
MONTREAL – LAC SESSION ON PDPS
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HUMBERTO CARRASCO: Thank you very much. My name is from Humberto Carrasco for the records. I'm going to be the moderator here together with Javier Rua. Javier, please say hello.

JAVIER RUA-JOVET: Javier Rua-Jovet for the record from ALAC, from Puerto Rico. Thank you.

HUMBERTO CARRASCO: Thank you very much. Well, now we are going to start the meeting. Rodrigo de la Parra please, you are in charge of the introduction.

RODRIGO DE LA PARRA: Thank you, Humberto, and thank you everybody for being here. Just wanted to give you a little bit of a background of where's this session coming from. This is a project chosen by the community under the framework of the LAC Strategy and the idea is to develop a capacity in people from Latin America and the Caribbean so they can participate, you know, more meaningfully in the different policy development processes at ICANN.

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

So we have structured the agenda, as we have done on the last editions, or previous editions of this session. And the idea is to have an introduction first to PDPs, how they work. My colleague, Marika Konings, is here. And she'll be telling us about how, you know, the PDPs of ICANN and ICANN work. Then we will be going to Osvaldo, Osvaldo Novoa from the GNSO, the ISPCP, so that he can share his experiences working on a PDP.

And then we're going to look into a specific PDP, currently going on, which is the EPDP on Temporary Specifications for gTLD Registration Data, also by my colleague, Marika. And then we will also hear from a different stakeholder group or supporting organization, which is the ccNSO, and Rocio from LACTLD is here to tell us a little bit more about it. So thank you again, Humberto, for helping us out and Javier also for kicking in.

HUMBERTO CARRASCO: Thank you very much, Rodrigo. Before starting, I would like to say that I'm going to take some notes in order to talk maybe, to produce a discussion here. Okay, we are going to start with Marika. She's going to talk about the introduction for PDPs for newcomers. Please, you have the floor.

MARIKA KONINGS: Thank you very much and thank you for inviting me. And I'm understanding that we're mainly presenting to the other side of the room. So if there are any questions at the outset or throughout the

presentation, feel free to interrupt, or if this is already information, you know, feel free to say so as well and I can move along a little bit faster.

So what I was hoping to cover in my presentation here is to talk more generally about new policy development at ICANN and how that takes place. The role of the Generic Name Supporting Organization as well as the Generic Name Supporting Organization Council, what does GNSO Policy Development actually look like and what are the steps that are involved in that process?

The concept of the Picket Fence, which is a term you may hear when talking about GNSO Policy Development, and on some facts about participation and how you can be involved in these efforts.

So as you may be aware, there are a number of advisory committees in ICANN that their main task is to provide advice to the ICANN Board. But many of them are also involved in policy related activities and may either provide advisor directly to the board on those topics, or may also provide a comments or input to GNSO Policy Development activities.

Oh, how do we go to next one? Oh, sorry. We're trying to fix something. So on the next slide, I kind of already jumped ahead. You see the three supporting organizations that are active in ICANN, who each have a specific policy development role that they fulfill within the ICANN contact.

So jumping to the next slide, if that's working again, no. No. Oh, yeah, there we go. So to give you a little bit of a high level overview of the differences between these different supporting organizations and probably also a little bit of an insight as to why you may see on the ICANN schedule a lot of GNSO related meetings, a little bit less ccNSO related meetings and probably a few ASO related meetings.

So as I said, yeah, the Generic Name Supporting Organization or GNSO, its responsibility and it's outlined in the ICANN bylaws is to develop policies that relate To Generic Top Level Domains or gTLDs.

The Country Code Names Supporting Organization, the ccNSO, they focus on global policies that relate to Country Code Top Level Domains, and the ASO or the Address Supporting Organization, they focus on policy issues related to the operation, assignment and management of Internet addresses, so IP addresses.

So again, you know, where do they do their policy development? So for the GNSO, that all happens at ICANN, there's no other venue in which the GNSO undertakes its policy development activities.

For the ccNSO, some of that happens at the ICANN level. And the topics for which they can develop policies that apply to all ccTLDs. Those are spelled out as well in the ICANN bylaws and that list is fairly limited. There are only a few topics that they develop policy for at the ICANN level. Most of their policy development actually happens at the national level. And there they may have similar kind of processes in place that we apply here at ICANN.

For the Address Supporting Organization, almost all their policy development actually happens at the regional level. It's only when all the regions adopt the same identical policy, only then it's brought to ICANN for approval or formation by the ICANN Board. So I think that explains a bit the activity you see of the different communities here at an ICANN meeting, for example.

So some of the topics to give you a bit as well of a flavor and again, if you look at the agenda for this meeting, you may see some of those come across, you know, the EPDP will speak a little bit about that further in the session, the new gTLD subsequent procedure is another important policy development process that's ongoing. And then there's also the review of all rights protection mechanisms or RPMs PDP that's on their way.

And one of the PDPs that the Country Code Supporting Organization is working on relates to the delegation, re-delegation and retirement of ccTLDs. And again, I think that is one of the topics that needs to be discussed across the board because that's something that affects all ccTLDs in a similar manner.

From the ASO side I understand that currently there are no global policies in the pipeline. But again, if you're interested in the regional policies, they all employ similar kind of approaches and developing policies where people can be engaged and involved on the regional level. So you would need to go to your regional RIR to figure out what's going on.

You want to go to the next slide or you want me to use this one? One more. So on the GNSO side, so diving a little bit more into GNSO policy development. So Generic Name Supporting Organization, as I said, responsible for policy development related to Generic Top Level Domains. And I think you know what that entails. At the council level, you have 21 Council members that come from six different constituencies, stakeholder groups, and there's as well three Nominating Committee appointees in that mix.

If you go to the next slide, it will give you a little bit more of an idea of how the GNSO is structured, and you may sometimes hear them referring to, you know, my house. This is a structure that came out of the previous GNSO review in a way of trying to balance the different perspectives within this space, dividing them into those parties that are contracted, that have a contract with ICANN, and that involves, you know, gTLD Registries, and ICANN Accredited Registrars.

On the other side, you have parties that are non-contracted, but that still have an interest in ICANN or directly affected by the policy development that takes place on the GNSO side. So that's on the one hand the commercial stakeholder group, which includes the Business Constituency, the Intellectual Property constituency, and the Internet Service Providers & Connectivity Providers. And on the other side of that house, you have the Non-Commercial Constituencies, which is the Noncommercial Users Constituency and the Not-for-Profit Operational Concerns Constituency.

And again, each of these entities appoints representatives to the GNSO Council, which is the body that oversees and manages the GNSO policy development process.

Go to the next slide. So what does that process look like? And this is what we usually refer to as the snake. I don't think we have enough time to really dive into the details of this but the main thing I want to highlight here is that the GNSO Policy Development Process has a set of steps that prescribe how policy development needs to be undertaken.

Very important to know that there are a number of steps in there that require the gathering of public comments and ensuring community participation in that. There are significant data gathering and scoping that happens at the outset community involvement through either a working group or a team, kind of in the middle of the snake, and then the whole process as well of approval from the GNSO Council to the ICANN Board to implementation. And as you can tell or maybe know, policy development is not a sprint, it's definitely a marathon. And each PDP can, you know, from start to finish, cover a number of years before it goes to completion.

Then you may also hear people referring to a Consensus Policies. And those should not be confused with, you know, a policy that's adopted by consensus, but a Consensus Policy has a very specific meaning in the context of the GNSO because this is a term that's prescribed in the contracts or agreements that ICANN has with its ICANN-accredited registrars and registries. So basically those agreements say, if a policy

is developed through a certain process, this is considered a Consensus Policy, and it basically means that you have new requirements that you need to follow.

So there's a quite unique situation where parties basically sign a contract without knowing what requirements they may have in the future. And instead of those requirements being negotiated, you know, between two parties as normal in a contract, you actually have a broader community that has a say on what those requirements should look like.

If you go to the next slide. So this is also tied to the Picket Fence. So when you hear that term being used, you need to think of it indeed as a picket fence that basically carves out the space for which general policy making authority has been given to ICANN to preserve the stability and security of the DNS. But that is a very specific responsibility that relates to certain specific topics. Just because it concerns gTLDs, it doesn't mean that they can make policy on whatever they think is necessary or desirable.

There's again a certain number of topics that fall within that picket fence, and for which binding of requirements can be developed. That doesn't mean that there're not other topics where the GNSO or ICANN could work on, but those would then fall more in the category of establishing best practices or more discussion items, but they could not mandate contracted parties to comply with those policies; for that they would need to fall within that picket fence and be within the remit for ICANN and the GNSO to develop policy on.

Go to the next slide. So there are quite a number of tools that we use. As you know, there are quite a lot of meetings that take place at an ICANN meeting, but actually most of our policy development activities take place between meetings. There are weekly or bi-weekly or every two weeks, calls that take place where working group members come together and try to make progress on the questions they've been asked to address. We do that currently through Zoom.

We do try to take advantage of ICANN meetings to also have those that are available here in person to come together and make progress. As I've noted before, public comments are critical. We use a variety of online collaboration mechanisms like Google Docs, the Wiki to facilitate input and participation. For those that are not able to commit to a PDP because it is a commitment with, as I said, weekly calls and homework associated with it, we do provide regular publications and briefings so you can stay up to date, as well as webinars that we organize prior to ICANN meetings.

Go to the next slide. So how can you participate? Until recently, all GNSO working groups operated on a open model where anyone interested was able to sign up and participate. We've recently seen a bit of a shift to a more representative model. So where the charter basically outlines groups that are requested to appoint members to an initiative, and have a more balanced approach and also a more accountable mechanism where it's clear when members intervene or make their contributions that that's done with the input or the support from their respective group.

But having said that, you know, anyone can join a working group as an observer. Observing means that you can receive the emails and follow the mailing list conversations; typically all GNSO related meetings are recorded and many of them also transcribed, all that information is publicly posted. Mailing lists are publicly archived. So all efforts are done in the public sphere and anyone is able to follow those conversations.

Usually, and again, that's in the context of working groups that are open for anyone to join, they remain open throughout the lifecycle of the project. And as I noted before, much of policy development work occurs, you know, throughout the year, it's not just showing up for an ICANN meeting and coming to one of the sessions and being done with it. Because I said, it's a commitment that usually spans a couple of years, unfortunately. Although, the GNSO is working on finding ways of making it more efficient and effective, and moving forward, and bringing groups together and agreeing on a path forward.

Next slide. So here's a bit more information, and I think the slides, I presume, will be posted on the meeting's page. So every group has their own website where you can find more information. And as I said we produce quite a number of reports that will hopefully also allow you to get up to speed if you're interested in getting involved in any of these. And I think that was it. If there's any more slides? So happy to take any questions, or I don't know if you want to leave that till the end.

JAVIER RUA-JOVET: Thank you very much, Marika. Javier Rua-Jovet for the record. Thank you very much. Again, very enlightening presentation, very succinct, and it's a great overall view of the PDPs across the communities, of course with focus on GNSO policy where a lot happens.

Before we move on in the agenda, and welcome to all that have joined the table, and anybody in the audience can move up also. Welcome to all. Quickly, there's going to be a short summary by Humberto, my co-lead at the table here for -- this is after all a LAC session, but we lack translation service for this one, so Humberto is going to translate quickly or summarize Marika's presentation. I pass the mic to Humberto.

HUMBERTO CARRASCO: Thank you very much. Humberto Carrasco for the records. I'm going to try to do it in a proper way. So I apologize if I miss something important. I'm going to take only two minutes it's going to be in Spanish.

[Participant speaking in different language]

Thank you very much, I hope it summarized everything in a proper way.

MARIKA KONINGS: [Participant speaking in different language].

JAVIER RUA-JOVET: [Participant speaking in different language].

Switching to English again. So our next agenda item is the LAC Community Members Experiences on PDPs, and I will take the license and it's a good opportunity to -- as a member of the wider LAC community, I was inserted into a PDP process, the Work Track 5 of the Subsequent Procedures working group on new gTLDs, and that Word Track 5 just recently in the past few days gave its report to the wider working group, to the Subsequent Procedures working group, of finalizing the work of the Work Track.

And I must say that there was a highly enlightening experience on learning about how PDPs work, you know, the dynamics of consensus, the dynamics of having highly diverse opinions not only within the DNSO; in the case of that Word Track 5, it was a very interesting experiment of having a PDP process or a PDP sub group within a PDP process that is, or was co-lead or co-directed by members from different community sector.

So I was in that Word Track 5 as ALAC, as the At-Large Council. And we of course had distinguished co-leaders from GNSO, Martin Sutton, from GAC, Olga Cavalli, and from ccNSO, Annabeth Lange, all of which, at least some of which, definitely Annabeth and Martin Sutton, that I would not have met probably if we were not that we were together in that group. And it was a great experiment on just knowing about the other communities which are as diverse, you know, internally as At-Large is.

There is no very clear At-Large position on something like Geographic Names at the top level. You have some positions that resemble

positions that nations might take on one side and some positions that are pretty liberal and pro-business, as maybe some GNSO positions and in some of the communities within there might be. Then the GNSO itself is highly diverse with its diverse communities. And then you have GAC positions which range from, you know, different countries with different legal systems [inaudible] different positions, and even within the ccNSO varying views on kind of the level of regulation or policy on top of things like geographic names at the top level.

So it's a highly educational experience. I think it's an experiment that was good, that I hope will be inserted into future PDPs more often, not just as an exception, and I just wanted to put plug that in.

So the next agenda item is, as I mentioned, LAC Community Members Experiences on PDPs with Osvaldo Novoa from ISPCP. So Osvaldo, the mic is yours.

OSVALDO NOVOA:

Hello, Osvaldo Novoa for the record. Well, much of what Javier said it was my experience in the different PDPs I've been working with. The PDP gave you an opportunity to discuss what's happening inside the GNSO in particular in my case. And also to see what other constituencies views on the same problems are, they give you a wider view of what ICANN represents.

Also, I think it's the way that the multistakeholder workforce model should work, because it gives the opportunity to anyone to be part of

our working group, and to express their opinions on any of the issues that are discussed there. So it lets you on one side, get to know better the inside of the working scene at ICANN from the different perspectives of the different constituencies. And on the other side, it lets you give your opinion from your point of view that the Latin America has each own point of view, and each country has its point of view in the work group.

What I've noticed is that even though there has been a big increase in the Latin American participation in the working groups, we are still lacking in front of North America, or Europe, or Asia. So I think it's important to, how do you say, motivator representatives here in ICANN to participate in all the working groups as possible.

It's a voluntary work, sometimes it's a lot of work. With the new I think PDP 3, we will limit more or less the time it takes for a working group to end the work but sometimes it takes years.

I was at the beginning at the IGO protections mechanism, and it still hasn't been decided and it's still being discussed. And I think it's been going on for five or six years, something like that. It's still on.

Now with PDP 3, they are trying to put more efficiency and effectiveness in the working groups. I think it's a good idea, but I think from a personal point of view, is a really rich experience and I think that for people here in ICANN they should participate because of the different people you get to know there and the views of the different constituencies. Thank you. I will resume?

[Participant speaking in different language].

JAVIER RUA-JOVET: We have a comment from Alberto Soto. In Spanish.

ALBERTO SOTO: Alberto Soto. Okay, in Spanish. [Participant speaking in different language]

JAVIER RUA-JOVET: Thank you, Alberto. So Alberto Soto from our community, from At-Large, basically made a call to action on Latin America to join up in PDP processes. You know, it's always a win. It's always a learning experience and it's a growth opportunity. He's participated. He left and came back and now he's back full force as we can see. And so yes, basically Alberto is, you know, telling our community, our wider Latin American community to just be more involved. Numbers have improved but they can always get better. Thank you.

HUMBERTO CARRASCO: Thank you very much, Javier. Humberto Carrasco for the records. We are going to move on. Now, Marika. Again, thank you very much for being here. She's going to talk about the update of EPDP on Temporary Specifications for gTLD registration data.

And you know, this is a very very hot topic. Everybody's talking about this right now and I think it's going to be a hot topic during the rest of the year. Javier Rua is asking for the floor. Javier, you have the floor.

JAVIER RUA-JOVET: Yeah, just to correct a statement. I mentioned the Latin American [inaudible]; this is a Latin America and Caribbean meeting. So I always -- I don't want to, you know, come through as I'm leaving out the Caribbean, because I'm in the Caribbean.

HUMBERTO CARRASCO: He is from the Caribbean, by the way.

JAVIER RUA-JOVET: I'm both Latin American and Caribbean. I didn't say Caribbean. So Anthony, please do not kill me.

HUMBERTO CARRASCO: It's okay. Marika, you have the floor.

MARIKA KONINGS: Yes. Thank you very much. And sorry that you have to listen to me again. If we go to the next one? So as mentioned, you'll probably have seen quite a bit of meetings scheduled at this ICANN meeting dedicated to either GDPR or the Expedited Policy Development Process or talking about the Temporary Specification. But this is

basically a process that was kicked off in May of last year as a result of the ICANN's Board adoption of the Temporary Specification for gTLD Registration Data, which was basically in response to the effective date of the GDPR, the regulation that was developed in the European Union to deal with the privacy rights of data subjects, which had basically extraterritorial implications.

So this Temporary Specification triggered at the same time an obligation for the GNSO to undertake a policy development process, in which they were basically asked to confirm or not the Temporary Specification as a consensus policy. So this is a very specific process that was triggered with as well a very specific timeline. Because basically, the GNSO only had one year to undertake this consensus policy, the development process, and as I noted before, it typically takes two to three years to just get through the working group phase. So that was quite a bit of a challenge for the GNSO and then some rapid thought into, you know, how to be able to achieve that.

I do need to point out as well that the expedited part in the title here really reflects the notion that some of the initial stages of work don't need to be carried out. It is not linked to the one year period, that was actually as part of the board's action of adopting a Temporary Specification; is a bit of a kind of emergency rule that the ICANN board has at its disposal but there's a very specific timeline that's associated with that. So that it's not something that, you know, easily becomes permanent or overrules the capacity or the ability for the community to develop policy.

So there were some innovations that were made as a result of the timing constraints. And I spoke a little bit about that beforehand. So this is a PDP that works on -- and I think we can go to the next slide possibly. If we go one more and then we can come back to this one.

So one of the innovations that was applied here is that this group has a predetermined composition that's laid out in its charter. So this is not a group where everyone can just join and stay there positions but this group is formed as a representative model. So in addition, nothing to the call that was made before and trying to participate in policy development activities; it may also be important for members of the region to kind of think about which groups you want to be involved in or where you find yourself belonging, because that is also a mechanism then to eventually you'll participate in these initiatives, especially where there is a representative model and members are appointed through the ICANN structures, to represent and participate in these efforts.

So you'll see in this specific effort, you know, all the GNSO stakeholder groups and constituencies have a certain number of members assigned and alternates that can assist when members are not available. But then there was also a question that went out to the other supporting organizations as well as advisory committees to ask, who else was interested in this topic and wanted to participate?

And in response to that, specific provisions were also created for the ALAC, the SSAC, and the GAC to have representatives in this effort. And then as well a couple of liaisons from the ICANN sides to ensure

that whatever this group was developing, did not meet any kind of implementation concerns. And then also from the ICANN Board side, to get kind of an early indication if there was anything that the group was planning to recommend that, you know, the more boards might not be able to pass or had serious reservations about.

If we can just go back to the previous slide. So as I said, you know, the group was initially tasked to confirm or not the Temporary Specification. You know, they had a year for that, they completed that work within the time frame that they had, which was a pretty significant achievement. A lot of hard work went into that, you know, from community volunteers as well as ICANN org. But in addition to that, there were also a set of other questions that were asked for the so called Phase 2. And the main topic for Phase 2 was to discuss and develop a standardized access model to nonpublic registration data.

As you may know, before the 25th of May, last year, basically all the information in WHOIS was publicly available. So there was no need to request access because everyone can just look up the information associated with domain registrations. But after the 25th of May, and the adoption and implementation of the Temporary Specification, that changed and a lot of personal information has become redacted. So there is a need to develop a standardized way in which that information can be requested by those who have a legitimate interest and a lawful basis to have that information disclosed to them.

If you go to the next slide. So this is just at a very high level the Phase 1 recommendations that were adopted and that are currently in the

implementation process. So, to a large extent they confirmed the recommendations or the language that was also included in the Temporary Specification.

So the recommendations identified purposes for processing data, and basically outlined which data should be collected and by whom, what information should be transferred from registrars to registries, what information should be publicly displayed and what information would be required to be redacted, how would this impact other ICANN consensus policies that have WHOIS provisions or registration data provisions incorporated in them, how could the gap be bridged between the adoption of these recommendations and the actual implementation thereof. And it also flagged a number of items that further work was needed on and those have been deferred to the EPDP teams Phase 2 line of work.

And I said, there are also some meetings throughout this week that focus on the implementation of this policy, which again is a process in which ICANN org works closely together with the community on ensuring that the implementation of the policy meets the intent of the original policy recommendations.

If we go to the next one. So I said the Phase 2 scope, you know, the Priority 1 and the main priority of this group is a system for standardized access or disclosure to nonpublic registration data. And we've also referred to that as SSAD. It's not an ICANN working group if there's not an acronym, so we needed to have one for that.

They were also a couple of issues in the Annex to the Temporary Specification for gTLD registration data, that I think basically the board flagged as items where the community needed to undertake further work on. So those are also part of the scope.

And as I said before, there were a couple of issues that were differed from Phase 1, such as what should be done in relation to distinguishing between legal versus natural persons? Should the redaction of city field information be redacted or not? And I think it also addresses some other topics such as the length of a data retention period.

So as you can imagine, there's quite a lot of topics this group is dealing with and as such I said, they divided that into Priority 1 and Priority 2 items. They started off with reviewing a number of real life use cases for requesters to nonpublic data, really trying to understand in what situations third parties would request registration data, and what they would need it for? What lawful basis they would have to get that information disclosed? What kind of requirements they might need to meet, to help inform basically the commonalities between those and distill from those what we're now referring to as building blocks for the policy recommendations, as well as a number of policy principles on these topics.

So we use that as I said, you know, we translated those discussions on use cases to building blocks, which include, for example, what should be done accreditation of requesters? How should requests look like? What kind of information needs to be provided for the entity that will

be disclosing the data to be able to evaluate whether you have a valid request? What are some of the requirements in relation to the response? And what is a timeline for providing a response? What information needs to be included in that?

What is the query policy that needs to be put in place? Are there any limitations that can be put, for example, on the number of requests that are submitted? How to address potential abuse of the system? What about automation; you know, what aspects can be automated? What information would need to be logged? And of course, a very important question as well, you know, who's going to pay for this at the end of the day? And how can this model be implemented?

So we're now in the process of working through all these building blocks with the aim of finalizing or agreeing on what each of these building blocks need to contain so we can import them into the initial report, which we're currently targeting to publish in December of this year.

The Priority 2 items we're trying to deal with in parallel, if possible. But there are a number of those that have external dependencies. For example, legal versus natural, there's a study that needs to be carried out. So we're basically dependent on that study completing before we can tackle that topic again.

So we can go to the next one. So the Hamburger Model. I think you've heard many food analogies. Here, strawberries, calzone. So our chair,

the chair of this group has decided that we also need a food related analogy, so he's introduced the Hamburger Model.

So the idea is that on the one hand, the top bun is the demand side. So that's where requests will originate from either individuals or entities. And with each of the layers there are a number of building blocks that will be associated with it.

Then you have the bottom bun, which is basically the supply side. So those are the contracted parties who hold the data for data subjects. And then in the middle layer, it's basically the interface or the centralized gateway, as I think we've been referring to it as well, where requests would come in and responses would be returned.

And one of the big questions is, and I think for those of you who've been following this closely, and also have heard about the strawberry team, and some of the questions that are being posed to data protection authorities, evolves around you know, whether the middle layer should or could also be responsible for making determinations and the liability that is associated with that is one of the questions that the group hopes to get input on to be able to decide what should exactly be part of that middle layer to make it a viable and legally sound system.

So you're on the right side, you see all the building blocks that we're working on, and as I said, we've made already quite a bit of progress by closing off or at least preliminary agreeing on the content of the

building block for inclusion in the initial report but there's still quite a bit of work to go as well.

If you can go to the next slide. So here to give you a bit of an idea of how the group is discussing and approaching this, and again, this group is really focused on the policy side of things. Once policy recommendations are completed and adopted, another team will be spun up that will actually do the implementation and aim to operationalize the policy recommendations that have been made.

So the main objective of the group is to ensure that there's a predictable, transparent and accountable mechanism for accessing or disclosing a nonpublic registration data. The group has preliminary agreed that requests would only be received from accredited organizations or individuals. But accreditation requirements must accommodate any intended user of the system. So including an individual or organization who makes a single request. So that shouldn't provide too burdensome requirements on those that once in a while may get information versus those that use this on a daily basis.

A lot of discussion has also gone into automation. The team acknowledges that full automation of the SSAD may not be possible, but recommends that the SSAD must be automated were both technically feasible and legally permissible, because that's one of the questions as well. You know, at some point, a balancing test needs to be carried out to weigh the interest -- sorry, go ahead.

JAVIER RUA-JOVET:

What's SSAD?

MARIKA KONINGS:

The System for Standardized Access/Disclosure of Registration Data. It's our acronym for this group. So at some point, a decision needs to be made and the interests of the data subject need to be weighed versus the interest of the third party, and that is a decision that is not clear whether that could be automated or not, but the group also agrees that where automation is not technically feasible or not legally permissible, there should be standardization as the baseline objective.

And one agreement that the group made as well, that accreditation of users within the SSAD does not equate to the automatic disclosure of nonpublic gTLD registration data. For each request that a user makes a review needs to be carried out and that request needs to be evaluated on its merits.

If you go to the next slide. So this is, at a high level, the timeline that we're currently working on. I think you may be aware as well that this is a priority area for a number of groups. It's important that, you know, there is clarity around the mechanism and means to access nonpublic registration data.

So I said, the group is targeting or working towards the publication of an initial report in December that would allow then for public comments to go across into January. The group would meet again end of January with the hope then to finalize the report in the first quarter or half of next year. And I said that we still need to go to the

GNSO Council for approval and then the ICANN Board for approval, and then it would move into implementation.

As noted, there are a couple of Priority 2 items that the group is working on as well, that it will likely work on in parallel and could result in a kind of a separate report as there are some dependencies that we may not be able to control.

Next slide. So if you're interested in following, hopefully some of you may have already had a chance to sit in some of the meetings that took place earlier this week. There's still another session scheduled for Thursday. The meetings are all open. You can come and observe. But it's the EPDP team members that are doing most of the talking in those sessions.

Next slide I think is just more information and happy to take any questions. I would love to be able to summarize this in Spanish but I think it would be more Spanglish than anything else.

HUMBERTO CARRASCO: Thank you very much. I'm going to try to summarize because this is a more complex topic than before.

MARIKA KONINGS: Exactly.

HUMBERTO CARRASCO: [Participant speaking in different language].

Sorry, that was my summary.

MARIKA KONINGS: [Participant speaking in different language].

HUMBERTO CARRASCO: Okay.

MARIKA KONINGS: [Participant speaking in different language].

HUMBERTO CARRASCO: [Participant speaking in different language]

Thank you very much, Marika. Any questions?

JAVIER RUA-JOVET: Thank you very much, Marika and Humberto. Good summary. So next on the agenda, we have the pleasure of having Rocio de la Fuente here from LACTLD on ccNSO PDPS. Rocio, the floor is yours. Thank you.

HUMBERTO CARRASCO: Oh, sorry. Rocio, because you are bilingual, I'm going to take some notes. So it would be good if you can summarize your presentation in Spanish at the end. Is that possible?

ROCIO DE LA FUENTE: Yes, I was -- good morning, everyone. Can you hear me? Okay? I was going to ask you that because I prepared my presentation in Spanish. I can try to do it in Spanish and English or I don't know what should I do.

HUMBERTO CARRASCO: Well, if that is the case, my recommendation is to try to do your presentation in English. So everybody who speaks Spanish can understand because they are reading the -- if there is a question, I can help but you know.

ROCIO DE LA FUENTE: Okay. Yes, I can summarize it in Spanish then.

HUMBERTO CARRASCO: Excellent.

ROCIO DE LA FUENTE: So you don't have to do so much work.

HUMBERTO CARRASCO: Okay, thank you very much. I appreciate that.

ROCIO DE LA FUENTE: Okay, I'm Rocio De La Fuente. I work at LACTLD. I'm going to present on ccNSO PDPS. I just want to clarify that I'm not part of the PDPS

Working Group. I'm just sort of a ccNSO follower and I follow the work the ccNSO carries out. So I'm going to give a very general overview of what is going on on these PDPs.

In order explain what the PDP Retirement Working Group is about, I'm going to read some paragraph that was at the publication that LACTLD released last year on our members history. So in 1993, the University of the Netherlands Antilles successfully solved their delegation of the .an Top Level Domain that represented, at that time, the ISO 3166 code for the Netherlands and Antilles.

On the 10th of October of 2010, the Netherlands Antilles were dissolved. So there were three new countries. Three new countries were born: Curaçao, Sint Maarten and the BES islands.

So, what happened right to the .an top level domain, what should we do? Well then, the ISO 3166 maintenance agency created three new entries in the ISO 3166 database, and these were for Curaçao, Sint Maarten and the BES islands.

So the goal of these PDPs is to develop and recommend policies to the ICANN Board on the retirement of Country Code Top Level Domains and the mechanisms and a review of the mechanisms for decisions related to the delegation, transfer, revocation and retirement of ccTLDs. This Working Group has been working for some time now and has already closed a series of issues.

Next slide, please. And I'm going to comment some of these issues in order to illustrate what the decisions have been. So, the working

group has defined what is the event that triggers the retirement process. And the consensus position was that the trigger event for this ccTLD retirement is the removal of the country code from the list of country names in ISO 3166. Yeah, that's the trigger event.

Regarding the process, when does the retirement process end? And the consensus position of the working group was that the removal of the ccTLD from the Root Zone File by the PTI marks the end of the process.

And how much can this process take? And the working group decided that the basic duration for the retirement process should be five years. But it also added an exception to this basic duration that depending on a mutual agreement between the ccTLD manager and PTI. This mutual agreement has the purpose to organize the process and to define the process steps for the ccTLD manager and PTI. So, the retirement process can be extended to 10 years only if there is a mutual agreement between the ccTLD manager and PTI.

Okay, so, those would be some of the decisions that had already been made by the working group that had been kind of closed. And the working group is still working on some other issues. One important aspect is that since the IDN ccTLDs are not included in the ISO list or the ISO standard, the working group has decided to defer the IDN ccTLDs retirement policy development process to the IDN ccNSO policy development process. That is this second process I'm going to talk about.

So should I summarize now in Spanish too? Okay.

[Participant speaking in different language]

Now, I'm going to talk again in English for the second PDP that it's not -- for the time being, it has been a policy update, an IDN ccTLD policy update. So the ccNSO council intends to launch the force ccNSO PDP in order to build the work that has been carried out by the ccNSO PDP2 on the selection of IDN ccTLD strings and the experience of the IDN ccTLD Fast Track process.

The Fast Track process is the process that currently enables countries and territories to apply for IDN ccTLD strings. And the ccNSO council stated that until a ccNSO policy replaces the IDN ccTLD Fast Track process, the current process should remain in place.

So recently, the ccNSO has established the ccNSO IDN PDP2 Preliminary Review Team, sorry for the long name. And this preliminary review team has conducted an analysis on the overall IDN ccTLD policy that is the PDP2 of the ccNSO in order to identify topics and issues that would need to be addressed in their coming PDP4.

So, next slide please. The review team has arrived to some conclusions. Well, the team that would be in charge of PDP 4, that is the policy development process for the selection of IDN ccTLD strings, would need to develop a policy around retirement of IDN ccTLDs and variant management. That is what I commented earlier on the retirement PDP.

The IDN ccTLD selection process criteria and procedures would have to be updated as well. And the criteria on confusing similarity is a very important issue that would need to be updated.

The third conclusion is that the principles underpinning the policy would have to be reconfirmed in order to ensure consistency of delegation, transfer, revocation, and retirement process between IDN ccTLDs and ASCII ccTLDs.

One thing that I'm forgetting that is very important that the ccNSO council is also a request for changes to Article 10 of the ICANN bylaws, and these changes will cover two aspects. An updated definition of the ccNSO membership in order to enable IDN ccTLDs to become members of the ccNSO. Currently the ICANN bylaws don't allow IDN ccTLDs to be members of the ccNSO.

Okay, so now I'm switching to Spanish. Okay.

[Participant speaking in different language]

Okay, so now I'm going to talk about the last PDP. This is not a ccNSO PDP, but the ccNSO appointed a co-chair for the Work Track 5. The Work Track 5 focuses on developing recommendations regarding the treatment of Geographic Names at the Top Level within the framework of the GNSO New gTLD subsequent procedures PDP Working Group.

So the Work Track 5 published a supplemental initial report on December of 2018. It received comments from the community. And

after that produced a draft final report for consideration by the Work Track 5 group members, and also the full GNSO Working Group.

So basically, what the Work Track 5 has decided is that it would recommend maintaining the rules included in the 2012 Applicant Guidebook and kind of update the policy to reflect this implementation.

And the following that are shown in this slide are maintained as reserved at the top level, that's what was decided. The two character ASCII strings, the Alpha-3 code listed in the ISO 3166 standard, long form and short form names listed on the ISO 3166 standard, the separable components of a country name designated on the “Separable Country Names List”, permutations or transposition of any of the names included in the bullets above, and name by which a country is commonly known as demonstrated in an intergovernmental or treaty organization.

So this is a very short overview of the conclusions of this Working Group.

Okay, now in Spanish.

[Participant speaking in different language]

JAVIER RUA-JOVET:

[Participant speaking in different language]

Anthony, you have the word.

ALBERT DANIELS: Albert.

JAVIER RUA-JOVET: Albert.

ALBERT DANIELS: [Participant speaking in different language]. Okay.

JAVIER RUA-JOVET: I'm mixed up.

ALBERT DANIELS: So with regard to the policy on the retirement of ccTLDs, I think it's important for us here at ICANN to remember that not only do we have a role in the development of policies, but sometimes there's a little gap between the development and the implementation of the policies, which may require our personal attention on the ground in our countries, in our region.

With regard to the retirement of the ccTLD this is related, of course, you know, to territories in the Dutch Caribbean, and when it was agreed that the ccTLD should be retired from a technical standpoint, what we found was there were many websites that were still active and many email addresses that were still active at the point that IANA was ready to turn off the ccTLD. And what was required for us in GSC

was to engage with members of the community and the ccTLD manager to bridge that gap between the policy and the reality of putting that policy into effect.

So just a point to remind us that we come to ICANN to do policy, but sometimes we also have a role in our countries and regions in the implementation of those policies.

JAVIER RUA-JOVET: Thank you, Albert. And sorry for getting your name wrong. Javier Rua-Jovet for the record again. So we have about six minutes for questions and answers. For all presenters, but -- so any questions and answers?

HUMBERTO CARRASCO: So in Spanish. [Participant speaking in different language].

JAVIER RUA-JOVET: Yes, please say your name for the record. Thank you.

JEAN NAHUM CONSTANT: Jean Nahum Constant from Haiti. I got a question for Marika. Okay, as you probably know, on May 25, 2018 as GDPR, which is presented as the most important change in our privacy regulation in Europe, I would like to know if there is a special update that ICANN would do and the registration PDP related on data? Thank you.

MARIKA KONINGS:

So that the EPDP -- and I was talking about beforehand -- is indeed a direct reaction to that. You're partly as a result of the board reaction of adopting a Temporary Specification to make sure that the requirements that were in place dealing with data were conform the GDPR. And now we're doing subsequent work. And although GDPR is a main focus, it's not the only focus because I think the group is also aware that there are other legislations being developed in other parts of the world.

But I think there is a sense that the GDPR sets a very high bar, and that many other countries are modeling their legislations on the GDPR. So that is a concrete piece of work that's focusing on that. But in addition to that, I think as an organization, ICANN is of course as well reviewing its policies and procedures to make sure that they're complying. And I think we're also looking at other consensus policies on which GDPR, as well as the outcome of the Phase 1, deliberations have an impact. So it's a big focus point for the GNSO at this stage. I hope that answers your question.

JAVIER RUA-JOVET:

Any more questions?

I have a question. Javier Rua-Jovet for the record, and it's a question maybe for Rocio. Regarding the process to update the ISO 3166, or the ISO in general, but the ISO 3166 list. So you know, in the real world, you have countries that are created or dissolved. What information does ISO need? Or what action does ISO need from somebody, maybe

the United Nations, to officially create a country or officially dissolve a country? Do we know about that?

ROCIO DE LA FUENTE: Well, I'm not an expert, but to my understanding, ICANN or at least the ccNSO doesn't get involved into geographical, geopolitical changes. The maintenance agency has its own policy to update its lists. So the ccNSO just follows the changes that are decided by the maintenance agency. It doesn't deal with -- it doesn't request or -- yeah, sort of request changes of any of that kind, to my understanding. But if there is any --

JAVIER RUA-JOVET: No, no, I understood. My question is whether anybody knows or understands what's the process that ISO needs to create or dissolve a country? Is it a UN action, do we know? Vanda, please.

VANDA SCARTEZINI: Yeah, just remember that the time that ISO took to make an agreement for 3166. And the problem normally is which language in a country is that has 16-17 languages, which of those can be recognized as a country language. And this is the eternal discussion inside the United Nations. So, I do not believe that they will embrace that situation right now with a lot of other issues going around.

But I have a question to Marika. Marika, I don't know if -- sorry, I was in another meeting, but you enter into this discussion about the 3.0

PDP, No? No, thank you. Yeah, that is something that I do believe is, you know, a short information about what's going on there is good.

MARIKA KONINGS:

So I think we have one minute left? I can try to give a quick answer but for anyone that's interested in that, feel free to reach out to me after the meeting, or through one of the guys here. But the GNSO embarked on a process that we're referring to as GNSO PDP 3.0.

There was a realization that a lot of the PDPs were taking a long time. It was difficult for the GNSO council to kind of keep track and oversee the work, no specific tools in place to kind of ensure compliance with timelines, maybe a little guidance for chairs as well, how to manage the process or resolve conflicts.

So they identified a number of improvements that are not necessarily changing the PDP in itself, but looking at tools, and mechanisms, and procedures that will hopefully help the efficiency and effectiveness of the PDP. So that's a process that's being rolled out. I think it's also closely aligned with the work that Brian Cote is doing on evolving the multistakeholder model. I think a number of the themes that he has identified were themes that the GNSO already identified earlier on and is actively working on.

As I said, some of those new mechanisms and tools were experimenting with in the EPDP, with kind of the change and how you organize a working group because we had certain efforts that had over 200 people. It's not very efficient to try and have a conversation with

200 people in the room. So how can you have, you know, a smaller group but at the same time, ensure that the group is representative that you have, you know, people participating from different groups, different regions.

So those are some of the things that GNSO is looking at and working on. And hopefully, that will result in a more efficient and effective process. So, PDPs don't last far for 10 years, but we can actually get things done in a quick manner. And still be delivering a good result.

HUMBERTO CARRASCO: Thank you very much, Marika. Unfortunately, we don't have space for more questions. However, Rodrigo de la Parra asked me the floor. So Rodrigo, you have the floor right now.

RODRIGO DE LA PARRA: Thank you, Humberto. Just wanted to first of all apologize for not having the interpretation services. I wish we should. But I want to at the same time thank, Humberto and Javier, for this magnificent effort and all of you for your flexibility and patience in agreeing to do both languages.

I also felt in a personal note that it was a very didactic exercise, maybe we should have this as a standard, having someone present in English and then the other one, just a different person will just go through the -- I'm sure Humberto has learned a lot now and he can actually

continue to lecture on different PDPS. So yeah, he intended a good consequence from the lack of interpretation.

And also a commercial; we have a producer report, which is complimentary to this session, and it's also meant to help the involvement of Latin American Caribbean focusing PDPS; is called the LAC PDP Report. Hope you have been able to see it. We've done it for three times now. And there are interviews of people from the region involved in PDPS. They're presented in a very dynamic and friendly way. Hopefully you can see them; if you go into the ICANN accounts, Twitter accounts in English and Spanish, French, and Portuguese, you might be able to find them.

[Participant speaking in different language]

HUMBERTO CARRASCO: Thank you so much.

[END OF TRANSCRIPTION]