

Adobe Connect: 28 Members

Alan Greenberg (ALAC)

Alan Woods (RYSG)

Alex Deacon (IPC)

Amr Elsadr (NCSG)

Ashley Heineman (GAC)

Ayden Férdeline (NCSG)

Ben Butler (SSAC)

Benedict Addis (SSAC)

Chris Disspain (ICANN Board Liaison)

Chris Lewis-Evans [GAC]

Collin Kurre (NCSG)

Diane Plaut (IPC)

Emily Taylor (RrSG)

Esteban Lescano (ISPCP)

Hadia Elminiawi (ALAC)

James Bladel (RrSG)

Julf Helsingius (NCSG)

Kavouss Arasteh (GAC)

Kristina Rosette (Amazon Registry - RySG)

Kurt Pritz (Chair)

Leon Sanchez (ICANN Board Liaison)

Marc Anderson (RySG)

Margie Milam (BC)

Mark Svancarek (BC)

Matt Serlin (RrSG)

Milton Mueller (NCSG)

Rafik Dammak (GNSO Council Liaison)

Stephanie Perrin (NCSG)

On Audio only:

None

Apologies:

Georgios Tselentis (GAC)

Farzaneh Badiei (NCSG)

Thomas Rickert (ISPCP)

Staff:

Marika Konings

Trang Nguyen

Caitlin Tubergen

Daniel Halloran

Berry Cobb

Mike Brennan

Nathalie Peregrine

Terri Agnew

Marika Konings:Welcome to EPDP Team Meeting #2 on 7 August 2018

Terri Agnew:agneda wiki page (with slides): https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_x_kgtpBQ&d=DwIFaQ&c=FmY1u3PjP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0A1gn-H4xR2EBk&m=r9I4LlhO1OyHTtzTgFEFR2vjVjSGHA2MEKR5uC1Mkk0&s=A_m75zfNT0yPLVazbtEtoj5oCitb_mrfTZRucsZbAVs&e=

Chris Lewis-Evans [GAC]:Morning everyone, thnks for getting the comparison work out so quickly, really helpful

Julf Helsingius - NCSG:Wasn't able to add affiliation - AC never gave me the option

Nathalie Peregrine:It's there now, we can add once you're in.

Julf Helsingius - NCSG:Thanks, Nathalie!

Nathalie Peregrine:It's a question of just typing it in after your name in the 'Sign in as Guest' text box

Julf Helsingius - NCSG:I know - but I didn't get that screen.
Julf Helsingius - NCSG:Maybe because moving straight from another AC session.
Nathalie Peregrine:Ahhh possibly.
Stephanie Perrin - NCSG:Will you just look at all these keeners from the NCSG!
Rafik Dammak - GNSO Council liaison:hi all
Julf Helsingius - NCSG:+32.5 C / 91 F in Amsterdam, no airco...
Collin Kurre (NCSG):Don't worry Julf, winter is coming
Julf Helsingius - NCSG:Collin: don't remind me... .)
Ayden Férdeline (NCSG):good dates
Kristina Rosette (Amazon Registry - RySG):Apologies for late Adobe connection. Have been on phone.
Margie Milam - BC:what dates?
Amr Elsadr - NCSG:Very unlikely that I can make a meeting in the US at that time. Not likely enough time to apply for a visa.
Stephanie Perrin - NCSG>Please make it 3 days, it is a waste of money in my view to spend two days travelling to a 2 day meeting.
Marika Konings:24-26 September
Stephanie Perrin - NCSG:and time, of course
Ayden Férdeline (NCSG):agree w/ Stephanie on 3 days being a better value proposition for everyone
Ashley Heineman (GAC):Any firmed up dates for Barcelona?
Marika Konings:@Ashley - still as discussed last week - so all day on Saturday with a number of additional slots throughout the week, but all meetings within the confines of ICANN63.
Milton Mueller - NCSG:;)
Alan Greenberg - ALAC:No hands showing here.
Ayden Férdeline (NCSG):I did not see your hand raised either
Julf Helsingius - NCSG:Is kavouss in the right ac room?
Kristina Rosette (Amazon Registry - RySG):It sounds as if Kavouss may be in a different adobe room
Milton Mueller - NCSG:he is looking at something else - there are more than two people here
Marika Konings:He may be in the wrong room
Chris Disspain - ICANN Board Liaison: see I Kavouss in the list of participant
Chris Disspain - ICANN Board Liaison:I don't
Amr Elsadr - NCSG:I don't see Kavouss either.
Julf Helsingius - NCSG:I don't either
Milton Mueller - NCSG:Kavouss is lost...
Kristina Rosette (Amazon Registry - RySG):Could he be in the Adobe room for WT5? Wilkinson is in that WT.
Collin Kurre (NCSG):Kurt, I think the suggested path for Triage sounds reasonable.
Nathalie Peregrine:I've sent him the correct AC room
Amr Elsadr - NCSG:@Collin: +1. "Suggested Path for Triage" seems reasonable to me.
Ayden Férdeline (NCSG):We all have many obligations -- and know what we signed up for...
Kavouss Arasteh:Tks it is ok
Kavouss Arasteh:Milton .I never be lost
Kavouss Arasteh - GAC:I am alive, concious and active
Ashley Heineman (GAC):Don't print out the spread sheet unless you have super human eyes.
Stephanie Perrin - NCSG:Yes, I think twin monitors are required here :-)
Collin Kurre (NCSG):100%
Alan Greenberg - ALAC:@Ashley: Or a printer with very large paper!
Julf Helsingius - NCSG:I am struggling with twin monitors + laptop

Kavouss Arasteh - GAC:Kurt, In various parts of the Temp. Spec. terms such as Legitimate Purpose, Minimum data and are used. We wish clarification on the use of these adjectives. What are the signifying criteria to determine whether an access to a request is or is not legitimate ...

James Bladel - RrSG:I'm hopeful it is 25 May 2018. But for the record, I'm concerned with the possible future precedent of ICANN back-dating a Temporary Spec.

James Bladel - RrSG:er, forward-dating.

Emily Taylor - RrSG:25 May would match the effective date for GDPR

Marika Konings:James, I believe that is something that also came up in the discussions that the Council had with the ICANN Board

Marika Konings:I will dig out the response that the Board provided to some of the questions that the Council raised early on

Stephanie Perrin - NCSG:Yes it is important that we have records of precise questions, and the answers returned

Kristina Rosette (Amazon Registry - RySG):+1 Stephanie

Trang Nguyen - ICANN Org:As per Section 3 of the Temp Spec, the effective date of the Temp Spec is indeed 25 May 2018 (https://urldefense.proofpoint.com/v2/url?u=https-3A_www.icann.org_resources_pages_gtld-2Dregistration-2Ddata-2Dspecs-2Den_-233&d=DwIFaQ&c=FmY1u3Pj6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmKXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=r9I4LIhO1OyHTtzTgFEFR2vjJvSGHA2MEKR5uC1Mkk0&s=5IFP-EN1xYHuGFcdZjFzyJiUVKna_2Czr_p36s7E8E&e=).

Marika Konings:@James - please see https://urldefense.proofpoint.com/v2/url?u=https-3A_gnso.icann.org_sites_default_files_file_field-2Dfile-2Dattach_forrest-2Dto-2Dchalaby-2D05jun18-2Den.pdf&d=DwIFaQ&c=FmY1u3Pj6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmKXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=r9I4LIhO1OyHTtzTgFEFR2vjJvSGHA2MEKR5uC1Mkk0&s=6gKz5XySXw1DhkWWOxQ2XKrUSymkKlbXuc6-Jj_Tmyc&e=. This may address your question / comment?

James Bladel - RrSG:Right. At the end of the day, we want our recommendations to stand up.

Kavouss Arasteh - GAC:Kurt, May you kindly indicate where I can find the scope of Personal Data ?

Kavouss Arasteh - GAC:Who determine whether a purpose is or is not legitimate?

Kavouss Arasteh - GAC:Milton said " Security is not part of ICANN Mission " where in BYLAW THIS MENTIONED?

Collin Kurre (NCSG):Relevant line from the Article 29 Working Party letter: "ICANN should take care in defining purposes in a manner which corresponds to its own organisational mission and mandate, which is to coordinate the stable operation of the Internet's unique identifier systems. Purposes pursued by other interested third parties should not determine the purposes pursued by ICANN."

Collin Kurre (NCSG):Link to letter for reference: https://urldefense.proofpoint.com/v2/url?u=https-3A_www.icann.org_en_system_files_correspondence_jelinek-2Dto-2Dmarby-2D11apr18-2Den.pdf&d=DwIFaQ&c=FmY1u3Pj6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmKXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=r9I4LIhO1OyHTtzTgFEFR2vjJvSGHA2MEKR5uC1Mkk0&s=LyaKrNpTWq5gu8Q3tIpNgKsheNPuCPoKr-RDkFJB6NM&e=

Kavouss Arasteh - GAC:Kurt : what are legitimate things?

Marc Anderson - RySG:Milton's line seems to be cutting out

Alan Woods (RYSG):Let's also remember the EDPB letter which specifically confirmed ICANN should not be conflating the interests of 3rd parties with their own legitimate purposes..

Ashley Heineman (GAC):Also from WP29/DPB - "WP29 expects ICANN to develop and implement a WHOIS model which will enable legitimate uses by relevant stakeholders, such as law enforcement,..."

Diane Plaut - IPC:I am in complete alignment with Milton - there needs to be a clear message that ICANN's mission is narrow as a collector under GDPR and had a mission that is defined in scope and the third party interests as processors are those interests evaluated under the GDPR in line with legitimate purposes through which to process personal data.

Mark Svancarek - BC:I am not in alignment with Milton - my hand is up

Milton Mueller - NCSG:Thanks, Diane, glad to see the message got through. And as you probably realize a narrow definition of ICANN's mission and purpose does not necessarily mean that others can't get access to the redacted data via legal means

Diane Plaut - IPC:Yes, agreed.

Alan Greenberg - ALAC:@Milton, the problem is that data can only be made available (on a legal basis) if it is collected.

Ayden Férdeline (NCSG):The NCSG has compiled a list of all correspondence between ICANN and the DPAs since 1998; if this would be helpful, I can share on our mailing list.

Kavouss Arasteh - GAC:Alan+1

Milton Mueller - NCSG:Right. But Alan if ICANN's purpose and mission is some general notion of law enforcement and security, why doesn't it collect our national identification numbers?

Mark Svancarek - BC:Ha

Milton Mueller - NCSG:Or copies of our drivers licenses?

Amr Elsadr - NCSG:@Alan: In the past, EU Data Protection Experts did not differentiate between collection and processing of data. If there is a legitimate purpose to process the data, then there is a legitimate purpose to collect the data.

Emily Taylor - RrSG:Amr - there's quite a bit of EU caselaw on collection of mass data.

Emily Taylor - RrSG:collection is a form of processing

Amr Elsadr - NCSG:Yes, Emily. That is my understanding as well.

Kavouss Arasteh - GAC:Again Alan +1 regarding transfer of collected data to third party without knowing the objectives of the third party on how these data would be used

Alan Greenberg - ALAC:Exactly, since collection is processing, if we cannot do that part of processing, other parties will not have ability to justify use of that data.

Milton Mueller - NCSG:its called data minimization, Alan and its' required by GDPR.

Alan Greenberg - ALAC:We have repeatedly been told by the data commissioners that we have not built a sufficiently robust legal argument for collecting all of the data. Is ICANN Org working on building that argument? I would have thought that was a crucial staff requirement in support of both the Temp Spec and the EPDP.

Milton Mueller - NCSG:considered not in collection, but in publication

Stephanie Perrin - NCSG:One problem we encountered on the RDS was the conflation of various kinds of processing. Yes, collection is required to administer the DNS to ensure the stability and security. Disclosure is required, as Ashley has pointed out, to legitimate actors for legitimate purposes (e.g. law enforcement). That does not mean publication. We conflate registration data with the need for a directory service....which is really implementation.

Amr Elsadr - NCSG:@Alan: Feedback received in the past indicates that ICANN shouldn't conflate between its legitimate purposes in processing data, and those of third-parties. Third-party access to data should only be based on legitimate purposes that are consistent with ICANN's narrow mission. Third-parties may have a broader range of legitimate interests in collecting/processing data than ICANN's legitimate purposes to collect/process. That's why the order of questions to be answered should first be 1. Defining ICANN's mission 2. What are the legitimate purposes ICANN has to process data, based on its mission 3. What legitimate purposes to third-parties have to access this data, and are also consistent with 1 and 2.

Stephanie Perrin - NCSG:The entire temp spec starts with the assumption that WHOIS should be maintained to the maximum extent possible. This is not necessary, today, given the possibilities RDAP brings. A de novo approach is required.

Amr Elsadr - NCSG:Dang. That was a longer post than I meant to put in there.

Stephanie Perrin - NCSG:But an excellent one Amr.

Mark Svancarek - BC:I am confused. I was interpreting Milton's comment to mean that we R's (not ICANN, per se) should not collect data in general, but there is also a comment that LEA will have access to the data. Since LEA cannot access data which is not collected, I think I may be misinterpreting the initial comment?

Alan Greenberg - ALAC:@Steph. Maintaining the WHOIS database is not the same as publishing it. RDAP will allow gradual access but only if the data is there to start with.

Milton Mueller - NCSG:It's not a side issue, it's the main issue

Kavouss Arasteh - GAC:Kurt; You just said "Legitimate purposes that meet the THRESHOLD "My question is where we can find these THRESHOLD ?

Milton Mueller - NCSG:What data do you think should be collected that is not collected now, Alan?

Diane Plaut - IPC:I agree, Kurt. Milton view may be correct fundamentally but the legitimate purposes of all interested parties must be part of the Temp Spec and in consensus policy long term to ensure that the legitimate interests such as those of IP rights holders are protected.

Ashley Heineman (GAC):I tend to agree with Diane.

Stephanie Perrin - NCSG:That was the point I was trying to make Alan....ICANN fulfills its responsibility to ensure the stability of the Internet by requiring contracted parties to gather data required to register a domain name. The desires of third parties to access, in a central repository, for no cost, data that is useful to them for legitimate purposes is not something ICANN should accommodate.

Kavouss Arasteh - GAC:Do we have ICANN bOARD liaison at the meeting who could reply to the legitimate question raised by Alan

Milton Mueller - NCSG:Benedict's critique of existing barriers to law enforcement access may be correct, but that's a problem for governments to solve, not for ICANN

Mark Svancarek - BC:Stephanie, I thought Milton was arguing against collect; publication should be a separate issue

Ashley Heineman (GAC):If there is no articulation of these legitimate purposes... in a way that doesn't conflate with ICANN's, then what then gives the contracted parties the assurance (and responsibility) to provide information?

Kristina Rosette (Amazon Registry - RySG):@Dan Halloran: With apologies for putting you on the spot, can you (as CPO) answer - even in part - Alan's question?

Milton Mueller - NCSG:The only collection issue that has been contested under GDPR is Admin and Tech contact

Amr Elsadr - NCSG:@Diane: IP holders may have legitimate purposes consistent with ICANN's mission, but that isn't necessarily true for "all interested parties".

Alan Greenberg - ALAC:If we cannot "process" then we cannot collect and that is the core of the issue.

Mark Svancarek - BC:If ICANN is helping LEA to maintain the security and stability of DNS, then the problem for governments to solve overlaps with the problem for ICANN to solve

Milton Mueller - NCSG:and the courts have already ruled that it needn't be compulsory

Chris Disspain - ICANN Board Liaison:Please capture them Kurt

Milton Mueller - NCSG:so really, is that all we are debating here - whether Admin and Tech contact should be collected?

Benedict Addis - SSAC:@Milton I've never seen a case where LE needed Admin or Tech contacts

Daniel Halloran — ICANN Org:Hello @Kristina - Yes: we'll capture the questions and reply later. Thanks.

Mark Svancarek - BC:I think we got ourselves unnecessarily spun up here

Milton Mueller - NCSG:right, Benedict, so there's not much of a collection issue here is there?

Benedict Addis - SSAC:Yep, I agree - as long as there's no mission creep!

Benedict Addis - SSAC:And can we get rid of fax numbers whilst we're at it...

Collin Kurre (NCSG)::)

Alan Greenberg - ALAC:If indeed it is only the Admin and Tech contact infor we are debating, then a CLEAR statement of that would make this process a lot easier.

Marika Konings:yes, suggestions on the mailing list would be easiest so that everyone also has a chance to way into any proposed changes / updates.

Amr Elsadr - NCSG:@Benedict: Yes, please!! :-)

Benedict Addis - SSAC::)

Milton Mueller - NCSG:I mean, even the most hardcore privacy advocates here are not saying that name, address, contact info should not be _collected_. That info MUST be collected to fulfill the domain name registration process properly

Stephanie Perrin - NCSG:The data commissioners have explicitly stated that it is not the role of a not for profit California corporation to set up a repository of data that is useful to police. That being said, there are probably ways to expedite access to data held by contracted parties. If countries have failed to take on their responsibilities to legislate the very serious matters involved in fighting cybercrime (I am looking here at the Budapest convention, and the many complaints surrounding the length of time it takes to serve notice under existing MLATs, let alone where no such MLATs exist) it is not ICANN's role to solve the problem.

Emily Taylor - RrSG:@Milton, I agree - and one of the things that the Temp Spec doesn't really mention is 'necessity for fulfilment of the contract' which is a good exercise to go through in assessing compliance with GDPR.

Stephanie Perrin - NCSG:Not true

Milton Mueller - NCSG:Hallelulah! Someone hates fax numbers as much as me!

Emily Taylor - RrSG:LOL

Mark Svancarek - BC:Ha

Ayden Férdeline (NCSG):+1 Stephanie - great comment

Ben Butler - SSAC:fax numbers is something we actually have consensus on.

Stephanie Perrin - NCSG:Law enforcement does not get carte blanche to data, any more than they get remote access to banking systems.

Alan Woods (RYSG):Look at privacy Shield ... why did that fall... as the balance was not met, by a long shot.

Collin Kurre (NCSG):However it's worth noting that here we're drifting once more toward the topic of access, and not the starting point of collection

Alan Woods (RYSG):(to put it very simply!)

Hadia Elminiawi - ALAC:Kavous: according to regulation (EU) 2016/679 of the European Parliament the balance or threshold if a business intends to use personal data must balance its legitimate interest not only against the rights of the data subject but also the data subject interests irrespective of whether these interests are legitimate or not

Marc Anderson - RYSG:+1 Emily, not mentioning "necessary for fulfillment of the contract" seems like a miss of the temp spec to me.

Stephanie Perrin - NCSG:Collin is right. It is because the two are so conflated here in the document in my view

Emily Taylor - RrSG:@Collin Are we? I thought that Milton and Benedict were addressing collection of fax numbers, tech and admin contacts.

Emily Taylor - RrSG:@Stephanie - I agree, the Temp Spec currently munges collection, publication and access. For each of these processing elements, I think it would be helpful to evaluate how they comply with GDPR

Hadia Elminiawi - ALAC:Kavous: according to regulation (EU) 2016/679 of the European Parliament with regard to the balance or threshold if a company intends to use personal data it must balance its legitimate interest not only against the rights of the data subject but also the data subject interests irrespective of whether these interests are legitimate or not, the company must also show that its interest is favored in such a balance (which is not an easy thing)

Collin Kurre (NCSG):I was referring to Stephanie's comment, mainly. It's natural that we conflate the two because as you say, Emily, they're all quite blended. The first sentence of 4.3 speaks to this conflation

Kavous Arasteh - GAC:Kurt ; Please also flag the edits made by GAC on 4.4including its sub-paragraphs

Stephanie Perrin - NCSG:Alex, law enforcement has to follow the legal procedures set down in their countries. Most Western democracies have constitutional protections that provide lawful protection which balance the rights of individuals with the rights of society to protection from crime. So the balancing test is not done by ICANN, it is done by national law. Sadly we have been unable to come up with an international equivalent to manage that due process through treaty obligations (and here I am reaching out to criminal law scholars such as Tatiana Tropina who can speak much more eloquently but who is sadly not on the call today).

Benedict Addis - SSAC:+1 Emily, we should separate these

James Bladel - RrSG:Not sure I agree with Milton's last statement.

Mark Svancarek - BC:I don't agree with this reading of 4.4.2, though it is a conflation of collection and access

Ashley Heineman (GAC):The heading is the Lawfulness and Purposes of "processing" gTLD registration data. I'm not opposed (in principle) to separating out, but the current structure of the temp spec has them together and we shouldn't insinuate that access (disclosure) isn't part of processing.

Kavous Arasteh - GAC:Most of the GDPR CLAUSES ARE DRAFTED AS POLICY CLAUSES .THEIR IMPLEMENTATIONS REQUIRE CRITERIA, THRESHOLD AND DEFINITIONS

Stephanie Perrin - NCSG:Access (disclosure) is a particular type of processing. Collection is another. Retention is another. Use (according to the primary purpose of the organization [ICANN]) is another. We are conflating them all.

Ashley Heineman (GAC):I'm not arguing that there isn't conflation.

Amr Elsadr - NCSG:@Margie: Could you be more specific in what you mean by "Public Interest"?

Milton Mueller - NCSG:I sure didn't grasp it, either

Ashley Heineman (GAC):But I just don't want folks to insinuate that disclosure of information isn't part of this, because it is part of processing.

Kavous Arasteh - GAC:SORRY FOR CAP I ask their deletion by the secretariat and replace it by "Most of the GDPR clauses are drafted as policy. Their implementation require, criteria, threshold and clear definition "CLAUSES ARE DRAFTED AS POLICY CLAUSES .THEIR IMPLEMENTATIONS REQUIRE CRITERIA, THRESHOLD AND DEFINITIONS

Milton Mueller - NCSG:Exactly Benedict

James Bladel - RrSG:+1 Benedict

Amr Elsadr - NCSG:@Benedict: +1

Milton Mueller - NCSG:it SHOULD be everyone's understanding

Ben Butler - SSAC:agree

Ayden Férdeline (NCSG):agreed

Stephanie Perrin - NCSG:I agree with Ashley. Disclosure of information is necessary. Under certain circumstances, and under certain safeguards.

Kavous Arasteh - GAC:The part typed in CAP must be deleted by the secretariat

Benedict Addis - SSAC:Is that "must" per rfc 2119?

Hadia Elminiawi - ALAC:sure

James Bladel - RrSG:No, that's not what I'm saying.

Stephanie Perrin - NCSG:Let us be clear here....if registrars decide to collect more data than is required by ICANN for the registration of a name, that is in their own capacity as independent data controllers. Their business model, their risk.

Kavouss Arasteh - GAC:Ashley and Stephanie; what are those circumstances under which disclosure of data could be admitted

James Bladel - RrSG:Stephanie: Correct

Ashley Heineman (GAC):Hi Kavouss. Let's talk off line.

Hadia Elminiawi - ALAC:I meant sure Benedict

Collin Kurre (NCSG):Backtracking a little bit, it's unclear to me how we're defining "public interest." the well-being of the public can be interpreted in myriad ways so I think it should be clearly and specifically defined when it factors into the conversation

Kavouss Arasteh - GAC:Kurt, some of these intervention may be submitted in chat to economise time.otherwise for every statement I will also raise hand

Amr Elsadr - NCSG:@Collin: Or perhaps just do away with the term "public interest", and stick with the specifics we would use to define it?

Collin Kurre (NCSG):+1 Amr

Collin Kurre (NCSG):Privacy, crime prevention, more paid holidays, etc are all part of public interest

Kavouss Arasteh - GAC:I reiterate my earlier comments about " what interests or purposes are legitimate"

Milton Mueller - NCSG:A pony for everyone

Collin Kurre (NCSG):indeed Kavous this is the meat of the conversation

Diane Plaut - IPC:I agree James, that is in the scope of your contractual relationship with your customers, with the right and ability to collect the data needed for legitimate purposes. I also agree with Alex, the third party interests such as the rights of IP right holders, are recognized as legitimate as per public interest, economic and enforcement concerns.

Benedict Addis - SSAC:@Dian recognised by whom?

Benedict Addis - SSAC:sorry Diane, didn't mean to truncate your name

Stephanie Perrin - NCSG:I will propose some language that I hope will satisfy James' intervention.

Collin Kurre (NCSG):I don't think that foisting questions of balancing rights, defining legitimate interests, or ensuring due process onto ICANN, the temp spec, or this EPDP is appropriate. We should consider the precedent it would set (and feathers it would ruffle)

James Bladel - RrSG:I think that was withdrawn Kurt

Kristina Rosette (Amazon Registry - RySG):Lowered my hand because James made many of the same points I planned to make.

James Bladel - RrSG:In favor of an actual California privacy law, set to take effect Jan 1 2020

James Bladel - RrSG:unless the Feds get there first

James Bladel - RrSG:(Ashley?)

Ashley Heineman (GAC):;-)

Milton Mueller - NCSG:If it's a race between the Feds and the states, I'm putting my money on states

Ashley Heineman (GAC):You are so sweet Milton.

Milton Mueller - NCSG:;-)

Milton Mueller - NCSG:prove me wrong, lotsa businesses here would love to have one Data Breach Notification law instead of 53...

Collin Kurre (NCSG):interesting analysis of the california consumer privacy act:

https://urldefense.proofpoint.com/v2/url?u=https-3A_iapp.org_news_a_analysis-2Dthe-2Dcalifornia-

[2Dconsumer-2Dprivacy-2Dact-2Dof-2D2018 &d=DwIFaQ&c=FmY1u3PJp6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=r9I4LihO1OyHTtzTgFEFR2vjJvSGHA2MEKR5uC1Mkk0&s=jkxeONsK0_P3rxgoIng!DsDNMP7F-XYWYf74wJTCg_U&e=](https://www.icann.org/news/story/2018-05-22-consumer-privacy-act-2018)

Collin Kurre (NCSG):relevant passage (speaks to James' point about future-proofing): "Some companies implemented many of their new privacy protection measures worldwide in the hopes of being able to avoid having to make further jurisdiction-specific updates for a while. The passage of the California Consumer Privacy Act has now raised the question as to whether these measures will be sufficient to the extent they reach California residents with their GDPR-related compliance measures. Unfortunately, the answer is largely, 'No.' Global companies can and should try to address the requirements of the California Consumer Privacy Act, EU GDPR and other privacy regimes simultaneously and holistically in the interest of efficiency."

Collin Kurre (NCSG):although, that's well beyond our charter :)

James Bladel - RrSG:@Milton - Correct. But in practical terms, we would determine the most restrictive framework (e.g. California) and treat it as a de facto national standard, and apply it to all US customers

Kristina Rosette (Amazon Registry - RySG):Putting a marker down that the RySG team may be submitting suggested redlines of the Issue Summaries to the list.

Milton Mueller - NCSG:+1 Emily!!!

Kavouss Arasteh - GAC:Who how (on what criteria) a given mechanism is declared to be reliable .What criteria is used to declare such reliability . and what is basis for reliability ? is it its correctness, its preciseness, its stability and resilient, its neutrality and what else?

Matt Serlin - RrSG:Can we clarify what the process/timing is to receive, and provide feedback to, the issue statements to Kristina's point...the RrSG may have the same

Amr Elsadr - NCSG:@Emily: +1

Collin Kurre (NCSG):great distinction, Emily

Stephanie Perrin - NCSG:INdeed +1

James Bladel - RrSG:Excelent point Emily

Marika Konings:Note that the RDS PDP WG did quite a bit of work on what data is needed for the different purposes.

Diane Plaut - IPC:Agree, excellent Emily. This is very important.

Alex Deacon (IPC):@marika - we should leverage RDS work when possible.

Stephanie Perrin - NCSG:Marika, do we not have a table we could haul out to help with this?

Collin Kurre (NCSG):Can't hear you very well, Esteban

James Bladel - RrSG:Esteban is very faint. T hx.

Milton Mueller - NCSG:now it's worse

Mark Svancarek - BC:That is even more faint

Matt Serlin - RrSG:he's gotten worse

Marika Konings:staff can dig that out

Emily Taylor - RrSG:I can't hear Esteban

Stephanie Perrin - NCSG:cannot hear at all.

James Bladel - RrSG:Nothing is coming thru, Esteban

Hadia Elminiawi - ALAC:esteban i can't hear you

Ayden Férdeline (NCSG):I can't hear either

Stephanie Perrin - NCSG:Thanks Marika!

Terri Agnew:@Esteban, we are having diffuclities hearing you, please let me know if a dial out on the telephone would be helpful

Stephanie Perrin - NCSG:We can only put in reliable where the reliability is under ICANN control

Collin Kurre (NCSG):(with all the community oversight and accountability mechanisms that entails)
Chris Lewis-Evans [GAC]:+1 benedict
Benedict Addis - SSAC:ta mate ;)
Kavouss Arasteh - GAC:Why the term "reliable " which used as an adjective for "Mechanism" is limited to para.4.4.3 and not included in the remaining /subsequent paras. such as 4.4.4 and 4.4.5 ?
Amr Elsadr - NCSG:August 9th, not 8th, correct?
Terri Agnew:The third meeting of the GNSO Temp Spec gTLD RD EPDP is scheduled on Thursday, 09 August 2018 at 13:00 UTC for 2 hours.
James Bladel - RrSG:Yes, 9 AUG
Ayden Férdeline (NCSG):thanks all, speak again on Thursday
Mark Svancarek - BC:thx
Matt Serlin - RrSG:Thanks all
Collin Kurre (NCSG):Thanks all
James Bladel - RrSG:Thanks Kurt & ePDP team
Milton Mueller - NCSG:Cheers
Emily Taylor - RrSG:Thanks
Amr Elsadr - NCSG:Thanks all. Bye.
Hadia Elminiawi - ALAC:thank you all bye
Kavouss Arasteh - GAC:Bye Bye
Kristina Rosette (Amazon Registry - RySG):thanks
Chris Lewis-Evans [GAC]:thanks
Marc Anderson - RySG:thank you
Stephanie Perrin - NCSG:Content is often (usually) the reason for a legitimate investigation. AS such, it can appear in a request for data, and this is perfectly legitimate. We misintreprete the restrictions on ICANN's role if we think that ICANN cannot respond to content related investigations.