

Attendance - 27 Members

Alan Greenberg (ALAC)	Kristina Rosette (RySG)
Alex Deacon - IPC	Kurt Pritz
Amr Elsadr (NCSG)	Marc Anderson (RySG)
Ben Butler (SSAC)	Margie Milam (BC)
Benedict Addis - SSAC	Mark Svancarek (BC)
Beth Bacon (RySG)	Matt Serlin (RrSG)
Brian King (IPC)	Milton Mueller (NCSG)
Chris Lewis-Evans (GAC)	Rafik Dammak (GNSO Council liaison)
Emily Taylor (RrSG)	Rod Rasmussen (SSAC)
Esteban Lescano (ISPCP)	Stephanie Perrin (NCSG)
Georgios Tselentis (GAC)	Tatiana Tropina (NCSG)
Hadia Elminiawi - (ALAC)	Thomas Rickert (ISPCP)
James Bladel - RrSG	
Julf Helsingius (NCSG)	

Audio only: Kavouss Arasteh (GAC)

Apologies: Alan Woods (RySG), Benedict Addis (SSAC), Ashley Heineman (GAC), Ayden Férdeline (NCSG), Diane Plaut (IPC)

Audio Cast (for Alternates and Observers) Peak: 8 joined

View Only Adobe Connect: 23 joined

Staff: Caitlin Tubergen, Marika Konings, Trang Nguyen (ICANN Org Liaison), Berry Cobb, Leon Sanchez (ICANN Board Liaison), Daniel Halloran (ICANN Org), Chris Disspain (ICANN Board Liaison), Nathalie Peregrine, Julie Bisland

AC Chat:

Nathalie Peregrine: (11/19/2018 05:28) Dear all, welcome to the EPDP team call #28 on Monday 19 November 2018 at 14:00 UTC

Nathalie Peregrine: (05:28) Wiki agenda page: <https://community.icann.org/x/DQnVBO>

Rafik Dammak: (07:58) hi all

Chris Lewis-Evans (GAC): (07:59) Hello all

Stephanie Perrin: (08:00) Hi folks. SLim crowd on a Monday morning.....

Thomas Rickert (ISPCP): (08:00) Hi all!

Esteban Lescano: (08:00) Hi everyone!

Tatiana Tropina (NCSG): (08:02) hi all

Alan Greenberg (ALAC): (08:02) I will have to leave in an hour to chair another meeting, but will be back later.

Kristina Rosette (RySG): (08:03) Greetings!

Milton Mueller (NCSG): (08:04) just give me coffee and no one gets hurt...

Hadia Elminiawi - ALAC: (08:04) I am currently on another meeting at which I am presenting will finish in 30 minutes

James Bladel - RrSG: (08:05) Morning...sorry for being tardy...had to reboot.

Leon Sanchez: (08:05) Hello everyone. Apologies for lateness

Marika Konings: (08:06) Yes, it is foreseen to also have it available in a pdf form to facilitate that

Milton Mueller (NCSG): (08:09) the request was for Word, Marika, is that possible?

Marika Konings: (08:11) We'll check how the google form can get translated to Word, but as I understand it, the PDF form can be filled out in a similar way as a Word doc.

Georgios Tselentis (GAC): (08:11) Do I understand well that the version under google docs sent by Marika at https://urldefense.proofpoint.com/v2/url?u=https-3A_drive.google.com_a_icann.org_file_d_1zLpveft7yV85jirZpXjaczkfJyvXynZg_view-3Fusp-3Dsharing&d=DwIFaQ&c=FmY1u3PJP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=QIF-05YzARosRvTYd84AB_UYInlydmFcjNmBM5XgySw&m=KnUwqvqOCBPwlheQWTZEpGND7dTk-fu1tsF7obvFLql&s=HaByQqOv-fkUH9ZFSOk0hPfd8QcJZdnWhNE_jEVfq_8&e= is the STABLE one we are

discussing? Last time we lost most of the time finding out what we are discussing Marika please confirm

Stephanie Perrin (NCSG): (08:12) I agree with Thomas. The report is not ready for disclosure, if we wish to be taken seriously. A few days to manage the inconsistencies makes a difference

Stephanie Perrin (NCSG): (08:13) We need to ensure in particular that we are not declaring a consensus view when in fact we have not reached such consensus.

Julf Helsingius (NCSG): (08:13) stephanie +1

Stephanie Perrin (NCSG): (08:14) These are complex issues. The various aspects of it need to be presented.

Margie Milam (BC): (08:19) It is important for transparency purposes to publish the complete report so that the community understands the complexity of the issues - so I agree with Stephanie

Julf Helsingius (NCSG): (08:19) I am fine releasing the report right now, but in that case it should state very clearly that it has not been properly reviewed by the WG.

Georgios Tselentis (GAC): (08:19) @operator Private chat does not work for me Can you please reinstate

Kristina Rosette (RySG): (08:20) Correct, that wasn't what I had in mind, Milton.

Matt Serlin (RrSG): (08:20) how would publishing in this manner look to the GNSO council and the Board?

Marika Konings: (08:21) @Georgios - please try to restart AC as nothing has been disabled from our side as far as I am aware.

Marika Konings: (08:21) Do note that there are minimum requirements for what needs to be included in the Initial Report.

Georgios Tselentis (GAC): (08:21) ok go out and reset

Nathalie Peregrine: (08:21) @Georgios, correct

Milton Mueller (NCSG): (08:23) Make everything by the Exec Summ an Appendix?

Milton Mueller (NCSG): (08:23) but not by

Margie Milam (BC): (08:26) @Marika -- what do the rules for expedited PDPs say about the initial report requirements?

Milton Mueller (NCSG): (08:26) All the questions are in the Exec Summ

Amr Elsadr (NCSG): (08:27) As are all the recommendations, Milton.

Milton Mueller (NCSG): (08:27) Georgios: nor should we assume that people have the luxury of plowing through a 130 page report

Stephanie Perrin (NCSG): (08:27) I think dropping the rationale is at best disingenuous. Makes it look like you are not really seeking comment on the details. Trust us, here are the recommendations is the message it sends.(Being a bit blunt here)

Amr Elsadr (NCSG): (08:28) @Stephanie: +1

Georgios Tselentis (GAC): (08:29) @ Milton agree. I want the information to be there and guide them better how to read it#

Milton Mueller (NCSG): (08:30) Mark Sv's idea of links is worth exploring

Thomas Rickert (ISPCP): (08:30) Can we update the background info doc during the pc period, Marika?

Amr Elsadr (NCSG): (08:31) If readers of the report only want to go through the exec summary, it's already in there. Don't see why the rest of the report needs to go.

Thomas Rickert (ISPCP): (08:31) Thanks!

Alex Deacon - IPC: (08:31) the rational section doesn't need to be perfect IMO. I suggest we keep it in - even if its not perfect.

Milton Mueller (NCSG): (08:31) Amr, as long as there is a clear dividing line

Amr Elsadr (NCSG): (08:32) @Alex: +1

Milton Mueller (NCSG): (08:32) With a warning sign to those who enter the full report: hic autem dracones

Amr Elsadr (NCSG): (08:32) @Milton: Sure. A clear dividing line shouldn't be too difficult to put in there.

Amr Elsadr (NCSG): (08:33) Not so sure about the dragons bit, but yeah. :-)

Marika Konings: (08:33) removing the recommendations from the bulk of the report could result in people not being able to make the link between the deliberations and the recommendation resulting from that?

Milton Mueller (NCSG): (08:34) lizards, then?

Milton Mueller (NCSG): (08:34) snakes?

Milton Mueller (NCSG): (08:34) salamanderS?

Amr Elsadr (NCSG): (08:35) Smurfs?

Milton Mueller (NCSG): (08:35) :-)

Alex Deacon - IPC: (08:35) +1 stephanie.

Marika Konings: (08:36) we can make the executive summary available as a separate download for those that only want to review the executive summary

Margie Milam (BC): (08:36) +1 Stephanie

Mark Svancarek (BC): (08:36) Well put

Amr Elsadr (NCSG): (08:37) @Kristina: +1000

Alex Deacon - IPC: (08:37) + 1 Kristina - bandwidth is a huge issue.

Milton Mueller (NCSG): (08:37) + 1 Kristina

Milton Mueller (NCSG): (08:39) I like Marika's idea to make Exec Summ a separate download. Only I would call it "the interim report" and the rest "supplementary materials"

Marika Konings: (08:40) the official title is Initial Report, there is no such thing as an interim report under the PDP rules.

Milton Mueller (NCSG): (08:43) interim, initial, lions and tigers and bears, oh my

Alex Deacon - IPC: (08:43) what version of the initial report?

Milton Mueller (NCSG): (08:43) sorry, I am getting silly

Mark Svancarek (BC): (08:43) Wait - people haven't memorized the report yet?!

Milton Mueller (NCSG): (08:44) I forgot my name after reading the report

Thomas Rickert (ISPCP): (08:46) Kurt, point of order: What was the conclusion of our discussion? I may have missed this, but I am not clear on the way forward.

Marika Konings: (08:49) Note that publishing next Monday or Tuesday will put the end of the public comment period on 26 or 27 December.

Milton Mueller (NCSG): (08:49) that'll teach em

Milton Mueller (NCSG): (08:50) I would prefer to publish it tomorrow

Hadia Elminiawi - (ALAC): (08:51) @Marika could we leave the report out for public comments until the holidays are over

Kristina Rosette (RySG): (08:51) I'm confused. How do we end up with a 7-day publication delay if the report is frozen at this point?

Marika Konings: (08:52) Note that if the report is not published by Wednesday, it will need to wait until Monday/Tuesday as ICANN offices are closed on Thursday and Friday which means web-admin services will not be available.

Marc Anderson (RySG): (08:53) doesn't anyone have a link handy for the PDF we are looking at now in adobe?

Marika Konings: (08:53) Redline: https://urldefense.proofpoint.com/v2/url?u=https-3A_drive.google.com_a_icann.org_file_d_15fRRL-5FORRkspHI9HVNP3v3Zrpz-2DWBlAx_view-3Fusp-3DsharingClean&d=DwIFaQ&c=FmY1u3PjP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=QIF-05YzARosRvTYd84AB_UYInlydmFcjNmBM5XgySw&m=KnUwqvqOCBPwlheQWTZEpGND7dTk-fu1tsF7obvFLqI&s=x1_O_zc6J9fUA7A8AT5M9GyQHR4G677G5GttnN3FjRs&e=:https://urldefense.proofpoint.com/v2/url?u=https-3A_drive.google.com_a_icann.org_file_d_1UOJZmbj99FjTRheqH2K-2DHKwp-5FXxl31Nh_view-3Fusp-3Dsharing&d=DwIFaQ&c=FmY1u3PjP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=QIF-05YzARosRvTYd84AB_UYInlydmFcjNmBM5XgySw&m=KnUwqvqOCBPwlheQWTZEpGND7dTk-fu1tsF7obvFLqI&s=oDVJN8dlxhlqCCHHDAC2CAygu4LLCOPsPRsOVzPekPU&e=

Marc Anderson (RySG): (08:54) thank you

Marika Konings: (08:54) sorry, wait that got meshed up

Marika Konings: (08:54) Redline: https://urldefense.proofpoint.com/v2/url?u=https-3A_drive.google.com_a_icann.org_file_d_15fRRL-5FORRkspHI9HVNP3v3Zrpz-2DWBlAx_view-3Fusp-3Dsharing&d=DwIFaQ&c=FmY1u3PjP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=QIF-05YzARosRvTYd84AB_UYInlydmFcjNmBM5XgySw&m=KnUwqvqOCBPwlheQWTZEpGND7dTk-fu1tsF7obvFLqI&s=VC9s7uOfepKRVhXJhSs1N9EmHw4615IdDiyxjTQ6fc&e=

Marika Konings: (08:54) Clean: https://urldefense.proofpoint.com/v2/url?u=https-3A_drive.google.com_a_icann.org_file_d_1UOJZmbj99FjTRheqH2K-2DHKwp-5FXxl31Nh_view-3Fusp-3Dsharing&d=DwIFaQ&c=FmY1u3PjP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=QIF-05YzARosRvTYd84AB_UYInlydmFcjNmBM5XgySw&m=KnUwqvqOCBPwlheQWTZEpGND7dTk-fu1tsF7obvFLqI&s=oDVJN8dlxhlqCCHHDAC2CAygu4LLCOPsPRsOVzPekPU&e=

Milton Mueller (NCSG): (08:57) But it isn't! Not in this ePDP

Margie Milam (BC): (08:57) yes - in this EPDP

Marika Konings: (08:58) @Hadia - I don't see how that is possible without impacting the overall timeline.

Amr Elsadr (NCSG): (08:59) @Margie: The recommendation literally says that there will be no change to accuracy requirements as a result of this policy!! "The EPDP Team recommends that requirements related to the accuracy of registration data under the current ICANN contracts and consensus policies shall not be affected by this policy"

Hadia Elminiawi - (ALAC): (09:00) @marika - I am fine with the current timing i was just thinking of those who might be on holidays

Amr Elsadr (NCSG): (09:00) And I thought that this is what we had agreed to.

Amr Elsadr (NCSG): (09:00) No decrease or increase in accuracy requirements.

Marika Konings: (09:00) Is this a question that could be asked to the GNSO Council to confirm whether or not this is part of the charter of this PDP?

Amr Elsadr (NCSG): (09:01) @Marika: My understanding is that this isn't an issue of scope of the EPDP, but more what we agreed to as an EPDP team.

Margie Milam (BC): (09:01) This is not the place to have the substantive discussion --

Margie Milam (BC): (09:01) just the placeholder for further discussion

Alan Greenberg (ALAC): (09:01) The GDPR also requires a controller to take action if they are aware of inaccuracy (even if not told of inaccuracy by data subject). That *could* result in policy changes.

Alan Greenberg (ALAC): (09:02) Sorry, I need to leave now.

Milton Mueller (NCSG): (09:02) Alan. Cite the part of the law that says that.

Hadia Elminiawi - (ALAC): (09:03) @Milton not only the right of data subject to correct their data but also the data has to be accurate to fulfil the purpose for which it was collected

Milton Mueller (NCSG): (09:03) It is a right of the data subject

Mark Svancarek (BC): (09:04) I will lower my hand since my comment was the same as AlanG - legal advice received from GDPR lawyers on this topic has been variable.

Brian King (IPC alternate): (09:05) Accuracy is important for us to consider in this EPDP as it's clearly implicated by GDPR

Brian King (IPC alternate): (09:05) We shouldn't delete the footnote

Milton Mueller (NCSG): (09:05) how about adding to the footnote "Topic of accuracy as required by GDPR compliance..."

Thomas Rickert (ISPCP): (09:06) Milton +1

Alan Greenberg (ALAC): (09:06) @Milton, making it "as related to GDPR compliance"

Alex Deacon - IPC: (09:06) Kurt or Marika - can you put the updated text suggested in the chat?

Milton Mueller (NCSG): (09:06) uyes, that seems a good compromise

Amr Elsadr (NCSG): (09:06) I've explained why the NCSG is not comfortable with this footnote. We believe it does the report a disservice to include it, but honestly, I'd rather either leave it as-is, or delete it than try to wordsmith it right now.

Amr Elsadr (NCSG): (09:07) It isn't what has been agreed upon, Hadia.

Thomas Rickert (ISPCP): (09:07) Just insisting that the footnote needs to stay as it is does not lead us to consensus language

Matt Serlin (RrSG): (09:08) i just have to say this wordsmithing on the fly is very challenging to make progress IMO...

Amr Elsadr (NCSG): (09:08) @Matt: +1

Kurt Pritz: (09:08) Topic of accuracy as required by GDPR compliance is expected to be further considered by the EPDP Team at a later stage of its deliberations

Georgios Tselentis (GAC): (09:08) further considered and add "in terms of compliance to GDPR"

Georgios Tselentis (GAC): (09:09) ok

Margie Milam (BC): (09:09) what wording? sorry its hard to keep track

Marika Konings: (09:10) Updated language would be: "The topic of accuracy as related to GDPR compliance is expected to be considered further."

Marika Konings: (09:10) this is currently footnote #3

Milton Mueller (NCSG): (09:10) woops there it is

Milton Mueller (NCSG): (09:10) The topic of accuracy as related to GDPR compliance is expected to be considered further

Mark Svancarek (BC): (09:11) I can agree to Martika's text

Mark Svancarek (BC): (09:11) Marika

Margie Milam (BC): (09:11) agree with Marika

Brian King (IPC alternate): (09:11) Looks ok here

Marc Anderson (RySG): (09:11) this is from the summary : EPDP Team Preliminary Rec #3.325 The EPDP Team recommends that requirements related to the accuracy of registration326 data under the current ICANN contracts and consensus policies shall not be affected bythis policy.3

Hadia Elminiawi - (ALAC): (09:11) Agree

Amr Elsadr (NCSG): (09:11) OK..., the proposed language Marika put in is preferable to what is currently in the report.

Marika Konings: (09:11) Correct, footnote, not the recommendation

Marika Konings: (09:12) it is a footnote related to recommendation #3 so it will also appear in the body

Amr Elsadr (NCSG): (09:12) @Marc: It's meant to be a replacement for the footnote.

Margie Milam (BC): (09:12) lets make them identical

Marc Anderson (RySG): (09:12) EPDP Team Preliminary Rec #3.908 The EPDP Team recommends that requirements related to the accuracy of registration909 data under the current ICANN contracts and consensus policies shall not be affected bythis policy.20

Amr Elsadr (NCSG): (09:15) @Kurt: +1. Not sure what value this language adds.

Milton Mueller (NCSG): (09:16) Hadia, that is a distinction without a difference. It's unacceptable, and you can't try to sneak the natural-legal distinction in this way

Kristina Rosette (RySG): (09:16) Would it be possible for staff to unlock the changes pdf so we can scroll through and see what's coming (to prepare accordingly)/

Milton Mueller (NCSG): (09:17) you are

Margie Milam (BC): (09:17) Agree with Hadia

Milton Mueller (NCSG): (09:17) of course you do, Margie

Matt Serlin (RrSG): (09:17) "just an additional piece of data" has significant ramifications...

Marika Konings: (09:17) Hi Kristina - per the previous meeting, we've been asked to keep this on sync so it is easier for alternates to follow the discussion, but this document was also circulated with the agenda.

Stephanie Perrin (NCSG): (09:18) we are not going to get through the comments at this rate folks. Do we have a conclusion on accuracy? NO. Is it part of the old RAA? Yes. Are we talking about the old RAA? No. we are talking here about the temp spec. Accuracy is an implementation matter.

Kristina Rosette (RySG): (09:19) Thanks, Marika.

Milton Mueller (NCSG): (09:19) I think Hadia has made her case for the change and there is not sufficient support for it

Stephanie Perrin (NCSG): (09:19) The entire WHOIS issue has been discussed for a very long time, always from the perspective of third parties users wishing to access registrant data, not from the perspective of registrant rights.

Kristina Rosette (RySG): (09:20) It seems to me that this proposed change (b1) has the effect (regardless of intention) of breaking what I think was a carefully constructed approach to the legal v natural person.

Kristina Rosette (RySG): (09:20) So, to avoid any doubt, I do not support it.

Amr Elsadr (NCSG): (09:20) Yes, Kurt, we are!!

Milton Mueller (NCSG): (09:20) of course we are already soliciting discussion on it, Kurt.

Stephanie Perrin (NCSG): (09:20) Can the parties demanding that we address accuracy please just do it in the comments as Amr suggested. That is what we are doing with all the items we care about that did not make it into the report....

Emily Taylor-RrSG: (09:20) @Hadia, it's fair to say that these issues have been explored in the EPDP discussions, it is not an accurate reflection of the discussions to indicate that the EPDP is considering a recommendation on this point. There is a wide divergence of views and it would raise community expectations that a recommendation will be coming on this point, when this is not a guaranteed outcome at this stage

Stephanie Perrin (NCSG): (09:21) +1 Emily

Kristina Rosette (RySG): (09:21) +1 Emily

Matt Serlin (RrSG): (09:21) fully agree with Emily's statement

Amr Elsadr (NCSG): (09:22) @Emily: +1

Amr Elsadr (NCSG): (09:22) Agree with Kurt too.

Julf Helsingius (NCSG): (09:22) +1 Emily

Hadia Elminiawi - (ALAC): (09:24) @Emily sure it is not a guaranteed output however it does avoid all of the CPs worries that were raised with regard to the matter

James Bladel - RrSG: (09:25) How so? I thought we've been clear that Registrars are opposed to requiring the adoption of new data fields/features under this ePDP.

Emily Taylor-RrSG: (09:26) @Hadia, thanks for this, in my view it doesn't address the CP's concerns on this point. The proposed ALAC amendment indicates that the group is considering adding a mandatory field requiring registrant to identify as legal or natural person.

Brian King (IPC alternate): (09:26) IPC is in favor of exploring this and requesting public comment

Milton Mueller (NCSG): (09:26) This proposal has no support, let's move on

Margie Milam (BC): (09:26) 3 groups -- alac IPC BC

Milton Mueller (NCSG): (09:26) That's what I meant. Adding this is an attempt to tilt the field on a divisive issue

Margie Milam (BC): (09:27) tilt?

James Bladel - RrSG: (09:27) It does have support of 2 groups, and several non_GNSO participants. It is opposed by 3 other groups.

Kristina Rosette (RySG): (09:27) Can we please move on?

Margie Milam (BC): (09:27) non gnso participants have a vote in consensus

Milton Mueller (NCSG): (09:27) we already are soliciting public comment on the issue

Hadia Elminiawi - (ALAC): (09:27) @kurt ok

Milton Mueller (NCSG): (09:28) ok

Milton Mueller (NCSG): (09:28) :-)

Amr Elsadr (NCSG): (09:28) @Kurt: ok.

Margie Milam (BC): (09:28) ok

Brian King (IPC alternate): (09:28) @James I know one thought was that if we can get EDPB guidance that CPs can safely rely on self-reporting for this distinction, that CPs might want it

Matt Serlin (RrSG): (09:28) woo hoo...let's move on!

Brian King (IPC alternate): (09:28) happy to move on

Mark Svancarek (BC): (09:28) lol

Milton Mueller (NCSG): (09:30) "Could" is too weak, it would be better to just say that "some parties have asserted that..."

Marika Konings: (09:30) Benedict

Amr Elsadr (NCSG): (09:31) I think Benedict suggested this language over the weekend?

Marc Anderson (RySG): (09:31) what section is this from? the line numbers don't line up with the draft version I'm looking at.

Kristina Rosette (RySG): (09:31) I will. I support Milton's suggestion.

Marika Konings: (09:31) @Amr - no, that language was submitted before that

Kristina Rosette (RySG): (09:31) FWIW

Amr Elsadr (NCSG): (09:32) OK. Thanks, Marika.

Emily Taylor-RrSG: (09:32) I also support Milton's suggestion - it's fair to say that some groups have expressed this view or have this concern

Hadia Elminiawi - (ALAC): (09:32) @Marc I am having the same problem

Margie Milam (BC): (09:32) can you put the whole language in chat for the sentence

Marika Konings: (09:32) 1186 in redline version

Amr Elsadr (NCSG): (09:33) Line 937 - 940 in the clean doc.

Alex Deacon - IPC: (09:33) FWIW you need to look at the 16 Nov draft not the 18 Nov draft - line numbers in the table line up with the Nov 16 draft.

Marika Konings: (09:33) Some parties asserted that in the aggregate they cause a systemic risk.....

Amr Elsadr (NCSG): (09:33) Right before rec#8.

Marika Konings: (09:34) Yes, Alex, correct. The links I posted earlier in the chat.

Amr Elsadr (NCSG): (09:34) I'd channel Benedict in agreeing to Milton's proposal, but I have a slight COI. :-)

Rod Rasmussen: (09:34) As long as systemic risk is covered and not lost as a discussion point, we're good.

Milton Mueller (NCSG): (09:35) Rod is channeling Benedict ;-)

Hadia Elminiawi - (ALAC): (09:36) I support putting " in aggregate they could cause .."

Amr Elsadr (NCSG): (09:37) I'm fine leaving this as is.

Rod Rasmussen: (09:37) I'm actually the origin the of the systemic risk concern topic which we discussed at some length within our SSAC work party supporting this effort, so he was actually channeling me in a way.

Marika Konings: (09:37) d1

Marika Konings: (09:37) no, we are on d1

Amr Elsadr (NCSG): (09:38) I'm fine leaving d1 as it is.

Alex Deacon - IPC: (09:38) can we take a bio break soon-ish?

Alex Deacon - IPC: (09:38) ...assuming we are going for the full 3 hours?

Matt Serlin (RrSG): (09:39) +1 Alex :) let's get consensus on that!

Brian King (IPC alternate): (09:39) (14)The protection afforded by this Regulation should apply to natural persons, whatever their nationality or place of residence, in relation to the processing of their personal data. This Regulation does not cover the processing of personal data which concerns legal persons and in particular undertakings established as legal persons, including the name and the form of the legal person and the contact details of the legal person.

Brian King (IPC alternate): (09:39) Is that what we're looking for?

Stephanie Perrin (NCSG): (09:39) With respect to Brian King's comment.....Can I just re-state my request for some precision on how ICANN expects to get EDPB guidance on anything, let alone how to manage the distinction globally between legal and natural persons?

Margie Milam (BC): (09:40) Recital 14 of GDPR: This Regulation does not cover the processing of personal data which concerns legal persons and in particular undertakings established as legal persons, including the name and the form of the legal person and the contact details of the legal person.

Alan Greenberg (ALAC): (09:41) Back...

Rod Rasmussen: (09:44) The proposed language seems prejudicial to me. I'd love to qualify anything SSAC members propose as "those with expertise in security express..." Seems to fly in the face of collaboration. I think we're all better off leaving off these kinds of qualifiers.

Ben Butler (SSAC): (09:46) Agree. No qualifiers on who has expertise in what.

Stephanie Perrin (NCSG): (09:47) suggest dumping, agree with Milton

Amr Elsadr (NCSG): (09:47) Also agree with Milton.

Kristina Rosette (RySG): (09:48) Stepping away for a few minutes.

Milton Mueller (NCSG): (09:48) We had the same question

Matt Serlin (RrSG): (09:49) are we doing an intermission if we are going all 3 hours?

Milton Mueller (NCSG): (09:49) (re thick registries only)

Milton Mueller (NCSG): (09:49) if we do an intermission, suggest that the background music selected be Beatles, "We can work it out"

Alan Greenberg (ALAC): (09:50) Silence

Matt Serlin (RrSG): (09:50) maybe Kurt started his intermission...

Marc Anderson (RySG): (09:50) maybe we can take that as a sign we need an intermission?

Stephanie Perrin (NCSG): (09:51) Some of us need a coffee reload....

Margie Milam (BC): (09:51) let's leave the report alone for now & discuss these later

Milton Mueller (NCSG): (09:52) agree, Margie.

Kurt Pritz: (09:52) Kurt has a medical appt in 40 mins so no intermission
Brian King (IPC alternate): (09:52) agree
Brian King (IPC alternate): (09:52) (agree Margie)
Hadia Elminiawi - (ALAC): (09:53) +1 Alan
Marika Konings: (09:53) Note that comment i2 was also flagged by the RySG
Kristina Rosette (RySG): (09:54) Yes, I flagged the 13 v. 21 discrepancy. It appears that Rec. 21 was first and when Rec. 13 was added, we didn't go back and modify Rec. 21 accordingly.
Kristina Rosette (RySG): (09:54) or delete it.
Thomas Rickert (ISPCP): (09:54) If we accept my suggested additional language for Recs 13/14, we can dump rec 21
Kristina Rosette (RySG): (09:55) 21 is broader than 13
Kristina Rosette (RySG): (09:56) One potential solution is to keep 13 as is and modify 21 so it's limited to just data escrow and EBERO.
Kristina Rosette (RySG): (09:57) I wasn't a primary participant in the Rec 21 discussions so defer to those who were.
Hadia Elminiawi - (ALAC): (09:57) @Kristina 21 is limited to just data escrow and EBERO
Thomas Rickert (ISPCP): (09:57) @Kristina, I would then suggest that we modify 21 so that ICANN enters into written agreements with all third parties that might be required.
Thomas Rickert (ISPCP): (09:57) So 13 would cover cps, 21 the rest
Brian King (IPC alternate): (09:58) I have to bail for an internal meeting now. Thanks and good day to all.
Hadia Elminiawi - (ALAC): (09:58) @Kristina oh yes it is not limited
Kristina Rosette (RySG): (09:58) fine.
Milton Mueller (NCSG): (10:04) since this topic spans multiple pages could we be empowered to scroll
Milton Mueller (NCSG): (10:09) I also can live with the staff-proposed language.
Rod Rasmussen: (10:10) Benedict's opinion was his own on this one. We have not had a chance to discuss this change on our WP.
Amr Elsadr (NCSG): (10:10) I would say that the GNSO Council and ICANN coordinate policy development. The EPDP doesn't. We develop policy recommendations.
Kristina Rosette (RySG): (10:11) All, here's a proposed revised Rec. 21 that Thomas and I developed: The EPDP Team recommends that ICANN Org enters into the required agreements such as a Data Processing Agreement (GDPR Art. 28) or Joint Controller Agreement (Art. 26), as appropriate, with the non-Contracted Party entities involved in registration data processing such as data escrow providers and EBERO providers. These agreements are expected to set out the relationship obligations and instructions for data processing between the different parties.
Milton Mueller (NCSG): (10:12) Disagree Alex
Marika Konings: (10:12) Thanks, Kristina. I've noted this down. Are there also further changes in the works on #13 or that one remains as is?
Kristina Rosette (RySG): (10:13) @Marika: As far as I know, Rec. #13 stays as is. (If it's being revised, I'm not one of the people doing it.)
Marika Konings: (10:14) Thanks. I do note that Thomas sent updated language earlier today to the mailing list that is to be added to preliminary recommendation #13.
Marika Konings: (10:14) as per his action item from Friday's meeting.
Tatiana Tropina (NCSG): (10:14) Alex, I disagree. The EPDP can not change the legitimacy of the interests. What was suggested is that the issue of legitimacy would be left to the next stage of policy making is left to the access discussions
Amr Elsadr (NCSG): (10:14) @Tatiana: +1

Thomas Rickert (ISPCP): (10:16) Alex, did we not agree on disclosure of data to respond to lawful disclosure requests?

Amr Elsadr (NCSG): (10:16) @Alex: I do appreciate your concerns, but my experience doesn't seem to be the same as yours. When were IP interests ever disregarded in ICANN policy development?

Amr Elsadr (NCSG): (10:16) We're chartered to consider ALL legitimate interests.

Milton Mueller (NCSG): (10:16) I was not

Kristina Rosette (RySG): (10:16) @Marika - Got it. The Rec. 13 change Thomas proposed was separate from the Rec. 21 clean-up. I think that change is still under consideration.

Alex Deacon - IPC: (10:17) Amr - in Milton's intervention just before I talked stated clearly that copyrights interests are not relevant and should be excluded.

Thomas Rickert (ISPCP): (10:17) We could add that the assessment will include intellectual property and other third party interests.

Alex Deacon - IPC: (10:17) @thomas- this was the goal if Rec #2 - as originally drafted. it is now being suggested it be modified.

Thomas Rickert (ISPCP): (10:18) By doing so we can ensure that the work covers IP. I think we cannot confirm granting of rights before having done that work

Alex Deacon - IPC: (10:18) @thomas - agreed. this is always the case under 6(1)(f)

Thomas Rickert (ISPCP): (10:19) Alex, but wouldn't a combination of my statements in the chat accurately reflect our agreement?

Alex Deacon - IPC: (10:20) @thomas - i'm hoping so.

Marika Konings: (10:22) "standardized" is also in the charter

Thomas Rickert (ISPCP): (10:23) The EPDP Team commits to develop policy to allow for responses to lawful third party disclosure requests for non-public registration data. The work will encompass, amongst others, disclosure in the course of intellectual property infringements.

Thomas Rickert (ISPCP): (10:24) Language needs to be cleaned up. Sorry.

Thomas Rickert (ISPCP): (10:24) I hope you get the idea, though.

Alex Deacon - IPC: (10:25) @thomas - that could work.

Margie Milam (BC): (10:26) @Thomas -- includes abuse as well and needs "standardized"

Hadia Elminiawi - (ALAC): (10:27) @Thomas we need to include the word "standardized"

Marika Konings: (10:27) So proposed rewording would be: The EPDP Team commits to develop policy to allow for responses to lawful third party disclosure requests for non-public registration data. The work will encompass, amongst others, disclosure in the course of intellectual property infringements and abuse cases.

Milton Mueller (NCSG): (10:27) Include abuse? See, this is the problem you get into when you get specific. When will the list end?

Hadia Elminiawi - (ALAC): (10:28) Standardized is not an invention it is in the charter

Amr Elsadr (NCSG): (10:28) Is audio only dropping on my end?

Marc Anderson (RySG): (10:28) Kurt is cutting in and out

Chris Lewis-Evans (GAC alternate): (10:28) dropped me too

Julie Bisland: (10:28) it's Kurt's line, Amr.

Amr Elsadr (NCSG): (10:28) Thanks.

Matt Serlin (RrSG): (10:29) I think the language Thomas provided is a good start...

Emily Taylor-RrSG: (10:29) I am comfortable with the language proposed by Thomas

Mark Svancarek (BC): (10:29) I can support Thomas' language

Milton Mueller (NCSG): (10:29) I can live with it, if we delete "abuse cases"

Marika Konings: (10:30) what if abuse is clarified to say "DNS abuse"?

Hadia Elminiawi - (ALAC): (10:30) @Marika I totally oppose Thomas's wording "standardized" needs to be there

Marika Konings: (10:31) @Hadia - as Thomas noted, that wording is already part of the charter and any policy would be the same for all (so standardized)?

Mark Svancarek (BC): (10:31) Oops, Hadia is right - pls add "standardized"

Alex Deacon - IPC: (10:32) Is Amr objecting - or NCSG objecting?

Chris Lewis-Evans (GAC alternate): (10:32) Would like to see standardized in the language

Thomas Rickert (ISPCP): (10:32) @Amr - I do not think my suggested language commits to any outcome, just to work on the issues

Milton Mueller (NCSG): (10:33) no objections to "standardized"

Milton Mueller (NCSG): (10:33) Alan, if it's lawful and IPC has lawful legitimate interests, why do they object?

Hadia Elminiawi - (ALAC): (10:33) So if "standardized" is anyway there why would we remove it

Amr Elsadr (NCSG): (10:33) @Alan: That isn't all Thomas has said. Read the rest of it.

Tatiana Tropina (NCSG): (10:33) As an NCSG alternate, I object together with Amr. The language proposed by staff is much better. I am uncomfortable with anything that predefines the outcome. As I said, EDPD can't change the legitimacy of the interests, if IP is legitimate, this is going to be addressed in the access part of the work

Alan Greenberg (ALAC): (10:34) This is NOT about law enforcement access.

Chris Lewis-Evans (GAC alternate): (10:34) +1 Mark

Alex Deacon - IPC: (10:35) @Tatiana - I don't disagree - but Milton has stated previously that copyright interests should be excluded and are not relevant. So this is really about trust and the text in Rec #2 and the new text suggested by Thomas gets us past this....

Tatiana Tropina (NCSG): (10:35) I agree with Marika's proposal as long as it says "includes considerations"

Milton Mueller (NCSG): (10:36) "will include consideration of" IP and abuse cases may be acceptable

Milton Mueller (NCSG): (10:36) acceptable

Amr Elsadr (NCSG): (10:36) "The EDPD Team commits to develop policy to allow for responses to lawful third party disclosure requests for non-public registration data. The work will encompass, amongst others, disclosure in the course of intellectual property infringements and abuse cases." - there is a commitment here to develop policy, characterizing what it will address, including IP infringement. That's the way I'm reading it. Like Milton, I don't see copyright issues being within ICANN's remit, although I believe Trademark infringement is something we do need to address. I'm not comfortable with the commitment in the language proposed by Thomas.

Julf Helsingius: (10:36) Amr +1

Tatiana Tropina (NCSG): (10:36) Alex, it's not up to me or Milton to decide here if IP is legitimate purpose or interest. It should be done at the next stage when access is considered.

Georgios Tselentis (GAC): (10:36) +1 for standardised

Matt Serlin (RrSG): (10:37) language from staff is acceptable as well, but we should change access to disclosure

Tatiana Tropina (NCSG): (10:37) Staff's language is surely the way to go as a compromise here. (with additions Marika proposed)

Alex Deacon - IPC: (10:38) where is the "staff language"?

Emily Taylor-RrSG: (10:38) I agree with what Matt says - agree with what Marc is saying, but would prefer 'disclosure' to 'access'.

Marc Anderson (RySG): (10:38) Per the EDPD Team Charter, the EDPD Team is committed to considering a system for Standardized Access to non-public Registration Data once the gating questions in the charter have been answered. This will include addressing questions such as:• 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?

Amr Elsadr (NCSG): (10:39) @Marc: +1.

Marika Konings: (10:39) On the right hand side in the table

Stephanie Perrin (NCSG): (10:39) "Standardized" is a fundamental part of the problem. It is not a term that is defined under the GDPR. It implies routine disclosure. Legitimate interests, as Milton said, will and must be accommodated. However, we have not developed this as yet, needs to be deferred.

Alex Deacon - IPC: (10:39) @marika - the red language that starts with "Change" ?

Milton Mueller (NCSG): (10:40) +1 Marc

Stephanie Perrin (NCSG): (10:40) For clarity , can we see that in the chat please, the final language?

James Bladel - RrSG: (10:40) Having audio problems, rejoining.

Marika Konings: (10:40) @Stephanie - at the moment, I don't think we have final language.

Alex Deacon - IPC: (10:41) I see it now

Kristina Rosette (RySG): (10:41) @Margie - you and Mark can give those assurances to the BC and Brian, Alex and Diane can give those assurances to the IPC

Margie Milam (BC): (10:41) I am having a hard time understanding why its a problem to mention it?

Alan Greenberg (ALAC): (10:43) 'issues related to legitimate IP issues'

Mark Svancarek (BC): (10:43) Actually, "standardized" touches upon mundane things like "one standard for responding to requests". Right now it's completely variable how you request, whether anyone needs to respond in any specific timeframe, whether a reason should be given when a balancing test is failed, etc.

Milton Mueller (NCSG): (10:44) Alan the key language is "will be considered"

Milton Mueller (NCSG): (10:45) in other words, we are clearly not excluding anything, and we are , just to mollify IPC's concerns, making it clear that it will be considered

Stephanie Perrin (NCSG): (10:45) Indeed Mark, this is the problem and don't forget variance in local law.

Hadia Elminiawi - (ALAC): (10:45) @mark totally agree "standardized" mandates standardized responses

Stephanie Perrin (NCSG): (10:45) It is a big promise, using the word standardized/

Alan Greenberg (ALAC): (10:46) @Stephanie, but all we are saying is that we will consider it!

Rod Rasmussen: (10:46) Some word for "standardized" is important for anything to work at scale - the concept has to be covered.

Margie Milam (BC): (10:46) agree with Rod

Milton Mueller (NCSG): (10:46) The S-word (standardized) is already in the staff proposal.

Alex Deacon - IPC: (10:47) +1 Rod

Stephanie Perrin (NCSG): (10:47) Standardized requests (as per a template) is one thing. Standardized responses are, IMHO impossible if one is complying with local law.

Alan Greenberg (ALAC): (10:47) @Milton, yes, but some were suggesting remove it.

Stephanie Perrin (NCSG): (10:48) Possibly I am being a nit picker here...but there is a balancing test, and the decision to release data will depend on the reason give for the demand, the local law, and the accreditation of the recipient.

Amr Elsadr (NCSG): (10:49) I went through the language proposed by Thomas on R&R. Seems good to me.

Milton Mueller (NCSG): (10:49) No, Stephanie was merely pointing out the inconvenient fact that legal concerns may make it de facto non-standard in response, even if we develop a standardized process

Milton Mueller (NCSG): (10:50) for applying for disclosure

Rod Rasmussen: (10:50) @Stephanie - that very may well be the case depending on the "standard" - the devil is certainly in the details, however, this should be a goal for all parties' sake as you certainly want to be able to defend decisions and processes and queries, and etc. as this is implemented.

Stephanie Perrin (NCSG): (10:50) Exactly Milton. By all means standardized requests from third parties for info. Just agree that we have not agreed on a standardized response. Calling it access, is a misnomer.

Milton Mueller (NCSG): (10:51) NCSG has no principled objection to "standardized" disclosure processes, as long as the standards are the right ones (e.g., legal, privacy-respecting)

Matt Serlin (RrSG): (10:51) woo hoo...10 minutes back...nope...9 now :)

Rod Rasmussen: (10:51) I sure hope we don't propose illegal standards!

Matt Serlin (RrSG): (10:51) Thanks Marika and staff!

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

Hadia Elminiawi - (ALAC): (10:51) Thank you all bye

Georgios Tselentis (GAC): (10:51) thanks bye

Milton Mueller (NCSG): (10:51) bye all

Leon Sanchez (ICANN Board liaison): (10:51) bye all

Esteban Lescano (ISPCP): (10:51) Bye!!