

ICANN
COMMUNITY FORUM

64

KOBE

9–14 March 2019



EPDP Team Meeting

Day 1



ICANN64, Kobe
9 March 2019

Welcome & Introductions

Agenda item #1

Welcome & Introductions

- ⦿ Roll Call & Introduction of any new members / alternates
- ⦿ Update on Council deliberations on phase 1 and instructions in relation to phase 2
 - Adoption of Final Report and all recs during 4 March meeting
 - [Public comment](#) opened prior to Board consideration of recommendations (deadline for input: 17 April 2019)
 - Council considerations for phase 2
- ⦿ Outline of Agenda (see next slide) and Objectives for the week:
 - General understanding of scope, interdependencies, dependencies and resource needs for phase 2
 - Develop and agree on general approach and timeline for phase 2

Agenda Overview – Day 1

Timing	Topic
10.45 – 11.00	Arrival at the Meeting Room
11.00 – 11.30	Welcome / Introductions <ul style="list-style-type: none">• Update on Council deliberations on phase 1 and instructions in relation to phase 2• Outline of Agenda and Objectives for the week
11.30 – 12.15	Tour de Table – commitments, objectives and expectations for phase 2 <ul style="list-style-type: none">• A representative of each group will share the group’s commitments, objectives and expectations for phase 2
12.15 – 13.30	Lunch Break
13.30 – 14.15	Overview of topics included in phase 2 <ol style="list-style-type: none">1) System for Standardized Access to Non-Public Registration Data,2) Annex - Important Issues for Community Consideration a3) Issues deferred from EPDP Phase I
14.15 – 15.30	Brainstorming exercise
15.30 – 16.30	Plenary Session <ul style="list-style-type: none">• Aim to reach preliminary agreement on possible approach, timing, resources and dependencies for each strand of work• Aim to reach preliminary agreement on the working methods for phase 2 (# of meetings, duration, etc.)• Aim to reach preliminary agreement on a possible target date for delivery of the Initial Report, assuming alignment with Council expectations as well as resources identified.
16.30 – 17.00	Implementation Status Update (GDD)
17.00 – 18.30	Social Gathering

Agenda Overview – Day 2, 3 and 4

Day 2—Sunday 10 March 2019

Timing	Topic
17.00 – 18.30	Engagement Session with the Technical Study Group on Access to Non-Public Registration Data <ul style="list-style-type: none">• Opportunity to learn more about the scope, status and next steps of the TSG and how it intersects with the EPDP Team’s phase 2 deliberations

Day 3—Wednesday 13 March 2019

Timing	Topic
10.30 – 12.00	Phase 1 implementation brainstorming session

Day 4—Thursday 14 March 2019

Timing	Topic
8.30 – 10.15	Wrap up session <ul style="list-style-type: none">• Review of draft work plan and approach coming out of Saturday’s session• Consider further input that may have been gathered throughout the week, including Council input from weekend sessions as well as engagement session with TSG• Confirm next steps and next meeting

Tour de Table

Agenda Item #2

Objective

- ⦿ Commitments, objectives and expectations for phase 2

A representative of each group (RySG, RrSG, ISPCP, BC, IPC, NCSG, GAC, SSAC, ALAC) will share the group's commitments, objectives and expectations for phase 2

Lunch Break

12.15 – 13.30

Overview of topics included in phase 2

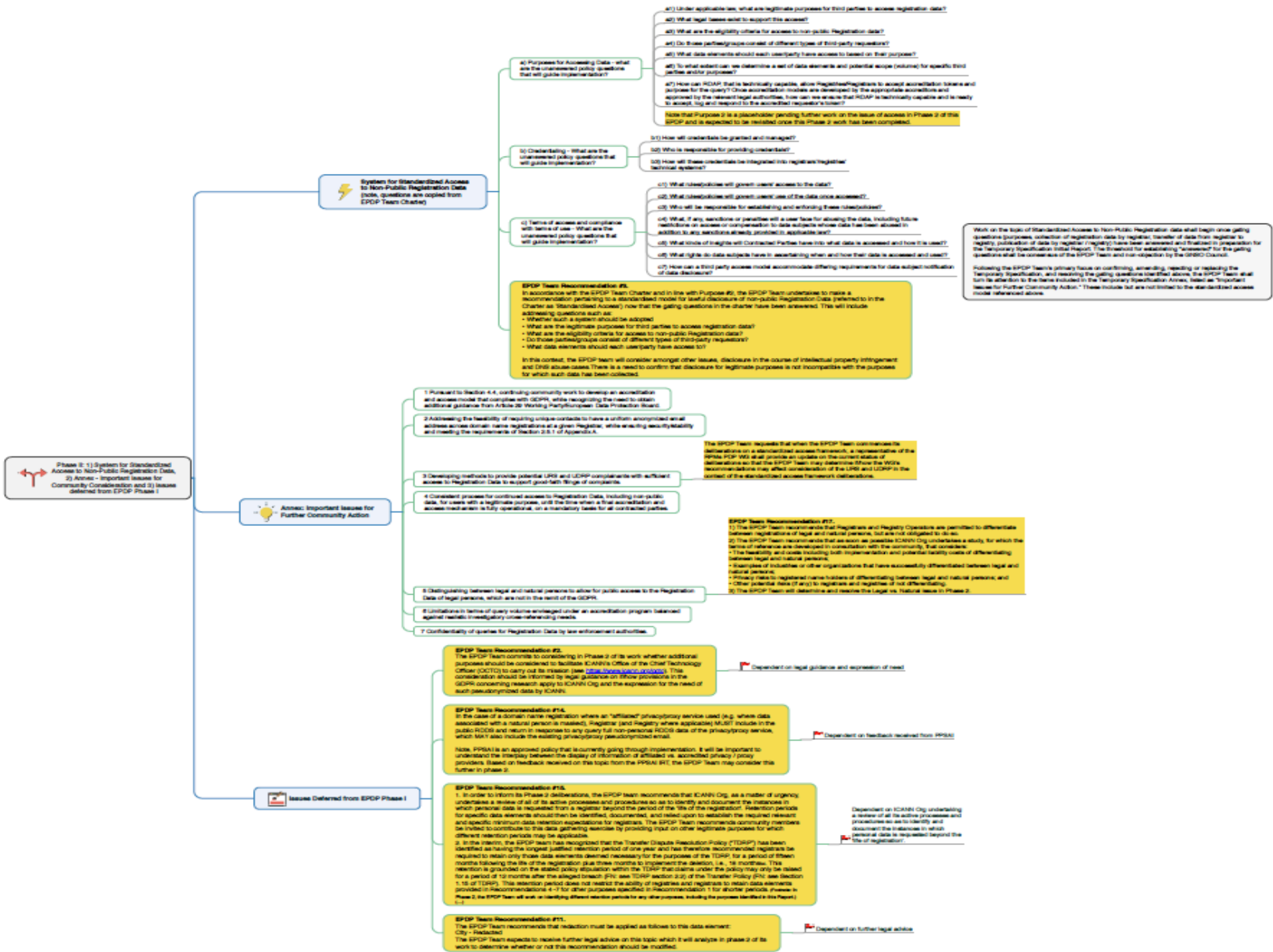
Agenda item #3

Phase 2 Scope

- ⦿ Items identified in EPDP Team Charter:
 - System for Standardized Access to Non-Public Registration Data
 - Annex to the Temporary Specification (Important Issues for Further Community Action)

- ⦿ Items deferred from EPDP Team phase 1, either requiring further consideration or dependent on input from others

Mind map on next slide reflects charter topics / questions (white) and phase 1 items (yellow)



System for Standardized Access to Non-Public Registration Data

- ⦿ Number of questions identified in the EPDP Team Charter concerning purposes for accessing data, credentialing and terms of access / compliance with terms of use.

- ⦿ See also Phase 1 Rec #3 questions:
 - Whether such a system should be adopted
 - What are the legitimate purposes for third parties to access registration data?
 - What are the eligibility criteria for access to non-public Registration data?
 - Do those parties/groups consist of different types of third-party requestors?
 - What data elements should each user/party have access to?

- ⦿ Intersection with work of ICANN Org and TSG on UAM

Temp Spec Annex – Important Issues

- ⦿ Continuing community work to develop an accreditation and access model that complies with GDPR, recognizing the need to obtain additional guidance from EDPB
- ⦿ Feasibility of requiring unique contacts to have a uniform anonymized email address across domain name registrations, while ensuring security / stability
- ⦿ Develop methods to provide potential URS and UDRP complainants with sufficient access to support good faith filing of complaints (see also phase 1 request to get update from RPM WG)
- ⦿ Consistent process for continued access, including non-public data, for users with a legitimate purpose, until a final mechanism is fully operational, on a mandatory basis for all contracted parties
- ⦿ Distinguishing between legal and natural persons (see also rec #17)
- ⦿ Limitations in terms of query volume
- ⦿ Confidentiality of queries by LE authorities

Items Deferred from Phase 1

- ⦿ Recommendation #2 – Additional Purpose for OCTO Research
- ⦿ Recommendation #14 – Privacy / Proxy Registrations
- ⦿ Recommendation #15 – Data Retention
- ⦿ Recommendation #11 – City Redaction
- ⦿ Outstanding legal questions on ‘legal establishment’ and ‘thick WHOIS’

Note, all these items are dependent on external input to be provided, either from legal counsel, ICANN Org or another group (i.e. PPSAI IRT)

Brainstorming Exercise

Agenda Item #4

Objectives

At the end of this exercise, we wish to:

- ⦿ Complete the terms of reference or the list all of the issues to be addressed in Phase 2
- ⦿ Prioritize the issues or create an order for discussion
- ⦿ Identify interdependencies among the issues (if any) and determine the effect of those on the prioritization
- ⦿ Develop a proposed work schedule or meeting cadence
- ⦿ Identify resource requirements

Rules

- ⦿ 3 work stations around the room (working methods, dependencies / interactions, resources)
- ⦿ For each topic a number of questions have been identified:
 - Use post-its to write your response
 - If you like someone else's response, add a '+1'
 - There is obvious linkage between the three topics so no need to be too rigid about it
- ⦿ Count off to 3 so that groups are evenly divided – 15 minutes each for each station, when the timer goes off, please move to next station. At then end, there will be 15 additional minutes for each member to 'select' their 3 favorite ideas / suggestions for each topic using the round stickers that will be distributed.
- ⦿ Rapporteur from each work station will report back to plenary – providing a high level summary of the main ideas, suggestions as well as the level of support obtained.

Work Station Overview – Working Methods

- ⦿ How many hours a week are you willing/able to dedicate to phase 2? Are you planning to participate in the IRT and as such does that affect your availability? For example, I am willing to spend 4 hours per week on EPDP Team Phase 2 conference calls plus required prep time.
- ⦿ How much time is necessary between meetings to assess results and prepare for the next meeting on the same topic?
- ⦿ What working methods should the EPDP Team consider / change? For example, should more use be made of small teams or face-to-face meetings?
- ⦿ What would be the best way to tackle the different topics? In parallel, consecutively? Are there any topics that should be prioritized over others?
- ⦿ Noting that the development of the Phase 1 Initial Report took approx. 100+ hours of conference call time plus 50+ hours of face-to-face meeting time, what do you think will be a realistic timeline for the publication of the Phase 2 Initial Report?

Work Station Overview – Dependencies / Interactions

- ⦿ Identify for each topic what dependencies and/or interactions are in play? In relation to dependencies, please identify how you expect this to affect the timeline for consideration of a topic. For example, does or should the work of the TSG impact the EPDP Team's consideration of a system for standardized access?
- ⦿ How / when should legal memos received from legal counsel be reviewed?
- ⦿ How should the discussion be prioritized given the dependencies and interactions listed in answers to the question above?

Work Station Overview – Resources

- ⦿ What resources are needed for the EPDP Team to deliver its Initial Report for phase 2 in a reasonable timeframe? You are encouraged to develop justification or rationale for additional resources, e.g., we cannot complete the work without it or that it would represent savings, gained efficiency or some other quantifiable benefit. For example, what expertise is needed (internal or external), is F2F time outside of an ICANN meeting a requirement, what issues require legal counsel input, are external facilitators needed? (Note, any request for additional resources will need to the GNSO Council for consideration and subsequently to the ICANN Board)
- ⦿ How can we ensure a common understanding of the topics in phase 2 amongst all EPDP Team members? What briefings may be required?

Main themes / common view points

- ⊙ Update from work station rapporteurs:
 - Working methods
 - Dependencies / Interactions
 - Resources

Work Station Overview – Working Methods (1)

- ⦿ **How many hours a week are you willing/able to dedicate to phase 2? Are you planning to participate in the IRT and as such does that affect your availability? For example, I am willing to spend 4 hours per week on EPDP Team Phase 2 conference calls plus required prep time.**
 - A lot of support for 3 hours a week
 - Suggestions to consider:
 - 2 weekly 90 minute meetings but focused on different tracks so that there is at least 7 days between the same track
 - 1 weekly plenary plus 1 (or more) small team meetings per week
 - Also need to factor in legal committee that may need to continue

- ⦿ **When to restart?**
 - Beginning of April
 - Early May
 - Once new chair is in place (expected by 22 April at the latest)

Work Station Overview – Working Methods (2)

- ⦿ **How much time is necessary between meetings to assess results and prepare for the next meeting on the same topic?**
 - 3 days
 - 4 days
 - 5 days

Work Station Overview – Working Methods (3)

- ⦿ **What would be the best way to tackle the different topics? In parallel, consecutively? Are there any topics that should be prioritized over others?**
 - Too much parallel gets counterproductive
 - Different work tracks in parallel
 - No small groups (or only if practical)
 - All discussions for work streams should happen on the mailing list
 - Some topics logically need to be discussed before others, for example, lawful basis goes before disclosure criteria

Work Station Overview – Working Methods (4)

- ⦿ **Noting that the development of the Phase 1 Initial Report took approx. 100+ hours of conference call time plus 50+ hours of face-to-face meeting time, what do you think will be a realistic timeline for the publication of the Phase 2 Initial Report?**
 - 1 - 1,5 years
 - Need to agree on a realistic target delivery date
 - No artificial deadline
 - Complete before or on Feb 29 2020
 - Consider whether separate Initial Reports could be prepared for separate tracks so that some items could move forward as soon as ready

Work Station Overview – Working Methods (5)

- ⊙ **What working methods should the EPDP Team consider / change? For example, should more use be made of small teams or face-to-face meetings?**
 - Small teams lead to re-litigation
 - Small teams are productive (don't rehash the small team outcomes in the larger group – not efficient)
 - Small teams at F2F
 - Intense phases + relaxed phases
 - Closed means closed
 - Interventions capped at 2 minutes and 1 person per AC/SG/C per 10 minutes
 - Follow the charter
 - Be smart when choosing which topics can reasonably be settled in a small group
 - Pursue Initial Report in form of DPIA that would trigger review by EDPB
 - Conference calls & F2F time are necessary

Work Station Overview – Dependencies / Interactions (1)

- **Identify for each topic what dependencies and/or interactions are in play? In relation to dependencies, please identify how you expect this to affect the timeline for consideration of a topic. For example, how does the work of the TSG impact the EPDP Team’s consideration of a system for standardized access?**
 - Need more time to review the mind map before further considering this question
 - Contracted Parties and ICANN need to enter into data processing agreements before standardized disclosure can be finished
 - Technology work (TSG/RDAP pilot) should not drive policy. The technology work should inform policy implementation.
 - Phase 1 recommendations need to be adopted/accepted by the Board first.
 - Specificity of disclosure types feeds into Purpose 2 re: IP, cybersecurity, consumer protection, etc.
 - Define types of possible requestors prior to defining disclosure process/requirements
 - Survey on natural vs. legal from Phase 1 report

Work Station Overview – Dependencies / Interactions (2)

- ① **How / when should legal memos received from legal counsel be reviewed?**
 - Small Team of legal experts (of EPDP Team Members) to continue to review legal memos and escalate to plenary where necessary.
 - Legal memos form ground work/base for subsequent discussions
 - Legal sub team to review legal advice and provide recommendation to plenary
 - Can Bird & Bird please come in and give the team an overview/training on legal advice received to date?
 - All legal memos to be made public and posted on wiki
 - Memos should be reviewed immediately to determine the impact on the policy

- ② **Which dependencies / interactions should be prioritized?**
 - DPA or EDPB get something in front of them for review/feedback
 - The Legal foundation needs to be agreed upon and defined first
 - Consider charter and policy recommendation questions and agree on the right order of answering them. For example: access – do we need to adopt a standardized access system?
 - Start at the beginning with data maps and data flows – then move on based on the process needs

Work Station Overview – Resources (1)

- ⦿ What resources are needed for the EPDP Team to deliver its Initial Report for phase 2 in a reasonable timeframe? You are encouraged to differentiate between ‘must haves’ and ‘nice to haves’. For example, what expertise is needed (internal or external), is F2F time outside of an ICANN meeting a requirement, what issues require legal counsel input, are external facilitators needed? (Note, any request for additional resources will need to the GNSO Council for consideration and subsequently to the ICANN Board)

Work Station Overview – Resources (2)

- ⦿ Preliminary note from GNSO Council to ICANN Board stating resources will be required and will return with details near workplan construction.
- ⦿ Ensure schedule accommodates parallel IRT
- ⦿ EPDP needs a Chair ASAP (no paid chair role)
 1. Mediation/Facilitation Services (ask for resource in case new chair desires the service, else no spend)
 2. Continued legal advice ready from day 1
 3. Additional face to face with travel funding (mix between pre-ICANN meeting and in between; sizeable timing and location to mitigate visa issues)
 4. Study on legal vs. natural (understand resource allocation separate from phase 2)

Work Station Overview – Resources (3)

1. Team building exercise (David Kolb)
2. Teleconference recording and transcripts (provide concise summaries)
3. Data Protection Impact Assessment

Work Station Overview – Resources (4)

- ⦿ How to ensure a common understanding of the issues in phase 2 amongst all EPDP Team members? What briefings may be required?

Work Station Overview – Resources (5)

1. Common agreement of phase 2 scope and expected output of phase 2 EPDP
2. Bird & Bird briefing of advice received to date and educate members how advice should be used
3. RDAP education on protocol functions and features
4. TSG briefing (notion of liaison noting though group expects to finish in April 2019)
5. Develop a comprehensive solution document (RDAP, Ry, Rr, Org, TSG)
6. ICANN Org briefing on research needs (ex. OCTO, DAAR, others (Rec #2)) to settle conflicting

Plenary Session

Agenda Item #5

Preliminary Agreements

- Aim to reach preliminary agreement on possible approach, timing, resources and dependencies for each strand of work
- Aim to reach preliminary agreement on the working methods for phase 2 (# of meetings, duration, etc.)
- Aim to reach preliminary agreement on a possible target date for delivery of the Initial Report, assuming alignment with Council expectations as well as resources identified.

Implementation Status Update

Agenda Item #6

EPDP on gTLD Registration Data

- Implementation will follow the Consensus Policy Implementation Framework process (CPIF).
- Temp Spec expires 20 May 2019, resulting in a critical need to finalize interim requirements by that date. Due to compressed timeframe, ICANN org has initiated internal implementation planning prior to Board consideration of the Final Report, including:
 - GDD Program Director has been selected to lead cross-functional Implementation Project Team (IPT)
 - ICANN org has begun defining role of “an informal IRT” that was recommended by EPDP Team
 - ICANN org is exploring ways to deliver interim or initial policy requirements for the contracted parties
- ICANN org implementation project team is reviewing Final Report for implementation requirements. The scope of this implementation is significant, as it could impact multiple agreements and policies and will require careful planning.

Social Gathering