

**Adobe Connect: 25**

Alan Greenberg (ALAC)	Julf Helsingius (NCSG)
Alan Woods (RySG)	Kristina Rosette (RySG)
Alex Deacon (IPC)	Kurt Pritz (Chair)
Amr Elsadr (NCSG)	Laureen Kapin (GAC Alternate)
Ayden Férdeline (NCSG)	Lindsay Hamilton-Reid (RrSG Alternate)
Ben Butler (SSAC)	Marc Anderson (RySG)
Benedict Addis (SSAC)	Margie Milam (BC)
Diane Plaut (IPC)	Mark Svancarek (BC)
Farzaneh Badii (NCSG)	Matt Serlin (RrSG)
Georgios Tselentis (GAC)	Milton Mueller (NCSG)
Hadia Elminiawi (ALAC)	Rafik Dammak (GNSO Council Liaison)
James Bladel (RrSG)	Stephanie Perrin (NCSG)
	Thomas Rickert (ISPCP)

**Guests:**

None

**On Audio Only:**

Leon Sanchez (ICANN Board Liaison)

**Apologies:**

Emily Taylor (RrSG)  
Kavouss Arasteh (GAC)  
Ashley Heineman (GAC)

**Audio Cast (FOR ALTERNATES AND OBERSERVERS)**

**Peak:** 11 joined

**View Only Adobe Connect:**

23 joined

**Staff:**

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

**AC Chat:**

Andrea Glandon: (11/8/2018 07:12) Welcome to the EPDP Team Meeting #24 held on Thursday, 08 November 2018 at 14:00 UTC.

Andrea Glandon: (07:12) Wiki Agenda Page: <https://community.icann.org/x/gg68BQ>

James Bladel (RrSG): (07:54) Good morning! I have some folks working at the house, and it may be necessary for them to cut the power. If so, I will switch to mobile/phone. Thx.

Terri Agnew: (07:55) Thanks for the heads up James, hopefully everything is going smooth so far.

Alan Woods (RYSG): (07:58) Anybody else just getting silence when trying to dial in

Terri Agnew: (07:59) @Alan, I was able to join via telephone with no issue. We can have the op dial out if that would help

Alan Woods (RYSG): (07:59) Please Terri. Thanks.

Ayden Férdeline (NCSG): (08:01) Hi all

Amr Elsadr (NCSG): (08:01) Hi all.

Amr Elsadr (NCSG): (08:03) @Kurt: Any ETA on locations?

Amr Elsadr (NCSG): (08:04) The sooner we find out, the more time we'll have for visa applications.

Marika Konings: (08:04) [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_docs.google.com\\_document\\_d\\_1SoNTnvvadNQ8nX-5F-2DOxN4mtsd-2DgflNxT54GXsXyGQwEQ\\_edit-3Fts-3D5be311b5&d=DwlFaQ&c=FmY1u3PjP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7\\_ZjltyVqrCYHo\\_rKms9SFxImbYEJqG-y9I&m=pDdOvMBISFdiPmOHpV9Ky9IU7cLyVw\\_4mLzq51EuaVE&s=KXJWBHEjwImXrqyoCTpcsyFyhVnSkEwNlZh94QGbuw&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_docs.google.com_document_d_1SoNTnvvadNQ8nX-5F-2DOxN4mtsd-2DgflNxT54GXsXyGQwEQ_edit-3Fts-3D5be311b5&d=DwlFaQ&c=FmY1u3PjP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7_ZjltyVqrCYHo_rKms9SFxImbYEJqG-y9I&m=pDdOvMBISFdiPmOHpV9Ky9IU7cLyVw_4mLzq51EuaVE&s=KXJWBHEjwImXrqyoCTpcsyFyhVnSkEwNlZh94QGbuw&e=)

Berry Cobb: (08:04) @Amr - we hope to have cost options per location late next week. We'll advise as soon as we get the info from the Meetings Team.

Amr Elsadr (NCSG): (08:05) Thanks, Berry.

Benedict Addis - SSAC: (08:07) Berry any idea on which continent?

Thomas Rickert (ISPCP): (08:07) Hi all!

Berry Cobb: (08:08) Europe and non-US North America on the short list, but this is subject to change depending on cost options.

Marika Konings: (08:08) To Caitlin's point, the hope is that we can get input on those items via email and no phone discussion may be needed.

Hadia Elminiawi - ALAC: (08:09) it is good thomas

Caitlin Tubergen: (08:09) Yes, thank you for the clarification, Marika. :)

Stephanie Perrin (NCSG): (08:12) Thanks Berry for the information. Since we have several people who regularly experience visa issues we really appreciate your efforts with the Meetings team to move this along as quickly as possible, so that visas are obtainable.

Amr Elsadr (NCSG): (08:13) @Stephanie: +1

Marika Konings: (08:16) To facilitate your review of the currently assigned responsibilities, please see [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_docs.google.com\\_document\\_d\\_1-2DrdFchOwpANFVKOtN-5F9bPp-2DzT4JAvTN8dJqebdi-2DdM\\_edit&d=DwlFaQ&c=FmY1u3PjP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7\\_ZjltyVqrCYHo\\_rKms9SFxImbYEJqG-y9I&m=pDdOvMBISFdiPmOHpV9Ky9IU7cLyVw\\_4mLzq51EuaVE&s=3CFiyZQZRcWqqZzNX0pQXQcWL1hhxq5DBf26OF5fPOE&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_docs.google.com_document_d_1-2DrdFchOwpANFVKOtN-5F9bPp-2DzT4JAvTN8dJqebdi-2DdM_edit&d=DwlFaQ&c=FmY1u3PjP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7_ZjltyVqrCYHo_rKms9SFxImbYEJqG-y9I&m=pDdOvMBISFdiPmOHpV9Ky9IU7cLyVw_4mLzq51EuaVE&s=3CFiyZQZRcWqqZzNX0pQXQcWL1hhxq5DBf26OF5fPOE&e=)

Hadia Elminiawi - ALAC: (08:17) @Marika the link above is currently unable to open the file

Marika Konings: (08:17) [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_docs.google.com\\_document\\_d\\_1-2DrdFchOwpANFVKOtN-5F9bPp-2DzT4JAvTN8dJqebdi-2DdM\\_edit&d=DwlFaQ&c=FmY1u3PjP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7\\_ZjltyVqrCYHo\\_rKms9SFxImbYEJqG-y9I&m=pDdOvMBISFdiPmOHpV9Ky9IU7cLyVw\\_4mLzq51EuaVE&s=3CFiyZQZRcWqqZzNX0pQXQcWL1hhxq5DBf26OF5fPOE&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_docs.google.com_document_d_1-2DrdFchOwpANFVKOtN-5F9bPp-2DzT4JAvTN8dJqebdi-2DdM_edit&d=DwlFaQ&c=FmY1u3PjP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7_ZjltyVqrCYHo_rKms9SFxImbYEJqG-y9I&m=pDdOvMBISFdiPmOHpV9Ky9IU7cLyVw_4mLzq51EuaVE&s=3CFiyZQZRcWqqZzNX0pQXQcWL1hhxq5DBf26OF5fPOE&e=)

Marika Konings: (08:17) for some reason it added a dot at the end - apologies for that  
Georgios Tselentis (GAC): (08:19) @Thomas Can you please elaborate on the section about fines not being under Art. 83(4) ?

Thomas Rickert (ISPCP): (08:20) Georgios, for authorities' fines, the parties are not jointly and severally liable, but the party who is doing something wrong will be sanctioned. That is what this is about.

Hadia Elminiawi - ALAC: (08:20) @Marika thank you

Georgios Tselentis (GAC): (08:22) thanks Thomas "but the party who is doing something wrong will be sanctioned" means that we need to wait a court to decide about it?

Benedict Addis - SSAC: (08:23) A DPA not a court I think?

Thomas Rickert (ISPCP): (08:24) No. This was just an attempt to explain what would happen in case of data subjects complaints (joint and several liability) and fines (no joint and several)

Lindsay Hamilton-Reid (RrSG Alt): (08:25) I have concerns about joint controllers. I would not say registrars or registries in most cases are not controllers.

Matt Serlin (RrSG): (08:25) +1 Marc

Marika Konings: (08:26) Maybe a joint controller agreement could be included for illustrative purposes, which is then taken up for further consideration in implementation?

Lindsay Hamilton-Reid (RrSG Alt): (08:26) We need to remember what purpose(s) we are discussing here.

Thomas Rickert (ISPCP): (08:26) Lindsay, what are you then?

Lindsay Hamilton-Reid (RrSG Alt): (08:27) For registering domains, as a registrar, we are a processor. It's not including billing, etc. or any of our other services.

Thomas Rickert (ISPCP): (08:28) Lindsay, processor on whose behalf?

Lindsay Hamilton-Reid (RrSG Alt): (08:28) @Thomas, all we do is act on the instructions of ICANN and the registries for the registration of domains.

Amr Elsadr (NCSG): (08:29) @Lindsay: That was my initial understanding before we started assigning controller rolls to CPs.

Thomas Rickert (ISPCP): (08:29) So ICANN and the Rys are controllers and you are processors on their behalf?

Thomas Rickert (ISPCP): (08:29) ICANN and Rys are joint controllers

Diane Plaut (IPC): (08:29) Marc we are not going to be negotiating the agreement to go into the legal terms of liability and indemnifications but plugging in the roles and responsibilities as we laid out in the purposes under GDPR as per a fact based analysis as you appreciate. The joint controller agreement proportionally identifies the liability thereafter based on the purposes as we lay it out. We would only provide a draft of the JCA to provide a guide forward for the basis of the policy work as related to the roles and responsibilities. The liability and contractual terms, agreed, are outside of the scope of our work here. The joint controller relationship and roles have already been agreed to and identified as ICANN and he is now aligning our work with the appropriate and already acknowledged roles of joint controllership.

Thomas Rickert (ISPCP): (08:29) it should read.

Milton Mueller (NCSG): (08:30) Isn't ICANN the sole controller for Whois/RDS data? CPH has repeatedly told us they don't need whois for their purposes

Milton Mueller (NCSG): (08:31) obviously CPs collect data for their own purposes

Benedict Addis - SSAC: (08:31) @Milton that kind of invalidates Purpose A no?

Milton Mueller (NCSG): (08:32) I am not sure, Benedict.

Lindsay Hamilton-Reid (RrSG Alt): (08:32) @Thomas yes - even registries are processors to some degree. Are they passing on instruction from ICANN or on their own behalf?

Benedict Addis - SSAC: (08:32) And no, ICANN isn't sole controller except in the most reductive reading. CPH are part of an ecosystem that requires personal data. They aren't merely processors.

Amr Elsadr (NCSG): (08:32) @Marc: What I am wondering is, should we (in the event that we recommend a JCA), would it be, in your opinion, appropriate to state its objectives in our policy recommendations, as well as come up with some guiding principles to be taken up during the implementation phase.

Milton Mueller (NCSG): (08:32) one could construe Purpose A as a public title to the domain property that is required by ICANN.

Lindsay Hamilton-Reid (RrSG Alt): (08:33) Agreed Milton.

Benedict Addis - SSAC: (08:33) @Milton I don't understand

Georgios Tselentis (GAC): (08:33) @Marc I can understand you being cautious about agreements with million\$ implications but my understanding is that the ground work we do (purposes roles etc.) frames those agreements and this should be stated in the policy

Hadia Elminiawi - ALAC: (08:34) @Marc sure we can not draft contract terms - but guidelines and principles could be addressed

Diane Plaut (IPC): (08:35) Marc - Joint Controllership Agreements are not traditional contracts that are negotiated. A JCA is a form of a Data Processing Agreement, it most importantly lays out the roles and responsibilities and sets out the purposes and legal basis -which is basis the work we have done here and which is within our charter.

Alan Woods (RYSG): (08:36) Diane I'm sorry that is so beyond incorrect.

Alan Woods (RYSG): (08:37) that reasoning is going to have a DPA up in arms

Alan Woods (RYSG): (08:38) a JCA must be based on the partes, the specific processing, the specific data, the peculiarities of that processing situation, DPAIS, negotiations etc. If you re looking for 'key points' then look to art 26.

Alan Woods (RYSG): (08:38) that's not a form JCA

Thomas Rickert (ISPCP): (08:39) Kurt, we cannot really proceed on this unless we have clarity on whether the group thinks it is in scope and if the CPs want that to be done - they have to be a party to the JCA after all.

Thomas Rickert (ISPCP): (08:39) I do not feel comfortable pushing this forward in the absence of clarity on these points

Milton Mueller (NCSG): (08:40) Agree with Thomas - we need to establish whether it's in scope and whether the CP's will accept it. Though I do not hear any objection to stating roles and responsibilities

Alan Greenberg (ALAC): (08:42) I don't think there is any choice but to consider joint controllers. ICANN clearly is setting the rules, but in deciding whther to release information or veify consenet, CP is clearly acting as a controller.

Milton Mueller (NCSG): (08:43) I do not see that big a gap here.

Diane Plaut (IPC): (08:43) But Marc we have to make policy recommendations that are legally sound. That is part of our role - applying the GDPR principles to the present ecosystem and framework and making policy recommendations that can be legally acceptable, that is not legal advice.

Marc Anderson (RySG): (08:43) fine line Diane

Milton Mueller (NCSG): (08:43) Marc wants to draw the line at contract language and legal advice but has no objection to defining roles and responsibilities that need to go into a formal agreement between ICANN and the CPs

Marc Anderson (RySG): (08:44) Yes Milton

Milton Mueller (NCSG): (08:44) correction: Marc wants to draw a "fine line" ;-)

Marc Anderson (RySG): (08:44) :)

Milton Mueller (NCSG): (08:44) adn that's fine with me

Benedict Addis - SSAC: (08:44) Sounds reasonable.

Trang Nguyen (ICANN Org Liaison): (08:45) @Diane, you said that ICANN org has accepted being a joint controller, and I want to clarify that we have said that joint controller is different than what's currently

in the Temp Spec, and that we would need to look into joint controllership more. We'd be happy to work with you and Thomas more on this if that's what Kurt and the EPDP Team want.

Diane Plaut (IPC): (08:46) Great, thank you, Trang.

Marc Anderson (RySG): (08:48) +1 Thomas - well put

Hadia Elminiawi - ALAC: (08:48) @Thomas sounds good

Diane Plaut (IPC): (08:49) Yes, we are all looking to do the same thing, get our work to an agreed upon place and to be able to move it forward to applicability

Alan Woods (RYSG): (08:52) (hand up)

Alan Woods (RYSG): (08:52) lol

Berry Cobb: (08:55) Happy to help. We'll send out a doodle to get something scheduled.

Milton Mueller (NCSG): (08:55) So it's Thomas, Diane, Alan W and Berry on this small group?

Lindsay Hamilton-Reid (RrSG Alt): (08:55) Theo Guerts has also offered from the Rrsg

Milton Mueller (NCSG): (08:57) It was based on what I thought the consensus would NOT be

Stephanie Perrin (NCSG): (09:01) Possibly I could volunteer as an NCSG rep to this small group?

Berry Cobb: (09:02) Thanks Stephanie. You're on the list. ;-)

Stephanie Perrin (NCSG): (09:02) Thanks Berry!

Mark Svancarek (BC): (09:04) we hear you clearly now over AC

Alex Deacon - IPC: (09:04) AC seems better.

Julf Helsingius: (09:05) Hadia, can you please fix your mic settings?

Marika Konings: (09:05) Hadia, I believe your phone connection is better than Adobe Connect.

Julf Helsingius: (09:05) Hadia, as I have pointed out before, your mic is set to way too loud, so it distorts badly

Amr Elsadr (NCSG): (09:06) @Marika: +1

Caitlin Tubergen: (09:06) @Hadia - can you please type your comments in the chat? I am unable to hear you.

Alan Woods (RYSG): (09:07) I can barely hear what hadia is saying, but iff she is talking about statement regarding 'cph' opposing contract changes ... I will refer to my resposne on the list.

Milton Mueller (NCSG): (09:09) FYI, IPC and BC are one stakeholder group (Commercial SG) not two

Amr Elsadr (NCSG): (09:09) @Ashley: I'd say that there is divergence on this issue, rather than a majority vs a minority.

Amr Elsadr (NCSG): (09:10) Oh..., sorry..., my last comment was for Margie, not Ashley.

Lindsay Hamilton-Reid (RrSG Alt): (09:10) We do seem unable to reach consensus on this. We have talked about this so many times now. Just to be clear, the CPH do not want this to be a contractual obligation. There are too many risks.

Amr Elsadr (NCSG): (09:11) NCSG feels the same way, Lindsay.

Lindsay Hamilton-Reid (RrSG Alt): (09:11) Thanks Amr, sorry for forgetting the NCSG.

Farzaneh Badii (NCSG): (09:11) I am puzzled by how we actually come to the agreement that there is consensus on an issue.

Mark Svancarek (BC): (09:11) mike problem

Mark Svancarek (BC): (09:11) I agree with Alan

Terri Agnew: (09:12) @Mark, I have sent you a private AC Chat

Alan Woods (RYSG): (09:13) hahaha james i rprobably going to cover all I want to say!

Farzaneh Badii (NCSG): (09:13) Following on what Alan said, I suggest all parties not to put their fingers in their ears. it's not hygienic

Benedict Addis - SSAC: (09:15) @James what made you change your mind since LA?

Kristina Rosette (RySG): (09:16) you're rather faint, alan.

Hadia Elminiawi - ALAC: (09:16) With regard to the statement (refuse/object...) No prior positions should be stated - The place for putting such limitations on the group is the charter not the

initial report. research only means more information with regard to the issues being stated , it does not mean that we shall reach certain conclusions, it might only mean recommendations for further work, no recommendations at all, or some other result reached through consensus

Margie Milam (BC): (09:17) @Alan - if the EDPB addresses the liability issue ?

Margie Milam (BC): (09:18) your risk is eliminated

Lindsay Hamilton-Reid (RrSG Alt): (09:18) Agreed Alan!

Lindsay Hamilton-Reid (RrSG Alt): (09:18) How will that risk be eliminated Margie?

Margie Milam (BC): (09:19) if we get guidance from the EuDP that self certification is ok --per Thomas's suggestion on the last call

James Bladel (RrSG): (09:19) @benedict - I believe we had reached compromised on the idea of further research and a follow on work. And then the draft initial report included the opening sentence of "Contracted Parties are required to....."

Matt Serlin (RrSG): (09:19) can't hear you Lindsay

Alex Deacon - IPC: (09:19) I cant hear lindsay

Alex Deacon - IPC: (09:19) ...but I thnk I know what she is saying :)

Lindsay Hamilton-Reid (RrSG Alt): (09:20) So I was just agreeing with Alan and this has gone on and on and on. We keep pointing out the issues and it seems to be ignored.

Lindsay Hamilton-Reid (RrSG Alt): (09:20) Was that right Alex? :-)

Alex Deacon - IPC: (09:20) :)

Milton Mueller (NCSG): (09:21) I jsut want to say that he current language proposed for the interim report re: natural/legal gives voice to both sides and is acceptable to us

Laureen Kapin (GAC): (09:23) I look forward to staff's redraft of the views on natural/kegal because the current version should more fully reflect the different views on this issue.

Laureen Kapin (GAC): (09:23) natural/"legal"

Hadia Elminiawi - ALAC: (09:26) @Alan, It is certainly much simpler - certainly, no one will push CPs to do (implement) something that they are not comfortable with. @Milton the ALAC strongly opposes the new suggested statement ("OPPOSE/REJECT.....")

Amr Elsadr (NCSG): (09:29) @Berry: Please!! RRDRP, not RDDRP!! :D

Caitlin Tubergen: (09:29) Thank you, Amr. :)

Amr Elsadr (NCSG): (09:29) hahaha

Farzaneh Badii (NCSG): (09:29) PDDRP and RDDRP do not require WHOIS data elements and should be eliminated from purpose M. I have been saying this since stone ages and want to go on the record on that. If new data element needs to be added then I fiercely object and we did agree that new data elements should not be collected as a part of WHOIS data.

Farzaneh Badii (NCSG): (09:30) Thank you Berry

Amr Elsadr (NCSG): (09:30) et tu, Farzaneh?!

Farzaneh Badii (NCSG): (09:30) this is a great bref of the reality Berry is presenting.

Kristina Rosette (RySG): (09:31) +1 Alan, that's why we included it.

Berry Cobb: (09:31) For URS, it is lock, suspension, and change of nameservers is all I garnered from the URS procedures.

Farzaneh Badii (NCSG): (09:32) \*brief. sorry my turn to make great typos.

Kristina Rosette (RySG): (09:32) Appendix D

Marika Konings: (09:33) The temp spec specifies that for thin registry it is the registrar who provides this information, for a thick registry, it should be the registry operator.

Berry Cobb: (09:36) It was a team effort, not just me. But thank you Marc.

Alan Woods (RYSG): (09:36) ah Thank you Marika ... I was not aware of the thin

Alan Woods (RYSG): (09:36) I've celarly got thick-itis! :)

Alan Woods (RYSG): (09:36) \*clearly

Marika Konings: (09:37) I think the Initial Report foresees placeholders for where some of this information will be summarized.

Marika Konings: (09:37) in addition to sharing the data matrix

Alan Woods (RYSG): (09:39) Apologies, I was purely trying to help fill in the gaps! :) intended it to be helpful!

Marika Konings: (09:43) Note that the RPM WG is tasked to review the UDRP in the near future, so maybe that group could be asked to look into that?

Diane Plaut (IPC): (09:43) Agreed, Alan G.

Stephanie Perrin (NCSG): (09:48) Good idea Marika can we note this as an action item for today?

Hadia Elminiawi - ALAC: (09:48) @Benedict quite clear

Marika Konings: (09:48) @Benedict - do those include PII?

Hadia Elminiawi - ALAC: (09:49) It does not include PII - keys

Benedict Addis - SSAC: (09:49) In my opinion, no.

Marika Konings: (09:49) so there should not be an issue for that data to transfer from registrar to registry, no?

Amr Elsadr (NCSG): (09:49) What are glue records?

Benedict Addis - SSAC: (09:50) @Marika - no issue. But just want to make sure that we don't equate optional = 6(1)f

Benedict Addis - SSAC: (09:52) @Amr glue is the IP address of the nameservers, provided by the registrant, via the registrar, for the registry to stick in the zone.

Amr Elsadr (NCSG): (09:53) Thanks, Benedict.

Hadia Elminiawi - ALAC: (09:53) Glue records associate a name server with an IP address for the domain name to work

James Bladel (RrSG): (09:53) I've always thought of Glue records as breaking the potential for infinite/recursive DNS loops. It points to an IP address rather than another nameserver.

Benedict Addis - SSAC: (09:54) @James exactly. Solves the 'bootstrapping' problem where ns1.example.com is assigned as the nameserver for example.com

Benedict Addis - SSAC: (09:55) @Berry making the Tech email optional sounds reasonable!

Amr Elsadr (NCSG): (09:56) Thanks for that, James. Also helpful.

Berry Cobb: (09:57) I'll write it up.

Berry Cobb: (09:57) only 3 min left

Marc Anderson (RySG): (09:57) In principle I support this, but will review the final product (of course) :)

Berry Cobb: (09:59) For Action #1 a doodle poll has gone out for the small team to meet. please complete ASAP

Hadia Elminiawi - ALAC: (10:00) Thank you all bye

Amr Elsadr (NCSG): (10:01) Thanks all. Bye.

Margie Milam (BC): (10:01) bye!