

**Adobe Connect: 28**

Alan Greenberg (ALAC)	Hadia Elminiawi (ALAC)
Alan Woods (RySG)	Julf Helsingius (NCSG)
Alex Deacon (IPC)	Kurt Pritz (Chair)
Amr Elsadr (NCSG)	Laureen Kapin (GAC Alternate)
Ashley Heineman (GAC)	Leon Sanchez (ICANN Board Liaison)
Ayden Férdeline (NCSG)	Marc Anderson (RySG)
Ben Butler (SSAC)	Margie Milam (BC)
Benedict Addis (SSAC)	Mark Svancarek (BC)
Beth Bacon (RySG)	Matt Serlin (RrSG)
Chris Disspain (ICANN Board Liaison)	Milton Mueller (NCSG)
Diane Plaut (IPC)	Rafik Dammak (GNSO Council Liaison)
Farzaneh Badii (NCSG)	Sarah Wyld (RrSG Alternate)
Fiona Asonga (ISPCP)	Stephanie Perrin (NCSG)
Georgios Tselentis (GAC)	Thomas Rickert (ISPCP)

**Audio Only:**

None

**Apologies:**

Kavouss Arasteh (GAC)  
Emily Taylor (RrSG)

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

**Peak:** 11 joined

**View Only Adobe Connect:**

33 joined

**Staff:**

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

**AC Chat:**

Andrea Glandon: (2/19/2019 07:12) Welcome to the EPDP Team Call #46 held on Tuesday, 19 February 2019 at 14:00 UTC.

Andrea Glandon: (07:12) Wiki Agenda Page: <https://community.icann.org/x/EYU2Bg>

Milton Mueller (NCSG): (07:51) greetings!

Rafik Dammak (GNSO Council Liaison): (07:52) hi all

Ayden Férdeline (NCSG): (07:58) hello all  
Hadia Elminiawi (ALAC): (07:58) hi all  
Hadia Elminiawi (ALAC): (08:00) Thanks Andrea  
Leon Sanchez: (08:04) Hello everyone  
Thomas Rickert (ISPCP): (08:12) we can do 15 months + 3 months for deletion  
Milton Mueller (NCSG): (08:12) Kurt I expressed some concerns in the email  
Marika Konings: (08:12) @Alan - I believe that CPs have previously said that data is further retained as soon as a complaint is launched / filed? Maybe CPs can confirm this?  
Alan Woods (RYSG): (08:12) happy with that thomas!  
Marc Anderson (RySG): (08:13) +1, I think that reflects the last discussion we had on that.  
Alan Greenberg (ALAC): (08:13) Marika, that presume that TDRP's are dealt with instantaneously to avoid overlap. And presume all parties define ONE YEAR to the minute.to the minute  
Alan Greenberg (ALAC): (08:14) As I said, it is an edge case but wasy to fix.  
Alan Greenberg (ALAC): (08:14) wasy = easy.  
Marika Konings: (08:14) for legal memo, please  
see [https://community.icann.org/display/EOTSFGRD/Meetings+Legal+Committee+Framework?preview=/102138857/104237083/ICANN%20-%20Memo%20on%20publication%20of%20the%20City%20field%20\(130219\).docx](https://community.icann.org/display/EOTSFGRD/Meetings+Legal+Committee+Framework?preview=/102138857/104237083/ICANN%20-%20Memo%20on%20publication%20of%20the%20City%20field%20(130219).docx)  
Milton Mueller (NCSG): (08:15) City jurisdiction rarely has any bearing on domain name cases.  
Marika Konings: (08:16) Please note that there is a recommendation on city field in the report, but it is still in brackets  
Marika Konings: (08:17) @Alan, there is no status quo, unless the EPDP Team confirms what the status quo is expected to be  
Marika Konings: (08:17) my understanding is that if there is no recommendation, there is no requirement so up to CPs to decide how to proceed.  
Amr Elsadr (NCSG): (08:17) @Sarah: +1  
Alan Greenberg (ALAC): (08:17) @Marika, then we need to say what to do with it.  
Alan Greenberg (ALAC): (08:17) I'm not arguing for one or another, but clarity.  
Milton Mueller (NCSG): (08:18) No. The legal advice has been received  
Amr Elsadr (NCSG): (08:19) Until section 3.3 of the legal memo on the city field is done, we shouldn't consider publishing the city field - 3.3 "3.3. In addition, the GDPR requires controllers to conduct and document their balancing assessments, which analyse whether each of the three elements above is satisfied"  
Hadia Elminiawi (ALAC): (08:19) @Milton yes but we are still waiting for further legal advice  
Sarah Wyld (RrSG Alt): (08:20) Would'nt the interim position be to redact the city field?  
Milton Mueller (NCSG): (08:20) The interim positio is that it will be redacted until the need for it is proven  
Hadia Elminiawi (ALAC): (08:20) the current position is that is is redacted  
Hadia Elminiawi (ALAC): (08:20) it  
Diane Plaut (IPC): (08:23) +1 Kurt  
Marika Konings: (08:23) Noted  
Ashley Heineman (GAC): (08:38) My final draft of the report actually shows "within 2 business days" for a response time. I don't see that captured here. I thought two business days was the agreed text (not "x business days).  
Matt Serlin (RrSG): (08:38) +1 Sarah  
Matt Serlin (RrSG): (08:39) @Ashley - 2 days was simply a response time...I think what this 15 days refers to is not simply a response but a resolution

Marika Konings: (08:40) @Ashley, the 2 days appears in the first bullet ("Response time for acknowledging receipt of a Reasonable Request for Lawful Disclosure. Without undue delay, but not more than two (2) business days from receipt, unless shown circumstances does not make this possible.)"

Sarah Wyld (RrSG Alt): (08:40) +1 Matt - 2 days was the initial acknowledgement of receiving the request

Amr Elsadr (NCSG): (08:40) @Matt: +1

Ashley Heineman (GAC): (08:40) gotcha, so what is showing is cribbed and not the full set of bullets. thanks.

Marika Konings: (08:40) @Ashley - correct

Farzaneh Badii (NCSG): (08:41) well it's a trend to make too many requests too. goes both ways Mark.

Sarah Wyld (RrSG Alt): (08:42) I'm a bit sad that the 'reasonably consider' bit is needed, but understand why it would be, and am happy to commit to that point because I do think that every request needs to be reasonably considered in order to be addressed appropriately

Mark Svancarek (BC): (08:44) Thanks, Sarah

Alan Woods (RYSG): (08:44) hahaha I'm not offended by that... I am annoyed at the disregard for process and the efforts we have made to be reasonable.. Apologies if my head cold made it sound that I was 'emosh'

Farzaneh Badii (NCSG): (08:44) "reasonably consider" just means registrars follow the set criteria ...

Marika Konings: (08:44) do note that the title of the recommendation does not appear in the report itself - it is just shorthand to be able to refer to the topic.

Stephanie Perrin (NCSG): (08:45) I totally support what Milton is saying. Contracted parties have to figure out what due diligence they are going to have to start doing before releasing personal data...not to say they are not following some process now, but I anticipate legal advice being required on this in phase two. So you cannot pull desired response rates out of thin air or past history until you know what the requirements are.

Milton Mueller (NCSG): (08:45) +1 Kurt

Alan Woods (RYSG): (08:45) +1 stephanie

Sarah Wyld (RrSG Alt): (08:45) +1 Stephanie - there are too many unknowns to be able to determine a good response timeframe based on current process

Milton Mueller (NCSG): (08:47) But the temp spec Reasonable ACcess discussion was meant to be a placeholder for a defined disclosure process

Matt Serlin (RrSG): (08:51) My memory may be off, but did we not initially have a 30 day resolution to requests in the initial, final report?

Milton Mueller (NCSG): (08:51) This is policy not implementation, Alan

Farzaneh Badii (NCSG): (08:52) we also have another problem Alan G. There are too many disclosure requests...

Farzaneh Badii (NCSG): (08:53) so shall we come up with cap criteria for disclosure request too?

Alan Greenberg (ALAC): (08:54) Beth beat me to it but I was going to point out that we were using "reasonable" FOR BOTH THE TYPE OF REQUEST AND THE TIMELINE.

Ashley Heineman (GAC): (08:54) Yes, 30 day resolution I believe is what is in the temp spec.

Ashley Heineman (GAC): (08:54) I think that reference was stripped out of the final report.

Ashley Heineman (GAC): (08:55) During the "fancy footwork" phase of our discussions.

Alan Woods (RYSG): (08:56) yes ...commensurate with the data subject requests time line.

Alex Deacon - IPC: (08:57) @stephanie - this discussion is not about Access - its about reasonable disclosure.

Farzaneh Badii (NCSG): (08:58) so what exactly is needed? BC IPC and Alan G and GAC want a specific timeline for resolution of disclosure request?

Alan Greenberg (ALAC): (08:58) wE HAVE udrpS AND ursS AND CYBERCRIME GOING ON RIGHT NOW. wE CANNOT COMPLETELY SHELVE THE DISCUSSION FOR A YEAR.

Hadia Elminiawi (ALAC): (08:58) We can go back to the 30 days

Alan Greenberg (ALAC): (08:58) Oops, sorry for caps!

Farzaneh Badii (NCSG): (08:58) oh wow Alan G that takes some artistic skill to type :)

Matt Serlin (RrSG): (08:59) @Hadia who is "we"?

Alan Woods (RYSG): (08:59) +1 Sarah

Alan Greenberg (ALAC): (08:59) The magic of Caps lock.

Amr Elsadr (NCSG): (08:59) What is the 30 day period based on?

Hadia Elminiawi (ALAC): (08:59) I meant we as a team - if the rest can accept this

Farzaneh Badii (NCSG): (08:59) I think Hadia means the report recommends 30 day timeframe

Sarah Wyld (RrSG Alt): (08:59) [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_opensrs.com\\_blog\\_2019\\_02\\_opensrs-2Dtiered-2Daccess-2Ddirectory-2Da-2Dlook-2Dat-2Dthe-2Dnumbers\\_&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7\\_ZjItyVqrCYHo\\_rKms9SFxlmbYEJqG-y9l&m=zZuPIpr5\\_6XWdLOS\\_ZCyc1X8iasKfy1bJeCkdGwmFZs&s=44QY1w\\_9hdzuZM5BEPMVxmXxn137Y6jncyZzt6linOU&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_opensrs.com_blog_2019_02_opensrs-2Dtiered-2Daccess-2Ddirectory-2Da-2Dlook-2Dat-2Dthe-2Dnumbers_&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7_ZjItyVqrCYHo_rKms9SFxlmbYEJqG-y9l&m=zZuPIpr5_6XWdLOS_ZCyc1X8iasKfy1bJeCkdGwmFZs&s=44QY1w_9hdzuZM5BEPMVxmXxn137Y6jncyZzt6linOU&e=)

Alan Woods (RYSG): (08:59) please do sarah ... i'd be very interested to read it! :)

Alan Woods (RYSG): (08:59) thank you!

Diane Plaut (IPC): (08:59) Stephanie - that is not supportable - we are setting the policy there is no further evaluation needed for a legal standpoint at this point - response time frames is a business decision and a commitment towards a reasonableness standard - not a legal evaluation

Ayden Férdeline (NCSG): (09:00) excellent statistics @Sarah W - thank you for sharing - so incredibly useful to see

Beth Bacon (RySG): (09:00) +1 Sarah. Well said

Marika Konings: (09:00) Note that there was no timeline recommendation in the Initial Report, but it referred to "Furthermore, the EPDP Team recommends that criteria around the term "reasonable" are further explored as part of the implementation of these policy recommendations addressing: [Practicable]\* timelines criteria for responses to be provided by Contracted Parties;"

Stephanie Perrin (NCSG): (09:00) Alex, I agree that we should stop using the word access and should be describing it as disclosure of personal information

Beth Bacon (RySG): (09:00) appreciate you sharing the numbers from your internal efforts

Alan Woods (RYSG): (09:00) +1 stephanie

Stephanie Perrin (NCSG): (09:00) so Touche....(imagine an acute accent on that e )

Matt Serlin (RrSG): (09:00) If the entire team can get back to a 30 day resolution vs. 15 days, I think it's certainly more palatable and possibly something we can compromise on

Amr Elsadr (NCSG): (09:01) @Sarah: Thanks for the link.

Ayden Férdeline (NCSG): (09:01) Diving in, this is curious: "92% of requests were made by commercial litigation interests, mostly trademark interests (85%) but also some copyright (4%: fewer than 100 total copyright-related requests) ... Fewer than 1% were requests from security researchers, one of the major groups who have expressed concerned about the loss of public Whois."

Farzaneh Badii (NCSG): (09:01) if what Matt is saying will settle the issue I am for it

Alex Deacon - IPC: (09:01) Thanks Sarah for the link - and also thanks to Tucows for its active and very reasonable engagement on this topic.

Sarah Wyld (RrSG Alt): (09:02) Thanks all, glad that our stats help move this discussion forward

Stephanie Perrin (NCSG): (09:02) +1 Ben

Hadia Elminiawi (ALAC): (09:02) 30 days for the resolution of the request - given that it is not one of the urgent matters that needs immediate action

Matt Serlin (RrSG): (09:02) Well said Ben!

Sarah Wyld (RrSG Alt): (09:03) @Ben could you paste your suggestion in chat please? I can't process it as well auditorily

Matt Serlin (RrSG): (09:04) +1 Ashley

Margie Milam (BC): (09:05) 30 days is far too long for us

Sarah Wyld (RrSG Alt): (09:05) 30 days is the requirement for a data subject to get their own data from a controller,

Ashley Heineman (GAC): (09:05) "No later than 30 days?"

Sarah Wyld (RrSG Alt): (09:05) so, if it's good enough for them...

Margie Milam (BC): (09:05) that's a separate issue Sarah

Ayden Férdeline (NCSG): (09:05) 30 days is reasonable, a contracted party can always respond sooner....

Sarah Wyld (RrSG Alt): (09:06) Yes, it's separate, but it's a parallel that I think is useful

Sarah Wyld (RrSG Alt): (09:06) AND as Ayden says, nothing says the response can't be faster

Farzaneh Badii (NCSG): (09:06) ok no later than 30 days

Alan Woods (RYSG): (09:06) Well thankfully the GDPR is about data subjects and 90 days is good enough for them in some circumstances ... therefore I do wonder where this belief that your 3rd party access trumps that of the data subject? Honestly ... reasonableness is a two way street,... as you are trying to establish .....

Matt Serlin (RrSG): (09:06) Which is why we talked about this notion of urgency...for things like malware, phishing, etc.

Matt Serlin (RrSG): (09:08) I should also point out there is significant objection to ANY timeframes within the RrSG so compromising on 30 days seems reasonable

Ben Butler (SSAC): (09:08) @Sarah, I think it is unnecessary to have an SLA in the recommendation. Compliance can enforce section 3.18 of the RAA (Abuse complaints) using the following language.

Ben Butler (SSAC): (09:08) Registrar shall take reasonable and prompt steps to investigate and respond appropriately to any reports of abuse.

Sarah Wyld (RrSG Alt): (09:08) Ben, thank you, that works for me

Alan Woods (RYSG): (09:08) works for me too ben... thank you.

Alan Woods (RYSG): (09:08) \*works

Matt Serlin (RrSG): (09:08) and it's disappointing compromise by other groups doesn't seem to be in the cards

Milton Mueller (NCSG): (09:09) +1000 Matt

Alan Woods (RYSG): (09:09) agreed Matt, very disappointing.

Ayden Férdeline (NCSG): (09:09) +1 Matt S

Mark Svancarek (BC): (09:10) @Ben, I think that Compliance has gone on record saying they do not compel action under that provision

Ayden Férdeline (NCSG): (09:10) particularly when the same groups claim in their response to be committed to participating, in their words, "in good faith"

Milton Mueller (NCSG): (09:11) NO!! No more pushing stuff into Phase 2

Ben Butler (SSAC): (09:11) @Mark... Unfamiliar with that recorded statement, but I know they have regularly brought inquiries on us and other Rrs.

Diane Plaut (IPC): (09:12) +1 Margie - this needs to be addressed

Diane Plaut (IPC): (09:13) Yes, Kurt since it is operational that is why it needs to be addressed within Phase 2

Alan Woods (RYSG): (09:13) nope .... this 95% nonsense is pulled from thin air. nope

Sarah Wyld (RrSG Alt): (09:13) I missed some of what Mark SV said, sorry

Milton Mueller (NCSG): (09:13) yes  
Matt Serlin (RrSG): (09:13) I'm not sure where 90% came from and how it would be measured...  
Milton Mueller (NCSG): (09:13) (disagree that is)  
Matt Serlin (RrSG): (09:13) 95% rather  
Mark Svancarek (BC): (09:14) Thanks, Kurt  
Sarah Wyld (RrSG Alt): (09:14) We did not even figure out how the SLA would be measured, this is not something we can commit to  
Ben Butler (SSAC): (09:15) SSAC is fine with a commitment to reasonableness at this stage  
Amr Elsadr (NCSG): (09:17) "Lawful requests for disclosure" or "requests for lawful disclosure"?  
Amr Elsadr (NCSG): (09:17) Shouldn't it be "requests for lawful disclosure"?  
Marika Konings: (09:17) yes, it should align with the terminology as used in the recommendation  
Alan Woods (RYSG): (09:18) say it one more time please  
Alan Woods (RYSG): (09:18) :D  
Sarah Wyld (RrSG Alt): (09:18) I would need to confirm with my constituency, but I think we're OK with that text "Registrars must reasonably consider and accomodate requests for lawful disclosure"  
Matt Serlin (RrSG): (09:18) agree with Sarah  
Amr Elsadr (NCSG): (09:19) Thanks Sarah. That sounds good.  
Milton Mueller (NCSG): (09:19) meh  
Farzaneh Badii (NCSG): (09:19) that is fine... let them have it.  
Ashley Heineman (GAC): (09:19) Shouldn't it include "registries?" In response to Sarah above.  
Milton Mueller (NCSG): (09:19) well, meh doesn't mean no.  
Sarah Wyld (RrSG Alt): (09:19) I can't speak for registries but Ashley your point does seem to make sense  
Ashley Heineman (GAC): (09:19) Gotcha. :-)  
Sarah Wyld (RrSG Alt): (09:21) +1 Alan W  
Sarah Wyld (RrSG Alt): (09:21) It's too much to commit the entire SG to a timeline here  
Sarah Wyld (RrSG Alt): (09:21) too many unknowns  
Alan Greenberg (ALAC): (09:21) @Sarah, regarding adding reistries, the orig Rec #18 refers to both.  
Sarah Wyld (RrSG Alt): (09:21) Good to know Alan G, thanks.  
Sarah Wyld (RrSG Alt): (09:22) I just copied the text from the Notes on the right of the AC window :)  
Sarah Wyld (RrSG Alt): (09:22) Which now says Registries also  
Farzaneh Badii (NCSG): (09:22) perfect! lets move onnnn woop woop  
Milton Mueller (NCSG): (09:23) moveon moveon moveon  
Marika Konings: (09:23) so proposed wording to reflect this notion of prioritizing it in the implementation phase is: "(A finalized time frame to be set during implementation. This discussion is to be prioritized during the implementation discussion.)"  
Alex Deacon - IPC: (09:24) +1 Margie  
Ayden Férdeline (NCSG): (09:24) sorry but i find this very offensive; we HAVE considered these positions very carefully. we have not brushed them aside  
Diane Plaut (IPC): (09:24) +1 Margie  
Milton Mueller (NCSG): (09:24) no comment  
Farzaneh Badii (NCSG): (09:25) sigh ... we shall celebrate that we are moving on ,... coffee coffee  
Terri Agnew: (09:25) 10 minute break (will be silence)  
Terri Agnew: (09:37) we are back from break  
Hadia Elminiawi (ALAC): (09:37) back we are  
Milton Mueller (NCSG): (09:39) not correct, Kurt  
Margie Milam (BC): (09:41) +1 Alan G

Farzaneh Badii (NCSG): (09:42) feasibility research was not agreed on Alan. you were given a week to object to Kristina's language and you did not

Milton Mueller (NCSG): (09:42) that's wrong Alan G

Mark Svancarek (BC): (09:43) We hear you clearly, Amr

Farzaneh Badii (NCSG): (09:44) here is the thread with regards to geo basis discussion: <https://mm.icann.org/pipermail/gnso-epdp-team/2019-February/001485.html>

Stephanie Perrin (NCSG): (09:44) The purpose of legal advice is not to tell you what to do, but they can certainly tell us how risky our proposals are.

Alan Greenberg (ALAC): (09:46) I thought that the legal advice we asked for is whether ICANN's presence in the EU means we have to apply GDPR universally.

Milton Mueller (NCSG): (09:48) indeed it was

Farzaneh Badii (NCSG): (09:48) I don't understand Hadia

Amr Elsadr (NCSG): (09:50) @Alan G: The legal advice we asked for was to determine whether ICANN's role as a controller with establishments in the EU does require universally consistent applicability of GDPR, so yes. I'm not seeing the distinction you're trying to make. Explain?

Amr Elsadr (NCSG): (09:50) @Milton: +1

Hadia Elminiawi (ALAC): (09:52) @milton ALAC supports differentiation and we would like to discuss the matter in phase 2

Farzaneh Badii (NCSG): (09:52) it should stay as worded

Amr Elsadr (NCSG): (09:53) @Farzaneh: +1

Diane Plaut (IPC): (09:53) +1 Kurt

Farzaneh Badii (NCSG): (09:53) the rule engine you mean Margie? no we won't do that

Amr Elsadr (NCSG): (09:54) Natural vs Legal? What does that have to do with Geo differentiation?

Milton Mueller (NCSG): (09:54) I see legal/natural as a totally different issue,

Farzaneh Badii (NCSG): (09:54) that is an absolute red line for us. it is so unfair and not multistakeholder of you to push for this while you keep pushing for universal disclosure. all domain name registrants deserve minimum data protection

Diane Plaut (IPC): (09:55) Yes, in support of Margie and the IPC position - we are looking for a thoughtful and well-vetted path forward with a commitment to resolution in Phase 2

Milton Mueller (NCSG): (09:55) Who are those CP's Alan?

Farzaneh Badii (NCSG): (09:56) no the issue is resolved.

Diane Plaut (IPC): (09:56) +1 Alan

Milton Mueller (NCSG): (09:56) Yes, you can have a universal rule and non-differentiation is the way to do it

Milton Mueller (NCSG): (09:56) SSAC is not known for its legal expertise

Ben Butler (SSAC): (09:58) Nor were we attempting to provide it.

Farzaneh Badii (NCSG): (09:58) why Ben? are you not going to have universal access?

Milton Mueller (NCSG): (09:59) right, isn't there a contradiction between the demand for a universal access model and the insistence on geographic differentiation?

Farzaneh Badii (NCSG): (09:59) why publishing the data of those who are not protected by law would contribute to security and stability of the Internet?

Thomas Rickert (ISPCP): (10:00) whe should have one global system as a rule with the possibility of waivers

Farzaneh Badii (NCSG): (10:00) +1 Thomas

Alan Woods (RYSG): (10:01) Ah farzi... i'm just sitting here noodling that. Once a cease processing order is handed down to a number of registrars and registries, I would be rather interested in reconciling that with Security and stability, and I hence why I'm taken aback by the SSAC statement. It seems very narrowly focussed on anti-abuse, but not on the actual SSR of the actual system.

Alan Greenberg (ALAC): (10:01) @Thomas, Yes. But that global rule could be display unless local law requires otherwise.

Stephanie Perrin (NCSG): (10:01) As I said on the list recently: are we going to comply with law, i.e. the other 90 some laws in place globally, or ignore them unless there are 4% fines as we have done in the past? How does a registrar determine whether his registrant is resident in Europe, or is this risk going to drive weekly address verification (which we know some would like).

Thomas Rickert (ISPCP): (10:02) alan. no. that's plain wrong.

Farzaneh Badii (NCSG): (10:02) if the group insists on this study and want to have rule engine and deprive people from minimum data protection, I will ask NCSG to dissent and support Thomas's recommendation.

Thomas Rickert (ISPCP): (10:03) i have a umpy connection on a train

Stephanie Perrin (NCSG): (10:03) Personally I will give up on the MS process and encourage civil society to sue. This is really discouraging, people

Farzaneh Badii (NCSG): (10:04) I will too. this is going over the line. some people deserve more data protection than others? really? utterly unfair

Amr Elsadr (NCSG): (10:04) Lost audio on my end. Will reload the AC room.

Ben Butler (SSAC): (10:04) SSAC's comments on Rec 16 (and 17) are made on the basis that over-redaction of registration data makes the operational work of security, network reputation, and abuse more difficult, which can have detrimental effects on the overall ecosystem. We are attempting to support that there should be a balanced evaluation of what registration data gets published, and that Geo and Legal/Natural are part of that balance.

Sarah Wyld (RrSG Alt): (10:05) +1 Beth!

Matt Serlin (RrSG): (10:05) agree with Beth (and Sarah for that matter!)...not sure this is a Phase 2 topic but something for the GNSO to take on in a later process

Farzaneh Badii (NCSG): (10:05) I want to know redaction of what data makes it difficult? their name? their email address? their phone numbers? their physical address? We are talking about people .

Milton Mueller (NCSG): (10:05) we can hear you now

Milton Mueller (NCSG): (10:06) I thought SSAC supported redaction of the email field, which clearly has SSR implications

Farzaneh Badii (NCSG): (10:07) +1000000 Thomas

Farzaneh Badii (NCSG): (10:08) fragmentation for access is bad but fragmentation for data protection is good?

Farzaneh Badii (NCSG): (10:08) well as Stephanie said, for 20 years you had one standard that violated many laws. we asked registrars to get a waiver. why can't the reverse happen?

Alan Woods (RYSG): (10:08) But the SSAC is ignoring a more fundamental risk, insofar as that the differentiation in a non perfect manner (which is what would be implemented as there are ZERO concrete ways to give effect to this properly on the table), will merely increase the risk of the parties to being prevented from actually processing data at all ... or fines . But a cesase processing order would be catastrophic. I suppose it would help abuse, as either zones would collapse, EEROS would be invoked left right and centre , would be necessary as a finger in the dam! Again this isa viable threat. 1 person, Max Schrems brought down Safe harbour because he made a complaint against Facebook in Ireland.... 1 complaint is all it takes to set this off. I'm not great with statistics but, 1 complaint in a zone of hundreds of millions .... not great odds.

Alan Woods (RYSG): (10:09) (I of course understand your point Ben ... i just beleive that it is not encompassing the true risk here)

Ben Butler (SSAC): (10:10) SSAC (as I think we all do) recognizes that email address is personal data, and would need to be redacted under GDPR. The underlying SSR issue is that attribution of correllated bad





Farzaneh Badii (NCSG): (10:18) geo discrimination. not distinction. it's a discriminatory treatment

Ashley Heineman (GAC): (10:18) The GAC does not have an agreed upon view.

Milton Mueller (NCSG): (10:18) where is the wording?

Alan Greenberg (ALAC): (10:18) @Thomas - because we support the SSAC position that overapplication of GDPR makes things more difficult.

Amr Elsadr (NCSG): (10:19) @Alan W: "those data from outside the EEA...", assuming the applicable registrar + RO are also outside of the EEA, correct?

Alan Woods (RYSG): (10:20) indeed.... but those are just 2 other factors which make me even more worried .. so many factors, so much uncertainty legally, ... just apply globally.

Farzaneh Badii (NCSG): (10:20) yes how about risk study to domain name registrants

Milton Mueller (NCSG): (10:20) As long as the study includes risk to REGISTRANTS then yeah

Hadia Elminiawi (ALAC): (10:21) @kurt I find your proposal on the screen fine

Ben Butler (SSAC): (10:21) I think where the confusion comes in is the assumption of what should happen once the geo determination is made. We did not say If geo is not EEA, then publish openly. We are simply saying that the determination should be made and laws applied accordingly. Again. We urge correlation and contactability to the extent allowable by law. That could theoretically be accomplished without exposing personal data. We are also concerned that if there is no requirement to attempt a geo determination, it could encourage legal "venue shopping" and a race to the bottom.

Amr Elsadr (NCSG): (10:21) @Alan W: Thanks, and +1.

Benedict Addis - SSAC: (10:21) Farzi, Milton - support. Risk to registrants also comes from other malicious registrants.

Milton Mueller (NCSG): (10:21) NCSG is still deliberating

Hadia Elminiawi (ALAC): (10:21) I meant in the chat

Diane Plaut (IPC): (10:22) Kurt- please clarify is the legal advice is not clear or leaves for interpretation

Diane Plaut (IPC): (10:22) if

Farzaneh Badii (NCSG): (10:22) you can't openly publish if geo distinction is made anyway. location is not the only factor for determining jurisdiction. but it of course makes it easier not to redact registrants personal info

Diane Plaut (IPC): (10:23) The word "contingent" can it be changed to "balanced with" or otherwise "In line with"

Farzaneh Badii (NCSG): (10:24) I abstain - I do not agree with allowing some to re-open issues and some imposing their opinions and getting their own way in a very multistakeholder fashion

Ashley Heineman (GAC): (10:27) The GAC doesn't have a position.

Benedict Addis - SSAC: (10:29) Farzi I'm sorry if this has come as a surprise! We've been talking about the systemic risk for a while now, and whilst we OF COURSE support registrant protection, we feel that individual rights haven't been properly balanced with collective rights.

Milton Mueller (NCSG): (10:29) Philosophically, there is no such thing as collective rights

Milton Mueller (NCSG): (10:29) but let's not get into that ;-)

Benedict Addis - SSAC: (10:30) Fair enough.

Stephanie Perrin (NCSG): (10:31) Collective rights?

Farzaneh Badii (NCSG): (10:32) so Benedict there are more risky domain name registrants in regions where there is no data protection? if you have universal access to their data why does it make a difference?

Stephanie Perrin (NCSG): (10:32) Lets not try to argue some information commons here guys....

Stephanie Perrin (NCSG): (10:32) Or we will be demanding a study of risk to registrants.

Farzaneh Badii (NCSG): (10:33) what you need is easy access to data--- that was the balance which we have bent backwards to provide you with. and will have a phase two to discuss it .

Ashley Heineman (GAC): (10:33) I read the report as stating that registrars are required to collect (optional for registrant), but optional to publish. Am I reading this wrong?

Benedict Addis - SSAC: (10:34) No we are not talking about access, as Ben has already articulated.

Milton Mueller (NCSG): (10:34) that's correct

Marika Konings: (10:34) @Ashley - there was no agreement to require registrars to collect - this is reflected in the accompanying text.

Farzaneh Badii (NCSG): (10:34) access is your balance Benedict!!!! disclosure to data is the balance between privacy and security

Farzaneh Badii (NCSG): (10:35) we are all record brokers

Beth Bacon (RySG): (10:35) +1 Sarah

Farzaneh Badii (NCSG): (10:35) +1 Sarah

Sarah Wyld (RrSG Alt): (10:35) I'm not sure that's accurate

Ashley Heineman (GAC): (10:35) AGree with Alan.

Alan Woods (RYSG): (10:35) Agree with Sarah.

Hadia Elminiawi (ALAC): (10:35) +1 alan

Leon Sanchez (ICANN Board Liaison): (10:36) I need to leave now. Sorry for not staying till the end

Leon Sanchez (ICANN Board Liaison): (10:36) Thanks everyone

Sarah Wyld (RrSG Alt): (10:37) oh! and also, the tech contact is not needed anyways, we should drop it entirely :) But in the spirit of not making substantive changes at this point, I'm okay to keep it optional

Marika Konings: (10:37) This is the language that is included in the Final Report: "Noting some of the possible legal and technical challenges involved in collecting data from a third party, some (RySG, RrSG, NCSG) expressed the view that registrars should have the option, but should not be contractually required, to offer the RNH the ability to provide additional contact fields, e.g., technical function. Others (BC, IPC, ALAC, GAC and SSAC) expressed the view that registrars should be required to offer the RNH this ability, as making this optional could ultimately lead to risks to DNS stability, security and resiliency. The stakeholders supporting this view noted this functionality is considered important and desirable for some RNHs. The Team could not come to agreement on this issue and as such no recommendation is included in this Final Report in relation to whether optional also means, optional or required for the registrar to offer."

Marika Konings: (10:38) See especially the last sentence

Ashley Heineman (GAC): (10:38) I agree that we have discussed this at length. The question is what we agreed to.

Sarah Wyld (RrSG Alt): (10:39) yes exactly (Kurt) - it may not be disclosed in a public whois but there is still processing done which could include disclosure

Marika Konings: (10:39) @Ashley - no agreement means no recommendation and as such no requirement (at least that is our understanding).

Sarah Wyld (RrSG Alt): (10:39) +1 Beth! Clarifying ftw

Matt Serlin (RrSG): (10:39) +1 Beth

Sarah Wyld (RrSG Alt): (10:40) Yes - I think that RySG language is helpful and not a substantive change (which we should not make at this time)

Beth Bacon (RySG): (10:41) The EPDP Team recommends that the data elements, representing the Aggregate Minimum Data Set, listed below are required to be collected by registrars, noting that the collection of some data elements is optional.

Beth Bacon (RySG): (10:41) Ry language if helpful

Sarah Wyld (RrSG Alt): (10:41) Good clear text Beth

Benedict Addis - SSAC: (10:42) @Sarah sorry for being stupid, what is the RySG language ?

Sarah Wyld (RrSG Alt): (10:42) Benedict - I was referring when I spoke to what we see up in the shared screen

Sarah Wyld (RrSG Alt): (10:42) but Beth has also shown us: Beth Bacon (RySG): The EPDP Team recommends that the data elements, representing the Aggregate Minimum Data Set, listed below are required to be collected by registrars, noting that the collection of some data elements is optional.

Beth Bacon (RySG): (10:43) Benedict- just what I had pasted in.

Beth Bacon (RySG): (10:43) What- Sarah said- sorry my computer is being twitchy and slow!

Diane Plaut (IPC): (10:44) This provides no further clarity Beth

Benedict Addis - SSAC: (10:44) That is clear (at least to me), but I don't think we can live with optional collection

Benedict Addis - SSAC: (10:46) Optional collection would appear to result in fragmentation and lack of legal predictability. I think we're agreed that these are bad things!

Sarah Wyld (RrSG Alt): (10:49) Thanks, all!

Farzaneh Badii (NCSG): (10:49) Goodbyeeee

Fiona Asonga (ISPCP): (10:50) bye

Rafik Dammak (GNSO Council Liaison): (10:50) thanks all

Benedict Addis - SSAC: (10:52) Thanks everyone