**Joint GAC/GNSO Meeting (25 October 2021, 23:30 UTC)**

**EPDP Phase 2 A - Status and Scope of GNSO Vote on Recommendations**

**Council lead: Philippe Fouquart**

GAC Input:

Regarding EPDP Phase 2A, the GAC wishes to note the many minority statements filed and the fact that at least four expressed public policy concerns that the recommendations do not strike the right balance of protecting personal information and protecting internet users’ safety and security.

The GAC considers that this outcome merits a deeper reflection on the current Policy Development Process with a view to ensuring that it is better able to reflect the views of different ICANN constituents and the public interest  – what are the GNSO Council’s views on such a reflection exercise?

Council proposed speaking points:

* The GNSO Council is in receipt of the minority statements, including that from the GAC. They form an integral part of the Final Report which the Council will consider for adoption. The Council appreciates the good faith participation of the various community groups during the course of the EPDP and recognises that developing consensus policy is challenging.
* In this instance, it is quite apparent that no group got everything that they would have liked, which is of course common in consensus building. However, the Council believes that it is crucial that the various parties are heard and that their interests are taken into account during the policy development process. We believe that took place in this instance, despite the outcome not being ideal to all participants; in that regard, we think the policy development process in the multistakeholder model operated as expected, considering the widely diverging opinions on this topic.
* At this point in time, as Keith Drazek as chair of the EPDP 2A has noted, the current set of recommendations are as far as the group as a whole could agree to go.
* The Council recognizes that many of the concerns with the recommendations stem from the belief that they do not go far enough, and less that the recommendations themselves are unwelcomed.
* As you are also aware, the Final Report also includes a proposal for the Council to follow legislative developments to assess their potential impact to allow the Council to make an informed decision on whether further policy development in these areas may be beneficial and/or necessary in the future.
* While we do not know the outcome of the vote, we do anticipate conducting the vote this Wednesday during the Council’s public meeting.

**Accuracy - Scoping team to kick-off after EPDP 2A is finished**

**Council lead: Pam Little**

GAC Input:

* Continues to be a GAC priority topic
* To be handled by the upcoming GNSO Accuracy Scoping Team
* GAC confirmed its representation (EC and US)
* GNSO Council appointed a Chair for the Scoping Team (Michael Palage)
* Timeline is not yet clear
* Any further updates at this stage

Council proposed speaking points:

* The Registration Data Accuracy Scoping Team held its first meeting on 5 October 2021.
* Its first assignment will be to develop a detailed work plan and timeline, which will also be the focus of its meeting during ICANN72.
* Of course, the progress and speed with which the Scoping Team can undertake its work is in the hands of its participants so we welcome the active engagement and participation of the GAC and other groups who have expressed an interest in this topic.
* The Scoping Team has its meeting on Tuesday 26 October at 19.30 UTC and includes an open mic segment so for those of you that would be interested to attend and provide your input, I would like to encourage you to attend that session.

**DNS Abuse -  and the still open question whether policy work is envisaged by GNSO.**

**Council Lead: Tatiana Tropina**

GAC Input:

* A long-standing topic of interest to the GAC
* GAC is closely following any relevant developments
* Pending question on how to handle (PDP, CCWG, …)
* GAC’s interest in advancing community discussions, driving progress and converging views prior the launch of new gTLDs
* GNSO thoughts on potential next steps

Council proposed speaking points:

* The Council has maintained an unassigned item in its work portfolio regarding DNS abuse for several months, but is still exploring the appropriate next steps.
* The Council fully recognizes how important this topic is to the GAC, as well as amongst the GNSO’s own SG/Cs even, however at this stage, it does not appear that there is a common understanding of what DNS abuse means, what specific gaps need to be filled, and what the best mechanism, or mechanisms, might be needed to further mitigate DNS abuse harms.
* Previously, the Council has invited the SSAC and CPH DNS Abuse Group to brief the Council on the topic, and is still gathering information. It seems clear from the CPH DNS Abuse Group’s briefing that there has been a lot of work done by the contracted parties over the last two years, which is still continuing. It is also clear from the SSAC’s briefing and the very recent ICANN Board Workshop on DNS Abuse that just took place on 22 October is perhaps an indication that the community is still lacking an agreed upon definition of DNS abuse and how best to address it.
	+ One of the points raised during the session pointed out that the problem space is vast and that the parties in position to mitigate the harms of DNS abuse extend beyond just the contracted parties.
	+ The Council wants to be sure that any efforts it undertakes on DNS abuse are consistent with its gTLD policy making remit.
* In addition, the Council’s workload is already substantial, making careful consideration of any new efforts even more important.

**EPDP-IGO Curative protections**

**Council Lead: Tatiana Tropina**

GAC Input:

* The GAC has provided input and Advice on this topic, notably with respect to the creation of a curative mechanism which respects IGO status under international law (in particular with respect to privileges and immunities), and looks forward to a positive resolution of the current EPDP.
* At the same time, as the public comment period on the EPDP Initial Report will have closed yesterday (24-Oct), it may be appropriate to revisit this topic at a later occasion.

Council proposed speaking points:

* As the GAC notes, the public comment proceeding just concluded the day before our meeting now and the Council is in agreement that the topic is more appropriate for a later occasion.
* Nevertheless, the Council appreciates the GAC and IGOs good faith participation in the EPDP and of course welcomes the GAC’s public comment to the Initial Report.
* The GAC’s public comment, along with all other public comment of course, will be taken into due consideration by the EPDP in developing its Final Report.

# Joint ICANN Board/GNSO Council Meeting (26 October 21, 16:00 UTC)

**1. Update on the Council’s plan for this year’s Strategic Planning Session**

**Council lead: Philippe Fouquart**

* This year’s Council Strategic Planning Sessions is the fifth overall and the second in the virtual environment. As with the previous virtual SPS, it is occurring earlier in the schedule than it would in a F2F situation, hopefully better preparing incoming Councilors.
* The SPS over the years has evolved quite a bit, with the early versions focused on ensuring a common understanding of the scope of the Council’s remit and for Councilors to better understand their role as Councilors. Another early focus was on enhancing the efficiency and effectiveness of PDPs, as well as improving the Council’s ability to manage its PDPs.
* The focus from earlier SPSs resulted in:
	+ PDP 3.0 - you can see tangible differences in the way that project mgmt principles are ingrained in PDPs now. The efficiency of PDPs, the ability for PDPs to report their progress, and the accountability of all parties (e.g., PDP leadership, members, staff, Council as manager of the PDP) have all improved as a result.
	+ The Council now has a Program mgmt tool where all ongoing work AND expected future work is captured, so understanding the Council’s work ahead is far clearer.
		- In that regard, the Council also relies on what it calls an Action Decision Radar, which is a snapshot of upcoming work in various timeframes (e.g., 0-1 month, 1-3 months, etc.) so that the Council and SG/CS understand the coming slate of work and there are less surprises.
* This year’s SPS will focus on improving the Council’s effectiveness, taking into account new tools at its disposal (PDP 3.0 and program/project mgmt tools, including the ADR) both now in the virtual environment, but also looking forward to when we can all continue meeting F2F.
* The SPS agenda will include:
	+ A threats and opportunities session that will include SG/C chairs and outgoing Councilors
	+ A plenary session to discuss how the Council can improve its effectiveness in a virtual environment
		- Topic based breakout sessions
* The GNSO appointed Board members, Becky and Matthew, have accepted our invitation to attend these sessions.
* Of course, if there is any input the ICANN Board would like to provide the Council as we embark on these sessions, we look forward to hearing that.

# 2. Please provide input/comments on how you think we could efficiently identify and work more closely with Governments globally, as well as educate, train and interact when it comes to geopolitical issues relating to ICANN’s mission. (Board proposed question)

# Council Lead: Tatiana Tropina

* The Council’s assumption is that the “we” in this question refers to the ICANN community as a whole, not just including the ICANN Board, ICANN org and the ICANN community. If that is an incorrect assumption, the Board should advise the Council accordingly.
* When referring to “geopolitical” issues and mindful of the CEO’s [recent blog post](https://www.icann.org/en/blogs/details/icann-president-and-ceo-goals-for-fiscal-year-2022-4-10-2021-en), does the Board have any specific examples (initiatives, proposals etc.) short-term and long-term in mind that they would like to address in priority? For those, on which specific issues and in what form would “we”, the ICANN community, work more closely with Governments globally, as well as educate, train and interact?
* The Council would like to remind the Board of prior correspondence on this topic (see [https://gnso.icann.org/sites/default/files/file/field-file-attach/gnso-council-to-carver-24jul19-en.pdf [gnso.icann.org]](https://urldefense.com/v3/__https%3A/gnso.icann.org/sites/default/files/file/field-file-attach/gnso-council-to-carver-24jul19-en.pdf__;!!PtGJab4!v2U0xGxD257C4gVAInjCtU94K7ynyirxEZte8C5iwoffb8HAM6Cr4wBPpoGLArAS-5N-xvz-DQ$)) and would like to reiterate that it “would welcome further insight into ICANN org’s plans for consolidating, analysing and sharing inputs received from the community”.

# 2. A status update on GNSO Council approved policy recommendations /clarifications that are with the ICANN Board for a decision. These include:

# Status of EPDP Phase 1 Recommendation #12 – see <https://www.icann.org/en/system/files/correspondence/fouquart-to-botterman-04mar21-en.pdf>

# Status of EPDP Phase 1 Recommendation #7 – see <https://www.icann.org/en/system/files/correspondence/fouquart-to-botterman-29jan21-en.pdf>

# As well as an update on the expected timeline for implementation of the EPDP phase 1 recommendations and the potential impact a decision on these outstanding items may have had on that timeline.

# Council Lead: Pam Little

*Note, in relation to recommendation #12, the Council received a communication from the ICANN Board on Monday 25 October (see* [*https://mm.icann.org/pipermail/council/2021-October/025105.html*](https://mm.icann.org/pipermail/council/2021-October/025105.html)*). Similarly, an update was sent to recommendation #7 to the IRT (see* [*https://mm.icann.org/pipermail/irt.regdatapolicy/2021-October/000749.html*](https://mm.icann.org/pipermail/irt.regdatapolicy/2021-October/000749.html) *and* [*https://mm.icann.org/pipermail/irt.regdatapolicy/2021-October/000751.html*](https://mm.icann.org/pipermail/irt.regdatapolicy/2021-October/000751.html)*).*

* WIth the number of GNSO projects in the implementation phase, the Council expects to keep a keener eye on the timely completion of all implementation efforts, including the two elements here (i.e., recs #7 and #12).
* As there have been recent developments on both of these items, the Council will need to review these to determine whether further action from the Council is necessary and/or expected.
* Looking ahead, there are additional implementation efforts that the Council expects will require extensive Org resources (e.g., SubPro, SSAD, RPMs) and welcomes collaborating with Org to ensure that those implementation efforts are planned effectively, understanding it may be a challenge to implement concurrently.
	+ The community will also be called upon to provide resources to support the IRT.
* In that regard, the Council welcomes any clarity and transparency in implementation efforts (especially around timelines and potential challenges), including for efforts already underway (e.g., EPDP Phase 1, as well as implementation efforts that are on hold such as T & T and PPSAI).