendations yes but not conclusions. There is no conclusion yet.

Kurt Pritz: Thank you. Good idea.

Kavouss Arasteh: It's just a preliminary recommendation.

Man: (Unintelligible)

Kavouss Arasteh: Thank you. No conclusion because we have not yet concluded to anything. Nothing is agreed until everything is agreed, so preliminary, yes. Thank you.

Kurt Pritz: Okay. So the - next we want to talk about purposes, which is a couple slides. So let's click through those. So I think, you know, so that's the three but we have a lot of speakers so we might divide this up. So, Alan, could you look up? Alan Woods. So I was thinking you could, if you'll scroll back a little bit, you could talk to the purposes of data, so this one which is the charter questions, but really review how we developed our - the purposes, which is this and the next slide.

You know, I don't know whether to include legal basis in that or a description of how we're going about harvesting our legal basis there. Yes, Kavouss?

Kavouss Arasteh: As I mentioned before on other occasions, we should not have round bracket. It should say lawful basis, as defined in GDPR, but not in round bracket because round bracket means explanation of what is lawful basis. We don't explain that. We say that lawful based on (unintelligible) on something which

is in the GDPR. So we should be very careful not to introduce these round brackets. Thank you.

Kurt Pritz: Would you put a hyphen or a comma between those? Thank you.

Benedict Addis: Kavouss, we need some way to explain that those words have a special defined meaning in this context. So It's not lawful basis according to Brazilian privacy law, or whatever it is. It's not a technical meaning, it has a specific meaning in GDPR. That's...

Milton Mueller: He's just saying get rid of the brackets. That's all. He's not saying get rid of GDPR, he's saying get...

Kurt Pritz: So let's move on. Yes, so, Alan, I don't know if you want to talk about legal basis too or does somebody want to explain to the crew about...? So I think we're, you know, so Thomas would probably be the best at this but we're using him somewhere else. But I think the important thing here is that -- and Thomas if you're still on I want to -- what?

Woman: It'd also be nice to hear a woman.

Kurt Pritz: (Unintelligible) Diane.

Diane Plaut: I think it would be really good to Thomas discuss the setup of the workbook because (unintelligible).

Kurt Pritz: Yes. No, that's what we're going to have.

Diane Plaut: ...structure and setup and how we put everything together.

Kurt Pritz: She didn't let me finish my sentence. I agree. We're going to have Thomas do the workbook and Diane or Emily take legal basis. The point I want to make about the legal basis discussion is that - is, channeling Thomas, is that, you

know, this is order where we consider legal basis, consent, because it's the most powerful and easy to justify once you really have consent, and then 6.1b where it's necessary for - processing is necessary for the performance of a contract, and F is then considered after that. So for each one of these, we go through this kind of routine.

Milton Mueller: A simple point to make, not about - but this is a procedural thing. Could I have - be recognized for a second?

Kurt Pritz: Sure.

Milton Mueller: So I volunteered to be part of this panel and I'm now withdrawing that and Amr has enthusiastically agreed to represent NCSG on this panel.

Thomas Rickert: And this is Thomas. Sorry for jumping in, but if there's a female speaker who would like to take my slot, I'm happy to yield.

Diane Plaut: I was going to say, are we providing like - do we need to apply it to the context, because if we're just explaining that there is, you know, these different legal bases, aren't - isn't that what's taught in the standard GDPR section in, you know, conversation or sessions? Isn't the point of this to be able to then give context on how we're evaluating that and, you know, to maybe provide examples. I mean what do you think is best?

Marika Konings: This is Marika. And just to make a clarification because I just heard Milton say representation. We're not having SG, C, AC representation. Anyone on the panel is representing the EPDP team. So I think as well to that point and, you know, any examples to provide, make sure that you represent, you know, what has been discussed.

If the issue is where's there's disagreement just note we haven't agree yet, but I think we want to really avoid kind of redoing conversations we're having here and just giving a status update on where things at. You know, it's no

problem noting that there's disagreement on certain items, but we don't want the panel kind of arguing. So please keep that in mind as you volunteer and put up your hand to present some of these slides.

Kurt Pritz: Alan, I was going to ask - answer Diane's question. Do you want to answer Diane's question?

Alan Greenberg: No. I want to say I want to - I have to leave now unfortunately and I'd like to make the comment I was trying to make earlier, and it's directly related to what Marika just said. I wasn't on the meeting on last Tuesday. I did talk to Marika and I received her assurance that people presenting would be presenting what is on the slides and not personal opinion.

And in the questions and answers, people on the podium would not get preferential ability to answer questions. If that premise is not right, then we have a real serious issue of who's going to be on the panel and who says I don't care, I don't need to be. Thank you.

Marika Konings: And this is Marika if I can just respond because I know we're running out time. I think the idea is for everyone to kind of find a front row seat if you're not on the panel so whoever is moderating the Q&A session is able as well if someone wants to take a question or provide input, that everyone is able to speak again on behalf of the whole team, not group positions or individual positions.

Alan Greenberg: My only concern is in many environments the moderator always refers to the panel first and then anyone else, any of the rabble ones in the bottom, and if that's the case then we have a problem. Thank you.

Farzaneh Badii: Farzaneh. Sorry, so this means that we as the EPDP team we will not intervene or if we intervene it has to be on behalf of the EPDP and we just, okay, well I don't think I'm going to attend this session. I don't think I'm needed.

Kurt Pritz: Alan's correct. So, Diane, I think you're right. We want to bring this experience that we're going through home, right, that we - our work changed from how it was first perceived and we're doing this detailed analysis work of every purpose and every data element. We want to bring that home and, to the extent you have examples of how we try to apply these different bases, that's fine.

Yes, Amr?

Amr Elsadr: Yes. Thanks. This is Amr. I just wanted to point out, and I chatted with Marika about this earlier, but we need the updated purpose B well in advance of the HIT panel tomorrow. What we worked on yesterday, some changes were made so it'd be great if we could get that as soon as we can.

Kurt Pritz: Kavouss? Oh sorry.

Kavouss Arasteh: Two things. The first in this preliminary report there are two categories of text. The first one is something crafted or drafted by the team. The second one something coming from the GDPR. For the time being, those coming from GDPR, you have to mention that either in the with the inversed comma or italic. We have not (unintelligible) 6.1a, 6.1b, 6.1f. This is not text. If it is text that is borrowed from them, I have no problem, but we should indicate that this, you know.

Then I heard that somebody said that we speak on behalf of the EPDP. I don't think that any one of us could speak on behalf of the EPDP. The only person would be you if you take the responsibility. Otherwise we could only speak on behalf of our constituencies, stakeholder group or advisory or so on, so forth, but not on behalf of the EPDP. That's only delegations of (unintelligible) has not been given and agreed to anybody to speak on behalf of this team. Thank you.

Kurt Pritz: So just to be clear, those that are participating on the panel are not participating in an advocacy sort of way advocating for their side. They are describing the work we're doing and the status of the work we're doing to the audience in a neutral way. So I don't know whose on behalf they're talking about but that's what we're talking about.

Kavouss Arasteh: But speaking on behalf of the legal consequences and legal definitions, you cannot speak on behalf of anybody (unintelligible) unless this delegation of authority has been provided. Thank you.

Kurt Pritz: All right. Let's bring this home. So...

Diane Plaut: Kurt, I could just say I think that in proof and fact and speaking on behalf of the EPDP -- here, Kavouss, I'm over here -- speaking on behalf of the EPDP and speaking neutrally, everybody is just not presenting any legal conclusions, they're presenting facts.

So when I speak for example I'm going to speak on the factual elements of what make up the different legal processing bases of the GDPR and then I will give factual examples of what we're doing within our group to make that application. That's it. It's fact. It's not any opinions of a particular group and representing the EPDP because we're all part of that team. So that's all it is.

Kurt Pritz: Margie?

Margie Milam: Yes, I wanted to make a suggestion about maybe an additional slide. Since we do so much work on the joint controller and processor categories for the, you know, different purposes, would that be helpful? I mean I think we all agreed on that (unintelligible) conversation.

Kurt Pritz: And so that sounds like a good idea. And then can you flesh out in 30 seconds what you think the content of that, or?

Margie Milam: Like a graph. I mean, Steve, do you want to explain what you were thinking since (Mark) had to step away.

Steve DelBianco: Kurt, Steve DelBianco. We have an opportunity to show that we have learned how to map ICANN's crazy processes and structures to the roles and activities of GDPR. Let's not miss the chance to put a graphical slide up that shows controller, processor, data subject, for the purposes of collection and processing and potentially for the purposes of access. Thank you.

Kurt Pritz: Yes. So we have this. So could you guys provide some input? Thanks. So I think that's good. I really want to go through the rest of the slide deck. Hadia?

Hadia Elminiawi: Yes, just to that point, I think it's a great idea. And actually it exists within the workbook. So I assume that they are going to get this information from the workbooks that we already worked on, right? So make a diagram from...

Kurt Pritz: Certainly. But any contribution that Margie and Steve have as far as content would be very, very, very welcome.

Marika Konings: Who wants to volunteer for this one, data processing activities?

Kurt Pritz: So, which is this slide but, more importantly, the next slide, right? And this slide really is to talk to how we're taking each purpose, collecting the data in accordance with principles of data minimization and all that stuff, and using each one of these purposes to describe the data, the set of data elements that will be collected. Amr? Excellent.

So data processing terms are - this is pretty short. So this is really briefly the, you know, the responsibilities in processing data that the registries or the registrars specifically felt was really prescriptive in the temporary specification. And in fact we could include the next session on that, which is UDRP, URS and transfers which is also essentially sections that are working and don't require a lot of work.

So to me these seem like contracted party ones, unless somebody disagrees. I'm willing to take anybody who wants to talk to it. Oh terrific. Thank you so much. Yes, Kavouss?

Kavouss Arasteh: Yes. The title said update to other consensus policies. What are the main consensus policies that here you're talking about other? Have we talked about consensus policies before and now we're talking about other? If yes, where have we talked about it?

Kurt Pritz: Yes, so how about just saying other than Whois policies, something like that?

Marika Konings: Yes, this is Marika. It was actually part of both of the temporary specification as well as the charter. The heading is from the charter that outlines which consensus policies are within the temporary specification for UDRP, URS as a procedure and transfers.

Kavouss Arasteh: Other than what? It says other consensus policies.

Kurt Pritz: Right. Other than Whois consensus policies, I think. Thank you. Also this describes our small team - oh, so this is where our small teams - we've got to punch this up a little bit more to maybe bold, you know, the geographic term and the legal versus natural term and the reasonable access term.

So I think what I'd like somebody to do here is, you know, just describe how we're taking these specific issues that are a set of -- I'm trying to figure out how to put this -- but they're sort of outside of purposes but they're issues that are in the charter and important issues for us. So these three issues: the geographic basis issues, the legal versus natural issues, and the reasonable access issues.

And for - I think for me I'd rather just describe how we're using our - using this small team approach to generate solutions to these problems then bringing

them to plenary, but if there's other input as to how we might discuss them, I'd take that. Alan?

Alan Woods: Yes, I just want to be clear on this one that I think if we give this particular one to certain people, I mean it would be very hard to be neutral on those. So I would suggest that possibly yourselves as, you know, it would be better from me and in the interest of making sure it's neutral. Because even I would be - I would have a hard time in remaining neutral in this and I will put my hand up on that.

Kurt Pritz: Okay. Who?

Emily Taylor: I don't feel passionately about it. I can describe it and read the slide, if that helps. But I'm really, you know, just tell me what you want me to do and I'll do it.

Man: (Unintelligible)

Kurt Pritz: Here you go. Get me a Coke. I'll have a cup of coffee. Okay. So I think that's fine. Kristina?

Kristina Rosette: I'm just noting that that's an awful lot of slides to cover in whatever amount of time it is that we've allocated to just talking versus taking questions and I'm not actually sure that we reached a decision on how that breakdown is going to work.

Kurt Pritz: What do you think it should be?

Kristina Rosette: I'm sorry?

Kurt Pritz: What do you think it should be?

Kristina Rosette: I honestly I would say half and half. I think that the community is very interested and curious and somewhat skeptical as to what we're doing, what's getting done. There have been statements made in other sessions so far in this meeting that I think have generated concern, and I think if we don't utilize this opportunity to really kind of answer as many questions as we can, I think we will have wasted a valuable opportunity.

Kurt Pritz: And what we -- you're not off the hook -- and of what we just discussed, what do you think are the most important elements? And this is for everybody.

Kristina Rosette: I would say purposes, bases, I think there are some things that we can maybe just put on slides and not necessarily speak to, but where I was going with this is that I do think it's important that once we - there's a decision made as to what the talking time is going to be that we divide that among the slides that are going to be spoken to and keep people to super strict time requirements because otherwise it's not going to work.

Marika Konings: What we've done in previous meetings where it was the same situation, staff would go sit up front, have a timer and start waving a red card when the speaker is out of time. So we can maybe after this meeting kind of associate time with each slide so speakers know in advance as well how much time they have for their part and then indeed be very rigorous about, you know, time is up, wrap it up, next item.

Man: Do you have a special hook on a pole?

Kavouss Arasteh: Could you go back to previous slides, please? When you said no agreement has been reached, do we need to say that? This is a negative signal. Nobody expects that we have agreement yet. Why do we need to say that? At this time no agreement reached. (Unintelligible) EPDP team is considering that (unintelligible) but not saying that no agreement has been reached, not necessarily we need that. Thank you.

Amr Elsadr: I think it might actually be a good idea to point that out because we're publishing an initial report following this and this might be an opportunity to draw folks' attention to what we haven't agreed on to solicit input, you know, just really point out target to let people know this is something we haven't agreed on. Please when the initial report is published in a week, just please take a look at this and give input on it. Thanks.

Kurt Pritz: So I have a view that the initial report doesn't have to reflect that we have consensus or agreement on everything but it has to describe the issue sharply enough so that people can comment and weigh in so that when a decision is reached on these issues they feel like they've had the opportunity to weigh in on that.

Anybody else? I'm going to call on Emily. Emily?

Emily Taylor: Okay. Emily. That was good. That was - building on what Kristina said, I'd like to suggest that we even attempt to go through the slides within half an hour, which I think would mean losing half the slides and just basically going into less detail. And then that would allow an hour for Q&A. (Unintelligible)

Kurt Pritz: I think we could compromise on this and target half an hour and be happy if we reach 45, right, Farzi?

Emily Taylor: Well you can do a good TV documentary in a half an hour, so I think we can really, you know, an in-depth one in half an hour.

Kurt Pritz: But this isn't going to be good, so.

Emily Taylor: No, this isn't going to be good or TV, but, you know, you get my point.

Kurt Pritz: Farzi?

Farzaneh Badii: Yes. Farzi. So I just wanted to - I volunteer for raising the red card to notify the speakers that time is up. No, I'm joking. So what I wanted - I want to agree with doing the presentation within half an hour and I think what we can do is that we can cover the method but most of the time people don't really pay attention to too much detail when you go through like the method.

We can have like a high level, and Thomas can do it really well, just high level of why we have used this method or - and at that time it's just done quickly, and also your triage report I think you want to cover that. And I think that can be also done quickly. And then when we can go to the purposes and just cover them.

Kurt Pritz: All right. So what we'll do is either after this or tomorrow morning, we'll put times together and then send those to the group. No, we said that Emily would. Oh that's going to be five seconds. Yes, so this is the science fiction slide, so I'll just say that, aspiration. Yes so I can wrap. Okay. Diane?

Diane Plaut: I think - I happen to think that all the slides add value and that they show the substance behind the work that we're doing and explain it nicely and it seems to me that if each person is basically just reading the slides and maybe just giving a couple of examples, each person is maybe doing it within five minutes or two to three minutes. It shouldn't be a problem. The only person's whose more complicated Thomas', which is explaining how we came up with the workbook. But I think we should be able to pull it off within 30, you know, around 30 minutes.

Kurt Pritz: Yes. So I think this: I think we're not going to delete any of the slides except for the green and red one and we are going to give each speaker a timeframe for getting her or his slides done and the speaker can deal with, and so not lose any of the slides. Yes, sir?

Matt: Hey it's (Matt). I was just going to say in addition to keeping the speakers on the panel honest, I think we also need to be mindful of time for each person in the queue during the Q&A, right?

Kurt Pritz: Yes, I would - yes, I would say we should stick with the two-minute.

And the last word from Kavouss.

Kavouss Arasteh: How much time is devoted or foreseen for the question-and-answer?

Kurt Pritz: So we're going back and forth between 45 minutes for speaking and 45 minutes for Q&A and 30 minutes for speaking and an hour for Q&A.

Kavouss Arasteh: Thirty minutes for question and answers.

Kurt Pritz: Excuse me?

Kavouss Arasteh: Thirty minutes for questions and answers, right?

Kurt Pritz: No, either 45/45 or 30 minutes for speaking and an hour for Q&A.

Kavouss Arasteh: Okay. Thank you.

Kurt Pritz: What do you think? What do you think it should be? Which choice do you like?

Kavouss Arasteh: I suggest that we put more time for question and answers because that would give us some reflection, some feedback where we are. So I suggest we talk to the people and I think presentation is speaking. The people have the document but let us ask more question and answers because people might have question and answers as I see to the discussion up till now.

Kurt Pritz: All right. Thanks for staying late. Thanks. In the back of the room, thanks for your help. Thanks, Terri. What? Yes. Good one.

END