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ICANN67 | Virtual Community Forum – GAC: WHOIS and Data Protection Policy  
Tuesday, March 10, 2020 – 11:00 to 12:00 CUN

GULTEN TEPE:

Hello, everyone. Good morning, good afternoon, and good evening. This is Gulden Tepe from the support team. This is the WHOIS and data protection policy session being held on Tuesday, 10th of March at 2020 at 1600 UTC. The Zoom room audio in English. In order to access the Spanish or French audio, please join the streaming links shared on the main ICANN67 website. GAC agenda page under each session, as well as on the calendar invites sent to you by myself.

We will not be doing a roll call today for the sake of time but GAC member attendance will be noted and available in the annex of the ICANN67 GAC communique and the GAC minutes. Recognizing that is our public sessions and that our members of the ICANN community may be in attendance, GAC leadership and staff encourage all of you who are GAC representatives and observers to update your participant name in the Zoom room by adding in GAC in parentheses after your name. You may take the way I typed my name as an example. This will help us identify GAC session attendees, keep reports and facilitate queue for participants' comments and questions during the session. If you would like to ask a question or make a comment in English, French or Spanish, please type it in the chat by starting and ending your sentence about question or comment and please keep them short if possible. French or Spanish questions will be translated into

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English and read out loud by our remote participation manager, Julia Charvolen. Staff will put periodic reminders of this process in the Zoom room chat. If you are in the Zoom room and wish to speak, you may raise your hand and we will manage the queue. A kind reminder to please state your names when you speak, not only transcription purposes but for the interpreters to identify you on the audio stream and please speak clearly and at a reasonable speed to allow more accurate interpretation. Finally, this session like all other ICANN activities is governed by the ICANN expected standards of behavior. I put a link in the chat to those standards for your reference. So without further ado, I will hand the floor to GAC chair.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Gulden and welcome to the GAC plenary on WHOIS and data protection, the session scheduled for one hour so it's from 1600-1700 UTC or 11-12 Cancun time. During this session we will be briefed by the GAC topic leads on developments since ICANN66 regarding EPDP Phase II and then discuss the initial report proposed GAC input to this report and next steps for the GAC. It would be good also to hear from others if there are national efforts in that respect. And I think we already have the slides on. Can you please guide me on who I should hand it over to?

GULTEN TEPE: Thank you, Manal. We will hand the floor to Lauren.

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MANAL ISMAIL, GAC CHAIR: Laureen, we can't hear you.

LAUREEN KAPIN: Can I be heard now? Good. First of all, thank you for all for joining today. I know it's odd times for some. A special thank you to my colleagues on the EPDP small team. These meetings that we have been participating in are complicated and often lengthy and sometimes contentious and everyone has participated with very good intent and goodwill and very effective a special thank you and also to Fabien who keeps us organized and going. Will launch into our slides. We will take questions at the end and if time runs short, I want to highlight that members can always feel free to contact us via email if their questions were not answered or they would like to discuss an issue further.

So I wanted to go over in broad strokes what we will be covering today. We will be talking about next steps for the GAC. We'll be giving some background as to what is happening in the EPDP Phase II working team and the highlight of that effort will really be focused on the Phase 2 initial report which was released in early February with its recommendations. And this sets fort the proposed system for access and disclosure that is often referred to by the acronym ssad. Some people just call it SSAD, that sounds too demoralize s SSAD that would be the system to request access to the registration data that is now nonpublic as a result of EU privacy regulations. We will go over key proposals and open issues as well as the timeline. And third, we will discussed proposed GAC input on the Phase 2 initial report. I know

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that that information either has just gotten to you or will shortly get to you and what I want to highlight is just a few things. First, the public comment format is very different now. There has been a shift to a new system for public comments where instead of a narrative comment it is more in the nature almost of something that looks like a survey. But when you see what our proposed comment is, you may be wondering why is it in this strange format of questions and boxes to check and then a little bit of narrative. The answer to that question is that this is the new format that is being used by ICANN to give input in the form of public comments. And I think the intent there is to make this a little bit easier for ICANN to digest the public comments and -- that said, it might be a little bit easier to digest.

Finally, we will be talking about next steps, in particular there are a couple of items to highlight here. First, we are in this limbo period, the interim period between when these recommendations for a system for access to nonpublic domain name registration implement. We have a definite timeline for when the recommendations need to be finalized but in terms of when that is implemented, that's a little bit more unclear, and this could take and likely will take a considerable amount of time. And this is because the contracted parties have to develop new systems and implement in each of their businesses the procedures to implement the recommendations. And that is something that could take many months if not years. Hopefully not quite that long but it is a little bit unclear now. So what that tells us is that we need a system now that ensures effective and efficient access to nonpublic information. And the temporary specification that is now

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in place to govern WHOIS access or as now known registration domain name access, that does require reasonable access. What we need to make sure as governments is that that reasonable access is indeed effective for the public, including for law enforcement authorities and public authorities charged with protecting the public.

And finally, and this is something that's very specific to the GAC, we also need to be preparing for accreditation of our own public authorities at the national level. This is something that each country is going to need to do for itself because each countries' systems and personnel in terms of participation and authorities are unique. So in the US, thousands if not tens of thousands of law enforcement authorities. I'm sure equally as complex in many areas of the world. But the headline here is that GAC representatives are going to need to confer with their public authorities in order to come up with a way to accredit these public authorities. And when I say accredit, that means a way to prove that someone claiming to be a public authority and having a need for this information goes through a system that authorizes or provides assurances that they are who they are picture purporting to be. So that's our agenda. Next slide.

So in terms of next steps for the GAC, as I mentioned, the initial report came out in February available for your review. It is a long report. A candid disclosure here. It is a long report. But the good news is that the recommendations themselves are not so very long. So if you read the executive summary and moved through the recommendations, that's an easier task than reading through the entire report. And I

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would encourage everyone if this is a priority for you, to some time to look through the recommendations and not be daunted by the entire length of the report, the executive summary and the recommendations themselves are actually not very long. So I want to highlight it is not as daunting as it might seem to go through that report. Also as your guides to that report, we have actually also in the briefing materials put out a summary of that initial report. So that is in your briefing material. And if you find you are not going to be able to go through the actual text of the report. Please look at the summary provided. And leads to step number 2, GAC should certainly provide a public comment on this initial report. That is the document I referred to as being in somewhat of a unique format this time and should have received already or shortly will receive. So look for that because the timelines quite short for that. I believe the public comment period ends in about two weeks, if I'm not mistaken. So highlight for that.

Not finally, but almost finally on this slide, we're going to discuss also what our expectations should be for timely deployment of the SSAD. In an ideal scenario this would be done as soon as possible and we realize there are logistics and implementation issues involved but because this is such a high priority in terms of public authorities being able to do their work to protect the public from criminal activities and deceptive activities accomplished via the DNS, it is a high priority and the the system be developed as soon as possible. Again, in order in order for that to happen, there will need to be accreditation principles that are translated at the country level. Each country will have to figure out how to accredit its public authorities so that if the Finland

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police need to be able to make a request, they have already gone through a system that says yes, I am a member of the Finnish police and authorized to make a request for this information to help my investigation and another highlight here is that if GAC representatives want to share about their own efforts to engage in this process, that might actually be very helpful for other GAC reps so they have a model of how to do this. And I believe actually one of our public safety working group colleagues is sharing information on what the EU has done in this respect. So that may be very helpful. And then finally we want to make sure, again, that until we get to the finish line here, to the finalization of this system for access to nonpublic domain name registration data, that our interim arrangements are effective. Next slide, please.

I'm going to go through these next couple of slides quickly, I want to make sure we get to all the information and allow time for questions. The slides are available, though, and you can look back on them as a resource and again, if you have questions, just reach out to any member of your EPDP small group team. Key developments. These issues, the GAC put out principals regarding WHOIS that notably balanced the need to protect personal information with the needs of law enforcement to get the information they need to do their job. As it became clear that EU privacy regulations were going to create the need for rather drastic changes to the current system. There were many community discussions about what a unified access model might look like and various proposals were put forth. In May 17th of 2018 shortly before the GDPR put into effect, the EU privacy

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regulations that I have been referring to, ICANN instituted a temporary specification that would replace the existing WHOIS rules of the road set forth in the standardized contracts with something that was intended to comply with these new EU privacy rules, so what is in place now still is the ICANN temporary specification. These provisions are now part of the standard contracts that govern registries and registrars and how they will treat domain name registration. That has had quite a significant impact. I use the word drastic and indeed it was. Much information that had been public, such as a registrants' name address and contact information, now nonpublic, redacted. We do have this requirement of reasonable access but as the GAC noted in its Barcelona communique, the current system is somewhat fragmented, because the over 2500 contracted parties in charge of responding to request for this information can each do it in their own way, not unified, that's fragmented and when there was a survey taken of law enforcement how were things before the temporary specification and after, it was noted that the current system is failing to meet the needs of law enforcement and other third parties. And that's in the GAC Barcelona communique in much more detail. And then we had the launch of the policy development process, the expedited policy process, the EPDP for short, tasked with coming up with a system to replace the temporary specifications.

Where we are now, again, -- is this the same slide? This looks very familiar. Maybe we're being repetitive. Again, we're going to ask you to look at the initial report, provide input on a proposed GAC comments, think about what messages we may have regarding the



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timing of this new standardized system, think about how we as individual countries -- now they changed, slide [laughing] okay. I need to figure out where we are. Which slide exactly are we on? Slide 6.

FABIEN BETREMIEUX: Yes, the last background slide before we get to [indiscernible]

LAUREEN KAPIN: Okay. Thank you. This is part of our virtual hiccups, but that's okay. So in terms of further background, the status of policy development -- and I think we have actually gone through a lot of this, we had the temporary specs, Phase 1 which has ended and basically laid out a foundation for the policy framework and that Phase 1 currently in the implementation stage which is ongoing. The completion date is uncertain, although I can tell you because I am participating in that process, that everyone is working very diligently to try and complete that work. Phase 2, again, is ongoing but just recently came out with the report and finally recommendations in terms of a timeline are expected in June. So there we are for that. Next slide please.

I want to talk briefly about ICANN engagement with data protection authorities and this is very important because this is somewhat new territory and because it is new territory, ICANN has worked to seek guidance from the EU data protection authorities and what might or might not be compliant with these new rules. ICANN had sought formal guidance in the fall in October, the Belgian data protection authority responded December 4th in a letter and then there was a

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very recent meeting on February 14th, just in time for Valentine's day. Because we all love guidance from experts. What I want to highlight, in the blog that the ICANN CEO published on February 19th. There were actually some clarifications. This initial letter many people had different interpretations of that letter but what was very important in the recent meeting on February 14th that took place between ICANN and the Belgian dpa's and folks from the expedited development process team, the chair and also Georgios, also a member of the GAC, there were some important clarifications. The Belgian dpa emphasized that its prior letter was intended to encourage development of a centralized model, so that's a comprehensive system for access, not a system that is fragmented. And indeed, they also recognized some benefits of a centralized model being worth exploring, because it could be a better common sense option in terms of security for data subjects.

The other clarification that was given is with respect to automation. And when I say automation what I mean is certain scenarios where if it meets certain criteria, there could be a very quick automated response by the system itself as opposed to having a registrar to make a determination and with regard to to that scenario, GDPR wouldn't prohibit the automation of various functions, but need to be able to demonstrate the system considers criteria consistent with the GDPR. So all of that to say is that this recent meeting was very important because it emphasized one, exploring a centralized model is to be encouraged, and two, that model could include automation, very important in the context of the Phase 2 recommendations, because

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this system is somewhat centralized in its recommended form and parts of it right now, very small parts, could be automated. The parts that are recommended to be automated now in particular include certain types of law enforcement requests. So that is a very important and encouraging development. Next slide.

Now I am happy to be able to hand the baton over to my colleague Chris Lewis Evans, who will take you through a little bit of a preview as to how this standardized system for disclosure actually works in a step-by-step process. Chris, I hand it over to you.

CHRIS LEWIS-EVANS:

Thank you very much, Laureen. Chris Lewis-Evans, for the record. So as Laureen says, one of the major aspects within the initial report is the EPDP team decided on a model for some of the recommendations within the initial report. This was really to get around a situation we got into where we had a number of different models which those following the process would have seen from within ICANN, EPDP, and other members. Community and what we found, we got into often an endless loop. So what the EPDP agreed on this model, what the next two slides will show hopefully a data flow or decision flow of this model and then will go through some benefits after that. This is automated disclosure case. Currently an agreement in the EPDP two cases that would get automated disclosure, one which is law enforcement case. So from the left-hand side you can see that a case gets submitted, goes to accreditation gateway. So that is centralized form currently we're saying ICANN would perform this function,

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obviously whether that's ICANN itself or whether they contract that out to a third party will need to be decided in implementation phase.

So the ICANN would validate the request, ensure that the request is fully formed, check the identity, confirm all the purposes and the legal requests. Once that has been done they pass that over to the contracted party, the data holder, and the contracted party would receive this request and just provide that data elements back to the requester. So as you can see, a very quick and easy process there. If we can go to the next slide, please. Thank you. So this one is in all other cases which you will see at the moment is a majority of cases. What is different here is the actual decision to disclose is now moved away from that centralized gateway and put with with the contracted parties, so the data holder. How we termed this is it is a centralized system for requests with a decentralized system no for responses. So while probably not ideal. We have always said we wanted to centralize as much as possible. This we believe is implementable in the quickest time frame and also provides a certain amount of comfort, for want of a better word, for the contracted parties that they have their own legal decisions in their mind considering the risk of if something has gone wrong, they are the ones liable under GDPR. So the difference here as you can see with the diagram is the contracted party will perform a balance and test when necessary. Obviously not every legal case would require a balancing test but where necessary it would be the contracted party that does that. They would then provide also the data back to the requester, obviously not all cases would have data provided, there would be cases where the decision is

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not to pass any data but that decision and the reasons behind that decision will be passed back to the requester. Next slide please.

So one of the questions I know I have been asked is what are the key benefits of -- what is in the interim report over where we are now. As a start there, we have got a centralization author request although the majority of the responses will be decentralized. Massive gain by automating some of the process around, checking validation of the requests and that they are correct. Within the model we have built in a continuous evolution which would increase that automation and standardization and centralization -- that process still to be properly fleshed out and something we would certainly want to put some comments in within the initial report.

As I also mentioned, automated disclosure for law enforcement request within the same jurisdiction has agreed on by the whole team, a good step for us. Urgent requests, disclosure expected within one business days in most cases and confidential requests has also been agreed and also, this is not just a GDPR centric system, so it recognizes throughout the whole of the initial report the need to meet different data protection legislation around the world. Which I think is really key, different data protection regimes come out, recent ones in California and such. Next slide, please.

So the next slide is probably on the flip side some of the issues that we have within the initial report and things we just wanted to highlight to you when you are going through the initial report and looking at

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where you might want to make comment. I think one of the key things is WHOIS the data control -- stated in the initial report that we have decided that joint controllers between ICANN and the contracted parties. However, even in Phase 1, I think this was also decided on the collection and I think a key point of that is ranging data protection agreements between those and getting those properly formed. So I think for us, detailing who does what data process and activities and who is the controller for each of those activities is really really key and something we probably need to concentrate on for a final report. As I have already highlighted how that mechanism works for continuous improvement is very key to us, without that continuous improvement, we will still see some delays for some very key roles for collecting WHOIS. And also the access of the WHOIS is very important, in the only within GDPR to ensure it's fit for purpose but as a mechanism to prevent aren't as many as of abuse.

The next one is privacy proxy has a massive impact on the system and how you ascertain who to ask the data for. If this isn't properly managed, then the system would become more confusing than it is already. So this is really key one for not only the EPDP to deal with but also for the other PDP on privacy proxy services to be fully implemented. Another item which has caused a lot of discussion is reverse lookups within the system. It's currently not in the in the initial report, questions about whether it is within or without scope. However, it is a very, very key aspect for not only law enforcement but also other parties when doing key work with WHOIS. So it's something we would like to flag and then obviously cost to public authorities.

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Many public authorities aren't able to pay if certain data types or may not have the available funds. And that's in there but we would just like to highlight that. And then as Laureen has already said, the implementation timeline is very key. We have taken a number of years already to get to this stage and really need to get to the final stage to see all benefits described above. Next slide, which passes back over –

MANAL ISMAIL, GAC CHAIR: Chris, sorry to interrupt. I see hands up. Can we take questions now or would you like to wait until the end?

CHRIS LEWIS-EVANS: If it's possible that we could wait to the end? And if we don't get through the all the questions we can maybe collect and answer them via email.

MANAL ISMAIL, GAC CHAIR: Sure.

FABIEN BETREMIEUX: I think Georgios is due to take the floor at this point.

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GEORGIOS TSELENTIS:

That's me, Georgios Tselentis for the record. Thank you for giving me the floor. I will try to go very (no audio) and thank you Fabien for putting in one slide the whole picture of what this policy development process is doing. So as you can see on the slide on the left hand, GDPR was enacted in May 2018 with the first phase of the EPDP which was answering the gating, so-called gating questions and parallel activities happening with the technical study group which was [indiscernible] by ICANN org and then we are now on the second phase where we're continue to go take input from (no audio) we perform our policy investment and at the same time trying to agree what was -- as Laureen said, delivery for this February already for implementation but appears it is quite difficult to translate the policy that was if the Phase 1 to contractual agreements and obligations through the implementation review team.

So as again was said so far, you could see on the timeline, we are striving to have our initial report and hopefully the current target for our final report is June 2020. This will figure the Phase 2 of the implementation, if all what was described by my colleagues so far is agreed, it might have as a result an implementable model. Again, (no audio) agreement and we go to this implementation and again we adopt something which is having an evolving mechanism like the one that is presented in the diagram where actually all of sort of recommendation system that allows more and more decisions for disclosure to be automated and therefore it gives more power to central and more efficient way to do disclosure, then we can have probably a full functioning and as I say, self-improving system later on.



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So the dates for all of this are with question marks, as you can see. It is very important to see how the policy is translated to implementation because the devil is in the details as you may see. In this I can make a plea for more help from other interested members of the GAC or whoever wants to be more involved how this policy could be translated to the contracts of the registries and registrars and also we are trying our best and this was also the result of many previous communiques and advises, that we will have something which is at the same time operational, efficient, and can answer to all the concerns about public policy. I will pass to Laureen to go through the rest of the presentation until the end. Next slide.

LAUREEN KAPIN:

Thank you, Georgios. So I'm also mindful of the time here and that I want to leave time for questions. So I will ask your forgiveness if I go through things quickly. And I will focus on proposed GAC input for the initial report. As Georgios mentioned and also Chris, there is a recognition that whatever system we come up with, we will be learning, getting more advice from either legal opinions or data protection authorities, so the system can't remain in a static, unchanged form, it will have to evolve and hopefully get better, so there is what is now a recommendation 19, a reference, I will say, because it's not fully formed yet but it's a placeholder saying this system is going to need to change over time and we need to come up with a way to do that. And one of the main asks actually in the public comment period is to have thoughts on that. What we want to emphasize from the GAC perspective is that first of all, again, this

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process needs to be efficient, effective, and hopefully swift, that we can't have a two-year policy development process every time the system needs to adapt. And two, that whatever system is in place, that the representatives are representing all relevant stakeholders. That certainly the GAC as representatives dealing with important public policy issues, needs to have strong representation. So that is a key point. As Chris noted, there is a current requirement of one business day to respond to urgent requests, and I will just say, urgent requests, that means someone is going to die, be injured, there's critical infrastructure in play, like key transportation systems or encourage grids, urgent means urgent. Right now there is a one business day requirement to respond to such requests. We think the better practice would be to have actual 24 hours, because if it's one business day and it's on a Friday on a holiday weekend, that one business day actually becomes three calendar days. And that's too long. Automated disclosure requests, we want to make sure that this is very clear as to in terms of law enforcement, right now this automated disclosure requests only refers to law enforcement within the same jurisdiction as the registrar possessing the information. But of course there could well be scenarios where your law enforcement is in one country and registrar having the information you need is in another country. So these issues need to be thought through and sorted out more specifically.

Cost is always an issue. If public authorities are going to have to pay a fee to access this information, a lot of thought needs to be given to what resources are reasonable for public authorities to have a

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commitment to access those services. Which again, as we have said, are for the benefit of the public. And then there are some various other items, we have talked about the timeline in prior advice we have talked about this issue of legal versus natural persons, because legal persons not within the scope of the GDPR and raises the issue indeed of whether the information of legal persons should be nonpublic in the first instance. I already mentioned, data transfer across jurisdictions and also the issue of transparency, i.e., what is happening with this system. How many requests are being generated? How long is it take taking to respond to those requests, how many requests being denied. How many requests being generated about lack of access to information? All key because it gives us a window into how well the system is it or isn't work working. So want to ensure transparency baked into this system.

This is just so you can see what the timeline is in something that is very clear. Today a March 10th. We would like your input very quickly by next Monday, March 16th. So when this proposed comment gets sent around, I hope it will go near the top of your to-do list because we actually need to get your input rather quickly. We propose after receiving that input and responding to it, that we would circulate a final draft to review by March 19th and then comments are due, no extension possible, because the EPDP team is very committed to getting the final report done by June, there will be no extensions to public comments given as we usually manage to get. So these are actually hard deadlines and that's why we have the slide to emphasize that.

Yes, and I see the comment, Jorge, that is bit short and sorry it is short, believe me. In terms of next steps, as we have indicated, this issue of what is going to be going on right now until this final system is in place and implemented is key. We want to make sure the current system is effective and in that regard we issued very specific advice in our last Montreal communique to make sure that reasonable access actually means what it says. And the board accepted the GAC's advice to begin educating key stakeholder groups, and the board also directed ICANN org to collaborate with registry and registrar stakeholders to request a standard request form. And the reason a standard request form is useful is because that would help requesters know what information they need to include to make such requests and right now one of the issues that we hear a lot about from registrars is that they get requests that doesn't have all the information they need to assess the request. And in the current work of the EPDP team, there actually has been consensus agreement on what information needs to be included in these requests. Therefore, the time is ripe for coming up with a standard form. And we think that that is something that actually should be strongly encouraged to the contracted parties, that since everyone agrees on what should be contained in said standard form, might at any time be very reasonable and easy for all the contracted parties to adopt a standard form and publicize that to anyone who wants to make these requests. And we also instructed ICANN compliance to create a specific process to address complaints regard regarding lack of access and also to make sure that their reporting contains data on the amount of complaints they get. And I'm happy to

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let you know that ICANN compliance is already working on making this so. So that is all good news. And I also want to point out that ICANN compliance as also posted on its website under how to make a complaint, information specific about not only how you make a complaint about lack of access but also letting people know that if they want to make a request for access to nonpublic WHOIS data, that here are certain things that you should consider. It gives you information on how to locate a registrar for a specific domain and other information and that is outlined now on ICANN compliance's website, we welcome that development.

This actually is material I have already covered. How efficient of me. I know that we have only five minutes left and I did want to get to questions. I know there is one more last slide. Can we skip to that? This deals with public authorities and if Georgios doesn't mind me shortcutting this a little bit, we have talked about the need for the GAC to come up with its own accreditation principles. What I want to highlight for your future consideration is the last part of this slide, consider how this is going to operate at a country level and encourage the GAC reps to collaborate with their public authorities figure out how to come up with their accreditation operating principles. And as mentioned, the European Commission has provided very helpful input. So now that I have rushed through and usurped Georgios' last slide, I will recognize Julia right now.

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JULIA CHARVOLEN: Thank you very much, Laureen. We have a set of three questions. The first is from [indiscernible] and states: Could a country's competent authorities access nonpublic data associated to a gTLD registry operator based in another country?

LAUREEN KAPIN: Yes, and the short answer to that is that it's possible but under the current system it would be up to the individual registrar to decide how it was going to act on that request. So it certainly could be asked, but it would be up to the individual registrars who weigh the criteria under the GDPR to determine whether that would be permissible for that particular registrar. And as an aside, this whole issue of requests from one jurisdiction to another jurisdiction are very complicated and my take is that there is a lot of uncertainty legally as to how this should take place.

GEORGIOS TSELENTIS: If I can weigh in, just what is related to the last slide, I have to highlight that the fact that an entity is accredited doesn't mean that they will get automatic disclosure of data. It means that they can ask the question for having the data, they have to present the legal for which they are asking the question and have to go through the -- it's helpful to see who is accredited from the public authorities and the second is exactly what Laureen said, transfers of data through crossing jurisdictions is an issue that we have not dived into it until now in the EPDP, but apparently there might be some issues particularly

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regarding applicable laws regarding this transfer of data. Thanks.

LAUREEN KAPIN: Julia, did you want to continue? I know we have other hands up so I defer as to how you want to deal with that.

JULIA CHARVOLEN: If that's okay, I will read the second question. From Gail M: Will there be no distinction between data pertaining to natural persons, individuals, and legal entities, companies, in the WHOIS?

LAUREEN KAPIN: That is something that is still under discussion and debate among the EPDP team. And right now that is the only way that I can answer it. The GAC, however, has advocated for this distinction.

JULIA CHARVOLEN: Thank you, Lauren. We have a third question. The third question states -- it's from our representative from Russia: Any alternatives to the centralized model being considered?

LAUREEN KAPIN: And in answer to that question, the current model is really what has been called a hybrid model, so it is not fully centralized. So I'm tinkering with the premise of your question a bit. It is centralized in that there is one place to make a request and so it's centralized in that regard. But it is not centralized in how the request gets decided upon. Most of the requests will actually go to the individual registrars who

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possess the data and they will make a determination on that. So this is not a fully centralized model.

JULIA CHARVOLEN: Thank you, Laureen. It's the top of the hour. So I will leave it to you if you wish to close the call.

LAUREEN KAPIN: And I would defer to Manal as to whether we have a few more minutes or not.

MANAL ISMAIL, GAC CHAIR: I see Kavouss' hands up, the only hand for now. So let's give Kavouss the floor and then conclude. And I would bring to your attention also comments that were typed in the chat. So please, if you can read them and go through them after the session. Kavouss please, go ahead.

IRAN: But not two hands in this particular thing. First of all, thank you very much, Chris, Laureen, and Georgios and others who did this and representing GAC in this very, very complex issue. I just want to talk about the deadline. I'm very sorry that today is the 10th of March and the 19th of March is too tight. When to find a chair for this Phase 2, it takes two and a half to three months. I don't understand why nine days will be given. For most of the people, if not all, the issue is very very new. And it's to difficult to react unless a text is put in the front and a stamp on the front saying it's obvious. I don't agree, I don't



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think we should agree on a text right or wrong without having the time to study it. Laureen mentioned between the legal and natural person, it is under discussion. I understand that's not the case. Rejected by the noncommercial stakeholder. I think the outside the mandate of the EPDP. And they have done from the very beginning and I'm sure they will continue up to the very end. Whether that issue is important for GAC or not, I don't know. It is a pity that the issue is one side automatic and the other side nonautomatic. Involvement of the [indiscernible] that we don't know how they react. We don't know about the accountability. There is nothing in the EPDP talking about the accountability.

The other question is that if the request comes, is there any possibility that if the request fulfills all criteria it is still be properly handled due to other motivation. I would say for instance political motivation. Not [indiscernible] because now we are the hand of the central gateway which may be ICANN or, or ICANN org, we don't know. So there are many, many important issues that if you go to the first slides of Laureen, very important questions and we have to tackle all of those. Unfortunately we cannot do that. We have this bitter experience that GAC capability only when they are in session. Whether if physical session or virtual session. Otherwise [indiscernible] the meeting very difficult to react, very difficult. My discussion when I was on this team and before that, with one of the European, sorry, we don't have extra. So I give it to you to see whether we have to comply by the 19th of March, I don't understand who laid down no extension. What is the hurry up to this important issue putting nine days for GAC to react

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unless they put a stamp on something by the people that rightly or wrongly is their view, not the views of everyone. I can't continue, no time, but there are lots of things we have to have more time and that's very important. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Kavouss. For [indiscernible] time frame and we can definitely continue our discussion on the GAC mailing list. I appreciate if the GAC can receive the draft input as early as possible so that we can at least benefit from this time and we can then discuss the deadline. So which, I do apologize for exceeding the time by five minutes. I thank everyone. This concluded our session on WHOIS and data protection. Our following session starts at 18:30 UTC, 13:30 Cancun time. And meanwhile, I encourage everyone to attend the GNSO PDP working group session before we reconvene our GAC discussions shortly.

GULTEN TEPE: Thank you, Manal, and everyone. I just shared the Zoom room link for GNSO session in the chat. Bye.

**[END OF TRANSCRIPTION]**