

**Adobe Connect: 23**

Alan Greenberg (ALAC)	Julf Helsingius (NCSG)
Alan Woods (RySG)	Kristina Rosette (RySG)
Alex Deacon (IPC)	Kurt Pritz (Chair)
Amr Elsadr (NCSG)	Lindsay Hamilton-Reid (RrSG Alternate)
Ashley Heineman (GAC)	Marc Anderson (RySG)
Ben Butler (SSAC)	Margie Milam (BC)
Benedict Addis (SSAC)	Matt Serlin (RrSG)
Chris Disspain (ICANN Board Liaison)	Rafik Dammak (GNSO Council Liaison)
Diane Plaut (IPC)	Rahul Gosain (GAC Alternate)
Emily Taylor (RrSG)	Stephanie Perrin (NCSG)
Georgios Tselentis (GAC)	Thomas Rickert (ISPCP)
Hadia Elminiawi (ALAC)	

**Guests:**

None

**On Audio Only:**

Ayden Férdeline (NSCG)

**Apologies:**

Kavouss Arasteh (GAC)  
James Bladel (RrSG)  
Farzaneh Badii (NSCG)  
Leon Sanchez (ICANN Board Liaison)

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

**Peak:** 8 joined

**View Only Adobe Connect:**

31 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: (11/15/2018 06:56) Welcome to the EPDP Team Call #26 held on Thursday, 15 November 2018 at 14:00 UTC.

Andrea Glandon: (07:09) Wiki Agenda Page: <https://community.icann.org/x/YAPVBQ>

Rahul Gosain: (07:43) Hi All!

Rahul Gosain (GAC Alternate): (07:46) Hi terri

Rahul Gosain (GAC Alternate): (07:51) Just Curious- DO we have any finality about the location and the dates of the F2F meeting?

Rahul Gosain (GAC Alternate): (07:56) Thanks Terri

Rahul Gosain (GAC Alternate): (07:56) Terri

Thomas Rickert (ISPCP): (08:01) Hi all!

Ashley Heineman (GAC): (08:02) Hello from a snowy DC.

Stephanie Perrin (NCSG): (08:04) Wow that is early for you guys to have snow! We are getting ten cm shortly.

Amr Elsadr (NCSG): (08:04) Hi all. Apologies for being late.

Marika Konings: (08:04) Please note that Caitlin sent some draft language to the list yesterday to start the discussion on those questions

Kristina Rosette (RySG): (08:06) Apologies for joining late. Getting my snow day arrangements sorted.

Marika Konings: (08:08) The draft response can be found here: <https://mm.icann.org/pipermail/gnso-epdp-team/2018-November/000864.html>, but as suggested by Thomas the response can of course also refer to work in other parts of the report.

Diane Plaut (IPC): (08:11) Marika, this link does not work

Alex Deacon - IPC: (08:12) <https://mm.icann.org/pipermail/gnso-epdp-team/2018-November/000864.html>

Marika Konings: (08:12) Sorry, a comma got added to the end of the link by mistake. Try this: <https://mm.icann.org/pipermail/gnso-epdp-team/2018-November/000864.html>

Marika Konings: (08:12) ah, thanks Alex :-)

Thomas Rickert (ISPCP): (08:13) Suggested language: The way the responsibilities for data processing are shared amongst ICANN, Registries and Registrars are covered by Recommendation #17. As far as information duties, data security requirements and other statutory requirements are concerned, the requisite language and requirements shall be written up in the course of the implementation of the consensus policy.

Kristina Rosette (RySG): (08:14) Kurt, RySG will take a look at the language.

Kurt Pritz: (08:14) @kristina - bon

Amr Elsadr (NCSG): (08:16) Apologies about those anonymized changes. Was unintentional on my part.

Ashley Heineman (GAC): (08:16) Your sounding sooooo much better today Hadia!

Marika Konings: (08:16) As I understand, the only changes that Amr made was to add "personal data that concerns" prior to any references to natural / legal person.

Diane Plaut (IPC): (08:16) Yes!

Thomas Rickert (ISPCP): (08:17) Hifi-Hadia :-)

Amr Elsadr (NCSG): (08:17) @Marika: Also added a clarifying sentence at the top of the document.

Benedict Addis - SSAC: (08:17) Anyone else losing Hadia?

Amr Elsadr (NCSG): (08:17) I can hear Hadia perfectly today. Hurrah!!

Diane Plaut (IPC): (08:17) Amr -can you put the language in the chat?

Benedict Addis - SSAC: (08:18) Ah no just me!

Marika Konings: (08:19) The first sentence would now read: "The EPDP Team discussed these questions extensively; specifically, how to reach consensus on a policy recommendation with the goal of preventing unlawful disclosure or publication of personal data that concerns natural persons. " with the language after the comma proposed addition by Amr.

Amr Elsadr (NCSG): (08:19) @Diane: The EPDP Team discussed these questions extensively; [specifically, how to reach consensus on a policy recommendation with the goal of preventing unlawful

disclosure or publication of personal data that concerns natural persons]. In these discussions, the EPDP Team also considered the EDPB Advice in relation to this topic:

Amr Elsadr (NCSG): (08:19) @Diane: the text between brackets is what I added.

Diane Plaut (IPC): (08:22) Thank you! Is accurate and well worded.

Hadia Elminiawi - (ALAC): (08:22) Sorry if my intervention came at the wrong timing - no intention to waste your time

Amr Elsadr (NCSG): (08:22) @Marc: +1

Marc Anderson (RySG): (08:23) Alan is misrepresenting what I said

Kristina Rosette (RySG): (08:23) @Alan G: That's not what Marc said.

Matt Serlin (RrSG): (08:23) and I strongly object to the use of the word "stonewall" as we have been working in good faith on this ePDP just like the rest of you

Benedict Addis - SSAC: (08:25) Agreed Matt

Amr Elsadr (NCSG): (08:25) @Diane: Thanks.

Alan Greenberg (ALAC): (08:25) Statements that the CP have made up their mind and will not change regardless of the discussions that are presented is hard to characterize in another way.

Emily Taylor (RrSG): (08:26) I agree with @Matt

Ashley Heineman (GAC): (08:27) My concern here is that some folks are assuming there will be a "phase 2." My other concern is that there is an assumption that this is out of scope, which is coming out of the blue here. This was a question in the charter and the decision now to cut the discussion off is not appropriate, particularly in light of the thought and effort some folks are putting into this to find middle ground.

Lindsay Hamilton-Reid (RrSG alt): (08:27) It's difficult to compromise with the law. We are in a position where the demand to distinguish between natural and legal persons is problematic and risky for the CPH.

Lindsay Hamilton-Reid (RrSG alt): (08:28) There is no requirement for that distinction.

Benedict Addis - SSAC: (08:28) And yet most other registries in Europe manage it.

Lindsay Hamilton-Reid (RrSG alt): (08:29) Do they Benedict?

Benedict Addis - SSAC: (08:29) Yes.

Alex Deacon - IPC: (08:29) @lindsay - neither is it against the law.

Alan Greenberg (ALAC): (08:29) Text like "will remain opposed to these recommendations as we move towards final recommendations" does not sound like there will be a possibility of change if we defer the discussion.

Amr Elsadr (NCSG): (08:29) @Ashley: The GNSO Council has already acknowledged that there are a number of policy issues on RDS that were in scope of the RDS PDP, which was terminated, and that are not being addressed by the EPDP. These issues will all need to be addressed at a later time. If not during the course of the EPDP, then on some other policy development process.

Hadia Elminiawi - (ALAC): (08:29) +1 Kurt

Ashley Heineman (GAC): (08:29) If we use the logic of "there is no requirement to do x" then we blow up much of what the EPDP has been doing.

Lindsay Hamilton-Reid (RrSG alt): (08:29) Exactly Alex but it's also not a legal requirement.

Diane Plaut (IPC): (08:29) agree Ashley

Lindsay Hamilton-Reid (RrSG alt): (08:29) Not really Ashley, we are trying to come up with recommendations which will enable the CPH to comply with the law in relation to registrant data.

Alan Woods (RySG): (08:30) The question of legal/natural is not out of scope but the apparent insistence on the creation of a new system to prop up such a delineation (as we have noted numerous times that such a system does not exist) is out of scope Ashley.

Marika Konings: (08:30) You can also find this document

here: [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_docs.google.com\\_document\\_d\\_1-](https://urldefense.proofpoint.com/v2/url?u=https-3A_docs.google.com_document_d_1-)

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Ashley Heineman (GAC): (08:31) Thanks Alan. I think folks are trying to figure out a way to meet CPH concerns... and we shouldn't rule out that effort prematurely.

Marika Konings: (08:31) But to confirm, there are no concerns about the changes that Amr proposed to the legal/natural language?

Hadia Elminiawi - (ALAC): (08:32) + 1 Ashley

Benedict Addis - SSAC: (08:32) Thanks Alan. I'm only free until 1600 UTC, ie 1.5 hours from now, if you'd like to discuss on this call.

Benedict Addis - SSAC: (08:32) Also free tomorrow

Alan Woods (RySG): (08:33) but that effort is not necessary to meet the task of the ePDP. That's the point. We can recommend a future policy process, but we are not in a position to implement that as a result of the ePDP. I don't understand why there is insistence on the impossible. That's not stonewalling, that's ignoring the facts as have been stated.

Diane Plaut (IPC): (08:33) I agree Ashley, and agree with Alan. Rather than shutting down on our respective viewpoints with regard to legal/natural persons, we should discuss and understand each other's concerns and issues so we can work together to come to some form of consensus

Kurt Pritz: (08:33) @Marc - should we interrupt Thomas for your question?

Marc Anderson (RySG): (08:33) I can wait

Amr Elsadr (NCSG): (08:34) @Alan W: Agree. That could be a possible compromise recommendation. Is that something the EPDP Team is willing to consider?

Ashley Heineman (GAC): (08:35) I appreciate your concerns Alan W. That being said, it is not consistent with the questions outlined in the charter that is guiding the EPDP work.

Lindsay Hamilton-Reid (RrSG alt): (08:36) Perhaps they are the wrong questions. Perhaps they could be subject to change, depending on what we find as we go further into this PDP

Ashley Heineman (GAC): (08:37) That being said, I am TOTALLY sympathetic to the concern of having to establish a new system. I think the challenge is figuring out how to work around that and find a way that doesn't put undue burden on the CPH

Kurt Pritz: (08:37) Let's listen to this discussion please

Benedict Addis - SSAC: (08:37) Thank you Lindsay for being flexible

Benedict Addis - SSAC: (08:38) Sorry Kurt

Ashley Heineman (GAC): (08:38) Lindsay, I'm not sure that is helpful. I didn't agree to the UAM being out of scope, but I'm respecting that. I also think that we may at the end of the day come to an agreement that it is simply not possible to accommodate a distinction between legal and natural, we just shouldn't be ending that conversation now.

Ashley Heineman (GAC): (08:38) Sorry Kurt! Listening now!

Hadia Elminiawi - (ALAC): (08:39) Benedict's proposal establishes middle ground it's a compromise that puts the CPs at zero risk

Ashley Heineman (GAC): (08:40) "consider entering into a joint agreement?"

Lindsay Hamilton-Reid (RrSG alt): (08:40) Ashley, I am only suggesting that the more we find, we may well want to change some of the questions so that we actually have a report that makes sense.

Stephanie Perrin (NCSG): (08:41) You cannot put Contracted parties at zero risk. Lobbying the DPAs is not going to do it, civil society will take a case and a court will find the data collectors at hold. And there is no immunity for breach liability.

Stephanie Perrin (NCSG): (08:41) that was fault, not hold)

Lindsay Hamilton-Reid (RrSG alt): (08:42) Agreed Stephanie.

Benedict Addis - SSAC: (08:43) And to be clear, I do not agree with Hadia that my proposal puts CPH at zero risk. The proposal simply looks to balance risk.

Ashley Heineman (GAC): (08:43) "mitigate" risk. :-)

Benedict Addis - SSAC: (08:43) Both! Mitigate risk of CPH, and balance legal risk with systemic risk.

Ashley Heineman (GAC): (08:44) Agree with Margie as well.

Stephanie Perrin (NCSG): (08:47) I will just say here that the NCSG cares deeply about maintaining the ability of individuals around the world to have a domain name. That means they have to remain affordable. I do not see how entertaining this new field requirement keeps domain names affordable, but if you can show me technically how you would do it Benedict, please do

Hadia Elminiawi - (ALAC): (08:48) @Stephanie - data breach in this regard is not likely to happen- the registrants have the right to determine if they are natural or legal persons, I am not saying that the data will be published or redacted according to this declaration

Amr Elsadr (NCSG): (08:48) Interesting that the chat is not in-sync with the topic being discussed!! :-)

Amr Elsadr (NCSG): (08:49) Take it to the mailing list, folks!! :-)

Rahul Gosain (GAC Alternate): (08:50) Sorry People- have to leave!

Rafik Dammak (GNSO Council Liaison): (08:50) please everyone, focus on current the topic presented by Thomas

Ashley Heineman (GAC): (08:51) +1 Margie

Amr Elsadr (NCSG): (08:51) Sounds good, Margie.

Georgios Tselentis (GAC): (08:52) Being a controller is not a choice subject to wishful thinking or negotiation; it is derived from the specific process. That's what I do not understand the persistence to defer once more an issue in fear of the implications to ICANN or CPs

Amr Elsadr (NCSG): (08:53) Well..., we would need to indicate that our work is leading us to a JCA, but sure..., we still need to consider whatever input we get from ICANN org.

Amr Elsadr (NCSG): (08:53) @Thomas: +1

Benedict Addis - SSAC: (08:55) +1 Amr "all the work we've done has led us towards a JCA"

Kristina Rosette (RySG): (08:55) May I suggest a potential revision: ". . . .the EPDP Team recommends that ICANN negotiate and enter into an appropriate data processing agreement, which may be a Joint Controller Agreement, with the contracted parties."

Amr Elsadr (NCSG): (08:56) @Thomas: :D

Kurt Pritz: (08:56) @Thomas - second weakest

Thomas Rickert (ISPCP): (08:56) :-)

Matt Serlin (RrSG): (08:57) I support Kristina's suggestion above

Alex Deacon - IPC: (08:57) I think the reason we are spinning our wheels here is because we do not have the input from ICANN org on this topic. Do we know when the ICANN analysis memo will be made available to us?

Benedict Addis - SSAC: (08:58) Today according to Trang's email

Stephanie Perrin (NCSG): (08:58) Nicely explained Diane

Georgios Tselentis (GAC): (08:58) +1 Alex

Thomas Rickert (ISPCP): (08:59) Alex, we can always revise based on ICANN's and other input. that's what an initial report is for

Ashley Heineman (GAC): (08:59) Kristina's text sounds good.

Margie Milam (BC): (09:00) yes that works for me

Hadia Elminiawi - (ALAC): (09:00) + 1 Kristina

Stephanie Perrin (NCSG): (09:00) I think some of us recognize how complex the agreement Diane has described will be. It has to make sense of existing and previous contracts, the famous picket fence,

consensus policy as it exists and as will have to be reconstructed in line with the GDPR.....a bit of a dog's breakfast, to be honest. But it has to be done.

Lindsay Hamilton-Reid (RrSG alt): (09:01) +1 Kristina

Benedict Addis - SSAC: (09:01) +1 Stephanie

Trang Nguyen (ICANN Org Liaison): (09:02) @Alex, we plan on circulating today ICANN org's feedback on the roles and responsibilities memo that Thomas circulated.

Diane Plaut (IPC): (09:03) Kristina I think this is a very good recommendation and that we can make it stronger by adding, "as supported by the work of the EPDP team, based upon the purposes, legal bases and analysis, which factually supports a joint controllership relationship."

Benedict Addis - SSAC: (09:03) Awesome, thank you Trang

Marika Konings: (09:03) everyone has the power!

Trang Nguyen (ICANN Org Liaison): (09:03) @Thomas, a clarifying question, the language on the page says JCA (singular). Is the intent that there would be one single agreement with all contracted parties?

Hadia Elminiawi - (ALAC): (09:03) we can scroll

Alex Deacon - IPC: (09:04) Thank you Trang

Stephanie Perrin (NCSG): (09:05) will the 10 page legal memo be released soon Trang?

Emily Taylor (RrSG): (09:06) @Thomas - well said. You don't have to be a processor to be a data controller.

Ashley Heineman (GAC): (09:06) I wish we had this conversation a couple months ago. :-)

Ashley Heineman (GAC): (09:06) Helpful, thanks Thomas.

Hadia Elminiawi - (ALAC): (09:07) thank you Thomas

Diane Plaut (IPC): (09:09) Benedict - often JCAs have language which refer to indemnification clauses then cross-referenced to the separate contract between the parties

Benedict Addis - SSAC: (09:09) Thanks Diane!

Trang Nguyen (ICANN Org Liaison): (09:10) @Stephanie, what was called the 10-page memo is in reference to the ICANN org's feedback on the roles and responsibilities memo, which we plan on circulating today.

Georgios Tselentis (GAC): (09:12) One frame JCA with optional clauses to cover exceptions seems good option to me

Amr Elsadr (NCSG): (09:13) @Trang: Thanks for that. Very good to know.

Diane Plaut (IPC): (09:15) Agreed, Georgios. That is how it works most often in mutli-party situations and then DPAs would be entered into separately between registries/registrars and sub-processors

Hadia Elminiawi - (ALAC): (09:16) + 1 Alan that was my point - I could not make it clear

Margie Milam (BC): (09:17) That's what I was wondering Alan

Margie Milam (BC): (09:18) that's why I asked the question about the roles

Alan Greenberg (ALAC): (09:18) Yes, billing in the tem spec was just wrong!

Amr Elsadr (NCSG): (09:23) @Thomas: That was a very helpful explanation.

Alan Woods (RySG): (09:23) Controllership is not about visibility

Emily Taylor (RrSG): (09:24) @AlanG - I think it's a question of whether or not the registries would choose on their own behalf to (for example) publish WHOIS data - some may, some may not

Alan Woods (RySG): (09:24) +1 Thomas Thank you for your clarity on this very tricky topic!

Amr Elsadr (NCSG): (09:25) We might want to consider holding a webinar specifically on this issue early in the public comment period.

Julf Helsingius (NCSG): (09:26) Amr: good idea

Lindsay Hamilton-Reid (RrSG alt): (09:26) + 1 Alan W

Stephanie Perrin (NCSG): (09:27) great idea Amr. And let us not forget the resellers, folks...

Benedict Addis - SSAC: (09:28) Ah was just about to ask about resellers

Benedict Addis - SSAC: (09:29) "The buck stops with the registrar" ?

Alan Woods (RySG): (09:29) +1 Thomas . That would my view of it.

Ashley Heineman (GAC): (09:29) If resellers are not contracted parties, do we care from the perspective of this exercise?

Benedict Addis - SSAC: (09:29) @Ashley that seems sensible!

Ashley Heineman (GAC): (09:29) I get that it is still something that folks need to worry about. Just not us.

Alan Woods (RySG): (09:30) it would be up to the registrar to enter into a DPA as per Art 28.

Benedict Addis - SSAC: (09:30) Cool.

Matt Serlin (RrSG): (09:30) Well the contractual requirement is on the registrar...if they chose to use resellers, it's still their obligation to ensure they are compliant

Alan Woods (RySG): (09:31) +1 Matt

Ashley Heineman (GAC): (09:31) So... not EPDP. :-)

Alan Woods (RySG): (09:31) i meant the would need a DPA with their reseller, as that was not clear lol

Diane Plaut (IPC): (09:31) Yes, Alan W.

Lindsay Hamilton-Reid (RrSG alt): (09:31) Agreed Matt.

Stephanie Perrin (NCSG): (09:33) Resellers are the contact point with the data subject. much neglected in the ICANN policy eco system, but a critical piece from the perspective of DP law

Alan Greenberg (ALAC): (09:34) @Stephanie. I agree.

Benedict Addis - SSAC: (09:34) Stephanie my understanding is that GDPR allows for resellers to be the contact point without having any 'say' over the data processing. Thus they'd be a processor. Or is this an oversimplification?

Matt Serlin (RrSG): (09:35) I think a specific webinar for this topic would be warranted

Alan Greenberg (ALAC): (09:35) @Benewdick, there are other issues, but the fact that the registrar (who may not be in the EU) does not know that the reseller in in the EU is certainly an issue.

Alan Greenberg (ALAC): (09:36) I wish we could correct typos here!

Kristina Rosette (RySG): (09:37) Alan W said that we (RySG) need to go back for input.

Kristina Rosette (RySG): (09:37) To be clear, I prefer the current language. I was merely trying to find a path forward.

Alan Woods (RySG): (09:38) +1 kristina you beat me too it!

Alan Woods (RySG): (09:38) \*to

Thomas Rickert (ISPCP): (09:38) Same would be for the allocation of responsibilities in the document. That is what's on the table. Lacking objections, that will be our consensus position to be confirmed tomorrow.

Thomas Rickert (ISPCP): (09:39) Backend operators are processors. They follow orders.

Julf Helsingius (NCSG): (09:40) Do we leave AC on?

Stephanie Perrin (NCSG): (09:41) Had we done a proper risk assessment of the ecosystem, I suspect we would have identified the resellers, as the interface with the individual, to be a key risk from the perspective of noncompliance with GDPR, and as a potential breach liability. So leaving them out strikes me as inappropriate. Whne an individual complains about GDPR compliance, they will complain about their reseller, and they may be blissfully unaware of ICANN, the registries and the regostrars.

Marika Konings: (09:41) You can leave it on

Terri Agnew: (09:41) \*\*\*15 minute break\*\*

Kristina Rosette (RySG): (09:41) Dropping from phone. Will dial back in.

Lindsay Hamilton-Reid (RrSG alt): (09:43) Sorry, I have to drop now.

Stephanie Perrin (NCSG): (09:45) so if we think the controller/joint controller/processor question is complex re the registrars and registries.....I think it is doubly complex for the resellers. I would, if I were in a DPA office analyzing a complaint of noncompliance, be reluctatnt to consider a complex reseller

scenario simply a processor arrangement. But I look forward to being convinced otherwise, we certainly don't need more complexity here.

Alan Woods (RySG): (09:56) yup!:

Alan Woods (RySG): (09:57) haha that was benedict!! :)

Thomas Rickert (ISPCP): (09:57) Hi Stephanie, I am not sure if reseller scenarios are within our charter

Benedict Addis - SSAC: (09:57) We all sound the same to Americans :)

Alan Woods (RySG): (09:57) lol

Marika Konings: (09:58) All input to date can be found

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Marika Konings: (09:58) comments highlighted in green have already or are already in the process of being applied/addressed.

Stephanie Perrin (NCSG): (09:59) True Thomas but ICANN has a bad habit of ignoring resellers. They are the interface with the end user. V important.

Stephanie Perrin (NCSG): (09:59) There is a lot of catching up to do

Margie Milam (BC): (10:00) It's also Thanksgiving week in US next week

Kristina Rosette (RySG): (10:02) And, more importantly, the 19th is Monday.

Ashley Heineman (GAC): (10:02) Just getting back, hope I didn't miss anything!

Thomas Rickert (ISPCP): (10:02) In the CCWG Acct we had the tradition of doing wg calls on Thanksgiving. :-)

Marika Konings: (10:02) Staff intends to publish a 'final' version based on the current state of work by the end of the day tomorrow, Friday. This is of course dependent on getting through this list of comments.

Ashley Heineman (GAC): (10:03) Well, alright! Goals are good. :-)

Alan Woods (RySG): (10:04) sorry was kicked out of the dial in at the 2 hour mark!

Marika Konings: (10:07) Matt, would it be possible for you to come back before tomorrow's meeting to confirm which RrSG comments do need to get addressed / discussed?

Marika Konings: (10:07) That may facilitate the group's discussion tomorrow

Marika Konings: (10:08) See comment o. on the list

Matt Serlin (RrSG): (10:08) @Marika seems reasonable

Marika Konings: (10:09) Recommendation #7 was discussed during meeting #22

Kristina Rosette (RySG): (10:12) My point is that, if we haven't discussed a recommendation in plenary, it should come out.

Marika Konings: (10:15) But isn't this a plenary meeting?

Marika Konings: (10:15) and obviously the group can decide to take it out

Marika Konings: (10:15) if it wasn't discussed sufficiently or does not capture accurately what was intended

Kristina Rosette (RySG): (10:16) But the transcript only says that "jurisdiction could have implications," not what's actually in the recommendation.

Marika Konings: (10:17) Aciton item from that meeting was: "Action Item #3: ICANN Support Staff to draft a recommendation for Purpose E for the EPDP Team's review regarding noting the jurisdictional impact to gaining registrar/ebero designation."

Marika Konings: (10:17) but as said, if this recommendation does not accurately reflect what was discussed, please propose edits or agree to remove it and just refer to it as an item to be further considered?

Kristina Rosette (RySG): (10:17) Right, Marika: But the recommendation goes further than that.

Marika Konings: (10:18) so how can that be fixed?

Marika Konings: (10:18) staff has no particular view here and just aimed to translate what we thought was discussed. If that is not in line with the Team's thinking, it needs to be updated accordingly.

Thomas Rickert (ISPCP): (10:19) I said in LA I guess that for all transfers we need to ensure that non-EU transfers are compliant. We could add one recommendation that for all transfers, the requirements of Art. 44 onwards GDPR need to be met, where required during the implementation.

Kristina Rosette (RySG): (10:19) To be clear, I realize that staff was trying to fill gaps and connect dots, but we need to be in agreement that we did, in fact, reach that recommendation.

Marika Konings: (10:20) @ Margie - can you be specific to which recommendations you are referring so these can be added to the list?

Matt Serlin (RrSG): (10:20) +1 Margie

Ashley Heineman (GAC): (10:23) What item are we now discussing?

Marika Konings: (10:23) b.

Ashley Heineman (GAC): (10:23) THanks!

Alan Greenberg (ALAC): (10:24) Marika just mentioned "Monday Morning" . Is there a Monday meeting? I don't see it on the meeting list.

Marika Konings: (10:24) Not yet, but we may need one?

Kristina Rosette (RySG): (10:32) Thanks, Marika. That's helpful. I think that goes on the "to do" list for after IR publication.

Kristina Rosette (RySG): (10:32) That's my view, at any rate.

Amr Elsadr (NCSG): (10:36) @Alan: +1. The proposed rewrite is not the same as what we were supporting as a recommendation.

Amr Elsadr (NCSG): (10:37) That's a +1 to Alan W.

Ashley Heineman (GAC): (10:37) sorry to say, that was not my understanding of the conversations we had. I thought it was an obligation to ask, but up to the registrant to decide whether or not to provide.

Amr Elsadr (NCSG): (10:38) @Ashley: No. What we had supported was that it would be optional for the Registrar to request this data to begin with, not required of the Registrar to seek collection, but optional for the RNH to provide.

Alan Woods (RySG): (10:38) completely appreciate that Diane. Thank you

Marika Konings: (10:38) @Ashley, I think some further conversations took place on this topic while you were away.

Matt Serlin (RrSG): (10:38) Agree with Alan W...it does read that way to me and I'd take Diane up on the offer to withdraw it

Margie Milam (BC): (10:38) we agree with the IPC rewrite

Margie Milam (BC): (10:39) agree with Ashley

Alan Woods (RySG): (10:39) well no. If we are saying what our objection is. you can't change our objection Ashley.

Alan Greenberg (ALAC): (10:39) That is how I recall it as well. Though some CP did not like it.

Ashley Heineman (GAC): (10:40) No, I'm saying that I agree with the IPC version of the text as that is what 'I thought' we agreed to. Flagging it as not agreed to is perhaps the only way to go.

Amr Elsadr (NCSG): (10:40) I'm not arguing what the NCSG would like the recommendation to be, but rather that the IPC rewrite does not accurately represent what the NCSG was proposing.

Ashley Heineman (GAC): (10:41) If that text was to express the CPH objection, then my bad.

Alan Woods (RySG): (10:41) +1 Amr

Matt Serlin (RrSG): (10:41) Agreed with Marika...we got stuck on whether or not it was optional for the registrar to make the option available to the RNH :)

Amr Elsadr (NCSG): (10:42) Thanks Diane.

Ashley Heineman (GAC): (10:43) Agreed. I think I misunderstood what the statement was. I now see that this is articulating the NCSG, RySG, etc.

Stephanie Perrin (NCSG): (10:43) I cannot scroll further back in the chat than 10:40 (it is 11:40 where I am ). are there any options for that?

Stephanie Perrin (NCSG): (10:44) I would like to find out when we are getting that ten page memo that JJ discussed in the meeting on Monday.

Amr Elsadr (NCSG): (10:44) One of our issues with this recommendation was that we hadn't considered Article 14 in any detail to make a determination that registrars would be required to seek this data.

Alan Greenberg (ALAC): (10:44) Same here Stephanie.

Alan Greenberg (ALAC): (10:47) At this rate we are not going to get very far on this doc.

Trang Nguyen (ICANN Org Liaison): (10:48) @ Stephanie, as I mentioned earlier in the chat, which is now no longer visible, what is called the 10-page memo is in reference to the ICANN org's feedback on the roles and responsibilities memo circulated by Thomas. We plan on circulating this feedback today.

Hadia Elminiawi - (ALAC): (10:48) @Trang looking forward to that

Stephanie Perrin (NCSG): (10:49) great. I had thought those were two separate documents. Perhaps I misunderstood during the small team meeting

Amr Elsadr (NCSG): (10:49) @Hadia: +1

Amr Elsadr (NCSG): (10:50) @Trang: We're calling it the 10-page memo, because that's how JJ referred to it. :-)

Alan Woods (RySG): (10:50) exactly! Thanks Diane!

Diane Plaut (IPC): (10:51) Yes, that is right, Kurt.

Trang Nguyen (ICANN Org Liaison): (10:52) @Amr, I'm understanding the confusion now. The different terminologies might have been the cause for it. The document we've been working on is feedback on the roles and responsibilities memo.

Amr Elsadr (NCSG): (10:53) @Trang: Yup. That's it.

Stephanie Perrin (NCSG): (10:54) as long as it is ten pages :-)

Trang Nguyen (ICANN Org Liaison): (10:54) It's currently 9 pages. :)

Amr Elsadr (NCSG): (10:55) You need to work on one more page, Trang!! :D

Trang Nguyen (ICANN Org Liaison): (10:55) I do, don't I? :) Maybe I can play with the font size and margins to take it to 10 pages.

Amr Elsadr (NCSG): (10:56) Whatever works!! :D

Alan Greenberg (ALAC): (10:56) Which item are we on?

Matt Serlin (RrSG): (10:56) G in the chart

Hadia Elminiawi - (ALAC): (10:56) @Alan e2

Matt Serlin (RrSG): (10:57) Recommendation 7

Kristina Rosette (RySG): (10:57) I agree with Marc's comment.

Margie Milam (BC): (10:58) I agree with Marc on this - not sure its necessary as a recommendation

Amr Elsadr (NCSG): (10:58) @Alan W: +1

Margie Milam (BC): (10:58) +I Alan too

Matt Serlin (RrSG): (10:59) Agree with Marc and would agree with removing it at this point or changing the language completely

Alex Deacon - IPC: (11:00) Agree we should remove it.

Diane Plaut (IPC): (11:00) Agreed

Matt Serlin (RrSG): (11:00) consensus!

Alan Woods (RySG): (11:00) :)

Alan Woods (RySG): (11:01) FYI Beth Bacon will be stepping into the breach for me for the next 2 meetings! Best of luck team! :) I'll be with you in Alternate spirit!

Marc Anderson (RySG): (11:02) thanks Alan, have a great vacation!

Marika Konings: (11:02) Please submit any other issues that require discussion by COB today!!

Amr Elsadr (NCSG): (11:02) Thanks all. Bye.

Hadia Elminiawi - (ALAC): (11:02) thanks all