

**Adobe Connect:**

Alan Woods (RySG)	Holly Raiche (ALAC Alternate)
Alex Deacon (IPC)	James Bladel (RrSG)
Amr Elsadr (NCSG)	Julf Helsingius (NCSG)
Ashley Heineman (GAC)	Kristina Rosette (RySG)
Ayden Férdeline (NCSG)	Kurt Pritz (Chair)
Ben Butler (SSAC)	Leon Sanchez (ICANN Board Liaison)
Benedict Addis (SSAC)	Marc Anderson (RySG)
Chris Disspain (ICANN Board Liaison)	Margie Milam (BC)
Chris Lewis-Evans (GAC Alternate)	Mark Svancarek (BC)
Diane Plaut (IPC)	Matt Serlin (RrSG)
Farzaneh Badi (NCSG)	Rafik Dammak (GNSO Council Liaison)
Fiona Asonga (ISPCP Alternate)	Sarah Wyld (RrSG Alternate)
Hadia Elminiawi (ALAC)	Stephanie Perrin (NCSG)

**Audio Only:**

Thomas Rickert (ISPCP)

**Apologies:**

Alan Greenberg (ALAC)  
Estepan Lescano (ISPCP)  
Emily Taylor (RrSG)  
Georgios Tselentis (GAC)  
Kavouss Arasteh (GAC)

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

**Peak:** 7 joined

**View Only Adobe Connect:**

26 joined

**Staff:**

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

**AC Chat:**

Andrea Glandon: (2/5/2019 07:00) Welcome to the EPDP Team Call #42 held on Tuesday, 05 February 2019 at 14:00 UTC.

Andrea Glandon: (07:01) Wiki Agenda Page: <https://community.icann.org/x/RJ0WBg>

Julf Helsingius (NCSG): (07:57) .... followed by loud typing,,... :)  
Rafik Dammak (GNSO Council Liaison): (07:57) hello all  
Kristina Rosette (RySG): (07:58) Greetings!  
Alan Woods (RYSG): (07:58) hey all! :)  
Mark Svancarek (BC): (07:58) Hi ho!  
James Bladel (RrSG): (08:00) Morning.  
Diane Plaut (IPC): (08:00) Hello to all!  
Matt Serlin (RrSG): (08:01) Hi all  
Sarah Wyld (RrSG Alt): (08:01) Hallo  
Stephanie Perrin (NCSG): (08:09) When does the public comment period start, and is there time in there to consider the public comments?  
Julf Helsingius (NCSG): (08:10) I think many of us have an issue with a meeting on Wednesday (6th)  
Amr Elsadr (NCSG): (08:10) The public comment period is prior to Board consideration.  
Benedict Addis - SSAC: (08:10) Hello from under the sea!  
Mark Svancarek (BC): (08:11) @Benedict, are you in an underwater data center?  
Benedict Addis - SSAC: (08:11) Eurostar!  
Mark Svancarek (BC): (08:11) cool  
Kristina Rosette (RySG): (08:12) Very helpful explanation, Marika. Thank you.  
Stephanie Perrin (NCSG): (08:12) Yes thanks Marika, it would be nice to have that projected public comment release date on the chart.  
Marika Konings: (08:13) @Stephanie - we can estimate, but it is dependent on the adoption of the Final Report by the GNSO Council  
Benedict Addis - SSAC: (08:14) Roughly when (which month!) are we talking?  
Marika Konings: (08:15) March - mid-April, I would say, but this is of course dependent on the adoption of the Final Report and the Board's decision re. duration of public comment period.  
Benedict Addis - SSAC: (08:16) Ta Marika  
Diane Plaut (IPC): (08:18) Yes, to Margie's point, as thoroughly discussed and agreed in Toronto, Rec. 2 is to be tied to Purpose 2.  
Margie Milam (BC): (08:19) I hope so too!  
Margie Milam (BC): (08:20) that's fine - as long as it isn't set in stone  
Margie Milam (BC): (08:21) ok - that makes sense  
Julf Helsingius (NCSG): (08:24) Most of us have reserved Tuesdays  
Marika Konings: (08:24) GNSO Council document submission deadline is Monday  
Marika Konings: (08:24) so a Monday meeting would allow for any finetuning (if needed)  
Holly Raiche (ALAC): (08:25) Is the proposed meeting tomorrow in addition to Thursday's meeting  
Marika Konings: (08:25) @Holly - yes correct  
Holly Raiche (ALAC): (08:25) Thanks  
Stephanie Perrin (NCSG): (08:26) Thanks Marika, understood.  
Diane Plaut (IPC): (08:26) Has the plenary meeting invite for tomorrow gone out already? I only see the Legal team meeting invite.  
Julf Helsingius (NCSG): (08:28) I got the invite for wed quite a while ago  
Holly Raiche (ALAC): (08:28) Thanks for the question Diane - also - is there an agenda for topics, and will it also be three hours?  
Marika Konings: (08:28) @Diane - no, an invitation will go out shortly. We need to discuss when to reschedule the legal committee for.  
Marika Konings: (08:29) As Kurt noted, tomorrow's meeting will likely be shorter as a result of conflicting meetings that may start 1h 15 min into the meeting.

Farzaneh Badi (NCSG): (08:30) we need deadlines for substantive issues. we should not re-open issues either

Julf Helsingius (NCSG): (08:31) +1 Farzaneh

Marika Konings: (08:31) Deadline is COB today, Tuesday 5 February.

Kristina Rosette (RySG): (08:33) That was spot on, James.

Alan Woods (RySG): (08:34) agreed

James Bladel (RrSG): (08:34) \*whew\*

Matt Serlin (RrSG): (08:34) James nailed it

James Bladel (RrSG): (08:34) I'm about 100 email/skype messages behind, so wans't sure. :P

Benedict Addis - SSAC: (08:36) What did James nail? Sorry, I've got patchy audio :(

Stephanie Perrin (NCSG): (08:36) Cheers up James, that is less than a day....

Terri Agnew: (08:37) @Benedict, let us know if a dial out on the telephone would be helpful

Stephanie Perrin (NCSG): (08:37) imagine poor Ashley and Laureen....

Alan Woods (RySG): (08:38) +1 James seems reasonable

James Bladel (RrSG): (08:38) Shortly = 24 hours

Kristina Rosette (RySG): (08:38) RySG needs to take advantage of our RySG meeting tomorrow to ensure we've canvassed everyone.

Hadia Elminiawi (ALAC): (08:38) I am finally on Adobe as well

James Bladel (RrSG): (08:38) There you go, RySG. Line in the sand!

Kristina Rosette (RySG): (08:38) So yes, 24 hours seems good.

Alan Woods (RySG): (08:39) and sarah Wyld and Stephanie! ( and I'm a very bad attendance.... they are putting up with my interferences)

Alex Deacon - IPC: (08:40) Thanks to Berry for doing most of the detailed work.

Margie Milam (BC): (08:40) I am going offline to drive shortly but will rejoin when I can online

Berry Cobb: (08:42) You can find the Annex D version on the wiki, top

row: <https://community.icann.org/display/EOTSFGRD/e.+Data+Elements+Workbooks>

Berry Cobb: (08:42) We've maintained redline from the version loaded in the Initial Report.

Berry Cobb: (08:45) I pulled everyone to the Purpose 3 workbook. And unsynced again. 3-PA4 is meant to represent the Publication of the minimum public data set. It is complemented by 3-PA5 which is the fields that are proposed to be redacted.

Berry Cobb: (08:47) Latest consolidated data elements

table: [https://community.icann.org/download/attachments/96207076/Data%20Elements%20Matrix\\_v1.1.xlsx?version=1&modificationDate=1549334185442&api=v2](https://community.icann.org/download/attachments/96207076/Data%20Elements%20Matrix_v1.1.xlsx?version=1&modificationDate=1549334185442&api=v2)

James Bladel (RrSG): (08:47) Cant hear alan?

Mark Svancarek (BC): (08:48) You are breaking up - pls speak a bit more slowly

Hadia Elminiawi (ALAC): (08:48) alan you are difficult to hear

Alex Deacon - IPC: (08:48) yes

Sarah Wyld (RrSG Alt): (08:48) Yes, that's better

Holly Raiche (ALAC): (08:48) A Bit - speak more slowly

Berry Cobb: (08:49) Sarah and Alex, anything to add after Alan W's talk?

Berry Cobb: (08:49) or Stephanie?

Sarah Wyld (RrSG Alt): (08:49) I think Marc and Alan have covered it admirably, thanks Berry. And thank you for all your hard work on that!

Berry Cobb: (08:50) We should also flag in the introduction section of Annex D, we did create definitions for each of the primary processing activities. You will also find a new legend that attempts to more precisely define Required vs. Optional, etc.

Stephanie Perrin (NCSG): (08:52) Thanks Berry, I think this is great work. I would just like to note (and of course I have been mumbling on about this throughout the EPDP) that any reference to contracts and

Bylaws, needs a thorough review, as some policies/contracts/ and even the Bylaws could use an assessment under the GDPR. Just a little reminder.

Berry Cobb: (08:54) Thank you Stephanie. This is all a group effort. We would be here without Thomas's and Farzi's original concept with the XLS back in LA.

Berry Cobb: (08:54) ...we wouldn't be

Marc Anderson (RySG): (08:55) @Berry - maybe after Alan it would be worth talking a little about our "optional" discussion last week?

Marc Anderson (RySG): (08:55) I could jump back in if you would like

Berry Cobb: (08:55) Please go for it Marc. I can go to the page.

Hadia Elminiawi (ALAC): (08:56) I do have a question with regard to the data elements

Matt Serlin (RrSG): (08:56) Appreciate this group doing the heavy lifting on this!

Berry Cobb: (08:56) You'll see in the data element tables how individual fields are tagged as R, O-RNH, O-Rr, O-CP, etc.

Diane Plaut (IPC): (08:58) Agreed Matt - great work.

Berry Cobb: (09:00) The small team is meeting later today. Hopeful that we can conclude Purposes 3 - 6 plus some additional to-dos. Hope to have it to the plenary by Thurs. AM.

Berry Cobb: (09:00) Sorry 4 to 6. 1,2,3, and 7 are mostly done.

Alan Woods (RySG): (09:01) to be honest ... i found that very hard to understand!

Alan Woods (RySG): (09:01) microphone issues again sorry

Hadia Elminiawi (ALAC): (09:01) ok Berry

Stephanie Perrin (NCSG): (09:03) You may wish to review the Bird and Bird opinion on that issue.

Alex Deacon - IPC: (09:13) @Alan - I didn't say there were reasonable disclosure requests. Given your response I Cleraly I didn't make my self clear - I apologies for that.

Ayden Férdeline (NCSG): (09:14) Pseudonymized email addresses CAN identify a natural person, and therefore should be treated as personal data

Stephanie Perrin (NCSG): (09:14) The focus is certainly on the pseudonomized data (sp)

Alan Woods (RySG): (09:15) sorry (i'll reconnect folks)

Alex Deacon - IPC: (09:17) @james - hopefully we can set a policy that works most of the time (the 80/20 rule) See my comment on leveraging language in the RAA/PPSAI.

Amr Elsadr (NCSG): (09:18) @James: +1

Alan Woods (RySG): (09:18) I'm back in! hopefully a better line! :)

Amr Elsadr (NCSG): (09:18) @James: Exactly.

Alex Deacon - IPC: (09:22) to be clear - I'm not asking for registrant data - just the data associated with the P/P registration.

James Bladel (RrSG): (09:22) Did I lose audio?

Mark Svancarek (BC): (09:22) lost audio

Alex Deacon - IPC: (09:22) or an indication its a P/P registration.

Terri Agnew: (09:23) Confirming audio is back

Hadia Elminiawi (ALAC): (09:25) the mere fact that data which can identify pseudonymous email addresses exists does not make pseudonymous email addresses personal data – whether it is considered personal data or not depends on whether the requester has reasonable access to this identifying data or not. I agree with James that this whole thing is an implementation issue and how technically this is implemented determines what we can consider personal data

Amr Elsadr (NCSG): (09:31) @Kurt: Why would the EPDP make recommendationst that change the nature of P/P services? We should leave that alone.

Kurt Pritz: (09:31) @Amr - I am not suggesting that; I am suggesting that non-personal data is published

Kurt Pritz: (09:32) maybe I garbled to suggestion

Amr Elsadr (NCSG): (09:32) @Kurt: Do P/P providers publish any personal data right now? I'm not aware of this taking place. Am I mistaken?

Farzaneh Badii (NCSG): (09:32) is this a new recommendation? why are we fiddling with this rec?

Ayden Férdeline (NCSG): (09:33) we seem to be ignoring the fact that pseudonymous email addresses should be treated as personal information as they can lead to the identifiability of registrants. look at the client lists of MarkMonitor et al and who will be seeking to avail of this recommendation...

James Bladel (RrSG): (09:33) Sorry, I was referencing the Temporary Specificaiton on P/P Services as part of the 2013 RAA

James Bladel (RrSG): (09:34) Different Temp Spec. :)

Marika Konings: (09:34) So would this make sense in light with what Kurt suggested: "In the case of a domain name registration where a privacy/proxy service used (e.g. where data associated with a natural person is masked), Registrar (and Registry where applicable) MUST include in the public WHOIS and return in response to any query full non-personal WHOIS data of the privacy/proxy service, which may also include the existing privacy/proxy pseudonymized email."

Hadia Elminiawi (ALAC): (09:35) @Marika looks good to me

Holly Raiche (ALAC): (09:35) Thanks Markia - exactly

Matt Serlin (RrSG): (09:35) Here is the language James is referencing I believe...

Matt Serlin (RrSG): (09:36) " For any Proxy Service or Privacy Service offered by the Registrar or its Affiliates, including any of Registrar's or its Affiliates' P/P services distributed through Resellers, and used in connection with Registered Names Sponsored by the Registrar..."

Marc Anderson (RySG): (09:36) Whois should not be used - use RDDS instead please

James Bladel (RrSG): (09:36) @Marc - it's old.

Matt Serlin (RrSG): (09:36) As he points out, that is from the 2013 RAA

James Bladel (RrSG): (09:36) Kurt?

Alex Deacon - IPC: (09:36) Marika's language looks OK to me.

Marika Konings: (09:36) So updated version (per Marc's suggestion): In the case of a domain name registration where a privacy/proxy service used (e.g. where data associated with a natural person is masked), Registrar (and Registry where applicable) MUST include in the public RDDS and return in response to any query full non-personal RDDS data of the privacy/proxy service, which may also include the existing privacy/proxy pseudonymized email.

Alan Woods (RYSG): (09:37) Oh for the tehcnical people out there .... how?

Alan Woods (RYSG): (09:37) how will this be achieve. A list of Alpha numeric P&P providers?

Amr Elsadr (NCSG): (09:38) @Marika: If, in your proposed text, you're referring to pseudonymized email of the p/p provider, it'd be fine by me. If you're referring to the pseudonymized email of the p/p customer, then not so fine.

Marika Konings: (09:38) I believe in the context of PPSAI, there is always a reference to 'known privacy/proxy service', or something like that?

James Bladel (RrSG): (09:40) I think we covered this. Not surprisingly, Attorneys didn't want to become Accredited Proxy Services in order to register names for their clients. But at some number of domains (1000? 10,000?) that would become necessary

Alan Woods (RYSG): (09:40) So basically our though is Drop an impossible mandatory requirement that is actually likely impossible to implement well and hope for the best at implementation.

Ayden Férdeline (NCSG): (09:40) who is expected to bare the cost of implementing this recommendation?

Margie Milam - BC: (09:41) For any Proxy Service or Privacy Service offered by the Registrar or its Affiliates, including any of Registrar's or its Affiliates' P/P services distributed through Resellers, and used in connection with Registered Names Sponsored by the Registrar, the Registrar and its Affiliates

Marika Konings: (09:41) So updated version: "In the case of a domain name registration where an affiliated privacy/proxy service used (e.g. where data associated with a natural person is masked), Registrar (and Registry where applicable) MUST include in the public RDDS and return in response to any query full non-personal RDDS data of the privacy/proxy service, which may also include the existing privacy/proxy pseudonymized email."

Sarah Wyld (RrSG Alt): (09:41) What about

Sarah Wyld (RrSG Alt): (09:41) In the case of a domain name registration where a privacy/proxy service is used (e.g. where data associated with a natural person is masked) and known to or provided by the registrar or registry, Registrar (and Registry where applicable) MUST include in the public RDDS and return in response to any query full non-personal RDDS data of the privacy/proxy service, which may also include the existing privacy/proxy pseudonymized email.

Margie Milam - BC: (09:41) my quote above is from the 2013 RAA

Sarah Wyld (RrSG Alt): (09:41) Affiliated works also.

James Bladel (RrSG): (09:42) "Affiliated" is a defined term in teh RAA. So that works

Alex Deacon - IPC: (09:42) Sarah's text works also.

James Bladel (RrSG): (09:42) Still open to gaming by bad actors, but everything is...

Margie Milam - BC: (09:42) I prefer the language from he 2013 RAA

Margie Milam - BC: (09:42) more thorough

Sarah Wyld (RrSG Alt): (09:42) Since Affiliated is a defined term, that is probably a better idea.

Marika Konings: (09:43) @Margie - could we just refer to the RAA for the definition?

James Bladel (RrSG): (09:43) I think PPSAI captured this as well.

Margie Milam - BC: (09:44) yes

Marika Konings: (09:44) So: In the case of a domain name registration where an "affiliated" privacy/proxy service is used (e.g. where data associated with a natural person is masked), Registrar (and Registry where applicable) MUST include in the public RDDS and return in response to any query full non-personal RDDS data of the privacy/proxy service, which may also include the existing privacy/proxy pseudonymized email. - and then include a footnote that refers to the definition of 'affiliated'?

Alan Woods (RYSG): (09:44) Kurt . No need to publish the pseudonymized email ... the webform will sitll work ... why change it?

Alan Woods (RYSG): (09:44) \*still

Sarah Wyld (RrSG Alt): (09:44) Kurt can you say that again?

Stephanie Perrin (NCSG): (09:45) I don't think this group, which is tasked with implementing the GDPR with respect to RDS data after all, can insist on publishing a pseudonymized email, knowing full well it might not be sufficiently pseudonymized so as to not reveal true identity. WHile our mandate hardly embraces the spirit of the GDPR, namely to protect the privacy of individuals, we should not knowingly expose personal info.

Margie Milam - BC: (09:45) webform doesnt work

Margie Milam - BC: (09:45) for us

Sarah Wyld (RrSG Alt): (09:45) So the suggestion is we would publish the P/P contact, except hte email field would be the webform/passthrough email required from a separate recommendation, rather than provided by the P/P service?

Ayden Férdeline (NCSG): (09:45) +1 Stephanie

Farzaneh Badii (NCSG): (09:45) +1 Stephanie

Ayden Férdeline (NCSG): (09:46) webform is a reasonable compromise

Julf Helsingius (NCSG): (09:46) indeed

Ayden Férdeline (NCSG): (09:46) web form satisfies the ultimate goal of contactability

Margie Milam - BC: (09:46) contactability is not the only goal

Farzaneh Badii (NCSG): (09:46) Webform is ok. why doesn't it work for some? we can provide training on how to use a web form. unless you want to send mass emails

Stephanie Perrin (NCSG): (09:47) I thought at some point....and I may be mistaking this decision for one made in the RDS group...that we could have an indication in the public directory (we called it the thin data in the RDS) to indicate whether the registration was a proxy one. That could be enforceable on non-affiliated Proxy providers, not much else is....

Amr Elsadr (NCSG): (09:47) P/P service do not allow direct contact with a RNH in a publicly published whois. Why are we attempting to change this in a post GDPR-RDS, where personal data is already redacted?

Stephanie Perrin (NCSG): (09:47) So that would avoid the one month delay that Alex referred to.

Alex Deacon - IPC: (09:47) @amr - they do allow contact.

Amr Elsadr (NCSG): (09:48) @Alex: Direct contact, or contact through the service provider? Makes a difference.

Alex Deacon - IPC: (09:48) thru the provider

Amr Elsadr (NCSG): (09:48) Exactly.

Margie Milam - BC: (09:48) need to know its a proxy or privacy service

Amr Elsadr (NCSG): (09:48) So if the pseudonymized email is used to reach the p/p provider, that'd be fine. But not a pseudonymized email for the RNH.

Stephanie Perrin (NCSG): (09:48) Yes a webform is permissible. But wrt the month delay, could an aggrieved party commence escalation procedures earlier?

Ayden Férdeline (NCSG): (09:49) Re: Marika's language, can we change the end of the sentence "which may also include the existing privacy/proxy pseudonymized email." to "which must not include any information which could reasonably lead to the identification of a natural person." Thus: In the case of a domain name registration where an "affiliated" privacy/proxy service is used (e.g. where data associated with a natural person is masked), Registrar (and Registry where applicable) MUST include in the public RDDS and return in response to any query full non-personal RDDS data of the privacy/proxy service, which must not include any information which could reasonably lead to the identification of a natural person.

Stephanie Perrin (NCSG): (09:49) all of this being matters for discussion in the PPSAI IRT, not within the remit of this group

Terri Agnew: (09:50) 10 minute break (will be silence)

Ayden Férdeline (NCSG): (09:51) true Kurt... but, the advantage is that if a contracted party believes that the pseudonymized email will not identify a natural person, they may at their discretion publish it

Farzaneh Badii (NCSG): (09:52) agreed Steph

Kurt Pritz: (09:52) Ayden - I think your distinction applies to more recommendations than just his one and might go into the early stages of the early report to describe how we considered the definition of 'personal data'

James Bladel (RrSG): (09:53) Need to drop at the top of the hour. Thx.

Ayden Férdeline (NCSG): (09:56) I have to drop, but will be back in 20 minutes...

Hadia Elminiawi (ALAC): (09:57) @Ayden "which must not include any information which could reasonably lead to the identification of a natural person." is the obvious and is what GDPR requires and what we all see. Please visit the ICO website you shall find examples for good practices with regard to pseudonymous data as well as good interpretation and explanation

Hadia Elminiawi (ALAC): (09:57) \*seek

Holly Raiche (ALAC): (10:00) No sound

Kristina Rosette (RySG): (10:02) I have other comments about Rec. 12.

Amr Elsadr (NCSG): (10:02) I'm wondering if this would work the way it's meant to: "o a timeline for processing and responding to the disclosure requests in alignment with the Art. 12 GDPR timeframe for providing information to the data subject."

Alex Deacon - IPC: (10:03) i'm back

Benedict Addis - SSAC: (10:04) Not saying these calls are long, but I'm in a different country to the one I started in

Julf Helsingius (NCSG): (10:05) :)

Alex Deacon - IPC: (10:06) lol

Leon Sanchez (ICANN Board Liaison): (10:06) I need to drop. Sorry. Bye

Sarah Wyld (RrSG Alt): (10:07) Art. 12 . 3 The controller shall provide information on action taken on a request under Articles 15 to 22 to the data subject without undue delay and in any event within one month of receipt of the request. 2That period may be extended by two further months where necessary, taking into account the complexity and number of the requests

Sarah Wyld (RrSG Alt): (10:07) In our experience, 30 days is an acceptable base timeframe. Sometimes we need longer in which case we would communicate with the requestor, which is also in line with the Art.12 requiremnet

Amr Elsadr (NCSG): (10:08) @Sarah: Thanks. That's helpful. Like I said, I have no problem with any duration specified as long as it works..., in the real world.

Sarah Wyld (RrSG Alt): (10:09) Sounds good @AMR

Alex Deacon - IPC: (10:11) agree this language can be tightened up.

Hadia Elminiawi (ALAC): (10:11) Time frame - Article 12 - 3 . "The controller shall provide information on action taken on a request under Articles 15 to 22 to the data subject without undue delay and in any event within one month of receipt of the request. That period may be extended by two further months where necessary, taking into account the complexity and number of the requests"

Kristina Rosette (RySG): (10:12) That's language from the Temp Spec.

Holly Raiche (ALAC): (10:12) Thanks Hadia.

Hadia Elminiawi (ALAC): (10:13) + Kristina it could be indeed Tightened up - as you mention as an example " the logging requests"

Marika Konings: (10:13) Correct, 90 days is from Tem Spec

Kristina Rosette (RySG): (10:13) Sections 4.1 and 4.2 of Appendix A. This language specifically says these temp spec requirements remain in place.

Stephanie Perrin (NCSG): (10:14) Going back to pseudonymization. Here is the relevant Art 29 Opinion. [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_ec.europa.eu\\_justice\\_article-2D29\\_documentation\\_opinion-2Drecommendation\\_files\\_2014\\_wp216-5Fen.pdf&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7\\_ZjItyVqrCYHo\\_rKms9SFxlmbYEJqG-y9I&m=lgcibQZaLcjQyMWCXjixscmuOxHU6x-mIxcvI7a8zWY&s=Bzykaop0kHAsQh6mh0lpWnlSplIRZSuwx3tP99E2GZk&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_ec.europa.eu_justice_article-2D29_documentation_opinion-2Drecommendation_files_2014_wp216-5Fen.pdf&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7_ZjItyVqrCYHo_rKms9SFxlmbYEJqG-y9I&m=lgcibQZaLcjQyMWCXjixscmuOxHU6x-mIxcvI7a8zWY&s=Bzykaop0kHAsQh6mh0lpWnlSplIRZSuwx3tP99E2GZk&e=)

Diane Plaut (IPC): (10:15) I agree with Margie and Krsitina that the language is very confusing to the average reader, let alone us, and that moving the first paragraph out to bullet points like the rest of the text would be helpful, instructive and clearer.

Stephanie Perrin (NCSG): (10:16) please also refer to the recent ECJ Breyer case. Two Birds has a nice article on its importance [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_www.twobirds.com\\_en\\_news\\_articles\\_2016\\_global\\_cjeu-2Ddecision-2Don-2Ddynamic-2Dip-2Daddresses-2Dtouche-2Dfundamental-2Ddp-2Dlaw-2Dquestions&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7\\_ZjItyVqrCYHo\\_rKms9SFxlmbYEJqG-y9I&m=lgcibQZaLcjQyMWCXjixscmuOxHU6x-mIxcvI7a8zWY&s=0IU4qlwJBUtmQsxatjQizTSviJLXzn1ZQMqEn1YDhg&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_www.twobirds.com_en_news_articles_2016_global_cjeu-2Ddecision-2Don-2Ddynamic-2Dip-2Daddresses-2Dtouche-2Dfundamental-2Ddp-2Dlaw-2Dquestions&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7_ZjItyVqrCYHo_rKms9SFxlmbYEJqG-y9I&m=lgcibQZaLcjQyMWCXjixscmuOxHU6x-mIxcvI7a8zWY&s=0IU4qlwJBUtmQsxatjQizTSviJLXzn1ZQMqEn1YDhg&e=)



Kristina Rosette (RySG): (10:18) I'll take a first stab at it and circulate google doc. Waiting for current version of this from staff.

Sarah Wyld (RrSG Alt): (10:18) Thanks Kristina

Matt Serlin (RrSG): (10:19) Appreciate it Kristina...this one can't be wordsmithed on the fly for sure!

Alan Woods (RYSG): (10:19) Thanks Kristina! :)

Hadia Elminiawi (ALAC): (10:19) Thanks Kristina

Marika Konings: (10:20) @Kristina - current version sent!

Sarah Wyld (RrSG Alt): (10:20) That's it for me for today, thanks all.

Matt Serlin (RrSG): (10:20) thanks Sarah!

Hadia Elminiawi (ALAC): (10:20) Bye Sarah

Alan Woods (RYSG): (10:26) but that's not our job now. That is a recommendation that any future endeavour, by ICANN, will have to go through sufficient DPIAs ... not just research .... everything.

Alan Woods (RYSG): (10:27) That is compliance Margie. hadn't we dealt with ARS already

Ayden Férdeline (NCSG): (10:29) Sorry to have disappeared

Stephanie Perrin (NCSG): (10:30) If ICANN is a data controller, we don't need to talk about research as a purpose. I thought Ruth made that clear in Toronto.

Alan Woods (RYSG): (10:30) +1 stephanie.

Matt Serlin (RrSG): (10:30) I recall Ruth making that point in Toronto

Stephanie Perrin (NCSG): (10:31) There are of course transparency requirements, which are entirely different obligations.

Stephanie Perrin (NCSG): (10:31) Even market research is explicitly included without pulling it out separately.

Margie Milam - BC: (10:31) if ARS is not compliance - then we shouldn't cross it out in the new research purpose

Margie Milam - BC: (10:32) or have a standalone purpose

Stephanie Perrin (NCSG): (10:32) Furthermore, if ICANN hires an entity to do research, as it does, that entity is a normal contractee hired by the data controller to do its work. NOT a separate purpose

Margie Milam - BC: (10:33) ICANN doesn't have the data though Stephanie - so it doesn't work

Hadia Elminiawi (ALAC): (10:36) @kurt ok i wasn't sure what was part of the recommendation and what was not

Stephanie Perrin (NCSG): (10:36) It has the control Margie. They just don't want to accept that

Diane Plaut (IPC): (10:37) Agree with Margie, there should be a commitment for this to be explored further in Phase 2

Margie Milam - BC: (10:37) "threat response related to DNS" is fine

Stephanie Perrin (NCSG): (10:37) AS I have said over and over and over again.....we need to have a very clear understanding of who is the controller, and what data processing activities are under whose control. If we have that clear understanding, it has somehow escaped me.

Hadia Elminiawi (ALAC): (10:38) If we are not including ARS in compliance then we need to add it to this recommendation

Hadia Elminiawi (ALAC): (10:39) @Farzi this purpose is limited to ICANN

Margie Milam - BC: (10:39) the recommendation is just to explore it later

Farzaneh Badii (NCSG): (10:40) yeah I am not Hadia, Kurt

Amr Elsadr (NCSG): (10:40) To be clear, this recommendation is just to consider the issue in phase 2, correct?

Margie Milam - BC: (10:40) @Amr - yes

Amr Elsadr (NCSG): (10:40) Thanks, Margie.

Stephanie Perrin (NCSG): (10:40) We don't need a recommendation in order to do that.

Amr Elsadr (NCSG): (10:41) @Stephanie: True. :-)

Matt Serlin (RrSG): (10:41) stating the obvious here but our Phase 2 continues to expand...

Amr Elsadr (NCSG): (10:41) @Matt: Also true. :-)

Stephanie Perrin (NCSG): (10:42) Abandon all hope ye who enter here ought to have been inscribed over the top of our charter. Was that Goya or Bosch who did the best version of that?

Matt Serlin (RrSG): (10:42) +1 Alan we have said countless times ICANN needs to be more vocal about this if it's truly an ICANN purpose

Amr Elsadr (NCSG): (10:42) @Alan: +1. We're disagreeing on a potential ICANN purpose that ICANN is failing to make a case for (or is declining to do so).

Margie Milam - BC: (10:42) this is why I wanted to talk to ICANN in LA about this -- to clarify how ICANN ORG used it in the past

Stephanie Perrin (NCSG): (10:42) +100 ALan

Farzaneh Badii (NCSG): (10:43) ICANN OCTO has clearly said it does not need personal information

Farzaneh Badii (NCSG): (10:43) you asked that question many times Margie

Farzaneh Badii (NCSG): (10:43) in LA, in Barcelona

Amr Elsadr (NCSG): (10:43) Did I lose audio?

Holly Raiche (ALAC): (10:43) Hadia has dropped out

Andrea Glandon: (10:44) Hadia is still connected to the bridge

Margie Milam - BC: (10:45) more general is fine

Farzaneh Badii (NCSG): (10:46) ICANN doesn't do threat response. it helps with threat response. and it said that it does not need personal info in those situations either. Margie asked specifically if they needed personal info in confikr etc they said NO they did not need personal info

Marika Konings: (10:46) OCTO mission can be found here: [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_www.icann.org\\_octo&d=DwIFaQ&c=FmY1u3PJp6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdJSb7\\_ZjltYVqrCYHo\\_rKms9SFxImbYEJgG-y9I&m=IgcibQZaLcjQyMWCXjixscmuOxHU6x-mIxcvI7a8zWY&s=wITSkY6CnFbj7Od628F1dNe\\_K3Zd2IQ4GrfZwGEDCFo&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_www.icann.org_octo&d=DwIFaQ&c=FmY1u3PJp6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdJSb7_ZjltYVqrCYHo_rKms9SFxImbYEJgG-y9I&m=IgcibQZaLcjQyMWCXjixscmuOxHU6x-mIxcvI7a8zWY&s=wITSkY6CnFbj7Od628F1dNe_K3Zd2IQ4GrfZwGEDCFo&e=)

Marika Konings: (10:46) so we can refer to that?

Alex Deacon - IPC: (10:47) being involved in threat response is clearly in scope of the OCTO, but I'm ok with a more general statement.

Margie Milam - BC: (10:47) referencing the mission is good too

Mark Svancarek (BC): (10:47) +1 Kurt

Mark Svancarek (BC): (10:47) +2 Kurt

Mark Svancarek (BC): (10:47) now you have 3

Margie Milam - BC: (10:47) +1 Kurt

Alex Deacon - IPC: (10:47) +1 kurt!

Hadia Elminiawi (ALAC): (10:47) back again on adobe

Diane Plaut (IPC): (10:47) +1 Kurt

Amr Elsadr (NCSG): (10:48) @Kurt: Not true. I've +1ed you on a number of occasions since October. :-)

Amr Elsadr (NCSG): (10:48) Just not today. ;-)

Matt Serlin (RrSG): (10:48) @Kurt could you send whatever you proposed on the OTCO bit to the list please?

Marc Anderson (RySG): (10:48) +1 to Matt - I'm not sure I followed how that conversation ended.

Hadia Elminiawi (ALAC): (10:49) I am not on the bridge

Matt Serlin (RrSG): (10:49) I'd like to "+1" you but wasn't entirely clear what you were proposing...thanks!

Andrea Glandon: (10:49) @Hadia, the operator has tried to call you back

Hadia Elminiawi (ALAC): (10:50) From OCTO mission that Marika just posted "Researching issues related to the Internet's system of unique identifiers (domain names, IP addresses/AS numbers, protocol parameters, etc.)"

Ayden Férdeline (NCSG): (10:51) thanks all, see you tomorrow...

Amr Elsadr (NCSG): (10:51) Thanks all. Bye.

Matt Serlin (RrSG): (10:51) thanks all

Hadia Elminiawi (ALAC): (10:51) bye

Farzaneh Badii (NCSG): (10:51) bye

Stephanie Perrin (NCSG): (10:51) ten minutes of life back?