
ICANN Transcription

Registration Data Accuracy Scoping Team

Tuesday, 12 October 2021 at 14:00 UTC

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TERRI AGNEW:

Good morning, good afternoon, and good evening. Welcome to the Registration Data Accuracy Scoping Team taking place on Tuesday, the 12th of October 2021 at 14:00 UTC.

In the interest of time, there'll be no roll call. Attendance will be taken by the Zoom Room. If you're only on the telephone, could you please identify yourself now? Hearing no one, we do have listed apologies from Lori Schulman. Joining us a little late in the call today will be Sophie Hey.

Statements of interest must be kept up to date. If anyone has any updates to share, please raise your hand or speak up down. Seeing or hearing no one, if you do need assistance, please e-mail the GNSO secretariat.

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

All members will be promoted to panelist for today's call. Members, when using chat, please select the panelists and attendees or everyone depending on your Zoom update in order for all to see the chat. Observers will have view-only to the chat access.

All documentation and information can be found on the wiki space. Recordings will be posted on the public wiki space shortly after the end of the call. Please remember to state your name before speaking. As a reminder those who take part in ICANN multistakeholder process are to comply with the Expected Standards of Behavior. Thank you. With this, I'll turn it back over to our chair, Michael Palage. Please begin.

MICHAEL PALAGE:

Thank you, Terri. Welcome, everyone. So we're going to be trying to begin getting through some of our substantive work. However, before that, there is some administrative stuff I'd like to take care of at the top. Per the agenda set out, the first thing is the timing of future meetings. Terri, could you perhaps summarize what you did, the results of the Doodle poll and some of the outreach you did to accommodate both some of our participants on the West Coast as well as some of our members from the Asia Pacific region and where we think we've threaded the needle on a happy medium going forward.

TERRI AGNEW:

Happy to that. Thank you. So we did send out the Doodle poll, as you all know, and a couple of reminders are sent out as well. It

was looking like those of the 19 participants, we did have a total of 14 respond to the poll. Right now it's looking like Thursdays at 13:00 UTC will work. If you actually went to the Doodle poll, you'll notice there was a couple of folks that were unable to attend that time zone. So we did reach out to them on an individual basis and asked if possibly they can make that work.

Our Pacific Coast friends did as well so thank you very much. In addition, one of our SSAC friends had a conflicting meeting who completely changed it around as well to be able to accommodate that. In addition to that, we reached out to our Asia Pac friends to see what times would actually work well for them since they were going to be the one taking the hardest hit with a time zone and confirmed as well of that 13:00 UTC on Thursdays would indeed work for them. Michael, let me know if you would like anything further said on that.

MICHAEL PALAGE:

No. Thank you, Terri. Again, we're trying to seek a consensus. So I think we will move forward with that specific time moving forward. Again, we are going to try to keep this to one plenary meeting a week. Hopefully we can get it down to a 16-minute slot after we get through some of these initial 90-minute calls. So that is the hope and I want to be respectful for everyone's time and their other professional obligations that they need to meet.

So, moving forward with some of the other administrative stuff from last week. There were two issues that I raised. First was the potential use of alternate members that was used in connection with the EPDP. I think that this is a smart use of resources. It

delegates work within different stakeholder groups and potentially prevents burnout from individual members. I also note it in the e-mail that I just sent out before the start of the call. If we do go down this alternate member path, I would please ask everyone to consider trying to find someone from the South America region which currently we have no representatives from. So I think this is one area in inclusiveness that we're a little lacking.

The second administrative item that was raised last week in which I detailed in the e-mail sent out before today's call was the idea of setting up a dedicated e-mail that would be included on the wiki page by which any third parties would be able to submit comments. Because a scoping working group generally does not have a public comment period associated with it, we thought that this was another way of engaging in outreach to the broader community. As noted, there will be safeguards. Our ICANN Org colleagues will be moderating the list to make sure that only relevant information is shared to the main mailing list.

So this is something that I discussed last week, there appeared to be no objections. I wanted to put it in writing. Let everybody think about it for a week. So if there are no objections on those two points, I would like to move forward. Marc, I see you have your hand up.

MARC ANDERSON: Hey, Michael. Can you hear me okay?

MICHAEL PALAGE: Perfect.

MARC ANDERSON: Excellent. Thanks. Thanks for putting those in e-mail. Maybe I can respond to the list. Having a general e-mail address that people can submit comments to, I don't object to that. I think having an opportunity for the community to try and input is certainly a good thing. I'm concerned that sort of having just an open-ended e-mail won't generate useful or valuable input. So I'm not sure the actual value of that. I'm not objecting but I do think that there would be better, more productive ways to get feedback from the community. I know that looking at the GNSO Operating Procedures, there is generally a public comment period on a preliminary issues report, which isn't the same as what we're doing. But I think that might be a better way to solicit input before the Council votes to consider having a PDP or maybe having more targeted outreach to the community would be more likely to generate useful input. Again, this isn't objection to the idea of having a general e-mail address. I have to question if it will actually provide useful or relevant input.

MICHAEL PALAGE: Thanks, Marc. So if I could jump in. What I'm most interested in—you mentioned other targeted outreach efforts. I want to be mindful of the time. We have a lot on our agenda so perhaps if you could just maybe in 60 seconds, what are some other targeted outreach that you would recommend? Because I'd love to hear about that.

MARC ANDERSON: I was thinking more once we have something on paper, to show the community requesting input on that, just sort of having an e-mail and saying, "Hey, community, hey, entire world, please provide feedback to this e-mail address" doesn't seem very targeted. Having something on paper maybe later when we get down further in the process and have something to show for our work, putting out a call for input on that would be more likely to develop useful comments.

MICHAEL PALAGE: All right. I'm open. Beth, you're up.

BETH BACON: Yes. Sorry. I was hunting down that old mute button. Hi, friends. I support what Marc said. But I also think it's important that if we are going to put out some either targeted or this sort of e-mail address kind of drop box approach, I guess, then we really need to understand how we are going to consider and incorporate that input. If we do decide we want some more public widespread but then a targeted approach is maybe more manageable in that way because we can say not only here are the actual questions we're asking and the scope, the information we want, but also this is how we're going to consider it. Because like you say, this isn't necessarily a public comment and this isn't an issue report. It's like a scoping the scope. So I think to the extent we seek outside input from not our group members then we really need to kind of honor it and think how are we going to use it before we put it out, before we make that invite? There's another aspect. Thanks.

MICHAEL PALAGE: All right. Not a problem. Susan, hopefully you've had your morning coffee. You're up.

SUSAN KAWAGUCHI: Morning tea but not enough of it yet. So what I am curious about is the current example you put in the e-mail. How well is that working? Are there controls in place to prevent getting a lot of spam and phishing and that type of stuff? And then in your message it said that ICANN Org would surface the relevant comments, and I was wondering how that works.

MICHAEL PALAGE: Sure. I will perhaps let Marika speak to how we have envisioned this. Marika, if you could? Or how I've communicated and how we've discussed what SSAD has done on this area.

MARIKA KONINGS: Thanks, Michael. Indeed, the example that we've used or the experience that we've referenced is the list that's being used for the ODP mailing lists, the SSAD ODP mailing list, I think Michael provided the link in his e-mail. We also shared it last week in the chat. So basically, the way that it's set up, it does require someone to click a link before they get the e-mail address so that hopefully already prevents some of the spam. ICANN does apply spam filters to its list so most of, it should get filtered out. The admins of the list will be able to check on a regular basis if it inadvertently filter anything out that should be in there. It would be

a publicly archived mailing list. So anyone that's interested to see what has come in is able to do so. But I think the idea is that that staff would be subscribed to the list. So if there's anything of particular interest, we would flag to the group that something has come in and that you should go and have a look at it. But I said it will be publicly archived so if there's something that you think we should have flagged or was missed, everyone's able to look at that. If I may make one suggestion as well and maybe it's a little bit comparable to what is done at the early stages of a PDP where there is an obligation to solicit early input from other SOs and ACs, and typically that's kind of done using the charter questions that the group has been given to try and see, is there any further input that the group should have at its initial stages that it otherwise may not get access to or only hear about it at a later stage? So something to group could think about if this idea is supported is where this e-mail address or the kind of the box that would need to be clicked would live on the wiki page. You could start out with having some framing questions posted there. Basically, I think, first of all, maybe pointing to the instructions and the specific assignments and the questions that are in there, and kind of in a general way ask, looking at the information that is here, also have a look at the background briefings, is there any information that you think is missing or that's pertinent to the group to consider? Then as you go through your deliberations, you might be able then to update that and kind of say, "Hey, here's a new document. If someone wants to say something about it, please feel free to share that with us or through targeted outreach, through webinars, or as you maybe share with your respective groups."

Again, I think as I understand what Michael is saying, this is kind of a channel for those that may not be involved or have the time to be involved on a daily basis to still be able to share input that might be relevant. Again, it is up to the group, of course, how to deal with that. I think we can add some information as well to that page on the wiki page to say, "Information here is accessible to the group and it will be shared." But of course, it's up to the group to decide if and how it's factored in and if and how it's determined to be relevant. Of course, that's slightly similar thing to how your public comments are dealt with or an input that is received in response to an early input request for PDPs. So I hope that's helpful.

MICHAEL PALAGE:

Yes, it was. So if I can, we have three people in the queue. I do want to be mindful of time because we do have a lot of substantive work to get through that I want to make through. So I want to allocate five more minutes for this topic. And what I am probably leaning on doing and this may help speed up things is, I have heard no objection to moving forward with the alternate member outreach. With regard to this additional e-mail, I think there are some more questions and more dialogue. I would like to move that to the list. So we will not be setting up any e-mail today. We will defer that to next week. Perhaps we could take this up on the list, but there are three people in the queue. Alan, you have the floor, please.

ALAN GREENBERG: Thank you very much. I really don't understand why we're having this much discussion over it. It seems like a relatively low cost and low risk thing to do. If it proves to be horrible, there's too much spam, it's completely irrelevant. We can always kill it. There doesn't seem to be a lot of harm in trying it and seeing if there's some merit to it and refining it or changing the context in which is presented. If indeed it seems to have merit, I just don't see why we would not do it unless it proves problematic. Since it is work, similar things are working in other areas. Thank you.

MICHAEL PALAGE: Thank you, Alan. Melina, you're up next.

MELINA STROUNGI: Yes. Thanks. Just to say that I'm also in favor of gathering as much feedback from all sides as possible. As this is also a fact gathering exercise, I think it would be very useful also for us and it would facilitate our work, actually, because some of us are new in this. So maybe other members of the wider community would have a greater insight of what source might be missing. So I think it's a very good idea. And maybe a way to tackle the spam concern, which I understand, would be instead of an e-mail perhaps to have, I don't know, a dedicated platform sort of in a way that people who have the link can directly comment on that. Just thinking out loud. Just try to find a way, on the one hand, to gather as much feedback as possible in a spam-free way, or at least, as Alan say, to try that first and see how it goes. Thanks.

MICHAEL PALAGE: Thank you, Melina. Marc, you have the first and now you have the last comment on this. I believe you have a clarifying comment or question?

MARC ANDERSON: Yes. Thanks, Mike. I just wanted to ask about alternates. I'm certainly fine with having alternates. But in your e-mail, you seem to suggest using alternates to distribute the workload which seems to imply you're actually assigning work to alternates, which seems to be perhaps doing an end around over the size limits for the scoping effort. I'm supportive of having alternates that can fill in if a primary member is not available. I think, though, that there is value in having a finite number of members in the scoping effort. So I want to just clarify that we wouldn't be having alternates that would be doing work of primary members that these are just alternates to fill in when primary members are not available.

MICHAEL PALAGE: So I guess my understanding is under the representative model—and I'll go back and I'll check—I believe the representative model, you're supposed to be working with the group and then bringing that information forward, and then contributing that as a whole. One of the things I was discussing with the IPC was I asked Lori, can she find any intellectual property attorneys from South America? I know there are a number that had been appointed into working groups that they've recently set up. That was part of I was reaching out to her, I've still reached out to the ISPs to see if they can contribute. So that was my thinking. I could go back and check to make sure that that is not violative. Perhaps ICANN Org

or ICANN Org colleagues could correct me on how the representative model works and whether that delegation would be inconsistent.

So what happens here is I really do want to get to the substantive matters. We were already at the 20-minute mark. So, what I will do is I will defer adding alternates. I will look up. I will check the documentation and procedures to make sure that the proposal is not inconsistent, and if we do, how we would qualify those alternates/ participants. So we will take these two administrative items, put them on hold, and I will get back to you via the list, Marc. Okay?

All right. As I said, we are 10 minutes behind. So what I would like to do is move to the first assignment. As we discussed last week, there are generally a total of four assignments that have been tasked to the group by the Council. We will get to the sequencing. Roger, and I believe Volker, you had some questioning on the sequence of how three and four need to take place. But what I would like to do right now is to start with assignment #1 and basically walk through that document and see what people have identified as potentially missing or what needs to be added. So if there is no objection there ... Is there any objection to that proposal? Hearing none, we'll move forward.

Part one of the document, basically—thank you. Thank you, Terri, for blowing that up. My eyes and bifocals appreciate it. I will not sit there and read because everybody should have read this document as part of their homework. I think what I want to do for assignment 1 is there basically is two parts. The first part talks about the actual measures that ICANN uses.

So if we go through these existing accuracy obligations at a high level, we start with the Registry Agreements, then there is a reference to the 2013 Registrar Accreditation Agreement. Then there are specific references to sections within the agreement. Moving forward, we have the WHOIS Accuracy Specification. And if we go down, there is the Restored Names Accuracy Policy, the WHOIS Data Reminder Policy. And then there are the Registrar Compliance Programs, the WHOIS Accurate Reporting System. Then there's the Advisory. And if we go down a little further, we get down to the list. So everyone should have read through all of these documents. The first question that was really put forward to the group is what information is missing and what are the potential follow-up questions that needed to be asked?

Now, one of the things that I thought would be—well, let's start with Roger. The Registrars actually did all their homework and supplied comments to all of the documents. So, Roger, I will give you the floor first to summarize the Registrars' additional data point on this one.

ROGER CARNEY:

Thanks, Michael. Again, I think we have a good grasp here. I think there's a lot of documents here that makes sense. We didn't see anything really missing. Just that I wanted to comment that the EPDP did change some of these documents. Not specifically, but some of the data elements are no longer valid in some of these documents and things like that. So I think it would help to keep in mind what the Phase 1 requirements came out as well. So that was our only comment on it. Thanks, Michael.

MICHAEL PALAGE: Okay. Now, one of the comments that I had raised was that there is references in the original briefing document that ICANN Org prepared. They talked about some of the impacts on existing policies where they said there was low, medium, or in the case of the ARS, they put that on hold. One of, I guess, the questions I thought that would be helpful here is, should we perhaps come up with a list of questions that we ask ICANN Org, ICANN Compliance, in how their job is difficult. Because part of this is we're trying to look at this issue from everyone's respective viewpoint. And I don't believe that Compliance or the Operational GDD group actually necessarily, I would say, has a specific voice here. So when asking those questions, I put this out there. Would that be helpful? And maybe we can do that through an e-mail, and then maybe could potentially invite them to join? So, Marc, you have a comment on that suggestion.

MARC ANDERSON: Hey, Michael. I do like the idea of inviting Compliance to join. I did sort of assume that Brian Gutterman is their voice so I wouldn't say they have no voice. We are a representative model. But I do like the idea of inviting them to come speak with us, particularly with regards to this first charge, the scoping team. It does seem very, very specific to ICANN Compliance, their job and the role they have in relation to accuracy. I found the briefing document provided by ICANN Org to be extremely helpful and informative here. But you point out the impacts of GDPR and they have a nice table with that. They mentioned medium impact to the WHOIS Data Reminder Policy. I was sort of unclear on how that there is a

medium impact there. So that might be a good example where I'd like to hear more from Compliance and maybe get a briefing from them. So that was maybe a long-winded way of saying I think that's a good idea.

MICHAEL PALAGE: Brian, my apologies for overlooking you. My apologies. So perhaps you could speak to Marc's comments and how you potentially view your role as being a liaison on some of these initial foundational elements and questions as to what Marc was raising.

BRIAN GUTTERMAN: Sure. Michael and Marc, no need to apologize there. I think the proposal that you put forward here in the homework, Michael, make some sense. If there's agreement about some questions, and if the groups want further information that's not there in the briefing documentation or you have questions about the briefing documentation directed at Compliance specifically or other potentially SMEs within the Org, I think just a good process for me as the liaison, I sort of see myself as just providing that open channel back and forth to the Org. There may be times when I feel comfortable jumping in with an opinion, but probably it'll be more like just to provide clarity or to just make sure that the questions that you have are going to the right people and are coming back in a timely manner. I would like to ask that we try and put any specific questions for the Org in writing so we can get them to the right people and so everybody agrees on what those questions

are and what the expectations are for what the group is going to get back.

So I hope that helps. But the idea of getting more information from the Org that the group thinks is not there in the current briefing documentation is certainly okay. So, I hope that helps.

MICHAEL PALAGE:

No, that did. As I said, Brian, any engagement, I think we want to be as constructive as possible and efficient as possible. So getting those questions down in advance I think would be helpful. Although having Compliance potentially be part of a call to answer up any follow-up or clarifying questions I think would be helpful as well. And it would be really good to hear from people on the front line how these changes, the GDPR, how this impacts their day-to-day job. So I think that's important. Alan, you are next up in the queue.

ALAN GREENBERG:

Thank you very much. I think it's not only a good idea but a necessary idea. In the past anyway, and this is sort of reinforced by what Brian just said, the liaison does not act as an advocate or say what is needed there. They're a conduit, typically. And right now, ICANN is a major player in the whole concept of accuracy. Things have changed radically over the last couple of years. If you look at the statistics from Compliance on the number of accuracy complaints they get, it's gone 50%, 60% of what they do to something under 10%. I may be wrong in the numbers, but that sort of numbers. So their position has changed radically. The

whole concept of what does it mean to be enforcing policy has to do with accuracy when they don't have access to much of the information I think is something we need to understand. I think we need to talk to them now and I think we may need to bring them back periodically through this process. I understand in the ICANN multistakeholder model, Org is not one of the stakeholders. But in this case, Org is one of the major players in the process and I don't think we can ignore their experiences or, for that matter, what they believe they need. Thank you.

MICHAEL PALAGE:

If I can, this question to Marika. There seems to be consensus about formulating a list of questions. My question to you: where would it be most efficient for this group to include those written questions? Would it be perhaps in this assignment 1? Or do you think it would be better to perhaps stand up a separate document? What do you believe as the keeper of the documents in order would be most efficient for us?

MARIKA KONINGS:

Thanks, Michael. I think from our perspective, having a separate Google Doc that's specifically focused on identifying questions will be the most helpful. It will also allow us to pull out which is the information that we already have from Compliance. Because I think as everyone is aware, there was a recent blog post and a document that was posted that already provides some insights into current enforcement of accuracy requirements. So hopefully everyone can have a look at those first, and then indeed, identify what information is still missing or what follow up questions are

there. And of course, through the Google Doc, it also allows others to see what questions are being put forward or if people have further suggestions. That might be a way then to come to a final list that we can then share with Brian and either we get responses first in writing or in combination with a call. I think it depends a bit on, of course, the number of questions and the scope of those so we may only be able to see what's the best approach once we have that that list of outstanding questions for our Compliance colleagues.

MICHAEL PALAGE:

Thank you. I would request that you create that document. We'll call it Compliance Questions. And if you could, my request to you, as at the very top, please include the list to the blog so that everybody reads the blog before asking questions that have perhaps already been answered. Okay.

As we continue to move forward with the assignment 1, Susan, I saw that you, I believe, just recently made a comment about EPDP Phase 1. My understanding—and correct me if I'm wrong here, Roger—you were talking about the changes regarding additional fields that impact the accuracy of those additional fields, not accuracy as a whole. Or is there something in EPDP Phase 1 specifically referencing accuracy that I missed and perhaps Susan missed? Can you perhaps maybe clarify?

ROGER CARNEY:

Thanks, Michael. Again, I think it's mostly about the removal of a lot of data elements and changes to the requirements of required

or not required optional fields recommendation. EPDP Phase 1 did a lot of modification to the registration data elements themselves. Thanks.

MICHAEL PALAGE:

Okay. Susan, I think Roger has, I believe, answered your question that he is talking about the elements, not the accuracy as a whole. That's my understanding. Okay, great. From Susan, "We are in agreement."

If we can continue to go down. Some follow up questions. Roger, I will allow you again, since the Registrars did all their homework, you have the floor to summarize some of these follow-up questions which you added to the document.

ROGER CARNEY:

Thank, Michael. I think that the key—and I think you'll see it in a few of our comments—is I think we need to get to what the purpose of the Accuracy Program was. I think there may be some disconnect on how people saw this differently from different groups seeing that it was a measurement, it was just reporting. I think that we need to get to the purpose of what the Accuracy Program is supposed to provide before we can answer a lot of these questions, especially for looking things like that.

The other comment that we made here was, again, there's a lot of requirements today in our contracts and policies. I think once we get to the purpose, we should be able to identify what's missing from the contracts to what we need to look forward to on an ongoing basis. Thanks, Michael.

MICHAEL PALAGE: Thank you, Roger. Alan, if I could perhaps call on you. I know you had contributed some comments regarding the Bylaw review of the RDS and WHOIS2. I believe you were the chair of that. Perhaps maybe you could give, I guess, some broader insights on where you look at things from, if you will, an ICANN Bylaw perspective and what the Board was looking at. Because I think that's an interesting perspective that needs to be brought into the overall equation. I hate to put you on the spot, but can you perhaps summarize your two years worth of work into perhaps a couple of minutes to save us some time?

ALAN GREENBERG: Sure. It's Alan Greenberg speaking. I'm not sure if there are more Alans or not.

MICHAEL PALAGE: You have it all to yourself in this working—

ALAN GREENBERG: A monopoly on the name.

MICHAEL PALAGE: You have the monopoly in this working group. Yes.

ALAN GREENBERG: Thank you. I'm not sure I can talk about the Bylaw aspects of it. I mean, there's a Bylaw saying specific reviews on WHOIS, and that goes back to the U.S. Department of Commerce Agreements and things like that. From my perspective and it goes to the question that is being asked here of, "Why do we have accuracy?" Well, we are collecting information for a purpose. That purpose is to be able to attribute ownership of the domain for legal persons, legal reasons of all sorts, and to facilitate contact in some cases. And in both of those cases, I don't see any meaningfulness in collecting data which cannot meet those ends. In my mind, accuracy is an implicit requirement of "There's no point in asking for information if you cannot have some level of confidence that it is accurate." I believe that is the motivation that went back to saying why WHOIS was important going back to the U.S. Department of Commerce Agreements but I can't speak to them to their intent. But the whole concept of asking for data that you either know to be inaccurate or maybe inaccurate based on historical examples just doesn't make a lot of sense.

From my perspective and I believe the intent of all of these accuracy requirements is if we're asking for data for a reason, and I believe we are, then that data has to be accurate and it should be accurate to facilitate the attribution ownership of the domain and for contact. I'll go back to GDPR wording that says, "Data must be sufficiently accurate for the purpose for which it is used." And I think those words apply exactly to ICANN as well. Thank you.

MICHAEL PALAGE: All right. Thank you, Alan. Again, I would encourage everyone to go specifically read the documentation. Alan, I started to go through all of that. I started to go through your final report, as well as the Board resolution that adopted the majority but not all of them. There was a couple that they did pass. Marika, you and I had talked. We are checking on the status of some of those resolutions. Would you perhaps be able to just update the group on that? I think that would be an important data point in our deliberations on where some of the pending—I believe 4-1 and 5-1 are still pending. Is that correct?

MARIKA KONINGS: Yes, that is correct. We also, I think, included that in the index document as one of the comments. The Board put those in a pending status and the pending was basically the outcome once the Board has an opportunity to review the outcome of Phase 2 of the EPDP. That's what the Board noted. I don't think at this stage, there has been any follow up. I think everyone's aware that there's an SSAD ODP ongoing that's intended to help inform the Board's consideration of the Phase 2 final recommendation. There might be a link to that. But I said, I don't have any further details on when that further consideration is expected or what the exact triggering point is for the subsequent consideration of those pending recommendations.

MICHAEL PALAGE: Thank you, Marika. One of the things, if I can comment here—and, Marc, I will turn the floor over to you next—one of the things that I think I have stated from the beginning is this needs to be a

fact gathering exercise. And part of the facts that we need to gather are what are other processes that ICANN has started in the past but has not yet concluded which impacts our work. I think tracking some of these existing processes, not only the review but some of the implementation work within the EPDP, all of these things are contributing factors to the final work product that we put out as a scoping team so that when the GNSO Council does get our work product, they have a full picture of all of the different data elements, those closed and those perhaps still outstanding. I just wanted to give that reference point. Marc, you have the floor.

MARC ANDERSON:

Thanks, Michael. I liked Alan's point about purposes. In EPDP Phase 1, the EPDP team in Recommendation 1 identified seven purposes for the processing of gTLD Registration Data. Maybe that's—to get to your first question—an item that's missing that should be considered by the group. I thought that was a good point by Alan and maybe we should just include those Phase 1, Rec 1 purposes here.

MICHAEL PALAGE:

When you say "included here"—and one of the things that even as the chair I struggle with, we have the assignment documents and then we have what I call the oracle of authoritative—there's a separate document that Marika and ICANN Org has prepared that list all the authoritative documents as well. So when you're talking about adding the Rec 1 purpose recommendations, you believe that should be here as assignment 1, part one. Is that where you would add these to or somewhere else? I just want to make sure.

We're in agreement so I just want to make sure we put it in the right place.

MARC ANDERSON: I don't know. It makes to make sure goes in the right place. And maybe I'm not quite familiar with what you described as ... What "here" means, I'm not sure.

MICHAEL PALAGE: Marika, where do you believe the recommendation that Alan and Marc have talked about the recommendation, the uses from EPDP Phase 1, where do you believe is the most appropriate place for those recommendations in the various assignments of documents that we're dealing with?

MARIKA KONINGS: Good question. I think for now, adding them to the index is probably the best part. Then, of course, any relevant information that needs to be pulled out, it can then be pulled out in the context of a conversation that we're having. Because I'm guessing indeed, at some point, that may come up and we can look as well at the background briefings to see if there's anywhere where it's really helpful to call that out or not. But we'll go ahead and add that under specific reference to—I think it was Recommendation 1 of the Phase 1 Final Report and add that to the index.

MICHAEL PALAGE: Okay. Thank you. Time check, we are halfway point of this meeting. I want to continue to make sure we stay on track. With that, I believe the next comment—Scott, I believe you are the IPC rep today. Can you perhaps talk about the data point of what you have contributed on the list here, why you think it's important?

SCOTT AUSTIN: Sure. Scott Austin for the record, representing IPC. [Inaudible] is ill today. The reason for the insertion is dealing with the fact that we have a contract and we have standards that were created back in 2013. There clearly have been some changes both in technology and law since then. And one of the operative terms in 3.7.7 is the term commercially reasonable in terms of efforts to enforce compliance. Commercially reasonable is a term of art. I think that there's a study both for context and perhaps for legal aspects if in fact it's changed or in this administrative context and perhaps in some other areas in terms of case law.

The other thing is that there have been some technology changes, and maybe even what is commercially used in the context of things like GDPR, the way that things have been asked in effect by the registrar and registry that's complying to this for concern over some kind of violation and the significant fines, significant repercussions from that. I think that there's a need to look at what [inaudible] current timeframe with these other environmental changes.

MICHAEL PALAGE:

All right. Thank you, Scott. That will be another data point. If we can move down to part two of assignment 1. I believe here what we're looking for is—this is part of our index of—there we go. We have help from our assistance highlighting. What we're focusing on here is the definitional aspect. Before we had contracts, this section of documents really is looking at what ICANN Org has done with some of its compliance, some of the advisories that it issues. So these are, I would say, secondary documents. The documents we were looking at in part one were more authoritative. They were actually contracts or specific consensus policies.

In this section here, we're looking more at what we would call secondary sources, if I could summarize that. What I want to do now is just quickly scan through this. As I mentioned, we have an advisory regarding the RAA, regarding WHOIS Accuracy. There are some enforcement statements. We have the WHOIS Accuracy Reporting System. This is one of the things that we will be talking about. I believe today Steve Crocker had submitted a document that discussed SAC058 and some of that. Hopefully, we'll get to that today as well. If we can move forward.

We also have the WHOIS Pilot Study Report that was done. Then there is the draft report. Alan, I believe you would ask the question about was the report ever final? I basically it asked that same question. Marika and the rest of the ICANN team was able to track that down. That report there, although it's listed as draft, that was the final output of that particular work product that formed the basis for the reports. If we can scroll down a little further.

We now get to some questions here that were added. Again, Roger, either yourself, Volker or Sarah, if you want to defer, I don't want to always pick on you but you submitted the comments. Would you or any of your Registrar colleagues like to perhaps speak to this? You're basically saying there—I don't mean to summarize, there are no missing resources. Do you want to listen to everybody else and then perhaps comment on whether you think that's appropriate or not? How do you want to proceed? Do you want to have the first word or the last word?

ROGER CARNEY: Thanks, Michael. Maybe the last word will be most helpful. We didn't see anything missing here. We thought the definition was pretty clear in our contract, so maybe it's best if we need to follow up.

MICHAEL PALAGE: You did all your homework so I will give you the last word. No problem. Melina, I believe you have inputted a comment here. I believe this goes to the ICANN Bylaws, which is the review, which I believe Alan had just spoke to previously. And then I believe there's also the use of commercially reasonable, which I guess, Scott spoke to. Can you share your insight on what you think this section has to offer from your GAC perspective?

MELINA STROUNGI: Thank you, Michael. I'm not 100% sure if I put it in the right place. It could also fit on the question below on the accuracy definition because to me, what Alan and Marc said before about the

purposes links I think to this point. Basically, in the ICANN Bylaws, we can say certain purpose is to be taken into account when improving accuracy and these are, for instance, legitimate needs of law enforcement, promoting consumer trust and safeguarding registrant data. Together with the fact that we see again the notion of commercially reasonable, I think it would merit some discussion or at least put it somewhere in the list of our resources. Also, I wouldn't know where exactly could be the best place to fit this in. But I find it interesting when discussing about accuracy definition to have these purposes in mind.

MICHAEL PALAGE: Okay. As I said, Marika will make sure that we get those additional purposes from EPDP Phase 1 included in as part of our reference. The next comment I submitted on behalf of Steve. Steve, are you on the call? I believe you are.

STEVE CROCKER: Thank you. Yes, Michael. Thank you very much. I am on the call.

MICHAEL PALAGE: You have the floor, Steve.

STEVE CROCKER: Thank you. I'm in a slightly disadvantaged working situation here so I apologize if there's any issue. In response to assignment 1, I did the exercise of taking a list of data elements and using the SAC058 scale slightly augmented of validation, and attempting to

assign levels of validation, as I understand it, from where we are. This is a draft for review and discussion, as opposed to something that I'm declaring to be authoritative. I don't know if it's possible to display the worksheet that I submitted. Are you able to do that for me, Michael?

MICHAEL PALAGE: I can't but I'm sure our ICANN colleagues, friends, they should be, I believe—let me see what they—

STEVE CROCKER: It was on October 4.

MICHAEL PALAGE: There it is. Yes, correct. I don't know if you can see right now but the comparison document is on the screen for all participants right now.

STEVE CROCKER: What you have there is the cover sheet for what I submitted and a description of what those notations mean and what I thought would be helpful. Actually, what you have there is something slightly different. That's interesting. What I was looking for is a PDF file that was an attachment to my October 4th input.

MICHAEL PALAGE: Okay. If we can go look for that. This is the document that I was looking at. Is there something more—

STEVE CROCKER: I'm only seeing a portion of it because you've scaled it up very big. Can you scroll down so I can see the top of the document? Is this page one?

MICHAEL PALAGE: That is page one. That is the top of the document, what you see on the screen right now.

STEVE CROCKER: I see. So that's a comparison of the different—I see. I think this was in response to a question that I think you but perhaps somebody else asked, I think you asked. What's the relationship of the different validation scales or different accuracy scales? And I responded. I'm looking for the predecessor of that. Alternatively, I can see if I can display—I apologize for being a little slow here.

MICHAEL PALAGE: So what happens is—Terri, can you find the specific document? That would have been sent on October 4, I believe. Is this it, Steve?

STEVE CROCKER: Yes, it is. Let me recommend that you make it much smaller, and then we can zoom in to see the pieces of it and I'll give a quick orientation. Zoom out about two steps so that not necessarily readable but at least one can see the general structure of it. There we go. Okay.

Just to repeat, this is the 100,000 foot view. We'll see the details in a second. But the top part is a description of the fact that this is a worksheet to show the accuracy. The part on the top left says Wrapper and the part on the top right says Scope. The Wrapper is handling information and the Scope is what registration this applies to. And the fact that there's all brown there says it applies to all registrations, as opposed to say only those of legal persons or only those of natural persons or whatever.

Can you scroll? Let's see. For some reason, I only see the left edge of what you have there. That's better. Okay. Then right below that part, at the bottom half of the first page and all of the second page are the details. You'll see the details in a second but I'll just give you the navigation. The left edge is a grouping of data elements, and then the second column is the specific data elements. Then there are a number of columns, one of which applies specifically to validation. So I think at this point, it would be helpful to zoom in about two or maybe three levels. That's great. Now go up. I mean, scroll down rather. I want to see the left edge as well as the validation column. Go the other way. Can you go to the right? Too far.

MARIKA KONINGS: Steve, I'm sharing the full screen, maybe it's your setup. I don't know if others are having issue seeing the full document.

MICHAEL PALAGE: I see the full document. Does everybody else?

STEVE CROCKER: I'm on a laptop that is not cooperating with me. It may well be the case. Let me see.

MICHAEL PALAGE: Steve, in the interest of time—

STEVE CROCKER: This is better, I got it. I got it.

MICHAEL PALAGE: Okay, perfect.

STEVE CROCKER: Over here, we have DNS records and then domain name and registry and name services. The part that will be of interest, if we go down to the next page, here we have account holder and then the registrant. And for each of these, we have a whole series of individual data elements. Then the column that got the Vs in it, V0 to V3 or V0 or V2, and so forth, are my best guess as to what validation level is desired according to the policy. This is an attempt, just to be very clear and precise about what's in the policy and to provide a way of feeding that back and saying, "Is this what you meant?" V0 means take whatever is given. No validation whatsoever. V1 is check the syntax that it looks like what it's supposed to look like. V2 is operational [inaudible]. If it's a phone number, it should get answered. If it's a street address, it should actually be a legitimate street address that you can look up in some directory. And V3 is the next level of identity checking to

make sure that it actually is associated with the person that you're trying to reach and has gone through some level of validation related to that.

The previous document that you showed was in response to a question that I think you asked, Michael, as to how this scale—this is the SSAC scale—relates to this scale and to European scale. I tried to show what that relationship was and they don't quite match up. There's some differences. With that, I'll pause and people can react to what I have. I'm more than happy to answer any questions or listen to any comments.

MICHAEL PALAGE:

So if I can, Steve, one of the questions Volker asked in the chat is as far as a scoping team, the level of detail perhaps on the accuracy side, I know you gave a large, I guess, broad brushstroke and then you did at the end try to narrow it down into the validation of different elements. That's how I was trying to articulate Volker's comments. Volker, did I do that right? Do you or perhaps any of your Registrar colleagues want to comment on what Steve had just said or more specifically on SAC058 and how you see that either impacting or not impacting our work? Volker, Roger, Sarah, any comments there on that? Okay. Sarah, thank you.

SARAH WYLD:

No, I don't have any comments on this. It seems very detailed. I'm sorry, I've been listening this entire call and I don't quite

understand how we got here and what we're doing right now.
Thank you.

MICHAEL PALAGE: Okay. So at what part did you get lost?

SARAH WYLD: Why are we looking at this beautiful chart?

MICHAEL PALAGE: Okay. If I can back up where you find before the chart. As a chair, I want to know, did I lose you earlier or did I just lose you on the chart is I guess my question.

SARAH WYLD: It's hard to specify, Michael. I'm sorry. So what are we looking for right now in this moment?

MICHAEL PALAGE: Okay. So what we were trying to do before the chart was we were trying to go through the document and collect everyone's feedback. So hopefully we were on target here. With regard to this document here, as I said, I think what Steve was attempting to do—and I don't want to put words in his mouth and I will let him speak for himself—I think he was trying to contextualize what SAC058 was doing as far as validation and operational syntax and verification. He was trying to put that into context for us. I think to Volker's point, it may have gone down to a much more

microscopic level. Again, that's what I'm hearing, if I can. I am familiar with a lot of the work that Steve has been doing this area, so I think that's probably why I appreciate where he was going with it. But I also need to be respectful for other people that may have not been familiar with his work that have responded and saying, "Where have we gone off the rails?" or "I can understand your concern." So, Steve, perhaps you can articulate Sarah's concern and get us back on the track.

STEVE CROCKER:

Yes. Thank you very much. And thank you, Sarah, for the question, and also Volker. What I was trying to accomplish at this juncture was to suggest that this is a way of representing what the validation requirements are and not trying to sell that these particular settings are the ones that are the ones to be adopted, that this is simply a clean, precise, clear method for specifying what the validation requirements are. And one can then argue about whether or not they are the right settings or not. But the larger point, which is the relevant point that's relevant in this setting is, is this a useful method for capturing what the requirements are or for having competing versions of what the requirements are and using this as a method of documenting those. So that's the point. So this is a piece of machinery as opposed to arguing about the specific settings and whether each one is correct or not, that can come later.

MICHAEL PALAGE:

Sarah, let me try to interject. Jeff, I'm going to put you up next in the queue perhaps to give another perspective from SSAC

because I do believe SAC058 is an important document. I know I've discussed it with a number of colleagues in the Registry Stakeholder Group. Again, what I think Steve was trying to do is provide some context to accuracy. So on the list I had referenced NIST in the eID standards which talks about identity proofing. And it's NIST level 1, 2, 3, identity assurance level 1, 2, 3, and in the [inaudible], it's low, substantial, and high. As a result of that dialogue, what Steve I believe was trying to articulate, was how that maps from an accuracy standpoint back to the SAC058 document. So I think that's what he was trying to do, give some context for a definition of what accuracy is from an engineering perspective, as opposed to a lawyer perspective. I think that's what he was attempting to do. And maybe, Jeff, we could hear from another SSAC member to see if we got that right or not, just to get us back on track here.

JEFF BEDSER: Thanks, Michael. As far as Steve's interpretation of the SSAC document, yeah, this is a valid interpretation of it. Nothing really further to add to that as far as that.

MICHAEL PALAGE: Okay. All right. So, Beth, you are in the queue.

BETH BACON: Thanks, Mike. Hi, team.

MICHAEL PALAGE: Steve, can you go on mute? You got some background noise there. Thank you. Beth, you have the floor.

BETH BACON: Thanks. I didn't even notice it. I appreciate this very much and I think that the very last thing you said which was that this is trying to get us to a definition but kind of illustrating the operational way. Part of that definition is certainly helpful. I do think that this is an interesting addition as it is illustrative of the operational kind of items and fields that are impacted. But I do get a little bit of concern with the kind of rating that we started with and I don't think that we are supposed to be getting into evaluating. We're supposed to be defining. So I just wanted to keep us eyes on target there. I think that the last thing you said really got us to maybe the kernel of why we're looking at this. I appreciate both Steve and Jeff's input and putting this together and sharing. Thanks.

MICHAEL PALAGE: All right. Thank you, Beth. All right. So what happens if we could go back, Terri, to our outline document because we have 21 minutes left and I would really like to get through this first assignment here. If we could put the document back up. It's Marika that's sharing. Thank you, Marika.

So if I can look, we have this. Yes, this is one of our next questions as far as part two of the assignment A. What working definition should be used and why? Wait a minute, before we do this, if I could scroll down, I think this is the end of the document or

is there anything more? Nope. This is the end. So perhaps, Roger, you had reserved to speak last. Having listened to the contributions, you have the floor on this perhaps.

ROGER CARNEY:

Thanks, Michael. Again, I'm not sure. A great discussion that we're having but I think as far as the Registrars were concerned that the definition of accuracy is built in, what we perceive as the definition of accuracy is built into our contracts and policies that we're currently enforcing. So I think that, to us, that definition seems very straightforward. I think maybe, even the last meeting, my thought is I'm wondering how other people's perception of this definition of accuracy is different. I think that's some of the key. But to us Registrars, we believe the accuracy is very clear and it's in our document, in our contract in policy. So thanks, Michael.

MICHAEL PALAGE:

Perhaps, Roger, it would be helpful here and as someone who has tried to read through every one of the documents that our ICANN Org colleagues have compiled, the One Document, what I call, if you will, the genesis document, is the original 1999 Registrar Accreditation Agreement. In fact, it's the one that I actually signed on behalf of one of the first 32 accredited ICANN registrars. So that literally is the genesis document that first references the term accuracy. So I do believe that your viewpoint on that definition is important but that is one of, if you will, a large storyboard of how that definition has evolved. That's one of the things that I've actually been doing is actually trying to create a storyboard of that evolution of accuracy and how it has grown to

mean different things to different people. So perhaps in recognition of the registrars being associated with the RAA, which is that genesis document on the on the issue of accuracy, would you be interested perhaps in putting forward your definition? Again, we're not jumping to conclusions. But I think it would be really helpful for the Registrars to give that perspective to perhaps guide our discussions and provide other perspectives on that. Would you feel comfortable doing that?

ROGER CARNEY:

Thanks, Michael. Again, I think your genesis point there is kind of the perfect thing because I think that from the Registrar standpoint, that's where our accuracy definition comes from, is from the RAA but not going back quite as far as you went. But our current definition, obviously, is from the 2013 RAA. That completely outlines for us what that definition of accuracy is, specifically when you look at the WHOIS Accuracy Program specification of the RAA.

MICHAEL PALAGE:

Again, we're in agreement on that genesis viewpoint. I guess part of my 23-year perspective of this is that to take a snapshot of a contract does not necessarily give the full breadth of what that meaning is. As I said, it would really be helpful if the Registrars can continue with the gold star treatment and perhaps take that and if you want to define it and say, "This is what it says, this is how we do it," it would be very helpful to put that as a document to forward our discussions on this. Because as I think you and I were discussing via the e-mail list, one and two is going to drive three

and four. So having additional clarity and insight, particularly from the people that have that contract with ICANN would be incredibly helpful. So I guess that would be my ask.

ROGER CARNEY:

Michael, this is Roger. Definitely we can put that together. Again, I think that the key is we see what it is as we're supposed to see it as a contracted party. So yeah, we can put that together for the whole team. Again, I think what you're talking about of your storyboard of accuracy I think is the important part because I think that this is what we see as accuracy. And as you mentioned, there are other views of that. But yeah, we'll definitely put that together.

MICHAEL PALAGE:

And again, Roger, the reason I talk about that storyboard is I think I've testified twice before Congress on accuracy. What's interesting is congressional testimony, and then what happened after that, or new gTLDs. It is that holistic approach that I think is really important. All too often, I think people take a very two-dimensional snapshot in time instead of looking at that three-dimensional or that larger mosaic approach. I think it's important to take that broader perspective because if we do that and we get all of the facts associated with all of those different points in time, that is going to put the Council in the best position to determine how to move forward next.

Just looking on time, I believe we have gotten through our entire first briefing document. We do have 14 minutes left. I would like to make most efficient use of that time. So, Marika, if we could

perhaps pull up the assignment #2. I will switch screens to blow that document up a little. Okay.

What we're now talking about in assignment #2, the first part of it is how has the accuracy level been determined and measured? So perhaps Steve was a little premature because I think he has already actually done an example of how the SSAC document could be applied. Have we had any other additional comments from members in connection with this? Okay. Here we go.

Okay. I believe this was the comment that Alan had raised and I had also raised. Marika, can you perhaps just summarize? I know you've probably provided that in written form but it's really small print. So can you perhaps summarize that real quick for everyone, particularly those that may be on the call audio?

MARIKA KONINGS:

Sure. Basically, we actually had exact same question when we pulled together did the index and did some digging. It looks like, at least from our review of the report of public comments that was produced by staff at the time that basically there was no further step on finalizing the draft report, as was used basically for the next step to help inform the Affirmation of Commitments Review as well as WHOIS policy development work. So I don't think there was any kind of final version that was produced. That's at least our understanding. But if someone has found a final version, we're happy to stand corrected.

MICHAEL PALAGE: Again, this was a draft that never became final but was in fact used for operational studies that took place. So that's one of the reasons I think, based upon my discussions with our ICANN Org colleagues, that we think that this is relevant and should still be included. If we could scroll down a little further.

So here are questions. Again, what information, if any, is missing? So, Roger, you have the floor. Or if you want to again defer to Volker or Sarah, if you want to explain your position on how the GDPR should be considered, I agree because this involves processing data so the GDPR is involved. But can you perhaps give your specific insight on how the GDPR will impact this assignment and the questions we're looking at?

ROGER CARNEY: Thanks, Michael. If Sarah or Volker wants to jump in, that's fine. Otherwise, I'll just go ahead. I think that, to your point, exactly the processing makes this a big thing. But also in light of GDPR, the WHOIS system itself had changed quite a bit. The AR system had to kind of quit working. Whatever it was doing, how it was doing it was no longer valid. So the AR System, the results it had prior to that wouldn't be achievable in the same way. So yes, GDPR will have to be looked at if we're looking to replace or modify or come up with a alternate system. And I would say one of the other things on the ARS is—and I'll have to thank Alan for pointing this out before me—but the Board kind of deferred discussions on this until Phase 2 was complete. Their comment being the ARS was created as a reporting tool, not a measurement tool. So they were looking for some more information—and I don't know if they got that out of Phase 2 or not—but when looking at that, that was

interesting that the Board recognized it, ARS was a reporting tool, not measurement. So if we're looking at a measuring tool—again, I think one of the big things is what are we trying to achieve from it as the last few ARS reports that we received showed very high compliance and contactability. So again, I think we get back to what's the purpose here? Are those things big enough to try to pull in a new tool? That's what we have. Thanks, Michael.

MICHAEL PALAGE: Perfect. So I think that is probably a good point to—well, let's see what approach. I think that would really be a good thing to tee up for everyone's homework when we begin next week when we re-engage on this assignment #2. From what I'm hearing from you, Roger, is I believe that you're saying that the ARS is no longer fit for purposes. That may be an overly aggressive statement but that's what I'm hearing, that it no longer can do what you believe it was intended to do. Yes, no, or did I mischaracterize that?

ROGER CARNEY: Thanks, Michael. Yeah. I tend to agree with that.

MICHAEL PALAGE: Okay. That is the position of the Registrars. The question from, I believe, the rest of the group is do you agree with that? Do you believe that there is still a way for ICANN to move forward with that ARS in a way that is GDPR compliant? So I think that is one of the things that I would like to tee up for next week. I think that will be a nice, I think, substantive discussion. I see, Alan, you had

your hand up and then you lowered it. Did you want to speak of this? Go ahead.

ALAN GREENBERG: Yeah. I won't speak on the substance of it. But I'll just point out that those two statements—what Roger said and what you say—are not different from each other. It's quite clear that the ARS, as it was working, as it was designed, is not able to continue doing its job. But that's a very different question from do we want to continue that logical function or not in a different way. Yes, it's broken. It was using data that isn't there. Therefore, it can't continue working in a meaningful way. But that really sidesteps the real question of what are we trying to achieve and can we do that within the limits of GDPR and other practical issues?

MICHAEL PALAGE: Beth, you're next in the queue. Yes, that is what I was trying to achieve, Alan. I was just making Roger's statement very clear and trying to crystallize it, to sit there and say, "Does everyone agree with that?" Because if we have consensus that the ARS needs to go away, that's going to make our job very good. If there are other people or other stakeholder groups that disagree with it, then we need to engage in that substantive discussion that will drive assignments 3 and 4. So with that, Beth, you have the floor.

BETH BACON: Thank you. That's a pretty bold statement that we could kind of defer from writing that down in anything but pencil until we have a little time to discuss that before we dive in to 3 and 4 just offline

maybe with our groups. I also have a kind of a fundamental concern here that, again, we're saying this doesn't work. It's not appropriate. I don't know that that's what the scoping team is tasked with in evaluating the tools. I think we're here to scope what is accuracy? What is available? I'm getting concerned when we start talking about it's not working, we can't do it. I think it's certainly appropriate to say this has been impacted by GDPR or a change in the requirements via the consensus policy. Again, I feel like I'm a little broken record today, but I am kind of trying to keep my eyes fairly scoped on identifying accuracy and less about making evaluations. Thanks.

MICHAEL PALAGE:

Fair comment. I guess my perspective on this is if we are looking at tools to measure accuracy, Steve presented one alternative view from SAC058. A tool we used to have was the ARS. Is that an arrow still in our quiver? I think we need to kind of perhaps do some fact finding on that to see whether that is still a valid arrow. Because if it's not a valid arrow, then that needs to be conveyed to the GNSO Council. I don't want to say we're making recommendations, "You shall use this, you shall not use that." But we should engage in fact finding to say, "Hey, the registrars that are collecting this data, they say they can't do it." Okay. So let's see, is there alternative ways for them to do it or not? I would say that's part of our fact finding to see what tools we have to measure accuracy at the end of the day. I kind of view them as symbiotically sort of intertwined. But as I said, if the group disagrees and says, "No, we go this way," I'm here. So what

happens is—we have Volker and we have three minutes left. So what I would like to do, Volker, you have the floor.

VOLKER GREIMANN: Yes. In a way, ICANN has made that decision of whether they can do it or not continue with the ARS because ultimately they do have some form of access to the data through the escrow file which still contains the data. And they have at this time made no move to ensure that they can use that data by changing any contracts or proposing any changes to the contracts. So it seems that at least ICANN Legal is of the opinion that the ARS, as it used to be, is no longer functional. I kind of agree with that assessment. It wouldn't be helpful to ask, ICANN Legal what their view on the ARS and the viability of that system is, but from my perspective, it used to access the data through a publicly available system, which we learned through GDPR was no longer viable. And now we would have to have a different means. The problem here is, in my view, the data that was collected was collected with certain purposes that were disclosed to the registrants. If we now use the data for different purposes that were not disclosed at the time when the registrants provided the data, then that may very well cause an issue under the GDPR. So I would defer this question to ICANN Legal because I don't think we as the working group or even as a scoping team should be making legal assessments with regards to data processing. That's very much in the remit of ICANN who has to do it. Thank you.

MICHAEL PALAGE: Okay. So we have one minute left. What I would encourage everyone to do, Volker, is in the original ICANN briefing document, I believe I even referenced it in the previous section where that was low, medium, and on hold. I believe ICANN Org did try to articulate the current, if you will, suspension of that program. And perhaps what we may do—I'm just kind of thinking out loud here—is we're going to have a document in which we're asking questions to ICANN Compliance. Perhaps that document also becomes questions that may want to go to ICANN Legal. I'm just thinking here out loud. But let's just use what we will call ICANN Org question document as ones to begin asking these questions. And if we can do that intersessionally in between our plenary calls so that we can make more efficient use of our time, that would be a great thing. Alan, I will give you, I believe, final comments. Beth, is that an old hand or a new hand?

ALAN GREENBERG: It was a new hand. I'll make a very, very brief comment. The ARS, as implemented, was dead because there was no point in retrieving blank information and trying to assess it. ICANN made no attempt, as far as I know, to say can we make any minor or major changes into the ARS to make it work. As Volker said, escrow data is one source. There are other ways the data could have been obtained. Phase 1 of the EPDP had legal opinion on whether this was something ICANN could or should be doing. But it was put on hold and nothing has been done since. Our job, as I understand it, is to essentially make recommendations which in the bottom line we'll say, "Should we do a PDP on this? Do we need an issue report and what should the issue report consider?" I

think we have to look into the substance of it and not just make definitions. Thank you.

MICHAEL PALAGE: All right. With that, thank you. We are one minute overdue. Thank you for a productive first substantive call. I would encourage everyone, please continue to do the homework assignments. Submit the questions to the document that Marika will be putting forward to the list shortly. Have a great rest of your day, everyone. Bye. You can stop the recording.

TERRI AGNEW: Thank you, everyone. Once the meeting has been adjourned, I will stop the recording and disconnect all remaining lines. Stay well.

[END OF TRANSCRIPTION]