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BARCELONA – GAC: Daily Overview of GAC Sessions  
Sunday, October 21, 2018 – 10:30 to 10:45 CEST  
ICANN63 | Barcelona, Spain

UNIDENTIFIED FEMALE: Did Ashley speak to you [inaudible]? Okay, I just wanted to make sure.

MANAL ISMAIL: So can you please start taking your seats? We'll be starting in a minute. Thank you.

UNIDENTIFIED MALE: So who have we got on here? [Kristen] [inaudible].

MANAL ISMAIL: So as we have our following speakers coming to the panel, maybe we can start quickly by an overview of today's sessions and before this, allow me to remind you to pick your yellow ribbons if you haven't yet from the back of the room with the GAC support staff to have an easy access to the high level meeting tomorrow. So please, if you haven't yet, any time during the day today, make sure to pick your yellow ribbons. Over to you, Tom, please.

TOM DALE: Thank you, Manal. The next two sessions after this will deal with some separate, but related, aspects of the work on GDPR and WHOIS compliance, the first session dealing with, amongst other things,

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report of the expedited policy development process and the GAC's involvement. And the session after that will be a dialogue with some members from two constituencies within the GNSO, the intellectual property constituency and non-commercial stakeholders group.

After lunch, the GAC will then be having two back-to-back sets of dialogue, if you like, with some members of the ICANN Board, the first dealing with the BGRI, which is the Board GAC Review Implementation Working Group currently in search of a better and more accurate name, and the second dealing with the issue raised in the GAC yesterday about two-character country codes at the second level.

There will then be a session later this afternoon on preparing for the full face-to-face meeting with the Board, which is on Wednesday. The GAC will be meeting with members of the GNSO Council. Then there will be a session dealing with what is still called Work Track #5 as far as I know. That is the policy development process dealing with geographic names at the top level and finally a seminar presented by ICANN dealing with technical aspects of the GDPR.

Finally, I need to remind you that Julia has sent you an e-mail and may well send you another one to remind you as well that RSVPs are requested for a reception hosted by the GNSO commercial stakeholders group later this evening after the day's events. It would be helpful if you could respond to that. The links are in the e-mail from Julia that I know she sent around yesterday so please bear that in mind as well. That's after the formal day's events. That was all. Thank you, Manal.

MANAL ISMAIL:

Thank you, Tom, and thank you, everyone.

So I think we have slides for this session, so can we have the slides on the screen please?

So we're going to have now our internal GDPR discussion among the GAC and I believe we will be receiving the following session IPC and CSG, again on the same topic. So this is going to be a collaborative effort. I'm going to start quickly and then hand over to Laureen, Ashley, Georgios, and Chris.

So if we go to the first slide, please.

So the main objective of this session is to bring all GAC members to speed on the relevant GDPR-related developments and identify questions for GAC meetings. We have a meeting with the Board on Tuesday and we have a meeting with the GNSO later today. And also, we need to identify consensus views and agreed messages that we can share with the Board during our meeting or other bilateral meetings with the ALAC, ccNSO, and GNSO, but also, and most importantly, during the cross-community sessions where we will have representatives from the small working group representing GAC views on those panels.

So there is the EPDP – I'm sorry. So during cross-community sessions, there is EPDP on gTLD registration data on Monday and GDPR on Wednesday. And finally, this all would ultimately help in drafting GAC advice as appropriate.

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So GAC priorities on GDPR and I think those are more or less a reiteration of what we have agreed in previous meetings, and those are maintaining WHOIS to the greatest extent possible while complying, of course, with GDPR, effective access to non-public data for legitimate purposes including law enforcement, consumer protection, cyber security professionals, as well as IP rights holders, publication of minimum contact data and considering pseudo anonymized e-mail address to enable contactability and cross-referencing of registration by registrants, availability of contact information for legal entities and addressing specific needs of law enforcement such as the confidentiality and sufficient query volume. And as I said, those are more or less reiteration of what has already been agreed.

There are three areas that we need to continue to follow and they require our attention and participation. Those are follow-up on previous GAC advice because parts of previous GAC advice has been deferred. The GNSO Expedited PDP, or as you all know, that is to replace the Temporary Specification within one year, and finally, the Unified Access Model for Continued Access to Full WHOIS Data which is ICANN's framework that is currently under discussion.

If we move on, please. Yeah, so this is review of relevant GAC advice and I'll hand over to Lauren. Is this right? Lauren? Yes please, go ahead.

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LAUREEN KAPIN:

Good morning. There has been a lot of GAC activity on the issue of the GDPR and WHOIS, so I wanted to quickly go over the many key components of GAC advice that have been given and the status of the Board's decision on that advice.

I also want to give a special note of appreciation to the many GAC members who are working so hard to struggle with these complicated issues that have important consequences. You have a very dedicated group working on the Expedited Policy Development Process and also many folks in the room are thinking hard about these issues and conferring and giving feedback on draft advice, and I know it's not easy.

And I wanted to thank everyone for their past support and thank you in advance for the current and future support I know that you're going to give in devoting to these complicated issues. So with that said, I'll ask for the next slide and go over the products of our past good work.

In Abu Dhabi, we really launched a lot of our GAC advice on the issues of the WHOIS and the General Data Protection Regulation, which I'll refer to as GDPR. Our advice harkened back to our prior 2007 GAC WHOIS Principles which really continue to be a very key document that really balances the issues of privacy and law enforcement and the public interest, and specifically, recognized the legitimate activities that WHOIS is used for including assisting law enforcement, assisting businesses, assisting IP rights holders and assisting the public in contributing to the public's confidence that when they use the Internet, that can be a safe and reliable experience for their

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communications and transactions. And that was accepted by the Board in February. Next slide.

So that advice culminated in the GAC urging the Board to keep WHOIS quickly accessible for security and stability purposes, consumer protection, law enforcement, and crime prevention. And a key aspect, keep WHOIS user friendly and easy to access to facilitate timely action, and mirrored that advice in terms of keeping WHOIS accessible for the public for legitimate purposes, and that was accepted by the Board. Next slide.

In San Juan, we continued to grapple with these issues. If your recall, San Juan was the point in time where we were looking over proposed interim models that ICANN was proposing. So here the advice was very much focused on these interim models, which of course, now have been replaced by the Temporary Specification. But at that point in time, nevertheless, we reiterated, we re-emphasized that we want whatever model's in place to maintain the current WHOIS to the fullest extent possible given e-privacy laws. And of course, e-privacy laws aren't the only privacy laws in the world. There are many privacy laws involved and I know that the Expedited PDP process is very much mindful of that issue.

And in particular, we also noted that the proposal to hide registrant e-mail addresses has a big impact on the public safety communities including law enforcement and consumer protection, their ability to make attribution for wrongdoers, to find out who's behind bad conduct. So we asked the Board to reconsider their view of hiding

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registrant e-mail addresses and the Board did, in fact, reconsider that so they accepted the GAC's advice. Nevertheless, the e-mail address does continue to be hidden. Next slide, please.

So our advice given those comments was to complete the interim model which, in fact, has been done, to consider the use of temporary policies ergo we had the Temporary Specification that ICANN did put into place and do some outreach, inform other national governments that if they wish to take part in these policy discussions, they can take steps to do so. And all of that advice was accepted by the Board. Next slide, please.

Okay. In the San Juan Communiqué, we also gave advice that was not accepted by the Board and here are those issues. The GDPR protects personal information, but some of the proposed interim models did not distinguish between legal and natural persons. And that decision has continued to be the case in the Temporary Specification. The Temporary Specification does not require contracted parties to distinguish between legal and natural persons when they are hiding key information. What does that mean in the real world? That means if someone is looking for registrant information of a legal entity, that information may still be hidden even though it doesn't contain personal information. There's no requirement to distinguish between the two even though the GDPR only protects personal information.

Another piece of advice that was not taken is to ensure continued access to the WHOIS including non-public data for users with a

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legitimate purpose until the time that the interim WHOIS model is fully operational. That advice was not accepted.

Ensure limitations in terms of query volume. Often, folks protecting the public don't just make one inquiry about who may be behind a website. They may make inquiries about a number of websites and there's a concern that there should be sufficient capacity to make whatever number of inquiries need to be made to protect the public interest.

And then finally to ensure confidentiality of WHOIS queries by law enforcement agencies. This basically goes to the issue of when law enforcement or consumer protection authorities are investigating, they don't necessarily want the targets of their investigation to know that because they may disappear, evidence may disappear, assets may disappear so you like to have confidentiality in those situations.

So the Board deferred action on these items of advice and where do these issues live now? They live in the Temporary Specification in an annex, important issues for further community action, which essentially means that it's not necessarily going to be dealt with in this expedited process but that it requires, at least in the Board's view, further community action. So that leaves a big question mark as to when and how these issues actually will be resolved and they are important issues. Next slide.

And the finally, we come to the last ICANN, the Panama Communiqué. Here there was a real focus on the Unified Access Model and you may be wondering what's the difference between the Unified Access Model



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and the Temporary Specification? The Temporary Specification is what's setting for the rules of the road regarding how the contracted parties need to deal with WHOIS obligations. But the issue of how third parties are going to access that information that's collected, that is being grappled with as part of this Unified Access Model. And note the Unified Access Model is currently out there for folks to comment upon, but the issues of timing, again, is another big question mark. We don't know when a formal process will be starting to come to a decision on what the Unified Access Model looks like. We don't know how long it will take, so again, big question marks there and because it is the procedure that will allow third parties, including the public, including law enforcement and consumer protection, IP rights holders, businesses, everyone, it will comprise the rules of the road. The fact that we have all these question marks as to how and when are of concern.

So the GAC advised the Board in Panama to take all steps necessary to get this developed and implemented as quickly as possible. And there, the Board appreciated our communication but did not take the advice, and most importantly, did not give any information in terms of how and when. So another big question mark, but the Board did publish a status report as requested.

So that is a quick summary of where we stand on prior GAC advice. And now I am going to put my phone back on so I can tell you who I'm going to turn things over to, which are Ashley and Georgios to... It is you. She's shaking her head. But I think I'm right. To talk about the Expedited Policy Development Process.

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GEORGIOS TSELENTIS: Thank you. Thank you, Laureen. I'm Georgios Tselentis, member of the GAC for the European Commission.

Many of the things were already touched from the presentation of Laureen. I'm going to start by giving a brief overview of what happened historically by talking about the Temporary Specification.

So the Temporary Specification is a policy which was put in place just eight days before the General Data Protection Regulation came into force – sorry – last May 25<sup>th</sup>. So the Temporary Specification provides modifications to the existing requirements in the registrar accreditation and registry agreements to bring them into compliance with the European Union's General Data Protection Regulation. Without having those modifications, ICANN registry operators and registrars, the contracted parties, would not be able to comply with both the law as it is in ICANN agreements with having this regulation into force. And this would result in the inability of ICANN to enforce the contracts.

So it was, as it says, the name, a temporary policy which was put in place for one year maximum and with a rolling validation of reaffirmation of the specification rules every 90 days. So every three months, we have a reaffirmation of what is stated there.

And those specifications are trying to solve a problem of a possible fragmentation of the WHOIS system that would jeopardize the availability of registration data which is essential, as it says in the

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ICANN bylaws, to ensure the security and stability of the Internet, including the possibility to mitigate attacks that threaten the stable and secure operation of the Internet.

So the ICANN role in providing the technical coordination of the WHOIS system is also acknowledged in the bylaws. So the Temporary Specification were put in place but the need for a more permanent policy to follow-up. That's why we have in parallel, starting the EPDP process that we are going to go into detail later on in the slides.

So what we have in the Temporary Specification is access to non-public data that is trying to coordinate how the more than 2,000 contracted parties are going to fulfill this obligation with what is called there as a reasonable access and there are many. As I said, this is a consensus policy and the community has to define what this reasonable access is and it has to balance the access towards the obligations that are under the data protection regulation.

So practically, what this means is that registries and registrars are still required to collect all information. However, if somebody submits a WHOIS query, they will receive the "Thin" data that includes technical data which is sufficient to identify who is the registrar behind this registration, the status of the registration, the creation and expiration of dates of registration. But it will not reveal personal data.

So if you are one of the, what we call, a party with a legitimate interest in gaining access to those data, for having access to those data, you have to make a specific query and the registry is obligated to respond in what we call, again, a "reasonable access" time. If you don't get a

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response then, ICANN will have a sort of complaint mechanism that will allow you to have access to that, those data.

So that, in a nutshell, created a very awkward situation which was highlighted to many of the legitimate users like law enforcement where the access to those data was to a certain extent with this going dark of WHOIS data was compromised and there are several status that say that this ability of the legitimate users was incurred.

So what happens now is that we have the Expedited policy, and by calling it expedited, this is a policy that has to deliver results within the lifetime of the Temporary specs. Next slide, please.

Here you can have a timeline of where we are now. We are a bit middle of the road, if I can say so. Where we started, the GNSO is the responsible support organization for setting this policy because I remind we are talking about the Generic Top-Level Domains. We are not talking about other top-level domains like the ccTLDs that are governed from different policies. So GNSO has started to put in place the working group behind this consensus policy where members are here in the room and we are about to deliver. We have so far started with the first deliverables, the triage report that will be analyzed later on in a later slide and we are to produce results before, as I said, the expiry of the Temp Specs. Next slide, please.

So I pass here the floor to my colleague, Ashley, that is in the group to give you more details about how the group is working and what has been produced so far.

ASHLEY HEINEMAN:

Thanks, Georgios. So yes. As just started by Georgios, this Expedited Policy Development Process was launched in July 19, 2018 to work towards developing a more permanent set of policy to deal with this before the Temp Spec expires one year after the implementation of GDPR which is May 25<sup>th</sup>. This is completely new. It's accounted for in ICANN procedure and bylaws but it has never been used so this is new territory and the most difficult part of it is in its name, which is that it's expedited.

We have a group of individuals represented from SSAC, from the ALAC, from the different parts of the GNSO which includes the non-commercial stakeholders group, the registries and registrars. You've got the IPC. You've got the BC. You've got just about every party at the table.

For the GAC, we're represented by three primary members which is Kavouss Arasteh from Iran, myself, Georgios from the European commission. We also have alternates which includes Rahul from India, Laureen Kapin also on the podium here, and Chris Lewis-Evans sitting next to Georgios.

So this group is put together and has to work very expeditiously. The scope of the work plan is identified in the charter of the EPDP and it's largely focused on a series of questions to address and come to terms with, and all of those have to be dealt with before access, at least an access model and the associated issues can be dealt with. So that was a bit of a hard pill for us GAC to deal with because that was primarily

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our largest concern. But we've come to terms with it. The EPDP is now going through what they can as quickly as possible.

But we're really, I think, at the point of trying to wrap up agreement on purposes. There need to be purposes identified in order to kind of proceed with the rest of our work. Next slide, please.

Yes, I think so.

So we're working our best to participate in these activities. We have two calls a week. They're about two hours. In addition to that, we're also working as a GAC small group to coordinate our views to ensure that what we're saying and doing is consistent with GAC advice, which we've been, I think, very good at doing.

Some of the key issues that we've identified in GAC Early Input which was a process by which all of the participating SOs and ACs could take advantage of, but this was an attempt to kind of get our views put forward regarding the Temporary Specification. And the issues that we covered were compliance with national and regional data protection laws, adequacy of the purposes for processing data vis-à-vis public interest which are the purposes I just mentioned previously.

The issue of what we feel to be a lack of a defined reasonable access and the need to address important issues for further community action, which is that annex that Laureen mentioned that basically covers all of the GAC advice that's been deferred on this issue.

So it's been somewhat difficult knowing that we can't talk about our issues until all of the gating questions have been answered and it's

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become pretty clear that it's probably pretty unlikely that we're going to get to that annex during the course of this EPDP. I'd be happy to see it if we do get there, but it's not looking like that's going to happen at this point.

But in terms of dealing with the issue of defining "reasonable access", I'm confident that we'll get to that. That is within the gating questions and we're hoping to get to a more in-depth conversation on that issue and what's entailed.

Outcomes to date include a Triage Report. We went through an exercise early on where we basically looked at the entire Temporary Specification and just tried to identify what areas of the existing Temporary Specification the different interests had issues with or they were fine with. So we went through that exercise and that has been published, but essentially, what it shows unfortunately is that there is very little agreement on the Temporary Specification and there was quite a bit of diversity of views.

I believe that the hope and the intent was that going through this exercise, perhaps we would find areas that we agreed on and we could take them off the table and wouldn't have to worry about it. But unfortunately, that was not the case.

Also, we have worked on this set of tentative purposes for processing of registration data, which I mentioned previously and yesterday I think we had a good day in the EPDP. We met for a full day. We have agreement on text that recognizes that ICANN has a purpose to enable access for legitimate purposes, which was very important from our

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perspective. It doesn't necessarily go into details of how access will be provided, but it recognizes that that is within ICANN's mission and within ICANN's remit to look into and to facilitate. Next slide, please.

So next steps. So we're making very slow progress, but at least I can say there's progress being made. The first initial report we expect to have drafted in early November. This will not include consideration of an access model for reasons I explained earlier. It can't be discussed until we've gone through the gating questions and if we don't make any more progress than where we're at now, it may only propose clarifications to the requirement of "reasonable access". But hopefully, maybe we'll get a little bit further than that.

Outlook for the GAC. We would like to see a decisive outcome when accessing non-public data but it may not occur in this timeframe unfortunately. Requirements and temporary specification for contracted parties to provide reasonable access. That is what we're focused on because today, as it's described in the Temporary Specification. It's very vague. It's not clear what it means to provide "reasonable access".

So what we're focused on now are things like what do people who want to request this information, what do they need to do, what vehicle do they use to make a request, what information do we need to provide in making a request for this information. So it's very clear for the users who would like to gain access what information they need to provide to the registrar or the registry and so we don't have to find ourselves in a situation where the contracted party rejects our



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request. So having a better understanding of what information we need to provide in the request will really help in that area, and also, I think be helpful for the registrar and the registry as well because they won't have to continue to take the time to say, "No, not a sufficient amount of information in your request. Come back," and those types of issues.

But also, what we're hoping to achieve is perhaps getting a timeframe in which a request would be responded to, so at least a party making the request knows what to expect in terms of when to get a response to an access request. So things of that nature, that's what we're hoping to get identified. Again, it won't be specific as to how the access will be given. Those will be parts of the access model conversation but at least provide a clear set of the game of play. So each side understands what the process is and what we need to do to effectively get access.

So I think that's it. Are there anymore slides on this issue? Okay, that's it for me. Sorry that was a bit rushed. It was actually quite a lot to cover there, so hopefully we'll have time for questions. But I'll turn it now to Chris for the Unified Access Model.

CHRIS LEWIS-EVANS:

Thank you, Ashley. So I'm going to cover the reason behind the Unified Access model and the work that's gone behind this to start with so if you can go straight to the first slide. Brilliant. Thank you.

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So at the inset of the Temporary Specification that calls for a framework to be provided or supported to give access to different members of the community and to the WHOIS data, so already between provide and support, there's obviously a difference there. Provide was for law enforcement community and support was for everybody else.

So with that, a couple of the other communities started looking at how they would get access to the WHOIS data and how they could facilitate that for their communities.

There is quite a bit of work from probably a number of communities but probably the two largest pieces of works were from the BC and the IPC and SSAC. The BC and IPC model went through a number of iterations as you can see by the version [inaudible] there. They did go out to other members of the community and gained advice from NCSG, from the PSWG and I believe they had some communication with some GAC members to gain some information on that to see how their model could be suitable for all members of the community within ICANN.

So they published those both roughly around the same time. I think it was the last iteration we've seen in June and I think it became very clear in Panama that access through the frameworks under the Temporary Specification was very disjointed and ICANN took this on board and then came out with a very high level draft of the Unified Access Model.

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This laid out a number of questions about how access could be gained, how accreditation might be done, and then led a number of comparisons about all the different access models that had been proposed by the communities.

So in parallel to that, they also asked some questions of the European Data Protection Board, which the acronym is unfortunately very similar to the EPDP so I'm not even going to try and say it because I always get confused between the two.

So they've been working with the European Data Protection Board to say, "Is what we've said in the Temporary Specification and within the Unified Access Model in line with GDPR requirements?" They've provided some guidance on their thoughts to the letters and they came out in early July. That's highlighted on the slide.

From that advice, icann.org resupplied their advice, changed quite a number of parts actually within the initial advice which I think was a good move forward for us because the first advice was very vague and led to a lot of questions and I think it was deliberately so. Some of the questions they asked were almost counter-intuitive to try and flush out some of the main problems around access and accreditation because, obviously, up until this point WHOIS has been open and really from the Temporary Spec, it's going to have to go through some form of gated access or accreditation. Can I have the next slide, please?

So you see here on the 16<sup>th</sup> of October, so very recently, the GAC have provided some initial comments based on the second draft from

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ICANN. The GAC has worked really hard and there was a large amount of input for that actually compared to some of the other things we've had, which is really good to see the engagement from across all of the GAC.

Some of the main points that we asked for here is for a single user interface, not just for the government entities, but also the rest of the community as well.

However, just because there is a single interface doesn't necessarily mean that there is a single point of authentication and the GAC recognized that different communities are very varied and their requirements may differ making authentication and recognizing those different parties is quite difficult. So in that vice, we accepted that there might be some sort of decentralized authentication method. So whether that's at a national level or whether there are non-for-profit bodies that would look after, say, the certs, that was rounded in that advice.

I think one other thing that seems to come through on pretty much every single model that we've seen is the use of RDAP as the new technical method for accessing WHOIS and that was also reflected in our comments. But also looking at the protection of the data and making sure that there are strong safeguards to gain access so any new system can't be abused or misused. We were an open system. We're going to go to a gated system so we need to make sure that's as secure as possible and reliable and that access can be given on the right basis.

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We've also encouraged ICANN to continue work with European Data Protection Board and other parts of the community to work out this solution because, Ashley and Georgios have said, the access part within the EDP is not forthcoming and I think we can't wait the result of the EDP before we start work on the Unified Access Model because otherwise we could be a long way down the process before we get there. So I think that's the key challenge for us is to make this very much a priority for ourselves and for ICANN to come to a solution for unified access.

Is there another slide, or I think that might be the last one.

UNIDENTIFIED FEMALE: Did you want to talk about ICANN being the coordinating body?

CHRIS LEWIS-EVANS: So one other thing that came up, I think, in the Los Angeles face-to-face meeting on the EPDP was ICANN investigating whether it could be a coordinating body to give that access. I've not seen any initial documents but Göran did post a blog on this. I think that was around the beginning of October, so that is an area that would be of great interest to us as a centralized point to gain that access and the small group that have been working on the EPDP have also agreed that they think that would give a much more [joined-up] solution to any move forward. Thank you.

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MANAL ISMAIL: Thank you very much, Laureen, Chris, Georgios, and Ashley. I would like to use the remaining five minutes in checking. If we can go, please, to slide two. So I hope this brought everyone up to speed and I would like to see if there are any key questions that we would like to pose to the Board or any of the other constituencies or key messages other than what has already been displayed on screen that we would like, again, to convey either to the Board or during our bilaterals or during the cross-community sessions. Belgium, please.

[SÉVERINE WATERBLEY]: Thank you, Manal. Thank you, Manal. This is the representative of Belgium speaking. If you could please confirm that we are going to exchange data through the RDAP or any other mechanism, I would appreciate it. But I want to make sure that we are going to have exchanged and not data storage. I do not know how to say this in English, but we do not want logins to be recorded. We want to see information exchanged, but not data storage in a kind of comprehensive WHOIS system. Thank you.

MANAL ISMAIL: [Mahdioun], Iran.

[SAEED MAHDIOUN]: Thank you, Manal. First of all, thanks for the good presentations from all of you and for my question, apologize me for my limited knowledge but I want to know several things.

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Number one, is there any other cases about WHOIS problem like EPOC versus ICANN case? Is this the only one problem or you have other problems like that in other European countries?

Number two, is the decision of the [German corp] on EPOC versus ICANN case is based on German law or it is European law? And if the decisions is already there, will it be the final decision of all EU countries or just the German country?

And so perhaps this is the question I would like to know.

MANAL ISMAIL:

And this is a question to the Board, of course, right? No, we're just taking note of the question so do we have someone taking notes of the questions? Of course, if we have immediate answers now, please do. I think otherwise we're just compiling questions. Iran, please go ahead.

KAVOUSS ARASTEH:

Thank you, Manal. Just a partial reply to Indonesia. In the small GAC group which consists of three members and three alternates, we have discussed that while we agree with the applicable law the GDPR mentioned, we have emphasized that every country or ever region may or might have its own jurisdiction and own law which is applicable. If there is registrar in a country A, all actions of registrar in that country is subject to application of the jurisdiction and law of that country. This has not been clearly yet raised and discussed but this is very important.

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For instance, you have Iran. Iran has already put to the Parliament a data protection bill for approval and for ratifications, and we implement that. No doubt we would not like that national law is subordinated to any law while we fully agree with law of other countries but this subordination is not possible. So this is one important element that we have to mention and we have to raise.

With respect to whether the German court, law and [so on] [inaudible] how we could not get into that discussion with the Board, I don't think the Board has, not have very the answer to that. But what we may raise to the Board is that we believe that, at least Iran believes that the Temporary Specification was prepared by the Board and was based on the GDPR. And now we see that the EPDP totally changed that, totally from A to Z, totally. They have a different arrangement and so on and so forth.

And another important point that people mentioned and I would like to refer to the [access], there was a resistance of at least one stakeholder that access is not part of the ICANN purpose. We already have mentioned that it is indirectly because the ICANN mission is for the Security, Stability and resiliency of the DNS and so on and so forth. And access is part of that. It's part of that indirectly, but finally, yesterday, four hours and 15 minutes is spent to draft three lines. Four hours, 15 minutes. In that [three lines], finally it was agreed in the purpose of ICANN is after referring to the mission and so on and so forth, to enable the legitimate access of the third party and so on and so forth.



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So this is already mentioned there and we are quite successful. GAC is quite successful to [prove] to that one. Finally, it was not up to the last 10 or 15 minutes, but finally it was agreed and thanks to the two GAC members that one after the other, they insisted or emphasized that this is an important issues because they wanted to put that ICANN developed policy for the access. We said, “No, we cannot wait for the development of the policy, another one year, two years, three years, four years. We need to have access.”

So fortunately, that was taken out. So this is important point but there are many points that I cannot give you in two or three minutes. The only thing that we need to continue to work together for the time being, it has been very good and we also thank ICANN and the ICANN support, Fabien who provided this, I would say, small group informal or whatever way you want to call them, to have some pre-coordination among the members of the GAC. Although we not always have the same view but we try to coordinate our views not to be seen at the meeting we have different views. Thank you.

MANAL ISMAIL:

Thank you, Kavouss. So we're slightly over time so we need to stop here. I can see also NCSG already in the room, but we have a 30-minute preparatory session for the meeting with the Board and we can continue brainstorming on other questions. So thank you everyone and please remain seated. We will proceed directly. Thank you.

**[END OF TRANSCRIPTION]**