**ICANN**

**Moderator: Chantelle Doerksen**
**April 24, 2018**
**10:00 am CT**


Operator:          Recording has started.


(Ozan):            Good morning, good afternoon, and good evening everyone.  Welcome to the

                   Upgrade Station and Access Model for Non-Public Who Is Data Call.  On the

                   24th of April 2018 at 1500 UTC.


                   In the interest of time there will be no roll call.   A (unintelligible) will be

                   taken via the WebEx.


                   If you are only on the audio bridge would you please let yourself be known

                   now.


(Catherine McAdams):        Hello, this is (Catherine McAdams), I'm with the BC.


(Dean (Mark)s):    And this is (Dean (Mark)s) from (EI).


(Martin Horbic):   And this is (Martin Horbic) with the Forum of Response and Security.


(Jerry):           This is (Jerry) from Microsoft.

(Ozan):         Thank you (Catherine), (Dean) and, (Martin).

I would like to remind all to please state your name before speaking for transcription purposes.  And to please keep your phones and microphones on mute when not speaking to avoid any background noise.

With this, I will turn it over back to (unintelligible).

Brian Winterfeldt: Great (Ozan), think you so much for getting us started today.  This is Brian Winterfeldt, I am President of Intellectual Property Constituency.

And on behalf of myself and Steve DelBianco who is the Head of Policy for the business constituency I want to welcome everyone.

Thank you so much for joining us for this call to discuss Version 1.4 of the Accreditation and Access Model for Non-Public Who Is Data.

This meeting is intended to be an interactive and collaborative event.  After a few minutes of introduction, during which I'm going to go over briefly the agenda, the purpose of the call, and how we're going to be structuring it.

We are going to begin our sustenance discussion about implementing an accreditation access model for non-public Whois Data.

We are going to review community comments on Version 1.3 of the model, and review changes from Version 1.3 to the newest Version, 1.4 that was just recently released.

After that, we'll open the floor to discuss feedback on Version 1.4 section by section. And then finally we are going to discuss next steps.

The discussion moderator will introduce sections, review changes, and take a queue for community discourse. And each person in the queue may ask a question or present a refinement of the solution access.

Volunteers on the Model Drafting Group will chronicle comments, suggestions, and questions and attempt to resolve them in the next draft of the document.

As a reminder, the purpose of this call is to facilitate community involvement in developing a solution for accreditation of parties that require unfettered access to non-public Who Is Data in furtherance of legitimate purposes in compliance with GDPR.

The primary goal driving development of this accreditation model is the prevention of a period of time blocking access without recourse to critical Who Is Data elements.

The harms of blocking Who Is Data without the mechanism for accreditation access are measurable and effect cybersecurity, consumer protection, law enforcement, intellectual property enforcement, and the security and stability of the internet as a whole.

The accreditation model accordingly presents an available solution to the problem of access to non-public data elements and lays out the types of eligible entities that may seek access to data, legitimate and lawful purposes for accessing data, how eligible entities may be accredited to access data, proposed operating model, and terms of accreditation.

I thought it would be helpful to quickly talk about the community involvement to date on the creation of the model that we are going to be looking at today.

Since the presentation of the first versions of the accreditation and access model non-public Who Is, we have received numerous comments from various parts of the ICANN community on both the substance of the model, and the community process.

And again, a reminder we continue to welcome comments from across the ICANN community and very much want to integrate those into the work that's being done here.

Comments include various individuals, companies and ICANN community groups.

A brief kind of sampling of people who have given input that has led to Version 4 that was just released include, The National Arbitration Forum, domain tools, The Internet Commerce Association, The Coalition for Online Accountability, WIOO, the Anti-Phishing Working Group, The Messaging Malware and Mobile Anti-Abuse Working Group, Dr. John Levine who is a Board Member of ISCO.

Individual and Organizational Members of the IPC and BC. Individual Members of the Contract to Parties House. The Contracted Party House, GDPR Discussion Group of the NCSG, the NPOC, Individual Members of ALAC, Risk IQ, and the Forum of Incident Response and Security Teams go first.

There have been over 150 participants from the communities that participated on the last call on April 6th from various community groups.

We've also received informal feedback from governmental representatives, and representatives from law enforcement.

So, this truly has become more and more of a community wide effort. And again, we continue to welcome participation and input and guidance from across the community. And that is the large purpose of this call is to continue that work.

Before we dive into the discussion I wanted to review some guidelines for participation in today's call.

Criticism is welcome when accompanied by a solution -- so this is a working session.

And we assume that everyone attending has a good intent to solve the problems identified by the Article 29 Working Party, GPA, EU Commissioners, GAC, LEA's, Cybersecurity, ITC Work, IP Consumer Protection and other communities who have a legitimate need to use non-public Who Is data.

We also that each participate keep their comments to two minutes. Time constraints will be enforced. The goal of course is to make sure we hear from as many people as possible.

However, if you don't want this to be speak publicly or, if you're unable to have all of your comments heard in the two minute time slot that's allotted,

we do continue to encourage you to email any comments you have to accred-model@icann.org.  Again that's A-C-C-R-E-D-M-O-D-E-L@icann.org.

Input to this list is publicly archived and it's extremely welcomed and again will be incorporated into the work that's being done.

And again, just a reminder that slight and constructive of course is welcomed and that we discouraged sort of criticism that's not partnered with constructive suggestions and solutions.

So, I want to thank everyone very much for joining us today.  There has been a lot of work that's been done today but we still have a lot of work to go.

And I thought it would be helpful for us to talk a little bit about where we're at and really looking forward to a productive conversation today.

I'm not going to turn it over to Fabricio Vayra, to review community comments on Version 1.3 to provide an overview of changes from 1.3 to 1.4 and to facilitate our community discussion today.

Fabricio Vayra:    Thanks Brian I appreciate it, and appreciate your introduction it was very helpful.

Hopefully everyone can hear me.  This is Fabricio Vayra from Perkins Coie for the record.

And as Brian mentioned we're going to go through some of the changes that you'll see going from Version 1.3 to 1.4.

To do that, let me give you a quick overview of the comments that were submitted. Let me pull this up real quick 21.3. At a high level and specific level, and overview some of the broad and specific changes from 1.3 to 1.4.

And then, I'd like to go through and do - talk about some of the feedback to 1.4 and maybe some changes by section.

It's - if you're not speaking if you could please hit mute on your phone. Thank you. And perhaps the moderator can use mute those who are not speaking.

All right, so let's go ahead and before I dive in real quick just, you know, remember that we do have 39 days left before - if I have my math right, before the GDPR goes into effect implementation date.

And what we really are hoping again is that we have the kind of community involvement here so that what we end up isn't a down solution to accreditation or access. But that's something that really is community lead and has the full input from the community.

As you will hear me go through these comments I think it will reflect what Brian brought up is that we've had pretty significant community input and, you know, it's definitely changed the way that this new Version 1.4 looks.

So, let's go ahead and start with some of the high-level themes. As you'll recall on our last community discussion we went through a 11-page chart. That 11-page chart started with three major themes.

Those themes were basically to add access for business users and purposes. And involved in that was also legal compliance and verification as a category.

That was to mean that we wanted to address or, the commenters wanted us to address taking or responding to legal actions, validating site ownership, providing escrow services, providing investigations, due diligence, and compliance services.

We received a broad comment that health and public safety purpose should be a standalone category.

And that was really to make sure that it was flushed out properly, you know, the purpose for investigating fraud, sell or data, for illegal goods and drugs, child abuse, child trafficking, things of that nature.

And finally, we were asked to remove the access to law enforcement that - we were basically told that that was going to be covered specifically by law enforcement or governance.

So, from a more specific standpoint we were asked in the introduction overview to more fully spell out the potential harms of what Who Is.

Within eligible entities again, we were asked to add financial institutions to add legal and compliance providers, to reflect OBSEC actors more accurately, or more prominently in particular because they often rely on who is non-public who is to resolve issues.

We were asked to introduce again the public safety and health and standalone category built more substantively within the document. And again, to remove law enforcement.

From the category of legitimate and lawful purposes you'll recall that we are asked to expand the legal purposes. So, for example identification of parties, asset investigation and recovery.

We were asked to broaden the purposes and reasons to include business purposes. Again, compliance and legal verification, research and investigation.

And, other changes were that we were asked for eligibility for access that the accreditation should presume eligibility for access.

Unless of course, the contracted party deemed it was necessary to deny that access, it was specific for that reason of denial and justify that in writing.

We received the feedback that a logging should not be completed with accuracy (unintelligible).

And, with regard to financial penalties there was concern that the accreditation authority itself shouldn't be levying financial penalties, but that there should be some other mechanism in particular of reliance on the GDPR penalties for those who access retain and misuse data.

So, what are the changes that we see from Version 1.3 to 1.4? Let's go ahead and start with structural changes. And I will give - this week, we have 95 minutes - up to 95 minutes for discussion.

So, we'll go through the high level in more specific comments here. And obviously open up to the group to discuss any of the specifics together.

But, I figured this would be good to get out there. So, if you have questions as you're seeing me go through this, please raise your hand and then we'll go through the questions in the chat.

So, changes from 1.3 to 1.4. So, some structural changes because you'll see a lot of them. I think it drastically changes the look, feel and read of the document.

The - I think there probably have four big ones here. We significantly scaled back the introduction section. And, what was left was moved to the end.

We heard loud and clear during the last community discussion that this was seen as editorializing, and the proposal should just be more straight forward.

So, to not lose some of the history or emphasis as to why we felt this was important the language was again, streamlined move to the end. So, the readier can dive right into the document and have a straightforward proposal.

The accredited groups are now more parallel. I don't believe that it was ever the intent that the groups shouldn't be parallel or on equal footing.

But, we made sure that we went back and we don't have any disparate criteria for accreditation amongst the group. So, you'll see a mirroring there.

The - there was a lot of concerns and a lot of comment about cybersecurity and offset category and making sure that that was clear, concise and very prominent.

And the reason being I think we'd all agree that it's what we would call a no argument usually or unavailable reason for accreditation, those who were trying to keep the internet safe and secure through operation security.

And finally, we removed legal compliance and verification categories.  And we have now titled this a - you'll see a placeholder for other potential purposes.

And, you recall some of the comment we received was around including business purposes of things of that nature.

And so, we decided to handle that series of comments because there were many was to add the business users and other kind of what are legal focused sessions into this -- into this new other placeholder.  And you'll see that we're asking for feedback there.

Again, if you're not speaking if you could please hit mute, because others can hear your conversation.

All right so, major and specific changes that I think you're going to see outside of the categorical from 1.3 to 1.4.  Again, there is this placeholder for other potential purposes.

Within that we removed journalist from eligible entities.  We had a lot of feedback that this was two wide of an entity category.

People were very unsure about how the data would flow from a journalist to a public story.  So, in response to -- in response to the community we went ahead and removed that.

Process for vetting and accreditation you'll see that we dropped a footnote that accreditation authority the duty could fall on trusted third parties similar to say Deloitte, or someone who administers the TMCH.

This is really to show that obviously the registrars don't have to do this and frankly point to a model that has worked where this is responsible party, you know, had credibility I think to the notion of having a party - a third party trust a third party to the accrediting.

We've dropped a footnote that APWG log and first have now offered to form an expert working group to assist with credential verification. If any of you are on this call having gone through the participant list. We want to thank you for that.

This is exactly the type of participation that we're hoping for asking for. Your expertise is very much wanted and needed. And I think it will strengthen an accreditation and access model proposal to make sure that this is -- this is right from that angle.

So, proposed operating model and temporary access protocol, you'll note that we dropped a footnote there that the future updates could include (token) eye system.

You know, I think this is mostly to ensure that people don't feel like this model is - the proposed model is something that's locked in time.

It's meant to scale, it's meant to be modern afford all the protections needed for privacy and, you know, this is one technology that can be, (unintelligible) method that can be used.

And data misuse and penalties. We've dropped the footnote here, we've heard in the prior community call that hey, does - why did the contracted parties are they the ones we have to deal with the GDPR penalties.

And we wanted to make it very clear that, you know, we're not seeing this as a situation where only the accreditation authority should be allowed to levy fines.

It's actually quite the opposite, we're saying that they shouldn't be the ones in a position to levy fines. Instead, fines really should flow through the GDPR as appropriate.

And, you know, comes level playing fields with contracted parties for example.

And then throughout the document you're going to see that we added the contracted party feedback for community to be considered address. And the reason being I think this is a good offshoot before we get into the broader discussion here.

Is that, we really do appreciate all the feedback - any kind of feedback. And (dynamic) higher level feedback is always great.

This year is again we're now at 39 days again, if my math is right from one implementation of GDPR comes in.

What we've heard continually from, you know, (unintelligible) to talk about themes. Thematically European Commission in Article 29, GAC and others the one thing that always comes up is hey, and you need to nail down what an access model looks like.

And it seems to be the one thing that hasn't been discussed up until Goran's blog of yesterday eve that talked about sharing some accreditation model or details with discussion Article 29 Working Group.

And, we all recognize that something is needed and we all recognize that 39 days from now an implementation is going to come. And currently we don't have a way to accredit and give access.

What we're really going to end up with is what I call a top down deal. We're going to be handed a model. And we may be handed a model regardless.

But, I think that everyone in this community would agree it's always best when we have a say in what that model looks like, or what the outcome of that model is as opposed to waiting for someone to give us a direction and leave us to complain about why certain aspects weren't put in.

So, you know, we have heard that Goran is sharing some sort of model, we don't know if it's this model or otherwise.

But, I think, you know, with the time we have here which by my account is a good still over an hour. I think it would be a waste of time if we didn't drill down and start talking beyond the high level of like don't like, needs, doesn't need.

And really get into when we say it needs something, what is it exactly that it needs. When we say we like or don't like, what exactly is it that we like or don't like?

Otherwise, you're going to get, you know, various drafters trying to interrupt the broad level categories are. And at the end of the day we're going to be left with no model.

So, I'll turn to the - I'm going to turn to the - see if anyone has their hand up here.

But the one thing that I would like to do at some point that we can start with or, you know, move through questions first is, actually go through some of these broader categories say that the contracted party house put in, and see if anyone who is involved in those comments, or from the contracted party house is on, and would be willing to give us some more detail that we can take down.

And that perhaps that you could - we could follow up with you, or you could follow up in writing to give us a better sense of what granularity we could start putting into this in the details.

And, as Brian pointed out at the beginning of this, we don't want this to be me talking for the next 95 minutes. You know, as you'll note here we have up to 95 minutes discuss session.

We really would - really appreciate and encourage the discussion from all of you.

So, with that, let me go ahead and find the screen with the chat on it. I think I have it. And let me see if anyone has their hand up. And I don't - I don't know if I'm missing it, I don't believe there are any hands up.

Steve DelBianco:    Steve DelBianco hand up.

Fabricio Vayra:     Steve, go ahead.  You've got the floor.

Steve DelBianco:  Thanks, Fab.  I did raise the hand but maybe it's not as visible on the screen
                  you're looking at.

                  Fab you mentioned the top down nature of things.  And I really believe I - I'd
                  like to reinforce that.

                  Because this is not a public comment bottom up policy development process
                  that I can't undertake in here.  They're seeking to come up with temporary
                  contract positions that will be required of all contracted parties in ICANN
                  itself.

                  And that would be approved by the ICANN board, but they're meant to be
                  temporary.

                  The community will eventually get to replace this interim model.  And
                  potentially even replace the accreditation model with anything we developed
                  through the RDS PDP and other bottom up processes at ICANN.

                  Those processes are just not going to get the job down by May the 25th.
                  We've all acknowledged that several months ago.  And that's why ICANN
                  itself took the role of coming up with top down in position of a model.

                  Now, they did allow the community to offer ideas in models there were
                  several -- there were several that were put forth.

And when those models were suggested each one was articulated with a different degree of detail, knowing that ICANN might stir them together into something that it come up with.

And ICANN did a top down decision to come up with the proposed interim model. Which didn't really address accredited access to the non-public who is at all. They sort of left that for later.

So, it would have been a natural next step that somebody needs to put some meat on the bones for an accreditation model.

And it's not just the IPC BC and the companies that are engaged here. Anyone can do so and offer an alternative model. I mean (Mike Bolaze) just circulated something the other day.

But, for the purpose of today's all we are hoping to get feedback on the IPC BC model to the extent where we can then begin to get ICANN to pay more attention to it. Since ultimately and coming up with an emergency or temporary policy it would be a top down decision that'll be made.

But this is our chance to put into that recommended accreditation access model. The elements that we'd like to see there otherwise we are going to be reacting to something that ICANN will have to decide how to do.

And I think it's a fair question to say, at what point does ICANN has to indicate the accreditation and access model.

Does that have to be in place on May 25th, can that follow later on? And if it does, what happens during the gap period where there is zero access to none public Whois.

That's where I think Fab likes to say that's a parade of horribles for that interim period where there is no access whatsoever to anyone for non-public Who Is.

So, I think we all have the right incentives in place to avoid a top down imposition without a bottom up input like we're gathering here today.

So, Fab I just wanted to reinforce your point there. Thank you.

Fabricio Vayra: Hey thanks a lot Steve. And I have Bradley and Kathy. But since Steve we started with you in the bottom, why don't we if people don't mind, I'll go up from the bottom.

So, Kathy do you want to go, and then Bradley?

Kathy Kleiman: Sure, can you hear me?

Fabricio Vayra: Absolutely.

Kathy Kleiman: This is Kathy Kleiman. Terrific.

So, my question has to do with the NXA. The perfect - the purpose statement for the collection and processing of Who Is data.

A number of comments, or I should say, some comments have commented on this significantly. And really raise concerns about this draft IPC BC purpose statement for the collection processing of Who Is data.

And offered non-commercial stakeholder group which submitted to the public process with ICANN. But I circulated it to you guys with a lot of very constructive comments on how to align this purpose statement with the actual rules that we're being asked to follow under the DDPR.

There are also comments that have come in from the contracted party house of - on the purpose statement.

I don't see debts here. Can you explain what's going on and I'd like to ask - direct this question to Steve DelBianco first.

But kind of with - to the extent that community input is being asked for kind of this would seem to be a really important starting point for it, but I don't see much. Could you comment. Thank you.

Steve DelBianco:  Hi Kathy, Steve DelBianco. I'll give you a quick response. On the call we had two weeks ago I recall that you bought up the question.

You didn't feel like ICANN had articulated a sufficient purpose to even collect - to continue collecting the data that registrars collect on Who Is.

And at the time I suggested that in designing this accreditation and access model we are assuming that ICANN's articulated purposes will be sufficient to please GDPR authorities, DPA's.

So, that the collection of the Who Is information from registrars would continue.

So, we are basing it on that assumption and then it is stepping up to address what would be the accreditation and access model which need its own purposes.

So, I get your point and I wanted to make a distinction here. Is, that we are assuming that the continued collection by registrars and registries will have sufficient purpose that it will continue, number one.

Number two, your referring I think to Pages 14-15 on Version 1.4. Where there are ten purposes we articulate to the purpose of serving the accreditation and access model.

And I'll acknowledge to you that we saw the comments that you have, and I'm going to leave it to some of the other drafters to specifically reply.

But I also want to acknowledge to you that between Version 1.3 and Version 1.4 we didn't make any edits to the 10 purposes you see on the screen in front of you.

So, now I'd like to turn to Fab, Mason and others on the drafting team to specifically address why we may no edits to this section despite some comments that came in.

Fabricio Vayra: Absolutely Steve. And I'll jump in here real quick. You know, Kathy thank you for your comments by the way. Really do appreciate them, and we definitely catalogue them and read them, and want to incorporate them.

And I think it goes to the broader, or I guess what I mentioned at the beginning some of the broader invites we've received. At this point we need specifics, I mean, you know, we've all read them all, we've all understood,

we've all done our effort of interrupting or putting on paper what we think, you know, the advice from you Article 29 ICANN, Hamilton, other law firms et cetera are.

And, at this point, it's beyond the category of, you know, GDPR says. We would really love for you to take this and red line it. The reason being I think it'll help the community see and help us interpret.

Now, all that said, I will note, and you might want to - if you haven't already done the comparison the drafters of all the way from Version I think 1.1 up till now has based the purpose statement off of what ICANN put in its interim model.

And I think one of the things that everyone has been hesitant about doing because it has been in some way a top down process for all of us, is that we haven't wanted to deviate very heavily from what ICANN has put forward in their interim model.

We we're warned during ICANN 61 by people that doing so would be basically cast out.

And so, we wanted to avoid changing that. And I know the drafters have really tried to avoid unless they are getting something specific, changing that language, because it tracks so closely to what ICANN is put in their model.

And frankly, what we understand is what they are putting toward the DPA's and Article 21 working group.

So, all this to say it's mostly we need some specificity with regard to the actual language. And, also need to figure out a way to reconcile proposal to what ICANN is putting forward.

And I think your specific comments, and other specific comments would go a long way to show why it is that we're deviating in any way shape or form. But it's nothing meant to not take into account what you said.

By the way, that's a long-winded answer. I hope that -- I hope that gives you some answer.

But I don't know if others want to jump in and address what Kathy was saying?

Steve DelBianco: Hand up.

Fabricio Vayra: Steve, go for it.

Steve DelBianco: Kathy was - and yes, she is, not just Kathy - and yes, she was fairly specific with respect to these ten wanting to delete one or two of them. And adding explicit privacy purposes to several of the ten.

So, the question I want to put back to Kathy is if, privacy protections were adding on to several of these ten - and I don't even really know if in fact that's where it originated with European authorities.

But, assuming that it were, how would your addition of privacy statements to these purposes affect the design of an accreditation and access model?

In other words, tie it all together for me Kathy that if you added the privacy statements to these ten what would that do to the accreditation proposal that we're supposed to discuss today?  Thanks Kathy.

Kathy Kleiman:     Hi this is Kathy.  Thanks for the question Steve.  It would fundamentally align the purpose statement with the GDPR requirement in ICANN's mission.

So that we are collecting the administration data for administering domain names, invoicing support, administrative actions in relation to registered domain names.

We're also collecting this information for recovery purposes.  And so, we suggested some different wording I think for number eight in terms of, you know, same idea, but safeguarding the interest in the event of a failure of a registry or registrar for the purposes of maintaining that service.  So, we offer some language on that.

But, fundamentally we're talking - the vast majority of this purpose statement is talking about the access - unfettered access to this data as we said in the opening here.

To the who is - and I'm not sure you get that.  And it's by a wide variety of parties.  And those parties we've been told, these third parties outside of the administration and the disaster recovery.

These third parties have needs for the access to data.  And, there is a fundamental right of privacy on behalf of the data subjects -- the registrants.

And, through the Hamilton Memo through other evaluations we understand the other groups and lawyers that are very familiar with the GDPR, and very

familiar with the laws interpreting the data protection directive over the last 20 years.

We're told those interest now have to be balanced.  And so, what we did was write in that balance for other purposes - for all other purposes. We wrote in the need to evaluate that balance.

The right of the registrant, the right of the data subjects, to those who are looking for the access to the data.

And in the end, you may not be able to get your own credit access to the data, it may be on a case.  But, that's part of the law.

So, I don't know if that answers your question Steve.  But we went through each and every element.  And we didn't on commercial stakeholder group did suggest alternate wording and suggest more balance working consistent with the GDPR.

And we would love for you to return to that language and reevaluate it.  And include it especially in light of the Article 29 Working Party Letter that we all received recently.  Thanks.

Fabricio Vayra:  Yes, and I could just jump in and then Bradley we'll go to you.  I know you've been patiently waiting.

So, Kathy, I'd love to have a side discussion with you and some of the drafters on this.

Because I guess the difficulty we're having is at the end of the day we're receiving kind of conflicting even on the - what the mission of ICANN is.  I

think that we just saw Goran, the CEO of ICANN took something out and in his last two blogs talking about how the mission of ICANN isn't that narrow. And that Article 29 has actually misconstrued or misread what the mission is.

We're also facing obviously when going through this and trying to balance - speaking of balancing, you know, we're in a position where we're cognizant that a GDPR compliance analysis and this is directly from the BC statement that I believe three other statements sent to this group and ICANN, right.

The GPR analysis as you know, has done with respect to the broader EU law framework in mind, right?  Things like The Charter Fundamental Rights.

The GDPR in itself as you know, states that in Recital 4 that 1) The right to protection of personnel data isn't absolute.

And, that it has to be considered in relation to the function of society and be balanced against other fundamental rights in accordance with principal proportionality.

And I guess if you have one group who saying, (unintelligible) point group.  If you have a -- if you have a kind of plethora of groups who are all writing and saying, in balancing we need to consider that all of these -- all of these uses are going toward protection, safety, security, stability of the DNS.  You know, protecting in cybercrime, things of that nature.

That needs to be -- that needs to be weighed in.  And then we're hearing from you well, you know, you need to restrict this down and we have a very narrow view of what ICANN says.  An ICANN itself is saying that's not what its mission is.

So, I think again, I think this is exactly why we're talking. And Kathy I really appreciate you highlighting this again.

Maybe you can help us get past that I guess that contention we're having from what others are writing, what ICANN is saying, you know, that kind of broader framework of EU law that I just quoted. So, we can strike the right balance in the proportionality and all that stuff.

But, yes, definitely we'll need to revise this and we'll need your further input. So, we'll take that -- we'll take that on for sure.

And Bradley you've been patiently waiting. So, thank you.

Bradley Silver: Thanks, Fab. This is Bradley. So, just a small point about the deletion of the category of journalist that you mentioned earlier.

I think there are a number of tops of entities in that section that are going to require some find tuning.

And I don't think that we should be deleting any one of them at this point assuming any of them before we've done some of that work down the road. Recognizing that for example, you know, academics aren't simply going to be given assess to this information by virtual of them being academics.

Nor, are legal professionals, or accountants it's going to have to be in relation so specific purposes, based on specific accreditation criteria.

And the same should be true for journalist. Particularly in the context of journalist working on items that are in furtherance of protecting the privacy of

individuals, as well as protecting individuals against the on sorts of fake news, and false information. Just to mention a few.

So, I just would like us to consider keeping that in for now and recognizing that further work would need to be done down the road.

There are other categories that I think we have more agreement on that by virtue of just being part of that category, I think there is more agreement around being given access. There are other categories that are perhaps easier to accredit but more difficult to define in terms of the kind of access.

But, that is work that will need to be done and we should -- we should keep that in and keep journalist in for now. That would be my one suggestion.

And if I could also quickly respond to one of the points that Kathy was making. And I guess the general thrust of inserting some of the privacy purposes into the purposes of Who Is.

And I'm a bit concerned about that because, we're entering a positive discussion where we've entered a positive discussion where we're trying to define the purposes and the context of ICANN's mission.

And, I have not seen and don't ever recall this coming up as part of the bylaws discussion. Perhaps, I missed it.

But ICANN's mission is not to protect privacy. ICANN has an obligation to comply with laws, and that is - and that is an obligation that is layered over everything that ICANN does, including whatever purposes we agree or have been agreed Who Is has been implemented for.

So, I am bit concerned about kind of mainlining privacy purposes into the purposes of Who Is, because that to me I think is a step to far, in the context of what ICANN's mission is. Thanks.

Fabricio Vayra: Thanks Bradley. And we have - and if you could put your hands down in the chat if they're not new. Thank you.

Steve, I don't know if your hand is still up. But we'll go to Stephanie first. Stephanie can you hear us?

Woman: (Unintelligible).

Fabricio Vayra: Stephanie Perrin can you hear us? I see your hand is up.

Stephanie Perrin: Very good. Thank you for unmuting me.

Fabricio Vayra: Yes.

Stephanie Perrin: Stephanie Perrin for the record. Can you hear me?

Fabricio Vayra: We hear you Stephanie.

Stephanie Perrin: Great. Apologies to those who've already heard me on this subject on the RDX Group.

But - and I do agree with Kathy that going at this from the what are perceived by third parties as desirable uses of personal information that ICANN has to collect for its main activity is the wrong way about.

You know, I did this on the EWG Group, I tried to do it on the RDS Group. But, it results in you having a list of things that are not justifiable.

Now, journalist and academic research are two particularly good examples of this. There is no, need to have sort of exemptions for journalist and academics.

They can request the data under normal third-party access provisions in the case of academics they're bound by their ethical guidelines, and they're routinely turned down.

I mean I use the example of the banks. If a journalist wants to know what your financial situation is they don't get to go to a bank and have the bank reveal all the information about your -- about your finances.

So, the same is true here. Even if the information is not even in the same league in terms of the facility.

So that's all I had to say I just wish we could stop this (unintelligible) of these matters. Thanks.

Turn me off to avoid my phone ringing. Thanks.

Fabricio Vayra: Thanks Stephanie. And we'll wait for the moderator to mute you.

Stephanie Perrin: Apologies for the phone.

Fabricio Vayra: No problem. So, moderators could you mute Stephanie please. And Stephanie if you could drop your hand.

Okay, perfect. You're still not muted just so you know.

So, if the moderators is on - or Chantelle if you could mute Stephanie's line that'll be great.

Real quick, before I go to John he has got a hand up. I just wanted to point out Kathy real quick, I was thinking about this afterwards and I should have mentioned it, just forgot it.

But, I know that we talk about, you know, unfettered. But two things, I don't think we mean it the way you're taking it.

The drafters I think intended that unfettered just means the point to point question and answer that you have today. Not just carte blanche, you know, bulking sort of, access. That's what that goes to.

And in that same introduction I think you'll see that it's - this model in particular is intended to over I think the word Stephanie used, was kind of exceptions, right?

We're all talking about privacy under GDPR. So, privacy is a given. And what we're talking about here are what are the carve outs for access.

And so, you'll see in the intro maybe (unintelligible) the wrong word, we'll suggest there. But, all this in the context of complying with GDPR and giving people privacy.

So, we didn't mean this to say anyone gets in here, just kind of I guess the way you're interrupting it is, anyone gets an accreditation then just kind of runs willy-nilly.

There are definitely terms of service and restrictions, and all that is meant to be baked in. And if that isn't abundantly clear then let's - we clearly have to clean that up.

So, to (John) go on to you. And again, if moderators could mute Stephanie that would be great. Stephanie, I don't know if you have a mute button on your computer direct.

(John): Thank you very much (John). Well Stephanie you read my mind, so I will not repeat what she said. I agree with her.

And, someone before me said that the mission of ICANN is not to protect - to protect their privacy.

I agree with -- I agree 100% with the person who said that. But, there are - the issue is not that ICANN should protect the privacy, there is a law. And ICANN should be complete as the law.

And to be compared to the law you have to - if you don't have to collect that because (unintelligible). And we don't have to distribute those data to everyone. The non-public data. Thank you.

Fabricio Vayra: Thank you (John).

Again, if you guys could mute Stephanie. And (John) if you could mute your computers. Thank you to (unintelligible). Stephanie you're still unmuted. And if you could pull our hands down that'll be great.

Any others who would like to speak. I don't see any other hands, unless Stephanie that's a new hand. No?

Okay so, if no other - thank you for all this feedback, this is really great. And Cyntia King your hand is up? Go ahead.

Cyntia King: Can you hear me?

Fabricio Vayra: Absolutely.

Cyntia King: This is Cyntia King for the record. And I find this discussion very interesting and informative. So, thank you.

But I do have a slightly different perception of the ICANN responsibility in relation to GDPR.

It's my belief that many of the gTLD's were created specifically for the purpose of commerce.

And with that spirit in the same way that trademarks list people that own trademarks, and state list entities that are, you know, registered to be in business in their state with the information, so that those business services can be verified and, you know, all kinds of law enforcement can be served.

I think that this is where ICANN started with most of the gTLD's. That these were meant to be commerce dot com stands for, dot commerce. And that the fact that individuals went out and registered domain names for their personal use has now changed the game somewhat.

But I don't believe that it's incumbent on ICANN to change the basis of the registrations which is for commerce and that is why the information is public to accommodate the fact that many people have registered domains and kind of an off-purpose sort of way for personal use.

I personally like privacy, and so I appreciate that there should be privacy rules in place. But we need to remember that these were created as open registries for a reason, for a purpose.

So, when we talk about carve outs and things like that, what we're saying is that we want to accommodate the need for privacy, but the purpose of many of these gTLD's were for commerce and that is why Who Is was created and made public. And that is a valuable service. That's just my two cents. Thank you.

Fabricio Vayra:    Thanks so much. Any other - before we move on to specific comments, any other - any other hands? Okay.

Kathy Kleiman:    Yes, this is Kathy I raised my hand.

Fabricio Vayra:    Oh, okay. Sorry didn't see you Kathy. Yes, there you are, go ahead.

Kathy Kleiman:    Sorry, got to do it with my hat on as Vice Chair on the first (unintelligible) review team.

That's not why this was created, it of course goes back to (unintelligible) and assessment when these were trusted networks. And when you talk to the people who created the Who Is they were the Head of IT, of Harvard and MIT so they could find each other when the T1 line went down going up Mass Avenue in Cambridge, Massachusetts.

ICANN inherited this and has been debating the same fundamental issues about it since the beginning of time.

So, no, it wasn't created it's a tracking mechanism for commercial domains. So, you know, history is important. And we are -- we are now addressing the key issues that have been on the table since ICANN was founded and inherited through a system. Thanks.

Fabricio Vayra: Thanks Kathy. And Dean, I see your hand. Before I go to you, Kathy again, I think this is really great conversation. I think you and I, and Stephanie have gone back and forth on the RDS PDP Group.

And I think getting into historical thing, you know, I could -- I could report right now, which I won't, about the various historical white papers and green papers creating ICANN and what they say their historical data that I think contradicts what you just said.

And I guess at the end of the day what I'm hoping is that we don't go down that path and get into that sort of discussion because we'll continue to debate for, you know, it's been 15 years now, what we think the purpose is. And we all have our documents to show it.

But, May 25th is going to get here in 39 days. And there isn't going to be an access and accreditation model. Or, someone is going to drop one on us if you'll have to deal with.

And I think getting it right to get compliance with the GDPR and in balance with all the other constructs in the EU and otherwise around privacy and data

access would behoove us more than to continue to argue about the history, right?

And I don't mean that to shut you down, because I think it's an important conversation. But, would love just, you know, to focus on the documents which seems impossible.

So, Dean I think you just dropped. Let me see, Dean I've saw you up first. Then Alan, then Ann, and then John. Go ahead Dean, you got the floor.

(Dean): You know, I'll withdraw because I was just going to start going back to a historical debate. But, Fab you're right, we shouldn't -- we shouldn't go down that path. So, thanks.

Fabricio Vayra: I appreciate it (Dean). And so, Alan you're up next, Alan Greenberg.

Alan Greenberg: Thank you very much. I think we need to focus this discussion on what we're talking about. If ICANN cannot make the case for collecting data of various sorts, then it won't be collected.

Because ultimately, we have to be compliant or there is if nothing else huge fines involved.

So, really what we're looking at here is what should the mechanism be to allow certain people to access certain data?

And the theoretical debates about why Who Is was here really just is out of our scope. So that's my point number one.

The point number two is, we continually focus on why was this data originally collected? And as you point out we can have lots of discussions and people will have different views on it.

We - ICANN is in the business of making sure that we have a trusted DNS. And, to do that we need to make sure that it can be trusted and therefore there will be some people who will need access whether it's law enforcement, you can debate to what extent intellectual property lawyers protecting trademarks will need it, people fighting cyber abuse.

You know, the details of exactly who will get access to what is effectively going to be table driven. But we need to come up with the overall mechanism which can then adapt to whatever the rules are that come out of this. And I think we need to focus on that part here. Thank you.

Fabricio Vayra:    Thanks Alan, really appreciate that.

Ann, you are up next.

(Anne Howdy-Schultz):    Yes thanks, (Howdy-Schultz) and for the record - the transcript. I just wanted to comment that there is this GDPR Laura that we all need to obviously comply with and adjust, you know, in the system.

There is also, you know, an existing policy that has to be modified and that, you know, should be modified as narrowly as possible according to the terms of the registry agreement.

I bring that up because the GDPR law is not the only law that governs in the EU. I've seen little discussion and about the fact that there is an intellectual

property rights enforcement directive that is existing law in the EU and that plays a good part in this proportionality analysis.

So, when we talk about hey, why are we developing - why are we - hello? Why, are we so focused on proportionality? Why are we focused on how to established accredited access?

It's because there is an intellectual property rights enforcement directives that applies in the EU is the legitimate purpose for which we are seeking many of us, the accreditation access. Thank you.

Fabricio Vayra:     Thank you (Ann), really appreciate it.

I had John next.

John Levine:     Thank you it's John Levine. First, I want to endorse everything that my friend Alan said.

But I had - I have a fairly concrete question. In about two minutes I need to drop off this call and talk to people in (Maug) for whom I am - since the (Maug) liaison to ICANN.

And we are putting together a draft the APWG and first endorsing the IP based temporary access model.

But it occurs to me we need to go beyond that. And our current plan is basically anybody who qualifies for the (Maug) network. We are in process for that - should qualify to get access because, you know, because of who they are.

But it occurs to me that beyond that we also need some way to come back to me, and say, well if you want access here's this list of things we have to agree to.

And I'm wondering how are we going to create that list so that we can make sure that when we present people and say, here is our accredited people that ICANN and the authorities will say okay, you know, they've agreed to things that are adequate, so we agree that now, you know, we will take their IP.

And just in case I wasn't clear that IP is an IP address. We're not talking about the trade parks here.

Fabricio Vayra: Right, thank you John. I don't know if anyone from the floor would like to take that? Or, would you like I could happily respond. But…

John Levine: Either is fine, yes.

Fabricio Vayra: Okay. Well look, I mean I think one of the things we are looking for is that criteria throughout the -- throughout the document we footnoted for example intellectual property as the other IP that we're looking for the intellectual property constituency to give us -- give us specific criteria.

We welcome the input that (Maug) and (unintelligible) and others are putting in. We're hoping that you guys will help put together some criteria, same with the business folks for some of the business models.

So, I mean we're really, really looking for that. And I think you've hit on the one thing that I guess that we brought up at the beginning, and we brought up during the event this week.

We love the broader themes, and we love the broader discussions about FDPR and that what's most helpful is exactly what you're talking about.

Which is, at the end of the day we're going to need to figure out how to balance things and how to make sure that the accredited parties have the right terms and the right criteria.

And no one is better situated than the experts in that area. So, you know, don't leave it to the drafters, don't leave it to ICANN, please propose your criteria. Because I think you're best situated to figure out how the criteria would be mirrored up against a credentialing system.

John Levine: If I could quickly follow up on that.

Fabricio Vayra: Yes.

John Levine: That's a slightly different question from the one that I was trying to ask. When we accredit people, they're going to have to make promises. You know, they are going to have to promise to keep the data book confidential, they're probably - they're going to have to promise only to make - only to request data for which they have legitimate uses.

And then they have to promise to indemnify the registries. And I'm wondering where are we going to get that list of promises to make sure what we need. What to match - to make sure it matches what ICANN and the EU needs.

Fabricio Vayra: That's - okay, sorry I did misread your question. So, one of the things we've put in here and something that's been talked about as a code of conduct, right.

And so, you know, when we're going to need an accrediting party who is going to have its terms of service. And we've heard the contracted parties talk about it, needing a terms of service. And we've also talked about doing things like indemnification, code of conduct et cetera.

And so, I think it's just a matter of nailing down who's some of these parties are and coming up with the kind of the terms - the tease and fees so to speak.

John Levine: Okay, thanks. I have to drop now for my other call. That was very helpful. Thank you.

Fabricio Vayra: Thank you. Thanks John.

I see here (Ann), Dean and Stephanie. And I don't know if those are new hands or not? Can't tell.

So, could you drop your hands if there are old please? And otherwise I'm going to move along until I hear that someone's hand is conformingly up. I think those are old.

So, if there are no other hands - oh Stephanie see that your hand - you say it's new, new. So, Stephanie go ahead.

Stephanie Perrin: Hi, it's Stephanie can you hear me?

Fabricio Vayra: We hear you.

Stephanie Perrin: Good. Stephanie Perrin for the record. I just wanted to say that some of you are well aware that I've applied for research funding through the department - the information faculty at the University of Toronto through the Private

Commissioner of Canada for research award to work on accreditation standards for third party access to data in the ICANN situation, first.

And then secondly, obviously there are others scenarios where these kind of standards are useful and required under the GDPR.

So, I did receive the funding we just signed the contract last week. I will be sending you a proposal. And that proposal will to the best of my knowledge at the moment, list the things that would be required for accreditation under a data protection regime.

So, I have discussed this with the DPA's, they're well aware that there is a need for accreditation standards across the board. That's why the Article 29 working party released a paper -- a consultation paper, and then a document in February, and there is an appendix that is coming.

But, you know, they're definitely need to be appeal of rights for individuals. I would agree with Mike Palage's model that he sent in. There has to be some kind of bonding process on it of course is one of the purposes of an ISO standard.

So, I'll be sending that around shortly, but unfortunately not this weekend. Sorry, but, you know, we should have been doing this years ago. Thanks.

Fabricio Vayra: Thanks Stephanie (unintelligible).

Stephanie Perrin: Oh, one more thing -- one more thing Fab if I may.

Fabricio Vayra: Yes, of course.

Stephanie Perrin:   We're trying to hold a workshop in Barcelona.  So, your support in trying to get a room so that we can actually get people together including some of the DPA's who have an interest, and who are working on standards bodies on these kinds of things, would be much appreciated.  Thanks very much.

Fabricio Vayra:   Yes, no you got it.  I think it's - as a community we all support each other. So, you know, you guys support this, and given feedback and vice versa.

So, Stephanie thank you for that because again, we need some concrete rules and terms and et cetera.

So, we look forward to receiving that.  And the sooner we can get it the better, so we can start to kind of the drafters start integrating concepts.

And I'm assuming you'll be on tap for discussion to make sure that, you know, people can ask questions et cetera.  Not asking you to do free work. But, I think that's all of us, right?  I'll assume that you'll be on task for that.

Okay, so thank you for that.  If, any other -- any other hands?  All right, so the last - Ann, go ahead.  (Ann) I see your hand up.  I don't know if you're speaking or on mute.

(Ann) you say, we in fact need an expedited PDP.  And I'm going to assume that that was your comment.  If you're stuck on mute.  So, thank you (Ann).

So, real quick and the last thing I've seen before (Ann)'s comment was the plus one to Alan's prior comment that we focused on the draft.

So, I think we're making headway in that direction. We still have a good 45 minutes to discuss. And obviously we're keep the floor open for as long as we keep getting good feedback on this.

Again, the point being that, if we have Goran and others talking to DPA's and saying they're discussing accreditation and access, and things of that nature, I think it's better for all of us to be involved and to at least give feedback -- concrete feedback into that process so that, you know, we really have a model that is best for everybody involved.

So, to that end if no other -- no other hands, one of the things I thought would be useful.

And again, I'm hoping that some folks who are on the call about this. We for (unintelligible) conversation took some of the comments verbatim from the contracted party house input which we found very useful.

Just have been more difficult to implement in writing and drafting without us taking a shot in the dark so to speak.

So, we thought we'd go through some of these things and see if we can get some feedback on this to help us give direction, give us any indication of specificity. And then maybe we can follow up with you on some comments.

So, the first comment we have that you see up on the screen here on Page 7 it went to process for vetting and accreditation.

The input we received from the contracted parties was - we'll require additional detail around which organizations can realistically serve as accrediting bodies. How given parties determine to be eligible for

accreditation and the criteria by which those parties and their respective credentials are evaluated by a creditor further.

Contacted parties will also need to be able to ascertain which users become accredited, which users access which data and for what purposes this making a system settle out for users to share credentials very (unintelligible).

So, if you thought my reading it was a mouthful, you can imagine from the drafter's perspective how difficult it would be to draft - to make changes to the categories they've included in there to address.

So, for example, when we talked about details around organizations that can realistically serve as accredited bodies I believe the drafters have had in here since Version 1.2 an example of Deloitte and the Trademark Clearinghouse.

Again, we understand the current people don't like the Trademark Clearinghouse, but it's one example.

We would love to get some feedback specific on this, if there is anyone who could shed light on any ideas that people have as far as what their suggestions are of accrediting bodies are.

Happy to take that info and put it into another version of this draft. We heard some discussion already from John and others about eligibility and Stephanie and eligibility and accreditation criteria.

But, if people have things that they can put on during this call. Again, I'd hate to waste the 45 minutes we have left here and end up in a situation where we're, you know, not addressing the things before implementation GDPR.

So, with that one comment I'll go ahead and open it to the floor and see if those others from the contracted party were here - are here and could comment on this. Or, if any others have opinions on this, or thoughts on this comment.

And I'm hoping more hands go up because I think you all agree hearing me talk can get pretty boring.

Keith Drazek: Fab, could you move the display to the page that you're referring to.

Fabricio Vayra: Yes, I did on my side. Is it not transferring over?

Keith Drazek: Fab, we're still seeing Page 15, it cannot scroll otherwise.

Fabricio Vayra: Okay, so (Ozan) if you could give me - I've moved to Page 7 on my side.

(Ozan): That's a...

Fabricio Vayra: Did that just move the page right there? Do you all see Page 7 now?

Keith Drazek: Now we do. Thank you.

Fabricio Vayra: Perfect. And do you see it scrolling up and down?

Keith Drazek: We do not.

Fabricio Vayra: (Ozan) I don't know if you can give me scroll assess and page assess? I am scrolling and it's not -- it's not moving.

So, we're waiting for scroll asses. Let me -- let me read another comment out from the contracted party house. And, (unintelligible).

(Ozan): This is (Ozan) speaking, sorry for interrupting.

Fabricio Vayra: That's okay.

(Ozan): Actually, the panels you should be able to scroll down and…

Fabricio Vayra: Perfect. Does everyone see my scrolling now?

(Ozan): (Unintelligible). No…

Keith Drazek: Fab, we can scroll ourselves once you've locked into a page. We can scroll up and down…

Fabricio Vayra: Okay.

Keith Drazek: …that you've locked in on.

Fabricio Vayra: Oh okay, perfect. Okay, so we should be on Page 7. And the comment I spoke about was right there at the top processing, preventing and accreditation. Can you see the comment there?

Again, the contracted party house understandably are looking for additional detail around organizations. One, that can realistically serve as accrediting bodies, information on how given parties determine to be eligible for accreditation, criteria, by which those parties and their respective credentials are evaluated.

And then it goes on to ask for how users become accredited, which users access for what purposes. And so, we're just loving the feedback from those on the line as to, you know, and on the WebEx how we can make more specific and take those who may have drafted this comment.

And I'm hoping that people aren't holding back from speaking. Only because they had heard previously that, you know, by commenting they were making this a community model.

Keith thank you so much for raising your hand.

Keith Drazek     Yes, thanks Fab can you hear me okay?

Fabricio Vayra:   Absolutely.

Keith Drazek:    Okay, great thanks. And thanks to you and to the PCI PC Group for leading this effort.

I've typed a few things in the chat, I won't reiterate. But, just to sort of summarize I think this is an important effort particularly in light of Goran's recent blog post and the recent -- very recent feedback from Article 29.

Is that some element and accreditation model for tiered access to an (unintelligible) is going to be a required component of this. So, I really do appreciate the leadership that you all have shown here.

So, specifically on this language I just - I should just note that I think the contracted parties submitted in this comment actually reflects a little bit of what John Levine said just a few minutes ago as it relates to (Maug).

And then, it's a question of, you know, who is going to make the determination that somebody is accredited or not.

And should that person, or should that entity be centralized. In other words, like could it be ICANN? Or, should it be in the example of intellectual property and trademark. Could it be ITAA and just throwing out some examples here.

You know, so who is going to determine who is, you know, which entities or individuals are eligible for an accreditation and access to the data.

But it goes beyond that, I think it really is in order for contracted parties to feel confident that access should be given in a range of cases, it's going to have to be specific to the particular use, or the particular purpose of the access and the - of the requester.

So, I just think that there is a lot more detail that's required here. And I would -- I would certainly welcome others who would be, you know, able to speak to this, or speak up to do so.

But, that's just my initial -- my initial reaction to your question. Thanks.

Fabricio Vayra: I really appreciate that Keith. And definitely welcome others while waiting for anyone who is shy on the group to raise their hand.

If you guys wouldn't mind entertaining my feedback on this Keith which is just - you know, it's interesting because I think one of the reasons and drafters and (lessons) has a kind of EG could be this or could be that is, we received a lot of feedback in the background, you know, some folks saying, hey maybe it

should be WIPO, because WIPO is really close to, and has all the kind of the standup ready for intellectual property.

But then we received feedback that says, "Well, maybe not them because, they would only be, you know, maybe they're more specialized in intellectual property and we need another group."

And so, when I hear you speak, I wonder whether it's multiple groups who would be in a position to credential for a different, say different categories of specialty areas.

And whether something like an RP or, you know, something. I mean we just - we would - we should probably get together Keith and the drafters and contact the party house and others who want to participate in this. And basically say, "Hey, what do we want to hear from the public?"

Because, I there are groups who are looking at this and saying, "Hey, I'd like to be involved. I think I can accredit credential." But, they are probably also holding back because we haven't laid down the ground rules.

I think if we outline say the sandbox that others would be more willing to put in proposals than we could all consider.

So, I see two hands Alan and (Ann). Alan do you want to go first?

Alan Greenberg: Sure, thank you. It's Alan Greenberg speaking. I think we have to be realistic here. We're looking for simple solutions because we want to implement this quickly.

But the solutions are not going to be simple. We're really looking at a meta problem of how do we accredit creditors. Because, there are very few organization - very few ways that we can accredit people worldwide.

You know, yes WIPO does have some level of authority, but it's a limited scope. But there are many areas and people working with cyber abuses and example, there is no international body that oversees it.

So, we are really going to be looking at multiple levels of accreditation. We have - we somebody are going to have to accredit the accreditors.

And, basically say, we trust them to identify people or entities that will have access to the data. And we will have to accredit what kind of data they get access to.

So, it's going to be a two level - two step problem. And some of the problems are going to be really difficult. You know, we don't have solutions for instance of how do we accredit international law forces to access data.

Right now, it's all based on essentially a bilateral agreements, which are not going to be particularly easy to implement in our type of, you know, centralized automated mechanism.

So, we have some really difficult problems. I think we have to accept it. And, then start looking at it piece by piece, how do we move forward?

We at this level are not going to be able to identify the accrediting bodies. We're going to have to build a process to do that.

And, I don't see any way for it other than that. And, so I think we think we have to look at it from that perspective. Thank you.

Fabricio Vayra: Thanks Alan. And before you go too far, there goes my mind, are you foreseeing - because as everyone is talking, I'm thinking of how, you know, RP's, right?

Which is that, you outline what the problem is and what you're trying to solve. And then you put it out there and say, those who feel like they can solve this, please propose how you would do it, what criteria, et cetera.

Is that, is that what you're thinking? Because if it is and others would agree, I think it would probably behoove us to us, or even get with ICANN, you know, just to put that call out, right, and see, who comes forward with what criteria.

So that we're talking again more grounded and sensitive around parties and their criteria and proposals, opposed to us going chicken and eggs sort of situation.

Where we're saying, well we need more detail, but how are we going to get that when we need parties. Well, how are we going to get the parties right?

But I just wanted to throw that back to you, is what I'm pulling up what you are thinking? Or, is there another way that you would think of giving up that proposal, getting the discussion going that way?

Alan Greenberg: Yes, thank you Alan Greenberg speaking. I hadn't really thought about it to be honest. I thought about it enough to know it's a problem. That certainly is a weight going forward and again, we're looking at effectively meta steps.

Maybe we have to do something like that, and get a whole bunch of proposals in so, that we can understand how we set up the ground rules going forward.

You know, we may have to be proactive and how do we find comparable bodies in other jurisdictions if we get a really good North American model, you know, how do we satisfy the comparable people in other jurisdictions?

And we may learn a lot from them. So, that's probably a very reasonable way of having people put proposals on the table, so we can start getting a feel for how to go forward.

You know, as someone else pointed out, we should have started this a long time ago. Certainly, day one when ICANN woke up, to GDPR last June or July. But we didn't.

So, we are where we are, and I think we have to start doing things in multiple directions at once. So that we can understand the problem better, we don't really understand it well enough right now.

And some of the parts - some of the problems we're going to have to address are really complex, and we may not get perfect answers.

So, I think that's a dandy way of starting and seeing what the various bodies and communities can propose. Thank you.

Fabricio Vayra: That's perfect. Thank you, Alan. And, Keith I don't mean to call you back in, I don't know if you're still on the call. But, would a process like that be helpful, or go toward like again, (unintelligible) answering these questions?

Keith Drazek:      Thanks, Fab, this is Keith Drazek again.  You know, so look, I think the idea of, you know, putting out a call for responses or feedback or input, whether it's RVP or something else to better understand the landscape of the range of potential accrediting bodies that might be required to provide more access -- legitimate access to non-public (unintelligible) I think is an interesting question.

But, I think we have to be realistic about what we're talking about here and that's - we have essentially a two-phase problem, right?

Phase one, is the next 12 months, or next 13 months.  If ICANN initiate a temporary policy and there is going to be PDP in place for 12 months, that focuses on trying to, you know, come up with, you know, the longer-term solution, that's one thing.

You know, but I think we've got a short period of time here in the next 12 months where we may be without a long-term solution.  So, it seems to me that an RVP response could be something helpful to the longer-term discussions.

I'm not sure that's going to help us in the very, very short term.  You know, come May 25th.

So, I like the idea of collecting more information and better understanding the landscape of, you know, potential accrediting bodies.

But, it drills down into, you know, more specific around what John Levine mentioned, you know, what is the code of conduct.  What does that look like, what do the accredited entities sign up for?

How is that audited?  I think these are all, you know, as Alan said, really difficult questions that are going to take quite a while to work through.

So, I guess -- I guess to summarize, you know, what is that we can do in a very short period, in the short term?  And, you know, what is that we need to inform ourselves around for the longer term?  And I hope that helps.

Fabricio Vayra:  No, definitely.  And, again I don't mean to punish you and put you on the hook.

And (Mark), we're going to get to you.  I didn't see your hand here.  But, definitely will get to you in a second.

So, Keith quick question.  I mean, I know you don't speak for the whole house, and you may not have the answer to this.

But, is there a way, or do you know that people have top of mind criteria organizations that they would like to see vetted that we can build into this draft, or get the process started?

Or, is there a way of getting at that a conversation that we can have, you know, just get the ball rolling.

Because what you said, I mean, there is a short term and a long term.  And I think we need to try to figure out, you know, what happens in 39 days, and then what happens thereafter.

And if it's a case of we'll start with one, and move on to the others, or something like that.

But I think - I think you all are recognizing in the conversation why it is that the drafters didn't make specific changes as (unintelligible) is difficult.

You're damn if you do, and damn if you don't if you make a certain change. And so, any specialty do you know that we can get that, or if people have something in mind that could be shared or discussed?

Keith Drazek: Thanks, Fab this is Keith again. So, I think the contracted parties being so focused right now on compliance with the law come May 25th, are not really thinking about ourselves, or at least, I'm speaking for myself.

Not thinking about, you know, who all that brings a potential, you know, accrediting agencies or, individual users might be.

I think we would look to those groups to come up with that list. And certainly, we be interesting in having that conversation and continuing to discuss how it might be implemented and on what time schedule it might be implemented.

But, I don't think it's really the registries and registrars, you know, sort of position to be defining what that universe is.

I think we really need, you know, when there is a intellectual property, or BC or security, research community to start coming up with those, you know, that list.

And then, we can start having some substantive conversations around that.

Fabricio Vayra: Got it, that makes sense. Okay. Thanks.

((Mark)), you're up.  And sorry for not having seen your hand.

((Mark)):  Thank you.  So, mostly what I wanted to say has actually been covered because I've been waiting for a while.

But just to summarize, I do think there is going to be multiple accrediting agencies. I don't see how we can have one.

And maybe one of these organizations that's been previously mentioned could act as a broker of some sort.

But it just seems to me that since there are multiple purposes, and multiple jurisdictions you're going to have multiple accreditations which leads to multiple accrediting, multiple accreditation agencies.  I'm hoping you can hear me, I'll try to be - I'll try to be louder.

My point is, that there is going to be multiple accreditations, and multiple accreditation agencies we should just accept that.

And I think we should start as John Levine said, with defining what is - what are the promises, and what are the codes of conduct.  Because, that is something concrete that we can do right now while we're debating.  You know, who gets to do the accrediting.

Fabricio Vayra:  That's ((Mark)), I appreciate that.  And sorry, for whatever reason your hand doesn't show up on the screen - on my screen.

(Mark):  No, I think…

Fabricio Vayra:  So, I'm sorry.

(Mark): No, I think it's my browser. I noticed there is a whole bunch of UI (unintelligible).

Fabricio Vayra: I'm sorry. But, thank you for waiting patiently. I appreciate that feedback.

(Ann) raise your hand here, please go ahead. And afterwards would like to just go ahead and cover off on some of the other topical comments that we have left here before the hour is up. Go ahead (Ann).

(Ann Howdy-Schultz): Yes, just so you - I'm sorry, I may not have heard all you said because you're on speakerphone. But, very quickly just agreeing with what Keith Drazek said about, it's kind of up to us to make some proposals that are workable for the interim.

I think ultimately all this information is being gathered hopefully is going to be fed right into a GNSO policy making process in the form of X by the PDP.

But for the IP community it seems to me that something that we could potentially get in place quickly, and I don't know - maybe get some agreement on is, a process that works through the trademark clearinghouse where the marks are validated, and there is a legitimate purpose under the EEU intellectual property rights directive.

If we could get the TMCH as a party to accredit access based on (Mark)'s better or, in the TMCH that's a very limited proposal related to, you know, having a situation - not having a consumer blood bath on our hands, you know, effective May 25th.

So, I think it would be -- it would be good if we could get something going that would work right away for all parties.

And as Keith says, it's on us to propose something like that. Thank you.

Fabricio Vayra: Thanks (Ann).

Real quick, I wanted to cover off and Keith since you're here, I don't mean to put you on the spot. If maybe a yes or no answer. Here and there would be good.

Just so again, we can kind of look towards a Version 1.5 document in the last few minutes we have here.

I just want to highlight very quickly we don't have to get in a full dialogue about them. But just to get more indicator on some of the broad comments here.

We have here at the bottom on Page 7 basically that, you know, IP rights holders simply demonstrating ownership of trademark registration or copyright in the (unintelligible) qualify.

I think we've kind of covered off on that. That we're going to need more by way of criteria, but again, would welcome, you know, if there is anything that you guys have in the background throughout some criteria throwing around from the various parties, would love any feedback.

And Keith if you have any here or, would be willing to submit or talk about them that would be great. Just so that in building something out we don't miss something.

I didn't mean to put you on the spot, but if you have -- if you have something by all means, go ahead.

Keith Drazek:     Thanks, Fab, this is Keith again.  Yes, no problem at all, and I don't mind being on the spot.  But I do - just a note that I'm not speaking for all of the registries or registrars, or contracted parties, this is my own personal engagement, you know, in light of the conversation that I think is a very important one.

So, I will circle back with others in the contracted party house, and others internally at (unintelligible).  And to see if we can help - be helpful in terms of providing a little bit more context as you look for - towards the next draft of this.

I just should also note that because the contracted parties are so focused on this deadline and having to be compliant with the law, I think there is a recognition that this accreditation model is important, but it has simply not been priority number one.

So, I think that you'll see, you know, as we move forward, you know, greater attention and greater input and focus.

But, please understand and recognize that a contracted party at this stage of the game, especially with the uncertainty around ICANN's proposed model, the feedback from the Article 29 Group, which is now becoming a little bit more clear.  Is, the contracted parties are focused primarily on making sure that we're compliant with the law.

But noting of course that legitimate access requirements to do is an accreditation model would be an important component of what comes next.

Fabricio Vayra:     Appreciate that Keith.  And Steve I see your hand up.

Steve DelBianco:  Thanks, Fab.  It's Steve DelBianco Keith, I know the comment on A2 on Page 7 with respect to wanting to understand the specific purpose of a query even though somebody has already run the gauntlet to get accredited.

And I want to point you Keith to Page 10 of the document where we describe the logging.

So, each and every query of a single domain name, that's by an accredited entity has to be logged where that accredited entity the query that they made, and the date that they made it.  Plus, their purpose.

So, the current model proposes that once an accredited entity has the ability to do a query, or non-public Who Is, they have to declare the purpose for that query on that particular domain name on that day.

And that may not do an (query) balancing act, the way that Stephanie and Kathy seemed to think it requires.

Because, if I need to make a query in a hurry, to solve an essential problem or people being defrauded then I will services et cetera, I think that that balancing is something that I am going to attest to.

And my purpose should be sufficient to evaluate after the fact whether or not I have abused the accredited access that I was given.

So, I would ask you with respect to your Page 7 comments to tie that into whether or not you think the logging on Page 10 is a way to audit and ascertain the credited entities are to enquiries only for the purposes for what they were accredited. How does that suite you?

Keith Drazek:     Thanks Steve. Yes, thanks Steve, this is Keith again. So, yes, I'll take that on as an action item. And, we'll have to get a circle back.

I think certainly the question of, you know, the logging I think is an important one as it relates to, you know, auditing and things that are important.

But, I guess the question then is, operationally how is that accomplished? How, is all of that achieved, and how quickly can all that be done. I think there is some serious, you know, operational challenges there.

But, I think it's an important component. So, thanks Steve I'll take a look at it.

Fabricio Vayra:     That's great. And Keith when you do let me switch to Page 12 and hopefully everyone will see it. Because I think this kind of wraps into the same notion, and to save you some time maybe it wraps into the same ask.

One of the questions here on Comment A3 top of Page 12, the (unintelligible) and the contract party house was kind of this unlimited access significant concerns, and how do we ensure that each request is a specific, you know, tied to a specific legitimate purpose.

I think you heard at the beginning of the call, you know, it's still, you know, question answer queries.

So, the unfettered wasn't going to I think unfettered, you know, get behind the gate and kind of call around, they are still making the one to one queries and questions as you would today in say Port 43's.

So, I think that may have been a drafting error to use the word unfettered in that context.

But, you know, one of the proposals we've seen turn around for several years here is that when someone goes into a do a Who Is query, you know, they either one, you know, they have the accreditation is for certain a specific purposes.

And so, essence you're saying I will only search for these areas in advance, right? And that's all I'm searching for.

Or, the other one we saw was, a proposal I think by the EWG that there would be kind of a almost a menu of things for which you are accredited for in advance and before doing your query you did a drop down, you know, I'm searching for this.

Is that just so that we can get a sense, you can answer here or not, but maybe add to the query that Steve asked too.

Is - would that tie to things more specific in a contracted party higher in your view alone? Is that where this is headed? Or, just trying to get some clarification.

Keith Drazek:    Yes, thanks Fab this is Keith again. I'm going to have to take that one offline and circle back because I'm not - a) I'm not really able to speak to all of the contracted parties view on this.

And I need to circle back and just make sure that I'm speaking, you know, authoritatively myself.

Fabricio Vayra: That's very fair. And I appreciate you being on the hook for (unintelligible). I'll just throw out the last comment A4 I think in having - and this is where I think this is such great conversation.

I think that there is - I think this comment goes partially towards detail around misuse et cetera.

And, maybe this is handled in criteria for the credentialing in terms of service and things that we're all talking about needing.

Let me know if you think that this meant something different, but I think maybe we're now covering similar ground. Is that - would you say that's much right Keith?

Keith Drazek: Yes, I think that's right. I think we're heading in the same direction, we're in the right direction.

Fabricio Vayra: Okay, perfect.

All right, well thank you so much Keith. We have - I think all of ten minutes left here. We're doing really well on time. I really appreciate you guys making this not all about me talking.

And with that, Rod Rasmussen you have you hand up, and you may be the last one to speak on the floor here. So, (unintelligible).

Rod Rasmussen:     All right, thanks Fab.  You guys hear me?

Fabricio Vayra:     Yes, absolutely.

Rod Rasmussen:     All right, good.  Thanks.  So, I just - and I don't want to put an even finer point on what was just being discussed there.

I think we have - well there is a couple of things (unintelligible).  First of all, we have two different time periods to be concerned about.

One is, from May 25th of this year, until whenever some sort of temporary policy what have you expires and actually I have a timeline up on that.

And the concern is around, who is fragmentation?  That's certainly an SSR issue.

So, we have that timeframe.  And then we have a long-term timeframe.  And whether are - potentially different access technical solutions that can be implemented during those two different timeframes.  The long term, got final solutions, and the short term.

You need to be thinking about that and separating those hazards as it were.  On - but regardless of the technical side of this, the accreditation side too.

And - so, that's - those are models that just have to be flushed out.  And, it's, you know, you mentioned earlier there is people working on some of that, but we do need to have those policy debts that everybody has to agree to and pass along to people giving data.  And giving those lists is really important.

On the, particular issue of singular access versus, accredited for various purposes, would be really useful to know if both sides of a data transaction really do have information about the purpose for which data is being accessed.

In other words, if I'm - let's say, I'm on a cybersecurity company and I need to look something about because of a (unintelligible) attack I, you know, I can log that when I make my request under my credentials whatever they may be to get that information from say a contracted party, say a registry.

Does that registry actually need to know at that time why am I making that request or not, right?

And I don't know that anybody specifically answered that question. Because that has a fundamental impact on how you design the systems.

So, if I need to have that on both sides of the transaction that's a much heavier lift if I knew it on one side, and I'm asserting by my access that I'm actually using a legitimate purpose, and then that can be some other methodology and auditing and all that kind of thing

That's a lot simpler to implement, because I know why I am asking that question. Thanks.

Fabricio Vayra: Thanks Rod. And I don't know Stephanie are you raising your hand to answer to Rod or does someone else want to answer to Rod's question?

And Rod I don't know if you had someone specific in mind that you wanted to answer that? Or, if that was a follow up for Keith or someone else?

Rod Rasmussen:     No, that's just - I was just throwing that out there as a - it would be good to know this as we are talking about actual implementations.  As to whether that's an absolute requirement or not.  Or, those kinds of transactions.

Stephanie Perrin:  This is Stephanie, can you hear me?

Fabricio Vayra:     We can, go ahead Stephanie.

Stephanie Perrin:  I was going to try and answer Rod's question.  I think that this is, you know, we're moving from wide open access to a lock down system.

So, obviously it is breathtakingly complex what I'm suggesting here.  But, I'm sorry this is just my view on it supported by quite a few years at this business.

I think that this is going to vary by the different players.  We still have the same rules of proportionality, limited disclosure of data and precise purpose rather than just general phishing on the cybercrime site, or get to look.

On the other hand, you don't have to know exactly what's going on to know that there is something fishy going on.

So, you're going to be looking at having to do data analytics without all the data.  And then seeking to getting more data in response to what appears to be threats.

So, this is going to have to be worked out depending on the aged constituent, in my view.

So, lots of work, lots to do. But, I don't actually think that you're going to have to go in there on a case by case basis. It's not like investigating for instance, a particular crime that is being committed.

Cybercrime attacks are, you know, they are a different kettle of fish, so they'll be different requirements.

Fabricio Vayra: Thanks Stephanie I really appreciate that. And Rod, does that answer. Do you have a follow up?

Rod Rasmussen: Sort of, and at the point, at this point it's more of a -- of a, it might be something to add to the slate of questions to ask data protection authorities around this.

In that, do all parties in chain of custody information need to know why all the parties are maybe accessing that information?

Fabricio Vayra: That's very helpful. I don't know if others have input, otherwise we're up on the end of my session - or my section I should say. And we can move to the next segment.

Okay, Stephanie is that old hand? Make sure there are no other hands. Okay, perfect.

So, what we have here is the next steps. And Steve, wasn't sure if you were covering that, or if I was.

Steve DelBianco: Happy to Fab.

Fabricio Vayra: Okay.

Steve DelBianco:    This is Steve DelBianco with the business constituency.  And very grateful for the huge attendance on this call, and the level of engagement.

Man:    February and March does not have a…

Steve DelBianco:    I'm hearing another conversation.  Thank you.

So, very grateful for the degree of engagement.  And again, we'll acknowledge that engagement critique and suggestions do not enable anyone to claim this is suddenly a community driven bottom up process.

It's meant to generate feedback right now that will help to make the model better.  And making it better improves the chance that ICANN in its own top down decision-making method will be able to get something in place in time to do non-public access.

I would summarize the takeaway from today is that we are open for new comments, on Version 1.4.

And we'd request them by 12 UTC on Tuesday the 1st of May.  On Tuesday the 1st of May.  So, it's a week from today.

And if they're in by then, we will very quickly turn around Version 1.5 with both edits, and we'll be careful to track changes this time around, as well as our commentary the way that Fab walked through several comments that aren't quite the same thing as an edit but call out a particular section as needing further work.

The way those comments should be submitted is by an email to accred-model@icann.org. And those are all available in archives.

We particularly need comments on appropriate accreditation criteria. And we individually need it from those in the security field, business users, and intellectual property concerns.

When each of those entities submits comments - and let me please just expand. Stephanie, Kathy, in the non-commercial use, you've already been submitting comments. But, I always welcome more specificity in three particular areas.

\

Number one, what kind of accreditation material would be required for an accredited entity to come forth and say, here is who I am, and the purposes I have.

Number two, what criteria should the accrediting body use to approve a request from the accreditation entity.

What kind of criteria does it decide whether they should be accredited. And then three, if you can, please suggest organizations that you think would be qualified to be the accrediting body for that particular kind of a use.

And inherently you would expect them to have a degree of trust and transparency and independence.

And we desperately need that, and for Keith Drazek's suggestion contracted parties, please sure your ideas for criteria that could be used for deciding who can be an accrediting body and for criteria that they would use to admit accredited entities from the contract parties' perspective.

I'll also say that we're going to very soon need technical experts to help develop the technical specifications by which we would implement the functional specs that this document is turning into.

The technical specs are important. You heard Rod Rasmussen suggest at the end the technical design was essential on the question of whether the purpose of a given query needed to be visible to the contracts hearty granting access at the incident in which access is granted or can be something that is reflected in a log for subsequent audit.

I didn't mean for that statement to make any sense. I'm just giving an example of the kind of technical questions we need to work out in technical specs that the functional design may not have addressed.

So, I should first say we need volunteers who have those technical skills to help develop the technical specs, that's essential for that.

And, with that mind, that is about all I had Fab in terms of the closing and next steps for this group to follow.

I realize that in parallel ICANN org is pursing next steps. We all saw today the report on yesterday's meeting with data protection authorities.

And I think that next steps will be suggested if in fact the DPA's and working party comes back with a reply to yesterday's meetings.

Those are going provoke in all of us a need to quickly reply the way that we did last Friday, when ICANN asked for community input to take back to the DPA's on their early letter.

And as you know, from Goran's blog ICANN took letters in there from multiple aspects of the community who wanted to react to what the DPA's guidance had it.

But in parallel with that process we have got to drive the ball forward on the accreditation model.

And what we're thinking about now, is how do we -- how do we square the circle by making sure that entities are properly accredited.

And that once accredited that they can attest to an appropriate purpose. The purpose can be recorded in a log so that queries themselves can be done.

And there is nobody that ever-suggested unfettered access for somebody who has already the gauntlet of being an accredited entity.

We do want to audit that there they are speaking to those purposes and queries that they made and have those be available for those that are entitled to see them.

Fab I'll turn it back over to you. Are there any other next steps that you can think of?

Fabricio Vayra: No, I think really squarely summarizes it. And, you know, I think the only thing I would leave is put a pen in this.

Again, we have 39 days to go, and the more feedback, the more input specifically backed that we get the better the community I think it is.

And putting forward a model it doesn't have to be complete, but it needs to be as (unintelligible) as possible.

So that as these conversations are going on with the ICANN CEO, and Article 29 Group, as they are talking about accreditation and access which Goran has noted, that as much information can be delivered to them so that we don't have something that is delivered, down from the mountain so to speak without at least as much input as we can provide them.

Because I think getting this right, or as close to right as possible is important for all of us.

So, thank you advance for everything everyone done up to date. Really look forward to further input and working with you on putting out a Version 1.5 and forward.

So, again just echo here everyone here, and thank you for all the hard work.

Thanks everyone, that'll conclude the call. We can stop the recording. And everyone have a great day.

END