

Adobe Connect: 28

Alan Greenberg (ALAC)	Julf Helsingius (NCSG)
Alan Woods (RYSG)	Kristina Rosette (RySG)
Alex Deacon (IPC)	Kurt Pritz (Chair)
Amr Elsadr (NCSG)	Leon Sanchez (ICANN Board Liaison)
Ashley Heineman (GAC)	Marc Anderson (RySG)
Ayden Férdeline (NCSG)	Margie Milam (BC)
Ben Butler (SSAC)	Mark Svancarek (BC)
Benedict Addis (SSAC)	Matt Serlin (RrSG)
Diane Plaut (IPC)	Milton Mueller (NCSG)
Esteban Lescano (ISPCP)	Rafik Dammak (GNSO Council Liaison)
Farzaneh Badii (NCSG)	Rahul Gosain (GAC Alternate)
Georgios Tselentis (GAC)	Stephanie Perrin (NCSG)
Hadia Elminiawi (ALAC)	Theo Geurts (RrSG Alternate)
James Bladel (RrSG)	Thomas Rickert (ISPCP)

On Audio Only:

None

Apologies:

Emily Taylor (RrSG)
Kavouss Arasteh (GAC)
Chris Disspain (ICANN Board Liaison)

Audio Cast (FOR ALTERNATES AND OBSERVERS)

Peak: 18 joined

View Only Adobe Connect:

49 joined

Staff:

Berry Cobb
Caitlin Tubergen
Daniel Halloran (ICANN Org Liaison – Legal)
Marika Konings
Mike Brennan
Terri Agnew
Trang Nguyen (ICANN Org Liaison – GDD)
Andrea Glandon

AC Chat:

Marika Konings: Welcome to EPDP Team meeting #8 on 28 August 2018
Rahul Gosain-GAC: Hello Everyone
Rahul Gosain-GAC: Dear Marika,, Just want to be sure that you are indeed in receipt of the Alternate Assignment Form filled up by Kavouss assigning me to participate vice him in today's meeting?

Terri Agnew:Hi Rahul, we confirm the alternate form has been received

Terri Agnew:Agenda wiki page: <https://community.icann.org/x/UxhpBQ>

Rahul Gosain-GAC:Thanks Terri

Ayden Férdeline (NCSG):Hello all

Julf Helsingius (NCSG):Hello everyone

Theo Geurts RrSG:hello all

Ayden Férdeline (NCSG):Please add to the agenda the request for GDPR training.

Terri Agnew:Please remember to mute when not speaking

Hadia Elminiawi - ALAC:hello all

Kurt Pritz:Hi Ayden, thanks for the reminder, I will bring it up in the opening

Ayden Férdeline (NCSG):Thanks Kurt

Georgios Tselentis (GAC):hi everybody

Amr Elsadr - NCSG:Hi all.

Leon Sanchez:hello everyone

Ashley Heineman (GAC):Hi!

James Bladel (RrSG):good morning all!

Thomas Rickert (ISPCP):Hi all!

Kristina Rosette (RySG):Greetings!

Rafik Dammak (GNSO Council Liaison):hi all

Mark Svancarek (BC):lol

Benedict Addis - SSAC:Ayden congratulations on the new role at Mozilla

Ayden Férdeline (NCSG): thank you @benedict

Esteban Lescano:Hi, everyone!

Kristina Rosette (RySG):Joint request from RrSG and RySG

Ashley Heineman (GAC):Agree with RrSG and RySG request. Will this also be training for alternates?

Benedict Addis - SSAC:SSAC will be providing final triage input tomorrow.

Ayden Férdeline (NCSG):I would support Alternates having access to training

Hadia Elminiawi - ALAC:The connection is not stable i keep losing it

Theo Geurts RrSG:https://urldefense.proofpoint.com/v2/url?u=https-3A_www.itgovernance.eu&d=DwlFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4!5cM&r=k7uKdjSb7ZjItyVqrCYHo_rKms9SFxImbYEJqG-y9l&m=SPhVvGSqBgvz91Av8rTgWqRtkbg0PqvZScn09berUMM&s=q8o-sh1TWELCHf8kZk31e7GKkTJJCQc_F3jR-5vhBpk&e= also provides GDPR training, online if required and

customised if required.

Georgios Tselentis (GAC):Since we are keep talking about other than GDPR data protection regulations can we use also part of the training to inform the group on those as well?

Georgios Tselentis (GAC):+1 to alternates participating

Ayden Férdeline (NCSG):I think we need to be realistic; we are talking about a 3-4 hour training session, right? I don't think we can cover anything other than the GDPR in that amount of time. But I think the principles encapsulated within the GDPR should give us a good grounding in the principles to be found in other laws/regulations. Maybe look at GDPR and Convention 108 (or ask Peter Kimpian from the Council of Europe to brief us on Convention 108)?

Ashley Heineman (GAC):I think one goal in training is making sure it is presented in an unbiased form... to the extent possible.

James Bladel (RrSG):PDP makes Policy. contract negotiations and processes make Specifications

Rahul Gosain-GAC:+1 Ashley

Ayden Férdeline (NCSG):Absolutely @Ashley. That's why I think we should look for an external, independent expert to deliver it. I think the IAPP would be well-equipped to do just that; if you look on their website, their analyses are neutral and they have experienced trainers available.

Kristina Rosette (RySG):we can't hear you, Margie.

Hadia Elminiawi - ALAC:i can't hear margie

James Bladel (RrSG):from a contracted party perspective, both are enforceable by Compliance.

Diane Plaut (IPC):Margie's point is very important to note and correct.

Marika Konings:Note that the triage report is a deliverable to the GNSO Council not the ICANN Board

Marc Anderson (RySG):I just lost audio

Marc Anderson (RySG):dialing back in

Ayden Férdeline (NCSG):I agree with Milton; would be useful to have in the triage report

Ayden Férdeline (NCSG):Show where we have consensus

Thomas Rickert (ISPCP):Regardless what we call the final work product, we need to have a paper that specifies the processing activities from collection to deletion with purposes, a legal basis and a rationale.

Marc Anderson (RySG):I'm back in

Terri Agnew:Marc Anderson is back on telephone audio

Alex Deacon - IPC:This is very helpful IMO.

Milton Mueller (NCSG);:-)

Stephanie Perrin (NCSG):I had suggested to Council that we submit our output to an analysis according to the conclusions brought by the policy and implementation CCWG who reported a few years ago. Disentangling what is policy and what is implementation is important.

Terri Agnew:As a reminder, please mute when not speaking

Milton Mueller (NCSG):The first thing you notice about a project plan is that it never conforms to reality

James Bladel (RrSG):so long as it's designed to be adaptable, we should go forward and adjust on the fly

Milton Mueller (NCSG):A correction that should be made to the Project Plan: "Purposes for Access" should be changed to "Purposes for Collection"

Hadia Elminiawi - ALAC:+ 1 Thomas either ways are good

Hadia Elminiawi - ALAC:Ok kurt lets wait

Diane Plaut (IPC):Agreed. It sets forth a comprehensive way forward and of course discussion will be overlapping. As we go through the topics we will be able to go through certain topics more easily and have more discussion for other more challenging issues.

James Bladel (RrSG):agree with Milton.

Theo Geurts RrSG:+1 Milton

Benedict Addis - SSAC:Lifecycle seems like a sensible way to collect a set of purposes

Matt Serlin (RrSG):Seems reasonable to me

Stephanie Perrin (NCSG):The fundamental flaw in so many WHOIS processes is what Milton is describing. Purpose of disclosure to third parties Cannot drive the determination of purpose, so don't start with use cases brought by third parties.

Amr Elsadr - NCSG:Agree with Milton. We've heard from EU data protection experts in the past, that ICANN's purposes for processing data should be based on its narrow mission, and that this should not be conflated with the purposes of third parties (legitimate or otherwise) in accessing this data.

Marika Konings:that information is also in the DSI for 4.4.

Milton Mueller (NCSG):Right, these bullet points seem to be correct

Alan Woods (RySG):can we please be clear that ICANN does not determine the data to be collected alone ... especially if ICANN RY and RR are considered Joint controllers.

Alan Woods (RYSG):Also the Consensus policy we are looking at to create is regarding the purpose and use of the data by Ry and RR.

Stephanie Perrin (NCSG):Please do not use white type on slides. Does not show up. We have protocols for legibility, designed to help the disabled read presentations.

Kristina Rosette (RySG):never mind.

Milton Mueller (NCSG):yes, very important to specify that the two parts have different legal basis

Kristina Rosette (RySG):Are these buckets intended to be exhaustive?

Milton Mueller (NCSG):an exhaustive bucket is an interesting metaphor

Kristina Rosette (RySG):To be clear - the buckets on the slide.

Ashley Heineman (GAC):Should we raise substantive points now or wait until we get to the appropriate temp spec text.

Ashley Heineman (GAC):Should have ended with a "?"

Milton Mueller (NCSG):+1 Benedict. Critical point. You get access based on law, not based on being a govt agency

Amr Elsadr - NCSG:Are we meant to specify what legitimate purposes for LEAs and/or public authorities may be? Wouldn't these depend on where they have jurisdiction, and what due process they need to adhere to according to applicable law? What would be our role in this?

James Bladel (RrSG):even with a jurisdiction mismatch, the other "avenue" could still be an option

Benedict Addis - SSAC:@James Interesting. Can you elaborate?

Benedict Addis - SSAC:@Amr Legitimate purpose does not appear to sit well with LEA access.

Hadia Elminiawi - ALAC:@James what other avenue?

James Bladel (RrSG):Ashley noted that govts have 2 potential avenues for access. but if the Primary channel requires a jurisdiction match, then the 3rd party access approach might still be open to them.

Benedict Addis - SSAC:I think she said primary is legitimate interest, and the other approach being something like "in pursuit of their duties"? Presumably referring to text of GDPR.

Ashley Heineman (GAC):I didn't intend to give priority to either avenue. :-)

Benedict Addis - SSAC:@Ashley Sorry if I've munged your words :)

Ashley Heineman (GAC):Benedict - all good. And yes, referring to GDPR text.

James Bladel (RrSG):understood. mostly a hypothetical point

Theo Geurts RrSG:+1 Thomas, we need to make sure to be on point when it comes to these propose discussions.

Terri Agnew:finding the line

Amr Elsadr - NCSG:That's my line. Got dropped off. Apologies.

Diane Plaut (IPC):Thoma's point is well made, and important to note because the contractual relationship of the parties is the first starting point and a legal basis that is primary in the GDPR

Benedict Addis - SSAC:Legitimate interest is a bad basis for LE access.

Stephanie Perrin (NCSG):Can you please provide the material on the slide in a text file or word document? Thanks!

Terri Agnew:@Amr, you are back on the telephone

Amr Elsadr - NCSG:I am. Thanks Terri. :-)

Stephanie Perrin (NCSG):Alan is correct.

Theo Geurts RrSG:Good points Alan, lets start with purpose 1, registering a domain name by the registrant.

Ashley Heineman (GAC):I get what Alan is saying and perhaps this is where we need more guidance, because according to EDPB guidance received already:

Amr Elsadr - NCSG:@Alan: +1

Ashley Heineman (GAC):"a clear definition of the specific purposes pursued by ICANN (and registries and registrars) at the moment of collection would not categorically exclude the subsequent disclosure of

personal data to third parties for their own (legitimate) interests and purposes, provided the requirement of the GDPR are met.”

Benedict Addis - SSAC:"LEA and public authorities"

Kristina Rosette (RySG):got dropped. dialing back in.

Benedict Addis - SSAC:+1 Alan

Milton Mueller (NCSG):+ 1 Alan, this distinction is so critical

Kristina Rosette (RySG):back

Matt Serlin (RrSG):Agree with the points Alan raises here

Mark Svancarek (BC):I think Thomas already covered this and we should move on.

Ashley Heineman (GAC):If we have a list for getting guidance from EDPB, can we add this as a question with respect to articulating purposes?

Alan Woods (RYSG):of course... there is many point to be made in substantive discussions! Apologies for monopolizing

Stephanie Perrin (NCSG):What matters here is whether a Court will agree with Alan, not whether the team does, in my view

Ayden Férdeline (NCSG):+1 Stephanie

Mark Svancarek (BC):... or whether the court will disagree with Alan :)

Ashley Heineman (GAC):-)

Mark Svancarek (BC):Again, I think Thomas' explanation covered these distinctions

Thomas Rickert (ISPCP):I agree Margie - performance of contract would cover URS and UDRP imho

Alex Deacon - IPC:+1 Margie

James Bladel (RrSG):That was my understanding Kurt.

Milton Mueller (NCSG):I think all Margie is saying is that facilitating UDRP is a contractual obligation and part of the purpose of collection

Benedict Addis - SSAC:Why would it over-ride the balancing test ?

Milton Mueller (NCSG):But UDRP does not require collection of additional data other than what registrars need to maintain the domain, does it?

James Bladel (RrSG):@Milton-it's a subset of that data

Thomas Rickert (ISPCP):As URS and UDRP are made part of the contract with registrants, that processing is covered by 6 | b (performance of contract), so no additional consent or balancing required+

Diane Plaut (IPC):Yes, Margie made essential points that the legal bases including the fulfillment of a contract, consent, etc. and to further what I said earlier the controller legitimate purposes must be set forth first to follow the needed GDPR evaluation

Alex Deacon - IPC:@Benedict - because 6(1) a-e don't require the balancing test. only 6(1)(f)

Thomas Rickert (ISPCP):That is why we should go from 6 | b to 6 | f to 6 | f

Milton Mueller (NCSG):@James - subset means, it's already been collected anyway, right?

Thomas Rickert (ISPCP):sorry, to 6 | a

James Bladel (RrSG):correct, but possibly under a different purpose

Benedict Addis - SSAC:6 | b) Contract performance requires the data subject to be party to the contract. Is the registrant genuinely a party to UDRP or URS?

Alex Deacon - IPC:+` Thomas - I think this is a good way to get our job done.

Diane Plaut (IPC):Yes, Thomas this is correct and well explained

Margie Milam (BC):@benedict - yes -- ICANN requires the registration agreement to include agreement to the UDRP/URS

Benedict Addis - SSAC:@margie thank you

Ashley Heineman (GAC):Note - 4.4.9 needs to also reflect "and other public authorities"

Hadia Elminiawi - ALAC:The data is collected not only to fulfill the basic requirements of the registries or the registrars but also to fulfill the requirements of ICANN to perform its mission

Alan Greenberg (ALAC): Technical contact needs 3rd party purposes.

Milton Mueller (NCSG): Is there any reason why you skipped over 4.2 and 4.3?

Stephanie Perrin (NCSG): Registrars collect data for their business purposes that are well out of the ambit of ICANN's control, including the MS process. We need to keep in mind that distinction. Personal data collection has not been, to my knowledge, well explained in terms of the "picket fence".

Stephanie Perrin (NCSG): As an example of what I am referring to, an LEA request to a registrar for registrant data including financial data would have a "split" data set. Some that is controlled by ICANN through contract, some that is solely under registrar control as an independent data controller, namely financial data.

Thomas Rickert (ISPCP): Good point, Stephanie. We should make a clear demarcation of what data is collected and for what purposes it is collected as registration data in the gTLD world and what data the registrars process for their own purposes. Only the former shall be governed and enforced by ICANN.

Stephanie Perrin (NCSG): Those who disagree with me, if they could explain how ICANN could assert control of financial data, it would be helpful

Hadia Elminiawi - ALAC: I agree how is ICANN considered a third party?

Benedict Addis - SSAC: @Stephanie ICANN did assert control of financial data in the Data Retention Spec in the 2013 RAA

Hadia Elminiawi - ALAC: I meant ICANN compliance

Stephanie Perrin (NCSG): Not clear to me they had the right to do that in my view Benedict

Benedict Addis - SSAC: Indeed!

Milton Mueller (NCSG): @Benedict: that's the spec that got 35 legal exemptions, am I right?

Benedict Addis - SSAC: Not my finest hour

Thomas Rickert (ISPCP): If we can agree ICANN is a joint controller, ICANN is not third party

Alex Deacon - IPC: @theo - I think the process outlined by Thomas earlier is a good way forward 6.1.b then 6.1.f and then 6.1.a

Hadia Elminiawi - ALAC: +1 Thomas

Benedict Addis - SSAC: I'm concerned about our reliance on the 'contractual necessity' purpose. ICANN signs contracts with registries and registrars - the RRA and RRA respectively. The RRA requires terms to be inserted into another contract between the registrar and registrant, the Registration Agreement. struggle to see how the Registrar's obligation to perform under the RAA can be imposed on the registrant, who is not party to it.

Milton Mueller (NCSG): Ha - that's the tragedy of ICANN

Alex Deacon - IPC: @thomas - i think the table in appendix C of the temp spec makes it pretty clear that ICANN is a controller for all of the processing activities listed.

Stephanie Perrin (NCSG): on the other hand, even with ICANN as joint controller I can see no justification for them to control financial data elements.

Alan Greenberg (ALAC): I always assumed that "contractual necessity" refers to a contract that we sign with others where the terms are imposed upon us, not the terms that we impose.

Benedict Addis - SSAC: @Milton - is it mad to propose that the registrant signs a direct contract with ICANN ?

Milton Mueller (NCSG): Ys

Thomas Rickert (ISPCP): @Alex - I agree. But have we ever received a confirmation from ICANN? The word joint controller is not in the temp spec if memory does not fail me.

Amr Elsadr - NCSG: @Benedict: Yes!!

Alex Deacon - IPC: @ stephanie - I agree on your financial data elements point - I was referring to the contractual compliance point.

Milton Mueller (NCSG): It's a contract of adhesion

Thomas Rickert (ISPCP):@Stephanie - you are right. This is why I would take financial purposes and invoicing OUT of this document. That is only the Rrs business, not ICANN's.

Milton Mueller (NCSG):If a registrant refuses to sign what happens?

Benedict Addis - SSAC:No domain delegation?

James Bladel (RrSG):and I just got dropped. sorry folks.

Amr Elsadr - NCSG:Why would a registrant wish to sign a contract with ICANN? What services do ICANN provide registrants?

Milton Mueller (NCSG):Other than involuntary regulation?

Thomas Rickert (ISPCP):We must not conflate civil law concepts with data protection law concepts

Thomas Rickert (ISPCP):The contract is not with ICANN, but ICANN can still be a joint controller

Amr Elsadr - NCSG:@Thomas: Agreed.

Alan Woods (RYSG):to confirm ... we cannot decide if the purposes are legitimate .. we must provide a transparent basis as to why we believe the purposes would be considered legitimate ...if tested in the courts or by the DPAs for etc.

James Bladel (RrSG):isn't that circular? "it's in our contract, therefore it must be legal because the law allows for service of a contract"

Milton Mueller (NCSG):Imagine that - a chart of the data elements! What a great idea!

Stephanie Perrin (NCSG):A lot of this material is already in the ECO workbook

Milton Mueller (NCSG):-)

Alan Greenberg (ALAC):@James, not circular. You do it because it is in your contract, but the challenge is why ICANN puts it in the contract..

Alex Deacon - IPC:There is also data we can leverage from the RDS PDP

Ashley Heineman (GAC):+1 Alex

James Bladel (RrSG):Alan- it rests on the assumption that the contract provision is legal in the first place

Stephanie Perrin (NCSG):+2 James

Alan Greenberg (ALAC):Yes, that is the part that ICANN needs to be able to justify (ie present a legal justification).

James Bladel (RrSG):agree, RDS and EWG have already compiled this

Milton Mueller (NCSG):+1 James, circular reasoning will have us running around in circles

Thomas Rickert (ISPCP):Agreed James, therefore we have to test all purposes if they are lawful

Berry Cobb:As and FYI, the task being discussed was performed during Temp Spec iterations. Perhaps it can be built upon....or at least reviewed by this group: https://urldefense.proofpoint.com/v2/url?u=https-3A_www.icann.org_resources_pages_gtld-2Dregistration-2Ddataflow-2Dmatrix-2D2017-2D07-2D24-2Den&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7_ZjItYVqrCYHo_rKms9SFxImbYEJqG-y9I&m=SPhVvGSqBgqvz91Av8rTgWqRtkbg0PqvZScn09berUMM&s=9IzXMjbLZdXsP2rv5ri3sviXn7RalDx0C3-rKaXTEIY&e=

Alan Woods (RYSG):+1 thomas

Milton Mueller (NCSG):I disagree with Margie's point

Amr Elsadr - NCSG:A Data Protection Impact Assessment is required by the GDPR, Article 35.

Amr Elsadr - NCSG:So agreeing with Stephanie.

Margie Milam (BC):Disagree with Milton!

Mark Svancarek (BC):I believe the bylaws includes "resolution of disputes regarding the registration of domain names (as opposed to the use of such domain names" and "maintenance of and access to accurate and up-to-date information concerning registered names and name servers" , so its not accurate to say that the bylaws are somehow being changed

Diane Plaut (IPC):This is not correct Milton

Mark Svancarek (BC):So I understand Milton's point but do not agree

Milton Mueller (NCSG):It is correct. There are all kinds of consumer protection laws at the national level

Ashley Heineman (GAC):Disagree with Milton as well.

Hadia Elminiawi - ALAC:+1 Alan

Milton Mueller (NCSG):Keeping global DNS operational is part of ICANNs mission but does not justify third party access except in a few narrowly defied cases

James Bladel (RrSG):That clearly contradicts the guidance from Art29/EDPB

Milton Mueller (NCSG):what does, James?

Amr Elsadr - NCSG:@Mark: I believe the examples you provide are specific and correct, but the language in the temp spec is broader and more vague.

Theo Geurts RrSG:Is consumer protection not an issue for LEA's and governments?

James Bladel (RrSG):that ICANN must make the DNS trustworthy for 3rd parties. (paraphrasing)

Thomas Rickert (ISPCP):In my view 4.4.8 is too broad. Let's slice and dice and see whether we can agree on some aspects on this. I am confident we can find common ground if we get to the right level of granularity

Amr Elsadr - NCSG:@Thomas: +1

Milton Mueller (NCSG):I didn't say trustworthy, I said operational, globally compatible

James Bladel (RrSG):Alan said functional and trusted

Milton Mueller (NCSG):Diane, the temp spec redefines the mission of ICANN, not me

Milton Mueller (NCSG):I was deeply involved in the bylaws modifications during the transition that defined ICANN's mission

Thomas Rickert (ISPCP):Haha - bringing back sweet memories, right, Milton?

Milton Mueller (NCSG):"sweet" eh?

Alan Greenberg (ALAC):@Milton, many of us were deeply involved in the Bylaws modification.

Milton Mueller (NCSG):well then Alan you should know that the mission in the bylaws does not conform to what is in the temp spec

James Bladel (RrSG):so if we include a non-legitimate purpose in a contract or policy, it becomes legitimate?

Mark Svancarek (BC):"disagreement" <> "confusion

Ashley Heineman (GAC):So, if I understand Milton correctly, we need to clarify the text to avoid your concerns?

Margie Milam (BC):Milton - you are overreaching -- that is not part of this discussion --we are talking about WHOIS data

Alex Deacon - IPC:We can stop it milton. with the policy we are developing

Ayden Férdeline (NCSG):it is a slippery slope for sure

Ashley Heineman (GAC):AGree with Margie, this is specific to WHOIS.

Milton Mueller (NCSG):Drivers Licenses could easily be put into Whois

Ashley Heineman (GAC):Not easily

Milton Mueller (NCSG):It's a number and a state. Easy

Margie Milam (BC):no one is advocating that Milton

Margie Milam (BC):this is ridiculous

Ashley Heineman (GAC):over reach Milton

Milton Mueller (NCSG):YEs, MArgie your conception of ICANN's purpose is ridiculous, and yes, it involves overreach

Margie Milam (BC):Milton - read the bylaw

Benedict Addis - SSAC:@Margie it's not ridiculous - in fact China is requiring similar collection by ICANN contracted parties

Margie Milam (BC):this has already been decided in the Transition

Ashley Heineman (GAC):AGree with Kurt. The third party purposes does not include collection.

Milton Mueller (NCSG):Let's put this very simply: is 4.4.8 an ICANN purpose or a third party purpose?

Diane Plaut (IPC):Milton that is such a broad interpretation. The mission of ICANN is clear within the scope of domain registration collection and thereafter within the fulfillment of the registry and registrar contracts. Kurt has properly and accurately summarized this.

Theo Geurts RrSG:You can put a lot in a contract or bylaws, it does not make it legal.

Ashley Heineman (GAC):OK Milton - let's work on the text.

Alex Deacon - IPC:4.4.8 is supported by ICANN bylaws.

Milton Mueller (NCSG):Because the temp spec says it's an ICANN purpose

Milton Mueller (NCSG):aha you see, the IPC thinks it's an ICANN purpose

Amr Elsadr - NCSG:@Alex: That is debatable. At least regarding the bylaws referenced in the temp spec.

Margie Milam (BC):it is out of scope for this group to debate the bylaws

Hadia Elminiawi - ALAC:ICANN's purpose is the security, stability and reliability of the DNS, all the items listed in 4.4.8 relate to this - Milton I don't understand how you got the driver license in to this

James Bladel (RrSG):flight boarding. need to drop a bit early. thanks all!

Milton Mueller (NCSG):We are not debating the bylaws, we are trying to get us to conform to them

Alex Deacon - IPC:@milton - agree we are not debating bylaws - but I do disagree with your interpretation of them.

Amr Elsadr - NCSG:@Hadia: Nothing Milton suggested conflicts with ICANN carrying out its purpose in providing security, stability and reliability of the DNS.

Ashley Heineman (GAC):I think we are conflating (to use the word of the day) processing as only collection. Perhaps we need to revisit the idea of seperating out processing

Theo Geurts RrSG:I'll observe we reached the same discussion level as within the RDS.

Margie Milam (BC):Bylaws reference consumer protection -- see ..CANN will ensure that it will adequately address issues of competition, consumer protection, security, stability and resiliency, malicious abuse issues, sovereignty concerns, and rights protection....

Stephanie Perrin (NCSG):we had this argument at great length in the RDS group

Diane Plaut (IPC):Exactly, Alex and Margie. Milton the Bylaws are clear and they are not misapplied here.

Thomas Rickert (ISPCP):Stephanie and Milton, is there any reason not to break this down to concrete measures and see where we get?

Stephanie Perrin (NCSG):NO lets do that Thomas, we can raise concerns as we go along.

Milton Mueller (NCSG):Thomas: let's clear up the problem in the temp spec first. 4.4.8 conflates third party purposes with ICANN purposes

Georgios Tselentis (GAC):If we reached the same dealock as in RDS why not follow Thomas susggestion?

Stephanie Perrin (NCSG):One of the problems that keeps the GAC agitated, ALan, is that the framework internationally is not working. This does not mean ICANN can leap into the vaccuum and provide a data repository, available at the speed of cybercrime...

Milton Mueller (NCSG):@ Thomas what do you mean by "break down to concrete measures?" perhaps throw a draft up on the email list and we will see wwhere it gets us

Thomas Rickert (ISPCP):Can't we make it homework for the group to write up in bulletpoints (yet in concrete terms) what data elements need to be processed in whose interest that fall under 4.4.8

Thomas Rickert (ISPCP):Can't we make it homework for the group to write up in bulletpoints (yet in concrete terms) what data elements need to be processed in whose interest that fall under 4.4.8

Stephanie Perrin (NCSG):Not by Thursday, but yes

Alex Deacon - IPC:Bylaws Section 1.1(d)(ii), ICANN's states that, "notwithstanding any provision of the Bylaws to the contrary" enforcement of its registrar and registry contracts is within its mission. Those contracts include provisions regarding registrar and registry obligations in the face of trademark or copyright infringement of other abuses.

Thomas Rickert (ISPCP):No, let's give it a week.

Leon Sanchez (ICANN Board Liaison):I have a hard stop at top of the hour so I will be leaving soon

Leon Sanchez (ICANN Board Liaison):Thanks everyone

Milton Mueller (NCSG):Alex: That's compliance, which is 4.4.13. No one has objected to that

Alan Greenberg (ALAC):A definition: a basic structure underlying a system, concept, or text.

Mark Svancarek (BC):Thomas, can you share your existing playbook as an example to other teams?

Thomas Rickert (ISPCP):Milton, I will send an example to the list.

Thomas Rickert (ISPCP):...and the link to the playbook, too.

Mark Svancarek (BC):thx

Milton Mueller (NCSG):thanks. Gotta go

Benedict Addis - SSAC:Passing on James' Tweet: https://urldefense.proofpoint.com/v2/url?u=https-3A_twitter.com_Bladel_status_1034452455843618817&d=DwIFaQ&c=FmY1u3PJp6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7_ZjItyVqrCYHo_rKms9SFxImbYEJqG-y9I&m=SPhVvGSqBgVz91Av8rTgWqRtkbg0PqvZScn09berUMM&s=dLTH3nao9Wbljeiy9vknF-H44gJQ4eSxlhe5IANopJY&e=

Amr Elsadr - NCSG:@Kurt: Shouldn't we have also reviewed 4.2 and 4.3? They seem to be closely associated to 4.4.8 and 4.4.9 to me.

Milton Mueller (NCSG):Amr, right

Benedict Addis - SSAC:"Thomas Rickert (ISPCP): Can't we make it homework for the group to write up in bulletpoints (yet in concrete terms) what data elements need to be processed in whose interest that fall under 4.4.8" +1

Milton Mueller (NCSG):Everyone should see James's tweet ;D

Julf Helsingius (NCSG):Indeed :)

Thomas Rickert (ISPCP):In deed.

Milton Mueller (NCSG):Amr is right - 4.4.8 and .9 get their basis in 4.2 and 4.3

Amr Elsadr - NCSG:I hope that made sense.

Thomas Rickert (ISPCP):We should hire these guys as facilitators for the EPDP. Might expedite things :-)

Thomas Rickert (ISPCP):The guys in the tweet I mean

Milton Mueller (NCSG):I am bringing one of them to LA as an alternate

Julf Helsingius (NCSG):Thanks!

Rafik Dammak (GNSO Council Liaison):thanks all

Amr Elsadr - NCSG:Thanks all. Bye.

Hadia Elminiawi - ALAC:Thanks all bye

farzaneh badii (NCSG):bye

Matt Serlin (RrSG):bye all

Rahul Gosain-GAC:Bye all and Thanks

Thomas Rickert (ISPCP):Bye all