

**ICANN Transcription  
Data & Metrics for Policy Making Working Group  
Tuesday 15 September 2015 at 21:00 UTC**

Note: The following is the output of transcribing from an audio recording of Data & Metrics for Policy Making Working Group call on the Tuesday 15 September 2015 at 21:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.

The audio is also available at: <http://audio.icann.org/gnso/gnso-dmpm-15sep15-en.mp3>

On page: <http://gnso.icann.org/en/group-activities/calendar#sep>

Attendees:

Cheryl Langdon-Orr - At-Large  
Jonathan Zuck - IPC  
Pam Little - RySG  
Tony Onorato - Individual  
Sara Bockey - RrSG  
Sonigitu Ekpe – NCUC  
Graeme Bunton – RrSG  
Benjamin Akinmoyeje- NCUC  
Janvier Ngnoulaye – Afrinic  
Nenad Orlic – ISPCP

Apologies:

none

ICANN staff:

Berry Cobb  
Steve Chan  
Terri Agnew

Coordinator: Excuse me, the recording has started.

Terri Agnew: Thank you. Good morning, good afternoon and good evening. This is the Data and Metrics for Policy Making Working Group call on the 15th of September, 2015.

On the call today we have Sonigitu Ekpe, Cheryl Langdon-Orr, Sara Bockey, Pam Little, Jonathan Zuck, Tony Onorato and Graeme Bunton. I show no apologies listed for today's conference.

From staff we have Berry Cobb, Steve Chan and myself, Terri Agnew. I would like to remind all participants to please state your name before speaking for transcription purposes. Thank you very much and back over to you, Jonathan.

Jonathan Zuck: Thanks a lot, Terri. Are there any updates to anyone's statements of interest? Glad to hear it. So let's just start - launch into our agenda here and the review of the submitted comments. Can I hand that back to staff that compiled this lovely document, to lead that discussion?

Berry Cobb: Hi, Jonathan. Thank you. This is Berry Cobb for the record. So before we jump into the review of the public comments I just wanted to bring everybody up to speed. Clearly we missed our 14-September deadline to submit the final report to the GNSO Council. Over on the right hand part of the screen I put the next upcoming meeting dates leading up to the motion and documents deadline for 11-October, which is in preparation for the GNSO Council meeting in Dublin. So we basically have four meeting opportunities to review through the comments and update the final report as the group agrees.

So with that let's take a look at the report of public comments. This version that you see in front of you now is an amalgamation of kind of what's occurred from the CCWG because I thought that that format was very useful in terms of identifying the key comments that really require changes or at

least further deliberation by the group in terms of the substance of a particular comment.

You know, quite often there are, you know, very generic comments of acceptance and there's really not much need to, you know, for the group to deliberate them and certainly no action would be taken against a comment like that. But those that are more substantive that might require at least further deliberation on a particular issue and/or alternatively leading to a change in the final report this particular format is - seems to be a little bit more helpful.

And, Cheryl, I'll unsync it in a minute but I wanted to guide you all through kind of what I'm hoping that we can accomplish.

So the first two pages are an ICANN-required format for the report that is submitted up into the public comment forum. In the past there's typically been summaries of those comments that are only included but we're going to kind of advance that a little bit more. And I think that it's important that the group's deliberation on each of the comments also be submitted in that regard so that each individual commenter can clearly make a connection with their comment what the group's response was and any changes that were required.

So last week we didn't get a chance to meet but the meeting prior to that we, you know, there was one comment submitted by (Martin) from PIR and we had discussed that through the group so I took the liberty of putting together kind of a draft response and possible action.

So our process is going to pretty much be the same. We're going to review through each of the comments here on the call understand or have any deliberations about that particular comment. And as I mentioned then if there's any agreement amongst the group to change any language in the final report then we can document that here.

So I won't go through the reading (Martin)'s comment other than to say that in general it was more around the particular use of ex ante research and impact analysis. And as I understood the deliberations from the working group that it was - it would probably be worth taking a look at the report to update it in a way that for those recommendations that suggested our pseudo continuous improvement recommendation that they be updated in a way that outlines both the potential for a positive or a negative implications as the result of that implementation.

So with that when we go offline I would ask that, you know, you kind of review that to make sure that that was captured appropriately. And before we continue on how we're creating the connection of what the group will deliberate versus what action is taken into the report I'm going to show you in the Adobe Connect room the next version of the final report and in particular I've made - highlighted comments. I don't think I've sent this version out to the group yet but I just wanted to show you how we're going to try to maintain this continuity between the comments and the report themselves.

And so I've made - highlighted some side comments here that these two recommendations that the wording may need to be updated per that (Martin Boderman) comment. And so for the next couple of sessions what we'll do is just review through each comment, document the deliberations at the close of the call then I'll go back and if there are any noted changes to the report I'll highlight those and then probably either next session or the session after that we'll start - we'll turn our attention back to the final report and then start working on any modifications to the report itself in preparation to submit it to the Council. Is there any questions or concerns about that approach?

All right hearing and seeing none have some agreement. So we'll go back to the public comment review tool. And I'll get us started on the second comment. So the structure of the document is basically the top section is more or less general comments and then there are some further sections that kind of get into the details for specifics of some of the recommendations that

the group is proposing so they're more or less - comments are subdivided by topic or issue really more topic or recommendation.

And so Google, for instance, had a pretty extensive comment and there's I think seven or eight entries within the PCRT that are highlighting kind of different aspects of their comment back into the report. And so that's why you'll see multiple versions instead of just one big lengthy comment that they had submitted into the public comment forum.

So we'll be starting off - pardon me - we'll be starting off with the second comment. And I'll just quickly read through this and then we'll take a pause, open it up to the floor if there's any response to that. And if not then we'll just work our way down the list.

So the second comment is from Arthur Zonnenberg. He is affiliated with HostNet which I believe is out of Northern Europe. And his comments basically supports the goal of the work, thinks a particular high level performance data gathered for the IRTP will provide an essential pilot effort to show positive value the DMPM Working Group can have on policy. Additional response is that he made to the charter questions.

And I'll note just real quick, Arthur Zonnenberg was a part of the IRTP Part D Working Group which was kind of somewhat influential into our deliberations especially when we were trying to flush out some of the use case that we were perhaps potentially wanting to seek some input on which would do a review of the transfer policy down the road after its implementation.

But at any rate Charter Question A - I won't bother reading through the charter questions themselves, I think we're pretty familiar with those. But he had mentioned that, "Data describing a problem can be the start of policy in addition to being gathered in response to policy." And in regards to Question b, "It's beyond contractual compliance, it's advisable to address and accept

input on whether sufficient data and metrics exists for measuring existing policies.”

And against Question C is that he agrees on the necessity of prioritizing and right-sizing solutions. And in regards to D, E and F notes that there’s a lot of interesting data that can already be gathered at the registry level alone bypassing the need for registrar consent or cost.

Before I open it up I think I’ll just note that, you know, it sounds like the group has deliberated on these in one way or another kind of referring back to A which is part of one of our recommendations about the pilot effort which is to hopefully provide opportunity to further understand an issue prior to initiating any kind of working group or more formalized effort to detail - dive into a particular issue. So I feel that that part’s addressed.

Then in terms of B, which I believe is also kind of in relation to our pseudo-continuous improvement recommendations and that is, you know, essentially accepting the input on - whether sufficient data will be available for measuring the existing policies. And I think we’ve also talked about with Charter Question C about prioritizing or right-sizing solutions.

And so, you know, the intent back again with the pilot program or pilot effort is that if data were to come back that would suggest that the issue may not be as big or as warranted to be further addressed or more formally addressed at that time that could aid or potentially aid in improving, you know, existing workloads out there or minimizing or limiting the workloads that we’re experiencing out there.

And notes that interesting data can already be gathered at the registry level alone, which is also something that we discussed about kind of in relation to the IRTP use case where we talked about the contractual requirements that registries have to provide their monthly registry reports and addition to some other data that’s publicly available.

So with that I'll open up the floor. Are there any questions or comments? I have noted that in general that there was agreement and I believe we will wait to document any working group response. But from what I gather at this point I don't think that it influences any changes to the final report.

Jonathan Zuck: Berry, I certainly agree with that assessment. I mean, as I read I don't see them as contradictory to the conclusions we reached in any way or to the proposals we made.

Berry Cobb: All right thank you. And just kind of making a quick note for myself for documentation purposes. All right so we will move along into Comment Number 3. This was from the Registry Stakeholder Group. "The gTLD Registry Stakeholder Group supports the proposed recommendations for the use of data and metrics for policymaking and commends the group's efforts and appreciate the inclusion of any previous registry input into its initial report."

Again, it appears to be agreement with our recommendations. The response would be standard thank you for their comments and basically action taken like non-disagreement with that (unintelligible).

Sonigitu, is there any way that you can correct your mic? I'm assuming that you're using Adobe Connect. If you can't meet your mic (unintelligible) could you possibly log out and try logging back in? All right, that sounds like that helped. Thank you.

All right, moving on to the next comment. Here is where - it's Comment 4 at the bottom of Page 5, most of it starts at the top of Page 6. And I don't believe I ever unsynced this. If you don't mind I'll go ahead and just drive through the Adobe Connect as we move through these.

So Google did have some pretty substantive comments. They appreciate the opportunity to comment on the initial report and data metrics for policy

making. They agreed that the GNSO and PDP should make use of available data to improve policy outcomes. Use of data it can complement the multi-stakeholder process and help focus the community efforts on issues and initiatives with broadcast the most significant potential affects. Use of data and metrics may also improve the effectiveness of the PDP by helping the community set clear goals, benchmarks as part of the PDP itself.

Data and metrics will allow ICANN and the community to assess whether PDP outcomes support their objectives and to use these findings to better guide future efforts. Taken collectively the use of data and metrics to refine and improve the PDP will benefit all stakeholders while supporting the general effort of the working group.

They propose several other recommendations. And as I mentioned earlier these were kind of broken apart based on particular topics. Most of them are located in the general comments section but there's a few taken elsewhere. So unless there is objection for this particular row I'm going to mark it as agreement and show that there was no action taken in regard to this particular section.

All right we will move on to the fifth which is also by Google. This getting some slow response in the Adobe Connect room. Hold on. Alright so this is also Google. Provide for the collection of qualitative data in addition to quantitative data to the extent that it's not already captured in the multi-stakeholder process.

They're stating that the initial report focuses almost exclusively on quantitative data process itself while the nature of the multi-stakeholder process itself ensures that the PDP takes in account some qualitative experience there may be relevant places and experiences that are not reflected in the PDP.



Alternatively the composition of the PDP working group may not be adequately represented of the range of parties affected by the issue at study. In these cases structured use of qualitative data as a complement to quantitative research may significantly improve the policy process. The need for qualitative data is particularly acute where policies touch on registrants or Internet users. And given the size and diversity of these categories it's impossible to garner an accurate view of registrants or users perspectives solely through the ICANN working group model.

And it's in this model that participation by registrants and users is highly idiosyncratic and often not adequately representative of the Internet user community as a whole. As such policies that directly affect registrants or users could benefit from surveys or direct observation or more representative samples of users to understand how they engage with the DNS along with other relevant indicators.

So I think for this one we did touch a little bit in regards to qualitative data but it was really only in the sense of around one of our recommendations which touches on the early outreach which is current state mostly or predominantly a qualitative exercise. And we had mentioned that or the recommendation which updates the Working Group Guidelines also is making note of that it should include a quantitative component where possible.

This particular comment seems to want to touch on the opposite comment that the group's deliberations mostly focused on the quantitative components and not so much some of the qualitative elements in addition to needing to outreach well beyond just immediate GNSO community that the larger Internet community. And so I'll open up the floor if the group has any ideas or anything to mention in that respect of how we respond to this comment.

Jonathan Zuck: Well, Berry, this is Jonathan. I guess I'll get things started. I have to say that I'm not sure I know what qualitative data actually is. If it's an actual statistically significant survey it becomes quantitative data. And if it's

anecdotal discussions to get different perspectives I feel like that happens now far more often than the collection of quantitative data.

So I guess I can sympathize with this perspective but it's more a question of what our charter is to do which is to find out ways to use data is. And to just use the word data next to qualitative doesn't -- I feel doesn't make it data because you call it data. And I don't think we presume to be the sole reform agency of the PDP process but instead are looking at how to incorporate data and metrics i.e. things that are measurable into the policy development process. I mean I guess my initial reaction is this is outside our charter. I'm interested in how other people feel about that.

Berry Cobb: Thank you, Jonathan. I see that Cheryl agrees or green checkmarks that comment. And Pam also mentioned in the chat that qualitative data is much harder to define, collect or interpret. Certainly it is difficult to quantify it even in a sense you could say that this very exercise that we're doing now is a qualitative exercise and out of it, especially under this kind of new method of at least trying to initially tag some of these comments as agreement, divergence or concern is a small quantitative component. But I mean, I would agree with Pam's comment that it's definitely not an easy task to distill qualitative data in any form of quantitative mechanism.

I'd also add that when you look at the PDP process as of yesterday, for instance, and, Jonathan, I believe you touched on this point, you know, there's plenty of opportunity for qualitative input. There's the public comment period that is performed at the initial report stage -- I'm sorry, the initial issue report stage. And then there is of course deliberations on the Council which is usually mostly a qualitative kind of component that determines whether an issue should be formed into a working group.

At the early stages of the working group there is the early outreach to the SOs and ACs, again which is more a qualitative exercise. And then in a typical PDP then when the group presents its initial report then there's that

additional public comment which is typically a qualitative exercise, not to mention the deliberations within the group.

So I guess in general I think that the group agrees that most of what we do is qualitative in nature. Are there any comments as it relates to the scope of the people that are involved? And Cheryl has raised her hand, please.

Cheryl Langdon-Orr: Thanks. Cheryl for the record. And obviously I'm (unintelligible) connected to you this morning, Berry, because I thought that was going through my mind from an At Large perspective just went ding. And it may be a desire being expressed to go outside of ourselves in terms of the -- call it a qualitative data analysis.

And that's the type of thing that depending on the source material and the work at hand could be picked up in a, and inverted commas, more public survey of Internet end-users or registrants, you know, third-party type survey stuff, stuff tagged on the end of Web interactions, that type of materials. So I just thought we should probably recognize that and perhaps even ask if that is what was intended. Thanks.

Berry Cobb: Great. Thank you, Cheryl. Yeah, you know, I would agree with that. I think in a perfect world any kind of issue that was being deliberated would be seen by all and, you know, that's the question is is by what mechanisms and what processes and what resources are required to do to meet perfect state. And we all recognize that we can't achieve perfect state in this case.

But it's kind of a conundrum that the community has been pondering for a while even in the simplest of survey forms and, you know, what I would consider somewhat extensive outreach effort to try to communicate the availability of some of these surveys. I mean, they certainly don't get posted in the New York Times or anything like that.

But I'm wondering if the group has any ideas about how we can -- at the end of the day it's all about advertising the availability of it and then from there it's up to the community member beyond the GNSO that even takes an interest or has an understanding of what those particular issues are about some of the -- some of what that survey contains. Cheryl, please.

Cheryl Langdon-Orr: Hi, thanks. And sorry about the doggie barking background. Cheryl for the record along with her pack of dogs. A couple things (unintelligible) to what I just put in the chat. For example, I'm well aware that, Big Pulse which ICANN has an account with and which is used for little more than a voting tool, their daily bread, as an internationally renowned company, is in fact extracting qualitative analysis from, you know, man in the street type stuff on a huge and wide variety of topics.

But I'm also aware of course that even some of the industry do have third-party sourced survey materials that may indeed, from time to time, be useful for us to tap into. Immediately coming to mind is our State of the Internet in Australia stuff that we do as a combination of ADA and (unintelligible) registry service provider.

So, you know, that's where when people, you know, log off or try and finish, you know, a simple web interaction, a little tiny box pops up and says, you know, would you answer these three questions yes or no type stuff. So it doesn't have to go out in the New York Times, there's a whole bunch of sort of ways that it can be done and done extraordinarily cost effectively in the scheme of things. Thanks. That is a professional job.

Jonathan Zuck: Well and I guess - this is Jonathan again. I guess I would consider well distilled qualitative data to then be quantitative. We're dealing with that in the CCT review metrics where we ended up getting a set of surveys commissioned to statistically measure what is essentially a qualitative issue about consumer trust. And so I mean, I think once you have data you can rely on that's qualitative it becomes quantitative.

And I guess I would suggest in addition to that that if a working group goes through the rigor of defining their problem quantitatively, defining the solution quantitatively that it's actually a better communication tool for people that want to make qualitative objections to the definition of the problem in that way. And so going through the rigor of actually saying what you mean in a quantitative way I think will actually facilitate qualitative objection if any exists.

Berry Cobb: Great. Thank you, Jonathan. And Cheryl, is that an old hand or a response?

Cheryl Langdon-Orr: It's a very old hand. Sorry, I was distracted (unintelligible).

Berry Cobb: All right, no worries. So just to give you an idea, I'm taking like some on-the-fly notes of the dialogue here after the call, review through the transcript and basically distill the transcript dialogue into an overall working group response.

But that said, you know, it sounds like there is, you know, agreement that there could be more done here. Is there anything that this specific working group that we can do to better either enhance the report to discuss this particular issue or this notion or any ideas on what we should do? Or is there any changes to the report that maybe we should take a look at?

Jonathan Zuck: This is Jonathan. I guess I don't see changes to our recommendations. We could make changes to our justifications to reflect what I just said about improved communication for those who might make qualitative, you know, inputs. But I think largely our response to this has got to be that it's outside our scope.

Berry Cobb: All right, thank you Jonathan. All right we will move on to the next comment which is also by Google. This is where leverage existing data sources to the fullest extent possible. Working groups should be encouraged to use easily accessible pre-existing data sources where available. For example, working groups can rely on first on data that's publicly available as well as data that is

already being collected and processed by existing providers that observe and analyze DNS trends, Whois information and other relevant data.

This approach avoids the cost and delays associated with appointing a third party provider to collect and handle relevant information. To facilitate this process ICANN staff could include the issues report all publicly available or readily accessible data sources related to a PDP and how such sources would be used if applicable. Key metric considerations sections for future working group charters proposed in Annex A could be revised to reflect these available data sources. Any comments in regard to that?

Jonathan Zuck: Berry, can you scroll down to that row?

((Crosstalk))

Berry Cobb: I was working on it.

Jonathan Zuck: No problem. Just I didn't catch it all when you were reading it.

Berry Cobb: It seemed to me that I think the key suggestion here is that within the kind of template key metric consideration section that we could maybe provide some of the publicly available types of data sources to provide hints to future charter drafting teams for possible ideas depending on the type of issue that they're trying to consider or at least that was my take away from that.

Cheryl Langdon-Orr: Just so you know I agree to what you just said, Berry.

Berry Cobb: All right, thank you, Cheryl. And I think the other component to consider here is, you know, they're kind of touching on the point about a third-party aggregator. I do believe that the group's deliberations about that aspect of it was predominantly around those data sources that aren't publicly available or certainly where data may be considered sensitive in some regards and that it would need to be aggregated or anonymized in some way.

So I do believe that the group has more or less touched on the large substance of this comment as it relates to those aspects. But I do think it could be beneficial that we could maybe try to include a hints and tips portion to update the charter with. All right and we got a +1 from Cheryl and +1 from Jonathan.

All right so we'll move on to Comment Number 7 which is also by Google. This is, "Assign full-time staff to manage data collection and analysis. Past efforts by ICANN to collect data for the purposes of reporting or policymaking have relied heavily on the use of independent third-party providers. Similarly, the initial report makes repeated reference to the use of third parties to collect and process such data. To the extent that the use of data and metrics as described," I need to scroll up for you I'm sorry again. Think I'll unsync it from now on the group can navigate on their own within the Adobe Connect room as I'm reading off of the raw document.

"To the extent that the use of data and metrics as described in the initial report become a regular and significant part of the PDP ICANN should appoint or hire full-time staff with the requisite skills to manage the collection and analysis of such data and/or maintain ongoing relationships with third-party firms capable of filling gaps in the organization's capacity to manage such data."

"Ad hoc use of independent third-party providers can create an efficiency including time expended to manage a request for proposal, engage a provider as well as cost in retaining that provider. ICANN should weigh different efficiency and value, could be maximized by retaining staff with the requisite skills to manage such processes or establish ongoing retainers with capable third-party firms."

Cheryl, please.

Cheryl Langdon-Orr: Thanks. I've got to say I agree with that last part, absolutely. I just think we need to recognize that in many of these situations we do need a proof of concept. And whilst as an end game I think I'd like to say yes we agree totally, I think we should recognize their last part in particular as essential to be constantly cognitive of but, you know, post-piloting this would need to be reconsidered, in my view anyway.

Berry Cobb: All right thank you, Cheryl. You know, in response to that, I mean, I can't comment necessarily on the policy staff or ICANN's capability to go hire additional resources based on public comments per se. You know, I know that there are some activities not specific to this that do occur within ICANN about collection of data a lot of which is more ICANN-centric than necessarily seeking other data sources out there to make them available.

The one thing that I would like to point out in terms of how third-party aggregators can be somewhat inefficient and specifically the mention of RFPs, I think that that is kind of, at least in my interpretation of the pilot efforts is to avoid -- or the hope is to avoid a scale of need for particular types of data query a more formal process is required to obtain that data.

And this is probably a bad analogy but I think that kind of generalized scope of the pilot effort would be request for metrics or data that a credit card could almost be used to go obtain that where it's not so much a significant amount of cost that it requires a formal RFP or any other kind of contracting kind of process.

Any other comments? Is there any action that the group needs to take in relation to this? Does the group want to make a recommendation that ICANN should go hire staff?

Jonathan Zuck: I'm a little bit hesitant because, I mean, and this might be an opportunity for Graeme and Pam to speak up. But I know that part of the reason that there is significant mention of third parties in this is not only because they are sources



of data but because there is a promise of some sort of anonymization or, you know, reduction of data before it gets to ICANN that parties might not want to share directly with ICANN. And that was part of the rationale. And I don't know if that's worth repeating in the, you know, in our response.

Berry Cobb: Thank you, Jonathan. Graeme.

Graeme Bunton: Hey, Jonathan. May I? Yeah, I mean, I think the short answer is that registrars anyway - I don't want to presume to speak for registries but we just don't trust ICANN with that level of data. And certainly there's been a few breaches that I think will, you know, give us all pause. I don't know that we need to reiterate the reasons why but certainly a neutral third party (unintelligible) collection, aggregation and anonymization that is not ICANN is I think pretty mandatory for contracting parties.

Jonathan Zuck: So the question I guess is whether we state that explicitly in our response to this comment or I guess that's the question. And I guess, I mean, I'm inclined to say that we should continue to explore the possibility of staff expansion to handle digital analysis but there will be instances in which confidentiality dictate the use of a third-party or something like that. Does that make sense as an addition?

Cheryl Langdon-Orr: Jonathan, Cheryl here. I agree with you. And I think it's really important that we keep that balanced front of our documentation at all times. That doesn't necessarily mean that at some future point in time just someone to manage procurement may not be useful. And certainly...

Jonathan Zuck: Right.

Cheryl Langdon-Orr: ...established relationships even with people -- companies on retainer is still important. So I wouldn't want -- I'd be saying not now, not necessarily no never but keep the ongoing, I would suspect, be shocked and horrified if it

wasn't, need for good third-party and aggregating services to manage the anonymizing as an essential. Thanks.

Jonathan Zuck: And I guess to some extent we can argue that (Elisa)'s position is somewhat new as someone who, as you described it, Cheryl, might be the one riding herd on these third parties to decrease the costs and inefficiencies associated with their use. So then that's a fairly unique individual that's been added to the ICANN rolls of late, can play some of the role of mitigating the concerns that they raised.

Cheryl Langdon-Orr: Yeah, well worthwhile noting that exactly. Perfect.

Berry Cobb: All right great. Thank you all. Graeme, old hand? All right, thank you. All right we will move along to Comment 8. And again you have scroll control. This is also - I should say I'm assuming that the action taken in terms of the final report will be none but we will create a formalized working group response based off of the discussions that we just had here.

All right, Comments 8, also by Google. "Consistently apply procedures for the collection and analysis of data. Appreciate the initial report's high level of knowledge meant of limitations on requesting data from registries and registrars and support the principles set forth for the process of requesting data from contracted parties. Given their roles in the DNS a significant fraction of PDP relevant data will inevitably reside within the contracted parties."

"However, we are somewhat concerned by the initial report's differential treatment of registry and registrar data within -- with that of outside parties. The principles outlined including clear purpose, confidentiality, anonymization, aggregation and removal of PII, personal information, should be generally applicable to any data collection process and not specific to the contracted parties."

“Further, just as ICANN working groups do not require outside parties to surrender data the same must be true of registry and registrar data. While adherence to these principles is likely necessary to mitigate contracted parties’ concerns in surrendering data, they may not be sufficient.”

“Where issues percent and the outcome of the non-PDP working group cannot be deemed to create new requirements for contracted parties to surrender data as part of the policy process outside of the limited circumstances provided for in the Registry Agreement or RAA, accordingly, working groups must also consider the potential selection biases associated with data that is voluntarily provided by contract parties.”

So I think here is pretty much a firm restatement of some of the deliberations that have occurred within the group. And I will turn it over to Cheryl, please.

Cheryl Langdon-Orr: Just by typing doesn't seem to be turning up as quickly as the conversation is probably moving on. And Cheryl for the record. Yeah look, I think it's all fair enough. I think it's absolutely a restatement. In fact, I would see this as an agreement.

Berry Cobb: Great. Thank you Cheryl. And yes, and I think that that is -- it is outlined within, you know, the group's deliberations in the report that certainly this was a noted issue, it was the foundation for the principles. I do think that there is a hint of extra that we may not have considered in the report as most of the principles that we outlined were specific to contracted parties.

You know, in terms of data collected from some other third-party provider, I can't think of an instance right off the top of my head but certainly is personal information were somehow included in that in some way or another that confidentiality and anonymization should be strongly considered in those cases. I don't think I recall any specific deliberations in that respect to non-contracted party types of data that may exist out there.

And so, you know, perhaps maybe we can make note of that and somewhere in the deliberations report but I'm not sure that that necessarily affects any of the recommendations themselves.

Cheryl Langdon-Orr: Cheryl. Back to you. I think that's embellishment as opposed to a new idea, but yes.

Berry Cobb: Great, thank you Cheryl. Any other comments or concerns? Okay we will be moving on to Comment 9. And surprise, it's Google. "Clarify any changes to PDP to the work product template referenced in the initial report. While the initial report makes repeated reference to the use of standardized templates set forth in the draft redline of the GNSO Operating Procedures, the redline itself does not include active links to the documents referenced."

"With the exception of the proposed updated charter, which is also set forth (unintelligible) it's not clear whether and how this documentation is to be updated. This documentation should be provided as part of the subsequent public comment process to allow the community to weigh in on any proposed changes to the documentation which may have implications for the PDP."

So this is Berry, and I'll start off with this comment. The comment is indeed correct that the redline of the GNSO Operating Procedures, I believe it was Section 5 of Annex 1, or something along those lines. The current version has links to existing completed work products some of which are very old. And I think some of the links are to IRTP Part A, which is as long as four and five if not longer six years ago.

And that particular section was updated to mostly reflect the latest final work products produced out of IRTP D to make those consistent. The current version has IRTP A, C and several other different working groups where I tried to make the edits cohesive to the output of one of our, you know, most major PDPs.

In addition to that particular section has a new subsection which is to basically the blank - well I shouldn't use the word "blank" but the minimal required contents of a particular initial report or issue report, I'm sorry, an issue report and a initial report that will be slimmed down that is issue, topic, agnostic. You know, it will have lorem ipsum text here and there except in the places where there is repeatable requirements for the PDP guidelines of certain content belonging based on those work product template.

Long of the short, you know, I've mentioned here before that staff is working on those templates. It still probably going to be several weeks before we have those produced to make available. The creation of the templates was first kind of a self-serving exercise. Having authored several of these, the typical practice is that we would take something from IRTP-D, sanitize it for the next issue, for example, DMPM as may have been the case.

There is a lot of logic in the numbered and ordered list that are broken they can't seem to be repairable. There is inconsistencies in the style of text. There is boring attributes about the look and feel of the document. So all of those were really kind of meant to just assist staff in creating a more consistent work product when we assist the community in creating these work products.

The secondary recommendations, which I believe follow the creation of these general templates, is the addition of these data and metrics specific recommendations or suggestions to be added to those templates which of course will go in. So again the commenter here is correct that that particular section that will point to these stripped down templates is not -- those links aren't included in the proposed redline of the GNSO Operating Procedures. But those templates in of itself aren't meant to, as I think was put it, that may have implications of any PDP.

So I'm hopeful that the group may agree that there is not really -- there shouldn't be too much of the concern about those not been provided yet.

Certainly once we get those created those links will be connected into the Working Group Guidelines so that the group will see. But the -- the purposes for what this group was trying to accomplish, the contents of what we have in this final report are exactly what will go into those future issue and initial report templates.

And the last thing I'll state is the desire here by including the redline of the GNSO Operating Procedures was to avoid an additional comment period down the road should the GNSO Council approved these recommendations but that would increase the implementation time for that. So I will open up the floor for any comments or suggestions or if we need to take any actions here.

Hearing none. So let me try it this way, so given that there is truth that those links don't exist in the Operating Procedures that were included in the redline of the public comment, does the group feel that once we have created those that we should then update that Guidelines with an additional redline for future public comments so that they can be viewed before their final sign off on that?

Cheryl Langdon-Orr: Berry, obviously you're not reading the chat, Cheryl here. I'm busy agreeing with you but that's okay.

Berry Cobb: Thank you, Cheryl. Any other concerns by the group with this approach? As mentioned in prior comments or actions taken, we will make a slight adjustment to the key metrics consideration section of the template within the charter which also has that -- I wish I could come up with a better buzzword for the continuous improvement recommendation that little sub piece of that is what would wind up in the initial report template once we get to there.

And just as information purposes, we've got the new Mercedes version of the template back from ICANN Communications and policy staff is now working on creating two different, as I mentioned, an issue template report as well as an initial report during the working group.

Thanks Jonathan. I didn't want to go as far as Lamborghini because, you know, when we get into that class you might have thought we spent too much money on it.

Okay, so I will update this particular comment based on -- more or less based on Cheryl's output and lack of any other input, we will consider moving forward with the redline that we have with the GNSO Operating Procedures as they are. And certainly once we get those actual templates completed it will be announced out -- we will make those available and send those through the communication channels across the SOs and ACs for just as a heads-up before we published the final GNSO Operating Procedures based off of our work here.

Okay, moving on to Comment Number 10. This is from the Business Constituency. And, "The BC strongly supports the use of data and metrics among other tools to aid in ICANN's policymaking processes, specifically the BC believes that the use of data and metrics as a complement to the multi-stakeholder process will improve the effectiveness of the PDP by helping the community set clear goals, benchmarks at the outset and will also help focus efforts on the initiatives with the most significant impact on the community."

I think this one is pretty straightforward that there is agreement with the working group. The response would be noted and thank you for responding to the public comment forum. Action taken would likely be none. (Unintelligible), I knew I liked you, Cheryl.

All right, moving on to Comment Number 11. This was also the Business Constituency. They believe that, "The working groups should be encouraged to use data sources that are pre-existing and/or publicly available when considering what data and metrics would support a PDP as to minimize the costs and delays associated with appointing a new third party provider to collect and handle the information."

“To the extent that the use of data and metrics are described in the initial report becomes a regular and major parts of the PDP ICANN should consider hiring additional staff with the requisite skills to manage the collection and analysis of such data. Improved approaches to making policy may be found via other organizations with similar challenges whose work can serve as examples.”

“Also, the academic discipline of policymaking continues to progress and likely has useful information for addressing specific uses of data and metrics. One example is the Cambridge Conference Policy Making and the Big Data Era, June 2015,” with a subsequent URL.

I myself did not have a chance to review that particular document but for the most part I think this pretty much mimics that Google comment in that extra staff would be nice and that we, you know, use publicly available sources where possible prior to considering any third-party or possible resource intensive types of metrics in relation to PDP deliberations.

And looking at the chat Jonathan states we pretty much should use the same response. And this is generally supportive. Cheryl agrees and Pam, I believe you're right, that likely that Google filed separately and they are also part of the BC as well as the Registries group but there is a policy person that is a member of the BC. And it should be also noted that Google's comments also kind of aligned with - as our prior deliberations had mentioned with the GNSO review comments as well as to what this particular group's activities and recommendations were.

All right moving on to Number 12. "BC supports collection of qualitative data in addition to quantitative to the extent that it's not already captured in the multi-stakeholder process. Qualitative data is particularly important where policies touch on Internet users. Given the size and diversity of the community it may not be possible to garner an accurate and fully



representative view of users prospectively through the ICANN working group model."

"Accordingly, policies that directly affect users could significantly benefit from surveys or direct observations or representative samples of users. However, qualitative input should be used to inform and interpret data." Then basically the BC appreciates ICANN's move forward towards research based policymaking. In fact, I'm looking at the chat now and it does sound like this is similar to that of Google as well. And Pam is responding is do we count these as two comments or one comment from Google?

You know, I think if this were a contentious issue it would be important to reach out back to the Business Constituency and/or Google to - if we absolutely needed to somehow quantify this. Both of them are definitely aligned in the same. I don't know -- and I also agree that they are two separate comments as that's how they were submitted. Certainly any organization is allowed to submit comments themselves.

Again, I think if this were a much more contentious aspect of a policy or a public comment that it might be worth reaching out to see which one tried to carry more weight or which was more of a -- an official stance. I don't think that it's necessarily warranted in this case though, unless those objections by the working group we can certainly reach out back to them. I think in some ways after I read that it almost seemed like there was a copy and paste exercise going on.

All right so I think based at least on the chat that the responses will also match that of what we provide for Google should there be any additional -- if we need to provide any additional updates in terms of the working group response please let me know and we can also -- when we convene back next week you'll be able to see that next updated version of the PCRT tool. And if they're out of sync then we can make additional nuances on the responses for the BC versus Google.

Okay let's move on to Comment 13 switches from the ISP group. "The Internet service providers and connectivity providers operate Internet backbone networks and or provide access to Internet and related services to end-users. We are key players on the Internet and have an essential role in the stability, and development -- and its stability and development. The Internet ISPs, CPs constituency seeks to strongly support the efforts and work products contained within the initial report on data and metrics for policymaking," and they will continue to comment in subsequent dialogue phases.

So I think in general are in agreement with the working group's recommendations. And it doesn't sound like there's any actions taken for this one.

If there's any objections then I will go ahead and move forward to Number 14 which is from the Registrar Stakeholder Group. I think again this one was pretty much in support. "Registrars like to thank staff for the working group volunteers for their work on the initial report in data and metrics for policymaking. Potential to improve and shape the ICANN policy development process outlined by this work are important and worthy of notice by the entire ICANN community."

"The registrars believe that the base premise of this working group would benefit the ICANN community by encouraging better informed fact-based policy. And that they would like to see ICANN make a commitment to this initiative and consequently have a number of comments below."

Broadly did like to note and emphasize the working group's recognition that data will be most impactful in the processes prior to launching a PDP and the initial stages thereof. Given the finite resources of the community it's absolutely crucial that we ensure that the problems the community a chance to resolve are both material and appropriately prioritized.

Following that, they would also like to highlight the importance of defining wherever possible quantitative, measurable goals for undertaking PDPs. The community should be casting a wary skeptical light on issues raised that lacked evidence or rely on anecdotes. And the GNSO should be able to reject a PDP or at least constrain a PDP. If there is no evidence to support that a problem exists would like to recommend the working group consider emphasizing the continuous improvement of role that data driven decision-making can provide.

This should include the measuring of the impact of a policy change for a period of time post-implementation and possibly a process to revert policy if the desired impact is not achieved. As noted in the initial report, independent third party will likely be able to collect, anonymize and aggregate data. Such a service provider however, will require funding and the cost should not be borne by the contracting parties.

If ICANN wishes to promote more fact-based decision-making it will need to commit to financially supporting service providers to collect and process data and/or facilitate the provisioning of data from other independent sources. Ensuring that it approves secure and neutral third parties collecting and aggregating data from contracted parties will make adoption of these recommendations far more palatable and will help to allay some of the concerns outlined below.

Lastly, they want to reiterate a number of reservations regarding the collection of sampling of data from registrars. Given diversity and the size of registrars from one person operations to those with thousands there will be difficulty in obtaining data from a broad enough array of registrars to ensure information is representative. Not all registrars will have the capacity or resources to provide data. We would encourage the working group to consider how to ensure that data collected has appropriate diversity and sampling.

The second bullet. There is a danger that data may be skewed by the large differences in registrar process implementation and business models. These differences would need to be carefully accounted for.

Thirdly, registrars hold considerable volume of personal and private information. This type of information be excluded from any ICANN related data requests.

Fourthly, the collection of data from registrars may raise antitrust concerns. And lastly, the length of time data collected will be kept for is also a concern. It may grow stale and less relevant over time. Repeatedly, the data should be used for the purpose originally and explicitly attended and should be disposed of when the relevant work is complete. This will help mitigate opportunistic data mining and requests for data without legitimate policy concerns.

Comments, questions, concerns with this comment? Graeme, please.

Graeme Bunton: Aside from it being brilliant and insightful, you know, I don't think there's a lot of new in there, stuff we haven't really talked about. There was a piece that came into us after the comment period has closed. I think it's covered mostly but I'll say it here just so I have it on the record was that registrars, anyway, and probably contracted parties, would like if that their determination data is confidential to the business and it's sort of out sole discretion that, you know, they can opt out of a request without consequence.

That's I guess mostly what I had to say. But I think what we're trying to convey in there is a lot of data is good, let's make sure we use lots but at the front end of the policy development process.

Berry Cobb: So, Graeme, this is Berry. You know, I think, yeah, again to your point that, you know, certainly what's been partially deliberated on and it's kind of

somewhat built into the decision tree, you know, there is going to be a point where there is some sort of request that is made by the group and, you know, there still needs to be -- there is an approval path towards that.

And I guess perhaps maybe what you're getting to a little bit more precisely is perhaps a request might be approved but we haven't really discussed and opt out mechanism for certain conditions.

Graeme Bunton: Yeah, that seems like a reasonable way to frame it. Although, you know, none of this could ever be mandatory. We've talked about this numerous times. You know, ICANN can't compel registrars -- contracted parties to do this. So I'm not strictly sure that we need to build that opt out but maybe that's the sort of belt and suspenders clause.

Berry Cobb: Are there any other comments? Jonathan or Cheryl?

Jonathan Zuck: Yeah, this is Jonathan. I mean, I don't particularly have any difficulty with things that are listed here. And I guess the question that I would turn back on Graeme is do you think that we need to incorporate all of this somehow into our recommendations for them to be acceptable to your community at the point at which they're getting looked at by Council?

Or do you feel like you'll have sufficient control over the situation on a case-by-case basis that these principles just -- a lot of them seem, you know, self-evident and absent any contrary recommendations by us to engage in an open data initiative or some of the other things that have been suggested along the way are there do you have ongoing concerns and specific recommendations that you'd like to make for changes to our document for our final report before we submitted to Council that will make it more palatable to your community? The question make sense, Pam and Graeme?

Graeme Bunton: Yeah, I see Pam's hand so I'll let her respond in a moment. I actually have to go back to the initial report and see if there's anything in there that I thought

was going to cause any serious impediment to registrars supporting it. There is nothing that comes to mind immediately. So maybe there's a couple pieces in here that we can emphasize in our report that maybe I'll take that on as homework to go back and take a look to see if there's anything I really want in there.

Berry Cobb: Thank you, Graeme. This is Berry. And you know, there is I think within, you know, Section 5 is where the group's deliberations and then the recommendations reside. I can't remember which recommendation number it is that there is a section that basically kind of talks about these principles and perhaps parts of your comments could be amended in that section to further emphasize the position of the registrars or the contracted parties in general. I suspect Pam will have some agreement with this so I'll turn it over to you, Pam, please.

Pam Little: Thanks, Berry. Hey, I actually was just going to say what you just said and Jonathan just said. Just to go back to our principles in the initial report I believe we came up with a set of principles to see what is not covered already. But I do want to touch upon the first and the second bullet points there that work in the Registrar Stakeholder's comments about the, you know, diversity of registrars and how data can be skewed.

And I think that goes to the question of quality of data. So we were talking earlier about quantitative versus qualitative but regardless of whether its quantity, quantitative or qualitative data I think I might have raised this a few calls back about reliability or accuracy of qualitative data. And I think back then our decision or our conclusion was that is out of our scope.

So it is an important question about how you actually design a sample and how you get the data that is representative of the status of affairs to make sure you get the true picture. And maybe that is what these first two bullets are trying to convey. So Graeme, maybe -- that's just my thought about the Registrar's comments on the whole if you can have a look at those principle

we are to come up with and see what needs to be covered additionally then that would be great and we can have that. Otherwise in terms of sort of qualitative data may be a response will be the same, you know, that that is really out of scope. That's all for me. Thanks, Berry.

Berry Cobb: Thank you, Pam. Graeme, any response are you good?

Graeme Bunton: I should note actually that Sara Bockey, who I think is on the call, wrote a bunch of this too and another registrar so it's not -- I should not be taking credit for the whole comment. No disagreement with what Pam is suggesting. And maybe a brief anecdote that I was just at this GDD Contracted Party Summit in LA and we had a registrar meeting on the Friday morning. And there was interestingly, a lot of brand and corporate registrars in the room.

And some of them were griping about, you know, that they had to comply with policy that didn't really apply to them and they had to build stuff, you know, that is totally extraneous to their business. Like some of them basically don't do transfers yet they have to comply with lots of stuff around the IRTP process.

So that made me think of how we approach the quality and diversity in registrar and it's not just size on its business model and things like that. I don't know what there is to capture out of that, saying just diversity and stuff there. All of which I will think about and see if there is text that we want to add to some of those principles.

Berry Cobb: Excellent. Thank you, Graeme. And, you know, something you might want to also take a look at is the metrics request form that a working group or stakeholder group or constituency may fill out for the pilot effort. You know, the idea with that was originally to, you know, at least as a starter basis but one section and there is to really define the requirements of the report, you know, or what's being requested for.

And I think a lot of what you have listed in those bullets are applicable in perhaps maybe, you know, a pseudo-hints and tips kind of section perhaps. I'm not sure, about how, you know, because I think Pam touched on it very well, it is, you know, regardless of the request who it's requested by or who it's requested from if it's not detailed and specific about what it's trying to accomplish and what data is needed to really address the issue then none of the results of it will be meaningful.

And so for example if there -- let's just use the IRTP-D as an example. If that future review were to go out and seek transfer related data on FOAs working or not, it would make no sense to include brand-based registrars because for their very nature they don't conduct of those transfers. So while the output of such a request may be aggregated and anonymized the input of that request would say well we're only going to target X number of registrars of certain size or a certain capability and that exclude brands, as an example.

So anyway we're basically at the bottom of the hour. I think this is likely our first hour and a half, 90 minute call, outside of maybe one of the ICANN meetings. So like I said we will meet again, and Jonathan with your approval, I think this is a good stopping point. But our next call will be the same time next week. We made it about two-thirds of the way through this document so we should likely be able to complete this review by the close of the meeting.

We'll kick things off by picking up on this very topic, kind of the action to you, Graeme, to kind of - for the little homework assignment. We will maybe just spend a little bit more time on this particular topic and see what any other adjustments to the report that may be required. In addition to that, then I'm taking the action to again go through the transcripts, update the prior comments that we reviewed with the working group response summary and action taken notation.

Where we have discussed in a few spots that there may be updates to the report I'll be sure to highlight those with notes and send both of those



documents towards the end of this week for your review prior to next week's call. Any closing comments, Jonathan, otherwise I'll turn it over to you.

Jonathan Zuck: Great, Berry. Thanks. And thanks to you and others who worked on this comment tool, etcetera, I mean, it's really helpful to be able to go through things this way. And we're learning some great techniques and tools through the CCWG process, which is good. And because I've always been a fan of accountability through explanation of decisions. So I'm glad that we're engaged in it.

So and thanks, everyone, for getting on the call. Sorry that we - things got crazy and we slipped our deadline but I think we're still on a good path and building a good set of recommendations. So let's - better to do it right than get it done early and have rejected by Council. So thanks, everyone, for your continued efforts.

Berry Cobb: All right great.

Cheryl Langdon-Orr: Thanks.

Berry Cobb: All right, thank you, everyone. See you next week.

Cheryl Langdon-Orr: Thanks, Jonathan. Thanks, everyone. Bye.

((Crosstalk))

Terri Agnew: Once again the meeting has been adjourned. Thank you very much for joining. Please remember to disconnect all remaining lines. And, (Samantha), if you can please stop all recordings.

END