ICANN
Transcription
GNSO Temp Spec gTLD RD EPDP Team
Thursday, 13 September 2018 at 13:00 UTC

Note: 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: **https://audio.icann.org/gnso/gnso-epdp-gtld-registration-data-specs-13sep18-en.mp3**
Adobe Connect recording: https://participate.icann.org/p2g9i4c1pwk/

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The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page http://gnso.icann.org/en/group-activities/calendar

Coordinator: Excuse me, recordings have started.

Terri Agnew: Thank you. Good morning, good afternoon and good evening and welcome to the 13th GNSO EPDP Team meeting taking place on the 13th of September, 2018 at 1300 UTC for two hours.

In the interest of time, there will be no roll call. Attendance will be taken via the Adobe Connect room. If you're only on the telephone bridge would you please let yourself be known now? Hearing no one, we have listed apologies from Ashley Heineman of GAC and Leon Sanchez, ICANN Board, Chris Disspain of ICANN Board and Farzaneh Badii of NCSG. They have formally assigned Laureen Kapin of GAC and Colin Kurre of NCSG as alternates for this call and any remaining days of absence.

During this period, the members will have only read-only rights and no access to conference calls. Their alternates will have posting rights and access to conference calls until the member's return date. As a reminder, the alternate assignment must be formalized by the way a Google assignment form and the link is available in the agenda pod to your right.

Statements of interest must be kept up to date. If anyone has any updates to share, please raise your hand or speak up now. Seeing or hearing no one, if you need assistance updating your statement of interest please email the GNSO Secretariat.

All documentation and information can be found on the EPDP wiki space and there is an audiocast and view-only Adobe Connect for nonmembers to follow the call. So please remember to state your name before speaking. Recordings will be circulated on the mailing list and posted on the public wiki space shortly after the end of the call. Thank you and I'll turn it back over to our chair, Kurt Pritz. Please begin.

Kurt Pritz: Thanks very much, Terri and thanks, everyone, for being here for a timely start. Here's the agenda, the – Number 2 item are some administrative updates from me so the first is we'd ask you to complete the first phase of the preliminary GDPR training class by Tuesday, September 18 and that's in anticipation of the next step in the training, which will be led by Becky Burr on Wednesday, September 19 at 1300 UTC. So we've got just a few people that have completed that course and please go ahead and do that.

A couple items that aren't on this list, we're putting together an agenda for the face to face meeting, we've gone through an iteration of it. It appears though, and you got an email from me about mediation services, so in our preliminary discussions with them it appears that, you know, we'll often discuss an issue twice, maybe on one day and then on the second day where the people providing those services and maybe also support staff, you know, collaborate at night so we can crystallize discussions and go on later. But the reason I'm bringing this up is, one is that we will publish a preliminary schedule for LA next, you know, of course by next week but early next week.

And second, if you have specific input or ideas about how we should go about it, if you've been through these sorts of sessions before and know

what's successful and what doesn't work, you know, please let me know or let us know in some way.

And then finally, you read the email about us engaging with CBI so we're really grateful to have them on board, not as early as I would have hoped; I would have hoped they'd be here a little sooner so they'd be up to speed on issues so we'll have to help them as they help us.

Because we're on a tight time schedule, we did sort of a rapid procurement and engaged with facilitation, mediation service providers that were already contracted out to ICANN previously so it was easy to contract with them and had success in the past. And I personally polled Board members, staff members, community members, I did some outreach myself, but for expediency sake without compromising quality we decided to engage with people we already knew about.

So that's the updates I have. As far as the rest of the agenda goes, we're going to talk about two items substantively on the agenda, one is the data that's collected and processed by registrars and then available for third parties. And Thomas has again been kind enough, he's done the preliminary work on a matrix and he's being kind to lead that discussion. And when we have that discussion we'll do it in the shadow of the charter questions that were posed regarding that. And then secondly, we'll get to Appendix A and, again, undertake our discussion of that with the understanding of which charter questions need to be answered along that route.

And I think then at the close of that discussion, with Appendix A, we've touched on the triage session but when with substantive changes suggested in each important area of the temporary specification and the next step for us will be for me will be to provide you with a roadmap then of, you know, how we take the written recommendations we have, the issues that have arisen out of the discussion there and try to bring as many of those issues to close

as we can. And there again I hope our new partners in mediation will help us there.

Just looking at the notes. And so then we'll close. So that's the agenda and I think I'll just pause there for five seconds or less to see if anybody has any questions. So here's you know, a timeline – this is the timeline that wakes me up at three o'clock in the morning every day and so we'll target, we'll – for the LA meeting we'll target certain items that will require closure or close to closure by the end of the LA meeting so we'd meet our timeframes.

As far as the outstanding action items I only want to touch on two, one is – for Section 4 point – first of all we noted the discussion on the list about Section 4.4.8 and the proposed amendment there and the discussion that followed. And the issues, you know, left there are pretty narrow. We haven't had discussion yet on the remainder of the 4.4 sections.

We did a – we did one document that's put up that's asked for comments and then you'll remember Thomas and Benedict's chart of last time so we – when we put that up we said we'll leave a week and not just 48 hours for you to comment on it, but 48 hours of the week has now melted away and if we're going to make this time schedule that was in the previous slide then I'd ask you to turn your attention to these things, section – in this slide at the bottom, Section 4.4 with the link to the document there and then the work that Thomas and Benedict did on this slide with the link to the document there.

So that's it for the administration portion of the meeting. So something we've been very anxious to talk about is the – one of the – I'm really sorry – one of the items we've been anxious to talk about is the actual data sets that are collected themselves and the purpose for which they're collected. And in that regard Thomas did a matrix for us that described each datum that is collected by registrars and then which of the data are used by third parties and then the ICANN support staff here kind of took that with other information, kind of did a mash up and summary chart of data.

So I'm going to ask Thomas to lead this discussion on data. You know, the charter questions are pretty obvious I think but, you know, which data should be – should registrars be required to collect for the following, each of the following contacts and what data is collected because necessary to deliver the service in fulfilling of the domain name registration.

So with that, you know, this is a snapshot of the data but I will – I will ask staff to put up a better version of that that you guys can scroll through. And before I turn this over to Thomas, can I – Marika, will you just describe the headings at the top of each of these columns?

Marika Konings: Sure, Kurt. And just for everyone's information, this is Marika by the way, if you want to zoom into the document, because we know it's pretty small on the screen, you can use the plus sign at the bottom of the pod. The document is also posted on the wiki so if you want to have your own version open or printed you can find it there.

So what this document does is try to bring together the matrix that Thomas originally developed as well in combination with a document that staff had been working on looking at some of the work that the RDS PDP Working Group did in relation to data elements needed for different purposes. So what you see in the first column on the left is basically all data elements that are currently required either for contractual purposes or other areas. And there's a big section underneath that includes some other data that may not be specifically Whois related at the moment.

Then the second column lists basically the data elements that the registrar must collect to perform the contract. And for now we've grouped underneath that all those purposes that were identified as registry, registrar or ICANN contract purposes. And just to note we haven't come to full conclusion of course on those yet but basically I think those were the ones that we've been

initially deliberating on and I think tagged as kind of purposes that would fall under the collection part of processing.

Then a column is added to that and I think the idea, and Thomas will probably speak more to that, rationale should be developed by the group for, you know, why these data elements are needed for those specific purposes. And then the last column basically has put together, and again this is based on some of the work that Thomas did but also looking at what the RDS PDP Working Group did in relation to third party legitimate interests and what data elements were indicated as being needed for those specific interests.

And again, the idea is that it's possible for the group to look at these elements and kind of identify, you know, are there any missing, does this accurately represent the data elements that are needed for these purposes that are identified as well as third party legitimate interests, that they may want to have access to. So I think that's in a nutshell what you currently see on the screen as a starting point for this conversation and I probably should hand it over here to Thomas.

Thomas Rickert: Thanks very much, Marika. Thanks very much Kurt. And good morning, good afternoon and good evening everyone. This is Thomas Rickert speaking. And I'm looking forward to the session, which hopefully will allow for us to make some progress with respect to what data collections are (unintelligible), not to use the legal term here.

(Unintelligible) I'd like to put this into context. I always try and get valuable for those who have to do work to understand why they're doing the work. And I think most of this has been said already, but I think the two tables that we've been working on recently, they will complement each other very nicely. You will remember that during the last call we've discussed the purposes and we tried to identify who was pursuing certain purposes.

Now if you remember that for data processing activity to be lawful under GDPR you always need a purpose and you need a legal basis. So what you're ultimately looking at is processing activities. And what we're trying to do now in the next couple of minutes is to look at the first important operational steps that you take, the relationship between the registrar and the registrant because the registrant is the entity that the data comes from.

So we're trying to assess what data (unintelligible) being collected by the registrar, right? And that's all we're doing and that's all we're focusing on now. We're not talking about passing on the data to the registry, nor are we discussing questions of escrow, nor are we asking questions (unintelligible) to the disclosure of that data. We're purely focusing on what can be collected by the registrar.

And we're going to go through different steps. The first step is (unintelligible) what data does the registrar require to fulfill the contracts? And talking about contract, and I only have German language legal literature on my desk here, but there has been some confusion over and over in various discussions over the last couple of months that there was some who wanted to use ICANN contract with the registrar to justify data processing based on performance of the contract, i.e. Article 6.1(b).

Now, this is really about the contract between the registrant, i.e. the data subject and the registrar, right? So whenever other data processing is involved, that will be the next step because there might be, for example, a legitimate interest by a third party that we can use, right?

So we have to be very disciplined with this exercise because the outcome will be a table where we jointly establish what data can be collected, number one to fulfill the contract, vis-à-vis the registrant; then there's a second step we're going to discuss what data can be collected based on a legitimate interest pursued by a third party; and then we can also discuss whether all legal

grounds that you might come up with can be applied such as consent, 6.1(a) in the GDPR, to legitimize additional data collection, right?

And this is going to be the first step, there will be three steps, will be the first step. After that we're going to discuss what data can be passed on between the registrar and the registry and again we're going to discuss first what is required to perform the contract, then we're going to look at questions of 6.1(f), i.e. what processing can occur to – based on a legitimate interest and then we're going to talk questions or processing based on consent.

So this is just to give you an overview, then we can easily read the purposes with the legal basis and (unintelligible) testing. I'm not suggesting that we can finalize our work today but I think (unintelligible) in the discussion we will probably get a good (unintelligible) to what processing is uncontroversial in this group and what needs more discussion and more work.

So before we go into the niceties I see James's hand is up so, James, please.

James Bladel: Thanks, Thomas. James speaking. And I appreciate you describing the queue – or the approach. I think that makes sense. I'm just wondering if it's appropriate to discuss the substance of the column here that is indicated Registry Registrar Purposes, premature?

Thomas Rickert: I think that ICANN staff has put the list of purposes in here for illustration purposes and in an attempt to lead the purposes from the previous matrix with this exercise. I think we should step away from making these (things) for the moment, but let's just have an open line of discussion about what – the approach on this call – things that need to be collected by registrar in order to perform the contract vis-à-vis the registrant. Does that answer your question?

James Bladel: I think so. So you would like me to hold off my comments then for now or would you like me to just kind of weigh in on the registrar purposes for some of these fields?

Thomas Rickert: I would like you to hold off on that. Let's try to leave the purposes to the collection once we've gone through the exercise of discussing what can be collected to perform the contract, is that okay?

James Bladel: Yes, okay. I thought that's what I was doing but I will lower my hand and go to the back of the queue, thanks.

Thomas Rickert: Okay, thank you. Hadia, please.

Hadia Elminiawi: Just a clarification question, so we're trying to determine the (unintelligible) the registrar (unintelligible) the registrant, but actually (unintelligible) and I don't know if others also (unintelligible) what the contract between the registry and the registrant looks like. And what actually (unintelligible) contact should look like. Thank you.

Thomas Rickert: Thanks, Hadia. You shouldn't worry too much because this is more or less about discussing what data the registrars need in order to make a domain name registration available, how to maintain the domain and registration, how to make it transferrable and what's the last point, and how to make it resolve to the DNS, so the basic functions to make a domain name usable. Alex, please.

Alex Deacon: Thank you, Thomas. This is Alex. So I just want to clarify kind of exactly what we're – what you're suggesting we focus on now. The matrix currently in Cell B2 describes registry registrar ICANN contract purposes, but I think you're suggesting that our first – the first thing we should focus on should actually be just on the data required as needed for the contract between the registrants and the registrar. And we'll do registry and ICANN contract purposes later on

and I assume some other column in this matrix, would that be correct? Is that what you're suggesting?

Thomas Rickert: That is correct. I think again, I think ICANN staff put in the purposes in order to propose a link between the purpose document and this. In fact, all the data fields that have been populated here are just proposals for the time being (unintelligible) that we need to discuss. But we have discussed everything at the same time, so let's go through the (unintelligible) and just remember which of the data elements need to be collected to fulfill the contract by the registrar and then let's do the (unintelligible) to the purposes after we've gone through this initial exercise.

Thank you, Alex. Next up is Kavouss, please.

Kavouss Arasteh: Thank you, Thomas. Good morning in European time if you are in Europe. I think I hear some echo when you talk. It seems that you are in some area that there is some feedback echo whether is end echo or near echo, I don't know. And then some squelch in telecommunication technology, that means either you are so close to the microphone or so it is difficult to clearly understand what you're talking.

Anyone else heard very clear, but please kindly could you check whether you are not in the bath area, bathroom like some studio, some background echo or whether you are not too close to the microphone. I can't hear you well. Please kindly if possible check in order to allow us to benefit from your good advice. Thank you.

Thomas Rickert: Thanks very much, Kavouss. And in fact I'm using the computer microphone. I do have some echo in my office because that's the acoustic of this room. But maybe staff can dial out to me and then I can use the headset and probably that will improve the sound quality. So until I get that dial out and staff should have my number, I will use this and then I will switch.

All right, now, I hope that all of you had the opportunity to take a look at some – Terri is asking me for the number. I'm going to send this to you.

Terri Agnew: Thomas, we have your number and we're dialing out. One moment.

Thomas Rickert: Okay great. Thank you so much. So what you find in Column A of the document is a list of all the data elements currently required by ICANN to be collected by the registrar. Now, you might say that some of these data elements are out of scope for the EPDP work, nonetheless, I think it's important to know what data is currently be collected and even though we are not going to speak to all of those, we (unintelligible) at least put a marker somewhere in our report and ask ICANN or some other initiative dealing with this to look at the legality of that data collection.

So the first question that I'd like to ask is we go to the registrant field, so that is Line 18 onwards, so if you look at it in the table format, that's registrant's name, organization, street, city name, province, postal code, country, phone, phone extension, fax, optional, fax extension optional and (unintelligible).

So my question to you is, and again I think we should not discuss to support things, but let me know whether there is anyone objecting to the notion that this data is required to perform the contract vis-à-vis the registrant. And I see that James's hand is up so James, please go ahead.

James Bladel: Hi. Thank you, Thomas. James speaking. And I think this is where I was trying to intervene a little earlier so I appreciate your patience. So I think there's a couple of points that I'd just like to make here and apologies in advance if I'm confusing the issue. But registrants, to execute the contract between a registrant and a registrar it's not necessary really for registrars to collect any of this information for the registrant because we have a separate identity that we collect and protect that is our customer, and particularly in the cases where there are resellers involved, or the registrar is engaged in some

other business activity as its primary focus like web design or advertising or corporate brand protection.

And the registrant of the domain name is sort of an ancillary entity or record that is collected but it's not necessary to execute the contract between –or the business relationship let's say, between the registrar and the registrant. So in a way, depending upon the business model, and there is a lot of variety there, I'll – this entire record is optional. And I just want to point out as well that even if we focus on registrant records as required to execute the registration agreement, a lot of these are – that are mandatory should be moved to optional, certainly fax machine, that's a technology that just needs to die a quiet death but we're still collecting those data points.

And I also want to point out there's a problem associated with organization, because of the confusion in the way that's presented to registrants, a lot of folks will – natural persons will retype their natural name in both the name field and the organization field, and thus essentially creating an organization whether it's aspirational or real from thin air that can cause us some problems when we try to parse these records and figure out who's a natural person and who's a legal person and that's just one other complication.

So this is a – this is maybe not as clear cut as I think we could hope in terms of just, you know, checking these off as saying they're necessary to fulfilling the contract. So thank you.

Thomas Rickert: Thanks very much, James. Let's collect some statements first and then I'll try a response. Let's go to Margie, Kavouss and then Kurt.

Margie Milam: I believe that Benedict was ahead of me.

Thomas Rickert: Oh…

Benedict Addis: Yes…

((Crosstalk))

Benedict Addis: Thanks, Margie. That's very kind of you. So…

Thomas Rickert: Benedict, go ahead.

Benedict Addis: I was too quick on the lower raise hand button. Just a couple of points, one is that when I was thinking about this it occurred to me that what we're talking about here is ICANN in its quasi-regulatory role so that's – the collection of data is separate from the business of registering domain names from a business point of view, James, and purely this is ICANN acting in its role as controller and saying, "Here's what thou shall collect." And my, as you know, my view on that is that the registrar is acting as processor here but the temp spec says the registrar is acting as a joint controller with ICANN, so one thing to discuss there.

With regards to your point about organization, and actually I'll note that some fields are marked as optional, so this might be a good time to indeed start to archive those fields entirely, but with regards to the organization question, it strikes me that a radio button asking as we discussed on the previous call, asking for registrant declaration, either are you a natural person, are you a real person or an organization, at least we could start to get a declaration there.

Now I know I've said to Farzi in the past, I'm not going to ask for any more data elements, but I think I hope that the idea of asking, "ARE you a real person? Are you a natural or legal person?" doesn't quite fall into that asking for extra stuff thing. Thank you very much.

Thomas Rickert: Thanks, Benedict. Margie.

Margie Milam: Sure. And I was going to say something along the lines of what Benedict just said. If you think about what the registrar role is, the registrar doesn't dictate what goes into the registry because the registrar is accredited in the ICANN framework to fulfill the registry as set forth by ICANN. And so – and the reason that there's some of this data here is for, you know, for policy reasons, for consensus policy, for other things that are protective of the registrant.

And so you know, if you think about it from that framework, what I would suggest is that ICANN staff go back and identify all the places where the RAA specifies that these things need to be collected and the purpose that there serves, in the consensus policies as well, because then from that standpoint then, you know, the registrar is – in order to do the registry as set forth by ICANN, is submitting the information that it needs, because even if you take James's point of view that you don't need all of this stuff for the relationship, that might be for non-DNS related relationships, but for the ICANN structure that's set up through the whole ICANN framework under the mission and all that, it has to be in the format that ICANN specifies.

And so if you think about a trademark registry, for example, or a business registry that's, you know, run, you know, in a corporation setting, the people that supply information to that registry don't get to set what the rules are, they have to, you know, whatever the rules are for that particular registry that is what they need to collect. And so that's why I think James's point of view is a bit narrow because you have to look at it in the framework of what, you know, the ICANN relationship is.

Thomas Rickert: Thanks, Margie. And I guess now we're getting too much information to wait until everyone has spoken before I try to offer a response. With respect to James's and Benedict's point, I think what we should do is go through the data points here and mark all those optional that we think should be optional and optional basically means that it would consent-based, right? So if you think that more data elements than those currently marked "optional" should be optional, please type that in the chat and we can then take that up.

So far fax extension, fax, phone extension and organization are optional. So if you want more to be optional put that into the chat so that we can record that. Then, for the distinction between natural and legal entities, being the registrant, I think that's a discussion that we need to have so if you have language that we should use instead of the currently-used language, please do propose that. So you could put that into the alternative, you could say next (unintelligible).

Terri Agnew: And this is Terri. It does appear Thomas's line dropped and we're quickly dialing right back to him. It'll be one moment. Thomas, in the meantime, did you want to go ahead and unmute and go back to your Adobe Connect until we get you dialed back out on the telephone?

Thomas Rickert: Can I still be heard? Hello?

Terri Agnew: Yes, you're back, Thomas. Go ahead. Thomas, we're able to hear you, go ahead.

Thomas Rickert: I'm not sure whether I can be heard. (Unintelligible) okay great. You can hear me, that's awesome. So with respect to the contract, the data elements you find in here are all data elements that are mentioned in ICANN's contracts and consensus policy so this should be an accumulation of all data elements as Margie has suggested.

Now if we want to check the data collection for its legality, the contractual relationship between data subject, i.e. the registrant, and the registrar is decided. There can certainly be additional requirements that the registrar has to put into its contract with the registrant and those can say – can be based on the RAA for example, or on consensus policy.

But the (unintelligible) those requirements are in another document do not automatically mean that they are a legal basis for – or sufficient reasons for

collection. So I hope that – that this makes sense. I think we should try to work on the detail as we have done and I'm looking for rewording of that and I'm also asking for more comments on the registrar field now, so not other data elements at the moment, we're going to get to those in a second. So let's move to Kavouss now and then I missed Kurt – Kurt, you raised your hand so you were first.

Kurt Pritz: What I was going to say has been said. Thanks very much, Thomas.

Thomas Rickert: Kurt, I thought you wanted to speak?

Kurt Pritz: No, I took my hand down, Thomas. My comment has been made by you.

Thomas Rickert: Okay thank you. Kavouss.

Kavouss Arasteh: Yes, Thomas, the issue of optional data, I think you should put it in two columns, option or mandatory and then we have to debate it. This is not something that we just decide this information should be option by one or two participants or members and we are to debate that and come to some sort of conclusion which data is optional or which data is mandatory. That is something we have also in other aspects of dealing with the data.

Second, I think – I don't know whether you are (unintelligible) or not, but if are there or (unintelligible) please kindly allow me to have some comments. I don't know where you are because I cannot see the whole thing, looking into the zoom (unintelligible) and I cannot go back and forth, but if you are not on other data I will wait. Thank you.

Thomas Rickert: Kavouss. Diane, please.

Diane Plaut: Thank you, Thomas. I wanted to just reiterate Margie's points and tie it together with what Benedict and James said. It seems to me that the confusion lies in – I know that you're very thoughtfully trying to separate out

the registrar, registry, registrant contract from the ICANN contract and we've had this discussion before. I know you believe that there appears to be confusion about the fact that the ICANN contract shouldn't be an issue or shouldn't be analyzed simultaneously. But I think that that in fact is the basis of this discussion, that's causing this missing hole.

Is that ultimately the ICANN contract should be evaluated simultaneously because of the obligations under the RAA because of the framework that we're trying to set up here through this EPDP in analyzing ICANN's mission and the purposes that ICANN has from a contractual basis to fulfill in relation to the collection of the data through the registry, registrars to be able to provide the services contractually.

And that the legal bases under that contractual obligation in connection with the third party legitimate interests, through the registry, registrant contract is all tied together. So I think that we would be well served to be able to analyze these obligations in parallel.

Thomas Rickert: Thanks very much, Diane. Quick response, I think looking at different legal bases in parallel is going to be very difficult and I think we maybe need to have a very systematic approach to this. So I'd really like to ask for patience with this. Let's look at what is required for a domain name registration to work and you don't need to know the language of the contract, nor do you need to know the overarching contract and we can add to that. So let's see this as a fluid and working document. Alan is next.

Alan Greenberg: Thank you very much. A couple of points, Thomas, once or twice you have used the word "optional" to be synonymous with consent. In fact the two are really completely orthogonal. Whether someone right now includes a fax number is optional. I don't have a fax, I don't include one. If I include something whether it's optional or mandatory, then issue of consent comes in on whether I will allow this to be published without due legal basis.

So they're two really different concepts and we seem to be merging them, and that's going to cause confusion going forward. So I would strongly suggest we identify them separately. Consent can apply to a mandatory column and consent may or may not apply to an optional one if it's included. So I think we need to separate them.

In terms of the discussion we're having right now on registrars, what registrars need or for that matter, registries, as I understand the business, other than a few elements such as domain name servers, there is nothing in – is collected in Whois that is needed for the registrar to do their business or the registry. All of them are being collected for availability to third parties should they need it because the whole basis of the discussion of Whois is what are we publishing to whom? So, you know, I don't think registrars, that I'm aware of in any case, verify that any of the fields, other than a few things like servers, are identical to what they're using in their actual business practice.

So it's an interesting discussion but I think it's one we should be able to complete really quickly. Thank you.

Thomas Rickert: Thanks, Alan. And you're right about the optional, we need to make a distinction between optional – requiring consent and optional like with the fax number where you might or you might not want to provide one. So that's a point taken. Let's move to – I think Diane's hand was an old hand – let's move to Milton.

Milton Mueller: Yes. I was just hoping that we could say that we could follow your methodology, Thomas, and get on with it and I think the meta question that's being raised here about the status of this data is – does need to be resolved and I think when we say that none of this data is required to service the registrar contract, I think we're overlooking the fact that in some sense the ICANN process essentially is the equivalent of a title, an ownership title for the domain registrant, at least that's how we look at it. So you have a publicly

verifiable record that you are in fact a legitimate owner of that domain. And I think that is, you know, one of the main ICANN purposes.

And so I would like to continue with actually identifying what data elements are necessary for that basic purpose and hope that we could complete this right away.

Thomas Rickert: Thanks, Milton. And I think that's spot on. And I was quite surprised to hear so much debate about this because when we discussed the list of purposes the purpose of processing data to allow for the registrant to exercise his or her rights in the domain name, was one that was uncontroversial, it's not the only point that was uncontroversial. So I understand that there might be business models that have explained where the identity of the registrant doesn't need to be known by the registrar, but I would have hoped that we can get at least over this point. I thought that was a method that would have been a matter of two minutes to be quite honest.

Benedict is back in the queue.

Benedict Addis: I'm just bringing to your attention some of the confusion in the chat. And Thomas, I think this is because the headings in the chart aren't very good or they're contradictory. Just for the purposes of clarity, can you explain, are we discussing purely the contract between registrar and registrant? Because to me that's the only one that's – where we can talk about legitimate interests; the others don't involve the registrant. Or are we talking about the whole contractual framework?

And if so, how can we define these third party – these third party interests in the – it seems we're getting really confused between the business of registering a domain name which is covered by certain contracts, and the regulatory stuff that flows from the top from ICANN, some of which for its own purposes, some of which reflecting third party interests. Can we peal those apart in some way? Is that possible? Thank you.

Thomas Rickert: Benedict, thanks, Benedict. I mentioned earlier, and I think Marika has confirmed this in the chat, the line making reference to the purposes, mentioning the registry, registrar, ICANN contract purposes, that please disregard that for the time being. Please disregard it. Also, we're not discussing third party interests now; we're just looking at the legal basis of 6.1(b) and that is what data is required to perform the contract with the registrant. That's all we're doing. We're going to discuss third party interests afterwards, but we need to be clear on the legal basis and we're going to go through the catalog of 6.1 GDPR as we move on, if we ever get over this initial question. Stephanie, please.

Benedict Addis: I'm sorry, Thomas, to interrupt you, but I think this is – this comes to the core of what we've been talking about just you and I over the last few days that – and as James says on the chat, none of this is required to perform the contract, just the simple contract between registrant and registrar because they collect –their purposes are articulated in their own contracts. It is not for ICANN to specify this. If ICANN wants a regulatory role, which I think it should have, then it is up to each to specify that entirely separately from what we're trying to define here. And the fundamental confusion on this group is that we are merging the two or have I completely misunderstood something? Please tell me.

Thomas Rickert: I'm not sure – maybe I'm confusing things or maybe I'm getting increasingly confused by this discussion. But, I think we have agreed earlier or at least there was no opposition to acknowledging that the purpose or one of the purposes is to entitle the registrant or the registered name holder to exercise his or her rights. Right? And that would not be possible if the identity of the registrant isn't linked to a domain name.

So even though it is (unintelligible) that you can register domain names without knowing who the registrant is, we are discussing basically what the controllers define as said purposes, and we've agreed, and I guess that was

probably the only purpose that was uncontroversial that we want to allow for registrants to make domain name registrations and allow for these registrants to have a title or the security to exercise their right with respect to those domain names.

And therefore, the contract is, or the purpose of the contract is link a domain name to a registrant and make that domain name work. And that's basically the part that we're discussing now. So as we move on when we're discussing additional data elements that might be needed, we can discuss whether these data elements are required to perform the contract but let's do that after we've discussed this, right? So let's stick to the registrant and whether the registrant information shall be collected by the registrar.

Stephanie, and I'm going to close the queue after Alan because I think we really need to make progress, otherwise we're going to get nowhere with this.

Stephanie Perrin: Hi, Stephanie Perrin speaking. And I'm truly sorry to slow you down, Thomas, because I really appreciate this way of going at the issues. However, I think we are – we're necessarily confused because we have not, as a group, agreed on the parameters of what we're doing. By starting with – and I'm not trying to advocate for changing this but by starting with what I would argue is a fundamentally flawed temporary spec, we are trying to fix things that do not approach the problem of data protection as it applies to registrant data in the logical way that a data controller – a data supervisor is going to look at this.

And an example that I would give you is escrow data, I mean, many things are out of scope in this discussion, but from the pure purpose of registrant rights and ensuring that a domain name that they have in good faith registered, and is rightfully theirs, continues to function, we have escrow. And you can call that ICANN exercising its regulatory functions but setting up the way these things are configured is fundamental in understanding of the data subject rights in terms of their personal data.

So I think we've got a problem. And I'm just asking you how are you planning to deal with these other issues that are indeed fundamental that may indeed be out of scope of this exercise such as escrow.

Thomas Rickert: Thanks, Stephanie. I think it's for this very group to decide how they want to deal with it. I would even go as far as saying that the charter in question is broad enough to allow for this group to deal with all data collected because the question is what data must be collected by the registrar, right? So that would encompass the data elements that are not necessarily in the upper part of this table. But I guess that's a procedural question that this group has to resolve, and if we limit ourselves purely to registration data that may or may not be publicized or otherwise disclosed with – via Whois, then at least we need to put a stake in the ground in our report and say you – somebody, ICANN Legal or whoever, needs to analyze the collection of the additional data elements for legality as well.

Now, maybe we should have put this in writing but you mentioned escrow. And I think that if we do this analysis we will do it in various steps. So the collection by registrar is the first step, then we talk about the transfer between registrar and registry, we will talk about what data can be accessed or otherwise be disclosed to ICANN for compliance purposes, but then we will also have to discuss what data can be and should be passed onto the escrow agents or to the bureau for that matter and what legal basis exists for that. So I hope that explains what at least I would have in mind in terms of approach. And maybe you can type in the chat whether that has sufficiently answered your question, while we move to Kavouss, Hadia and then Alan. Kavouss, we can't hear you.

Kavouss Arasteh: Yes, yes, yes. I am waiting for your green light. So I have the following questions, the data that we are discussing now are the data that should be provided by registrant, data should be provided by the subject data or data subject, data that should be included in the contract of registry and registrar to be made available if required and if provided by them? Or the data that the

third party may require based on the legitimate purpose and legitimate interest? Which are these data that we are taking? This is the first question.

Second question, I have some difficulty with optional data. If even at the end of this process we agree on optional data, is it necessary that optional data also be subject to consent or not? If it not subject to consent, why we provide that? What is the usefulness of this optional data? Just clarify the matter and I thank you very much.

Thomas Rickert: Thanks very much, Kavouss. With respect to what's going to happen to the data, I guess that's something that we need to discuss as we move on. With respect to your second question, I guess that's a discussion for the group to have. If we think it's valuable for the registrant to be able to offer a fax number to be contacted by the registrar for example, that's an option that we can offer. But it's nothing or at least that additional processing would not require consent as – at least as I've answered in response to Alan's question earlier. Hadia and then Alan please.

Hadia Elminiawi: Okay, so Thomas, the way you have explained it, it (unintelligible) makes it a really simple one so actually you don't need (unintelligible) about the time we've wasted. If you're (unintelligible) in this discussion any of the contracted obligations with ICANN, which by the way, I have no objection to, (unintelligible) registrars present with us today can say (unintelligible) don't need any of this data and they're done. So…

Thomas Rickert: Hadia…

((Crosstalk))

Hadia Elminiawi: …if the registrars (unintelligible) don't need any of this data then we (unintelligible). Thank you.

Thomas Rickert: Hadia, I'm sorry, can you move a little bit away from the microphone? I couldn't understand a single word because it was very distorted.

Hadia Elminiawi: Okay. You hear me better (unintelligible)?

Thomas Rickert: I can hardly understand you, I'm sorry. Can you move a little bit further away from the microphone?

Hadia Elminiawi: Is this better?

Thomas Rickert: Yes, give it a try.

Hadia Elminiawi: Okay, so actually what I have said the way you have explained this exercise makes it really simple. So if we are not (unintelligible) in this discussion (unintelligible) contractual obligations with ICANN then this exercise is really simple because any of the registrars with us today could simply say we don't need any of this data and we're done, we're done with the exercise. Thank you.

Thomas Rickert: Thanks, Hadia. I really had a hard time understanding you so were you saying that you don't have an insight into what additional data elements are required by the contracts? Or maybe you can type your question in the chat. I'm really sorry. Let's move to Alan now.

Alan Greenberg: Thank you very much. Alan Greenberg. We're here to discuss what elements that are currently in the contract should be in the contract in the future in relation to registrar, registrants or registrars that are subject to GDPR. What ends up in the contract is the output from us. It's a good basis for starting the discussion but being in the contract is not de facto the legal basis.

I know we have an aversion to invoking third party requirements, but I'm going to have to say again, virtually nothing in Whois is needed by the registrar. And Thomas, a moment ago you said, "If a registrant wants to give

a fax number to allow the registrar to contact them there, they can." Yes, they can. But that's in the data that the registrar keeps on their customer.

If I include a fax number in the registrant or technical contact field, it's because I want to be contacted there by somebody else. And as I said, this is – could be a really simple short discussion talking about the registrar needs, and I don't think we need to belabor it. Ultimately we are going to have to look at third party needs because that's why we have Whois, to publish it and make it available. If it's not published and made available at all, we don't need it. Thank you.

Thomas Rickert: Thanks, Alan. And I'm not sure I agree; I think that if you have let's say reseller situations, then the registrant might need to want to offer a fax number so that they can be contacted by the registrar. It doesn't necessarily mean that they want to be contacted by everyone because the data is publicized widely. But again, I think that…

Alan Greenberg: But, Thomas, may I…

((Crosstalk))

Alan Greenberg: If the registrar really wants the reseller to give them a fax number they can do that on a private channel; they don't need to do that via Whois.

Thomas Rickert: But then you need to – or not only you but then the members in this group that want the fax data element to be eliminated because it's not required, speak up. I guess what I'm missing in this discussion at the moment is that, you know, there are a lot of very general remarks and very high level questions. I have presented to you a limited set of data elements and I've asked you whether you think that these should be collected by the registrar to perform the contract. And if you say that a subset thereof is required, let me know that data elements you want to leave. If as James said, you question all of those, let's have that discussion, right? But I think we really need to come

to terms with what data elements will stand here and which ones are going to be eliminated. If we leave it at high level should or when we're never going to get anywhere.

And back to the question that we've been discussing quite a while with respect to do you need any of this, let's look at the purpose, the controller can determine the purposes of processing. And if the purpose is to link a registrant to a domain name, and if the purpose is to allow for the registrant to exercise the rights with respect to that domain name, then the performance of the contract requires processing of that data. So is this something that we can settle on? I would very much hope that, you know, at least in the light of the discussion that we have on the purposes, that this point is uncontroversial. Benedict.

Benedict Addis: You just said "controller" – who's the controller?

Thomas Rickert: We're going to determine the controller question later. I think for the collection of the registration data for the registrant, my personal opinion is that ICANN registries and registrars would be joint controllers, but you can, as a starting point, say that the registrar is the controller. That doesn't that much matter.

But let me ask the question the other way around, after you've heard all this discussion, after we've been 65 minutes into this call, is there any opposition to leaving the data elements for the registrant as they are with the marks – with the elements marked "optional" as they are, with the qualification that we need to find a solution for the organization versus registrant name or in other words, that we need to allow for a demarcation between natural and legal persons? Is there any opposition to that? And if so, please let me know which data elements you want removed or which you want altered. Kavouss and then Milton.

Kavouss Arasteh: Yes I put in the chat some elements. I don't even need birth certificate, date of birth is sufficient, date certificate, what does it mean?

((Crosstalk))

Thomas Rickert: Kavouss, we are not discussing the birth –

((Crosstalk))

Thomas Rickert: …we are not discussing the birth certificate. We are discussing the data elements that are read out to you at the beginning of this section: name, organization, street, city, state province, postal code, country, phone, phone extension, fax, fax extension and email.

Kavouss Arasteh: Yes, I said that we don't need telephone number and fax number and email at the same time. Why we need all three? Thank you.

Thomas Rickert: Thanks very much, Kavouss. Milton.

Milton Mueller: Yes, to address before I say which specific data elements I want to just say that I don't buy the premise that none of this information is necessary for a registrar to perform its contract. A registrar is a registrar by virtue of being accredited by ICANN, the domain name is globally unique by virtue of being coordinated by ICANN, and therefore the registrar's participation in the Whois is very much a part of its need to perform the contract and protect the rights, the exclusive holding rights of the registrant. So I hope that's clear.

Now, in terms of what data elements are not necessary, I would also say that I'm not convinced that you need a phone number and I would totally agree that fax is unnecessary particularly when we're talking about, you know, many people not having them. So I'm not sure if we're getting to technical and administrative contact, or are we just dealing with what's now called the registrant fields?

Thomas Rickert: Milton, I gave a heads up to Kurt that I would ask for more time on discussion if things go well. I don't have the impression that things go particularly well so I will use the microphone in a moment and we'll think hard about the different methods to make this group's work and the output more effective. So I think we will take this back and come up with…

Milton Mueller: Well hold it, I don't agree with that. I think we actually – we just now got to the point where we're talking about specific data elements and somebody's pulling the plug. I think why don't we just continue this discussion? I've just given you a data element that I don't think should be there. Who else agrees or disagrees? I mean, why would we cut this off?

Thomas Rickert: Well since 50 minutes were allocated to the discussion only so I've already exhausted more of the time that I was granted by Kurt.

Milton Mueller: But just…

((Crosstalk))

Milton Mueller: …one reason why this group doesn't get anywhere, we have arbitrary time allocations and I just think we need to focus on accomplishing things rather than on saying we've used 50 minutes.

Thomas Rickert: So I would…

Kurt Pritz: Yes so this – let me just rise to a point of order, this is Kurt. So first, Milton, they're not arbitrary, they're sort of planned but I agree with you that it seems right at the end here we're getting at a few – some of these data elements that should not be here. So let's extend this a bit and see if we can get to something concrete. So I appreciate your intervention and description. And Thomas, let's just continue this on for a bit and see if we can get to a result or a good, you know, a good homework assignment.

Thomas Rickert: Okay, awesome. Thanks so much, Kurt, and then let's go back to work and let's try to get some concrete results. Now, I would like you to use the green and the red ticks that you can do in the Adobe room, right? So what we're going to do now is test the waters for some data elements that you guys have explicitly (unintelligible). So while you are looking for these two functions, let's hear Kavouss and Alan very, very briefly, maximum of 30 seconds, I would suggest, and then we go to a little pause, not consensus call but just pause to text the atmosphere. Kavouss, please.

Kavouss Arasteh: Thomas, I think you are applying the same you applied in the CCWG Accountability green or red. We are not yet there. I fully agree with Milton that we are not on the peak of the discussion and we should not leave this issue but you say that time is finished, nor to go to the green and red; we should discuss little to see what is situation. Green and red does not show anything at all. So I request you and encourage you to kindly do – to allow further discussion and so on so forth.

I don't think that the fax is required at all. In 5 or 10 years past it will be totally deleted. So the only thing remains email, so why you go to the red and the green? These are not (unintelligible) this is a different type of the meeting and different type of course of action. Maybe you need a little bit of time to recover from the 50 minutes of (unintelligible) and then we should continue this discussion without going to the red and green. I don't agree with red and green. Thank you.

Thomas Rickert: Thanks, Kavouss. I note your disagreement with this but you spoke out against the fax number; I do not know who else is against recording the fax number and asking for red and green ticks is one method to see how many folks are in agreement with your specific point. So I would suggest we still try that to see how much traction your proposal got. Alan, please.

Alan Greenberg: Thank you very much. I find this discussion somewhat surreal. The fax number, right now, is already an optional field. I have plenty of registrations

without it just as there is a Whois field for phone extension. I'm not working in a business, I don't have a phone extension, I leave it out. Why are we worrying about that right now? If in parts of the world people still feel fax is important, then let them provide it. I don't see why we need to have the philosophical discussions of whether fax is passé here. Thank you.

Thomas Rickert: Thanks, Alan. And you might think it's optional therefore it doesn't harm whether it stays in, but there are some in this group who want it out. So I think in a couple of minutes we probably establish whether there is sufficient traction for taking it out entirely or leaving it in on an optional basis. Marc, please.

Marc Anderson: Thanks. This is Marc Anderson. I sort of agree that this has been a somewhat surreal discussion and Thomas, I have to thank you for your patience and all the work you're doing getting us to this point. I think maybe taking it up a level, if the working group can agree maybe on an approach for how we want to deal with the existing data elements that might be a starting point here.

Keeping in mind, you know, the temporary policy that sort of started all this took the approach of not adding new or removing existing data elements, they use, you know, the existing policy and contract as a starting point, and what the temporary specification did was specify elements that in certain circumstances would not need to be displayed in RDS.

And so I think you know, Thomas, you mentioned this earlier, there is pretty sufficient leeway in the charter for how we as a working group want to approach this. You know, we could – I think and you know, maybe somebody else could argue this, but I think we could say that new data elements are needed, existing elements are not needed, or we could just specify – or we could just use the existing data elements and specify which ones are required. And so maybe that, you know, basic decision would be a good starting point if we can agree what is the scope of our recommendations on the data elements that we're deliberating on? Does that make sense at all?

Thomas Rickert: I guess it does. And thanks for that, Marc. And I think that we will not be able to go through this as a collective exercise for all the various steps. So I will offer to Kurt an approach that would allow for some of the steps to be worked on as a matter of homework by members of this group so that we don't have to do this collectively.

But now as I mentioned a few minutes ago, let me ask a few questions, so with respect to the registrant and organizational fields, is there any – or I should frame it differently, do you agree that we need to rename the name and organization fields to be able to reflect the difference between natural and legal entities registering domain names? So if you agree that we need to work on those two data elements, please tick green. If you think things should stay as they are currently, please tick red.

So either we've put an awful lot of folks asleep with our discussion, or you don't find the red and the green ticks. You find them where you can raise your hand. But by the looks of it, it looks like there's quite some traction for the need to rename the name and organization field to be able to make a distinction between natural and legal persons as registrants. Great. So that's a tangible takeaway. So let's record that and we will try to come up with a proposal for the next call on how to call those.

I think that street, city, state, province, postal code, country were uncontroversial or at least we have not heard any opposition to those points. So please clear your marks in the Adobe room, please clear your marks. Is there anyone – shall we – I always have to be careful on how to ask the question. Shall the phone, not phone extension, shall the phone data element be kept as it is? If you want to keep the phone name element please tick green. If you want it removed, please tick red. Almost 50/50 so I think we need to keep that one open. So we have divergence on the requirement for the phone data element.

Do you agree that the phone extension shall be kept as it is and that would be optional? Shall we keep the optional phone extension? If you want it to be dropped – who's that? So who wants to keep the phone extension option? So I think most want to keep it so let's keep it for the time being.

Shall the fax be kept as an option? If you want to keep it as an option mark green; if you want it deleted, mark red. And always remember that the principle of data minimization basically requires us to be as minimalistic as we can. But it looks like this is a close race as well so there's divergence on that as well. And if we have divergence then we need to – Kurt needs to think about what to make out of that.

Fax extension, who wants to keep the fax extension option as it is, mark green. If you want to delete fax extension, mark it red.

Amr Elsadr: Thomas, this is Amr. Apologies for interrupting but I have a clarifying question on this. When you say "fax extension" and "phone extensions" in the previous question, we're meant to answer this under the assumption that phone numbers and fax numbers are begin collected with an optional – an additional option to provide the extensions, correct? So in this scenario one could object to the collection of fax, but if fax is going to be collected, then should extensions also be collected? Am I understanding this correctly?

Thomas Rickert: I think if you don't want the fax in the first place then the fax extension doesn't make any sense afterwards. You know, this is just…

((Crosstalk))

Amr Elsadr: Okay.

Thomas Rickert: …whether you like the data elements that are being asked for. So fax extension on an optional basis is disliked by most so most folks want to delete it. So we have another takeaway and that is we're going to remove the

fax extension option. So we've now successfully made our way through the registrant data fields and James and Julf have raised their hands, so if you could keep it brief, that would be appreciated then we can maybe take another round through more data elements. James, please.

James Bladel: Thank you, Thomas. And I know that we moved on a little bit here, but we were talking a little bit about extensions and the linkage between extensions and numbers and I think that is correct. I do think that when we talk about phone numbers and fax numbers, I would ask that those – and I wasn't paying attention to who, those who are advocating to retain phone numbers and fax numbers, please in your comments on the list, indicate whether you want that information because you intend to call or intend to send a fax to this contact or if you want it retained because you believe it is a useful fingerprint field or attribution field that allows you to match or find or identify a record.

And the reason for this is because the folks who are using Whois as harvesting Whois for purposes of spam and robo-calls, are actually using these fields to harm people in very, very large numbers. And we should be very aware that if we are insisting that a data field be collected simply for attribution purposes, that we are kind of stomping over someone's rights not to have their cell phone blowing up four, five, six times a day. So kind of keep that in mind if we could please? Thanks.

Thomas Rickert: Thanks very much, James. And the fact that we have now confirmed the – a tentative list of data elements for the registrant doesn't mean that these data elements have passed the test of legal assessment so we will need to work on that more and come up with rationale as to why those data elements are required. And in this case, I guess you make a very good – you made good points in other cases certainly as well, but on the instance of phone number that's a point that needs further explanation I guess.

Kavouss, pleased.

Kavouss Arasteh: Yes, Thomas, I very often I am (unintelligible) part of the word and telephone number I think (unintelligible) instead of giving the telephone number I give the telephone together with the extension that means telephone including extension to the operator (unintelligible). So I don't need both. So you can say telephone number or, and use or, telephone extension if available but not both of them. That is the question. I don't think that we need both of them, either you have this one or you have the other one. But today if someone wants telephone extension you make it directly available. Thank you.

Thomas Rickert: Thanks, Kavouss. I guess that's a good point. And I think that what we need to do, and maybe this is something that we can ask staff to do is actually propose a rationale to why those data elements are required, you know, because GDPR is all about documentation, and I guess once we see written brief explanation as to why the data elements might be needed, then probably we will drop one or the other data elements. Alan.

Alan Greenberg: Thank you. I guess I'm saying something in a similar vein, I have a real problem with our methodology right now…

Thomas Rickert: You don't have to say it, Alan.

Alan Greenberg: No, no, I said in a similar vein.

((Crosstalk))

Alan Greenberg: I have a real problem with our methodology right now. Tick marks do not give a rationale for why we believe it's necessary so people maybe answering yes or no for completely different reasons. And number two, different groups on the EPDP have ranging from 2-6 members in this group and simply counting ticks is not appropriate. Thank you.

Thomas Rickert: Alan, thanks for your comments. If you have, as Milton mentioned earlier in response to somebody else, if you have another methodology to offer by all

means, go ahead. As you will recall, I didn't really count when there was a difference of seven to nine, I did record that as a win for the nine but I recorded that more discussion needs to take place on those points. So we have to start somewhere and getting the impression, you know, of whether most folks lean towards one solution or the other helps us understand what points need more work.

And as I mentioned, we will have to write up rationale for all these data – for all these data processing and then we will read and be able to confirm or abandon the tentative decisions that we have recorded now. I'd really like to move to the admin C data, so, Kavouss, can you please keep it very, very brief?

Kavouss Arasteh: Yes, very, very brief. I fully agree with Alan. Instead of being convinced by the rationale, we want just to say yes or no without any intention or any interest to rationale. I suggest that we go to the rationale other than red and green. Thank you.

Thomas Rickert: Kavouss, my invitation goes out to you as well to come up with a more appropriate approach to this work. I mean, this group has had great difficulty to agree on things and therefore I think we need to start somewhere. And I've offered one approach, there might be others. So please go ahead and propose something.

So Kurt, you've raised your hand. We could try to briefly go to the admin if you want to or we leave that for later. Kurt, over to you.

Kurt Pritz: So we can go to the admin. Listening to Alan and – and I understand your approach about finding out where the – where there's controversy about certain data elements and we need to do a deeper dive. And perhaps, unless you can do it in a couple minutes, maybe the better approach then is to use this and create a poll for people who think data elements should be taken off and they can say this data element should be taken off and here's my

rationale for that. And that might be an equally fast way to get at the heart of the discussion and close it.

So I leave it up to you, Thomas, if you want to take a couple more minutes that's fine but trying to comply with Kavouss who get the meeting going. And as far as an alternative method, maybe it's the, you know, method by exception, so who thinks the data element should be eliminated and provide the rationale and the staff could provide the online, you know, essentially this online form for doing it.

Thomas Rickert: Yes, so, Kurt, maybe just very briefly, I'd be interested in hearing some views on admin and tech just to be able to sense whether – or where this group stands. There has been an awful lot of discussions around the requirement for those data elements. And what I heard from individuals representing various groups in the ICANN community is that they said that they think it should be collected on an optional basis. Right? So if a registrant wants to name an additional admin C and tech C they should have the opportunity to do so but that it shouldn't be a mandatory requirement.

And this is something that I'd like to sound out. So assuming that we nail down the data elements for the registrant, I think we would have the same set of data for the admin C and the tech C and the question is whether you would be okay with that to be collected on an optional basis. We're just talking about performance of the contract, right, so, you know, we need to see whether we can put it under that or whether we need to go to move some of that to consensus processing. But I'd just like to sense whether there are individuals in this group who want to keep the naming of admin and tech C mandatory. James, please.

James Bladel: Thank you, Thomas. James speaking. And this topic in addition to being the subject of some ongoing legal cases, this topic starts to wade into the variety and diversity of business models of registrars and how they serve their customers, whether they serve them directly or via resellers or whatever. I

think that what we found, when we were discussing this is that there is a high degree of duplication or redundancy so that some registrars have 85, 90, 96, I think percent of duplication between registrant and these other contacts.

And so the data minimization principle, under GDPR and other laws, would say you know, essentially that why are you collecting this information when it is in fact a duplicate. However, I think we ran into the situation where of some registries and registrars do have a use for distinctly separate admin and technical contact, and so I think that, you know, I would be probably – wouldn't be correct to state that all registrars support removal of these contacts as being redundant, I think that that is a strong sense among most registrars particularly those engaged in retail – in the retail model.

But I think that we could say, for example, that if these were to become optional that they could be submitted only in situations where they were different from the registrant record and if they were not present or not submitted or collected then that presumes that they were identical. So that's just my thoughts on that and that's recapping several weeks of conversations back in January. Thank you.

Kurt Pritz: Thomas, are you there?

Thomas Rickert: Sorry, I muted…

((Crosstalk))

Kurt Pritz: While we…

Thomas Rickert: Sorry. I was talking to a muted microphone. So James, I would really like to ask you to reach out to those registrars who think that admin and tech would be a good thing to have if they are defined differently or if there are different requirements for that. So that those who are requesting that feature can

actually assign what their requirements are for this group to discuss, I guess that would be great.

So let's hear Kavouss and Alan and then I think we should wrap it up. Kavouss, please.

Kavouss Arasteh: Yes, Thomas, sorry. For the email, some people, if not many, they have multiple emails. Do they have to provide only one or they have to provide several? If that one, one should say single email and the preferable one. I look to the list, many of you, you have several emails address. You yourself have two email address. Kurt has two email address. I have three email address, which one you want to send, which one? Thank you.

Thomas Rickert: I don't know which email address you want to name, but if the question is whether there should be a possibility for registrants to offer multiple alternative email addresses, let's put that question on our – into the notes of this meeting and discuss that further. Alan.

Alan Greenberg: Thank you very much. I want to differentiate between whether a field is optional or whether entering the field is optional. They're very different things. I have no problem, for instance, for entering technical contact being optional but that depends on what the default is. If it defaults to the registrant contact information and name, then I have no problem with that. If it ends up being blank, that is a real problem. We may well end up, when we talk about access, for having certain classes of viewers who will have access only to the technical contact.

And it's – it's essential that we have a field there whether it was entered explicitly as technical or whether it defaulted to some other field. It would not be acceptable to say that the registrant did not enter a technical contact therefore all we're showing you is blank. So how we treat optional becomes very critical in these kind of cases and there's a big difference between now

requiring it entered and not – and allowing it to be blank in the field that might ultimately be displayed. Thank you very much.

Thomas Rickert: Thanks very much, Alan. And maybe in preparation for the next discussion on this we need to come up with a proposal as to whether it has one or the other consequence because there are legal implications as well, so if it's additional data on the registrant, you can just leave it empty or not but it could still fall under 6.1(b); while if there's a third party involved there are different legal implications and there might be consent required. So that's a good point.

((Crosstalk))

Thomas Rickert: Alan and then Marc and then I think we have to wrap it up.

Alan Woods: Thank you, Thomas. Again, thank you, I think you're having a very difficult time with people here at the moment and I think you're doing it very well so thank you very much for your patience on this. I will admit myself to being somewhat confused by this because I need to ask the question of, you know, whose policy are setting here? We keep talking about this mandatory versus the optional but what we're doing as a policy is setting a policy that will be originally coming down the line from ICANN and that is the policy that ICANN expects all to be taking basically.

Yet, or if ICANN allows an optional, yes, what we should be focusing on first is what is necessary for the registration of that domain name. And there was a suggestion that we should go back and ask ICANN as to why they want these specific elements. And that's an absolutely perfectly good starting point for that. So when we're talking about things like individual registries or individual registrars might necessarily want, that is – or they are elements that are – could be added in at a later stage in the registry, registrar agreement that in order to register one of our domains we also require this particular element.

And if ICANN allows that, it's possibly what we should be looking at within our policy function saying, yes, this is the mandatory; however we would not object were you to add this in as well. So I mean, I think it's very hard starting from that end because we are not asking the question of why – what is the necessity for that in order to register the domain. Why does ICANN require this? And why are we going to put that into the policy at the end of the day?

So I must say I've had a difficult time in following it somewhat and I think we've gone away from the basic principle. But again, you know, thank you very much for – I think we are actually having the conversations that we need to have now, but I just – I think we need to just take stock at this particular moment. But again, but why?

Thomas Rickert: Yes, and Alan, final remark before I leave the microphone, the – you are right that it appears to have moved away from the original methodology but actually what I wanted to achieve with this question on admin C and tech C is test the waters whether there's anyone in the group who thinks that these data elements are required to perform the contract which would mean that these should be mandatorily required by ICANN to perform the contract.

So let's end our conversation at this point. I think I will reach out to Kurt and staff and offer suggestions on how we can best possibly move this forward because this I think has been very enlightening yet slow and I think we need to try to find ways to be even more efficient with this to get to tangible results. Thanks very much and over to you, Alan – over to you, Kurt.

Kurt Pritz: Okay thanks very much, Thomas. And just to throw in my two cents on the last substantive discussion, you know, James's comment rang true to me that it's optional for registrants but it might be optional for registrars whether to offer that field or not. And then, you know, then when Alan Greenberg mentioned some access might be curtailed to just the technical content, you know, that rang as important too.

But I think those can be addressed serially in the way you're doing this, Thomas, that the registrar would collect the data it needs to collect and then if someone access – curtails to the technical contact there's more than one way to skin that cat, that if that field is blank, there might be a way to get at the registrant information or something like that.

So I was thinking that, you know, at first I thought maybe James and Alan Greenberg could kind of combine on this issue in some way to develop that, that Alan's comment was valid, so how can his request be accommodated once we get to third party purposes? So I want to ask for volunteers, but there's a thought that those two guys might work together.

I want to – can you put the slides back up, Marika or Terri, Andrea or Caitlin? Great, thank you so much. In Appendix A we were going to spend quite a bit of time on this. I will take us to the last slide that – so in our Appendix A discussion we were going to focus our discussion on what we call Priority 1 and 2A items and that's a classification developed by the support team to say these are the items that we have to sort through in our initial report and that we would get some volunteers working together on proposed modification for these.

So one of the penalties for extending the previous discussion is this, that we have – we have essentially two sets of discussions that we need to – on which we need to have some offline discussion and a small group formed to discuss these things. Marika, do you have your hand up?

Marika Konings: Yes, Kurt. I just wanted to ask a question on this because indeed as you said, the original idea behind this was that, you know, we would have some time here to go through these issues and get some input on the questions that were identified. But as we're, you know, running out of time I just wanted to ask, and we've done that for some of the other questions that are open, we've created Google Docs to encourage people to provide input there.

So I just wanted to see if it would be helpful if, you know, we put these issues and questions up in a Google Doc, have people you know, write up their initial thoughts and feedback and that can then hopefully serve as a way for, you know, whoever is willing to volunteer for this to take that and come up with a, you know, a response or a recommendation for how to address the issues identified.

So I just wanted to get a sense from the group and as said, you know, there are a couple of other things that are currently open as a Google Doc. We've actually have seen very limited input on that now but maybe everyone clear time on the schedule to do that after the call as, you know, for some of those the deadline for input is tomorrow.

So I just want to make sure that we provide you with a tool to facilitate this conversation, you know, to get the input that, you know, volunteers need to actually take this to develop this into something that you know, addresses the input that people have provided. So I just wanted to put that on the table. And I see I think some support in the chat. So if that is helpful we can get that up after the call and indeed, if there are some volunteers then that are willing then to take that input and translate that into specific recommendations that may then help the group again to look at something concretely and to work from.

Kurt Pritz: Thanks, Marika. Just to put a point on that, we – at the end of this discussion that we didn't have we'd like to have a set of – a group of – a small group of volunteers work on specifically Sections 2.1 and 2.3 and you can see here there's one set of issues on this slide and then on the next slide issues also that have arisen in our discussion. So we'd like a set of volunteers to work on Sections 2.1 through 2.3.

Section 2.4 is slightly different but we could use the same set of volunteers on that. So I think that the best way to do that, unless some people want to volunteer now, but there's really not enough information out there to do what

Marika said, so we'll put up these – put up these documents and ask people if they'd be willing to work on this offline.

And when I say "offline" we'll provide a session and some guidance on that so we just won't turn the group loose, but we'll have a separate brief call to outline these issues, describe them and then turn the group loose to do its work. So I see that James has volunteered, but we'll be willing to provide some background on that.

Okay with that, Marika, or Caitlin, do you want to take us home?

Caitlin Tubergen: Hi, Kurt. This is Caitlin. And recapping the action items captured today, I have two action items in addition to the outstanding action items. But the new action items from today, the first is if any team members would like to provide feedback for planning the face to face session, you can please write to the list. Additionally, as Kurt just mentioned, the ICANN support team has an action item to create Google Docs to allow members to work on answering the issues addressed for Appendix A, Sections 2.1 through 2.4. And that's it for me, Kurt.

Kurt Pritz: Yes thanks, Caitlin. I'll just pause for a second to see if anybody has anything to say. And also thank Thomas for his work and thought that went into this and leading our discussion. Kavouss.

Kavouss Arasteh: Yes are you on the last item, Kurt? I would wish to seriously, I would say seriously, you consider to reduce the duration of the meeting from 120 minutes to 90 minutes. Please this is very important, we have many other (unintelligible), many other engagements, today we had a meeting of GAC between 12:00 and 1:00 UTC, and yours from 1:00 to 3:00 is very, very (unintelligible), exhausting and tiring. Please, kindly now not consider but take into account this serious request which has been supported by several people, reduction from 120 minutes to 90 minutes. Thank you.

Kurt Pritz: Thanks, Kavouss. And, you make this comment at the end of meetings when we're out of time and I don't want to explain that, but I find it hard to cut off a discussion that we spent, you know, an hour and 15 minutes on where we were finally making very good headway in the last 15 minutes, so, you know, that's a balancing that takes place. And anyway we do the best we can.

                Anybody else? All right, well thank you very much for your participation today and thanks for your – thanks for your constructive participation. I'll see you guys later.

Terri Agnew: Thank you, everyone. And once again the meeting has been adjourned. Operator, (Carla), if you could please stop all recordings? To everyone else, please remember to disconnect all remaining lines and have a wonderful rest of your day.

                                    END