
ICANN68 | Virtual Policy Forum – (GNSO) - Registration Data Policy IRT
Monday, June 22, 2020 – 08:30 to 09:30 MYT

ANDREA GLANDON: Hello, and welcome to the ICANN 68 Registration Data Policy IRT Meeting. My name is Andrea and I am the remote participation manager for this session. Please note that this session is being recorded and follows the ICANN expected standards of behavior.

During this session, questions or comments submitted in chat will only be read aloud in put in the proper form, as I will note in the chat. I will read questions and comments aloud during the time set by the chair or moderator of this session.

If you would like to ask your question or make a comment verbally, please raise your hand. When called upon, kindly unmute your microphone and take the floor.

With this, I will hand it over to Dennis Chang. You may begin.

DENNIS CHANG: Thank you, Andrea. Welcome, everyone. It's good to see a lot of you that we will normally see in our IRT meeting, some of our friends and the observers joining. Welcome.

This is the gTLD Registration Data Policy Implementation session, otherwise known as the EPDP Phase 1. My name is Dennis Chang. I'm the project director for the implementation project. This session is a special public session for ICANN 68.

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, agenda for you. We are going to give you a quick overview of the policy and some of our recent activities, and we'll take five minutes—only five minutes—to do that but get right into the IRT working session. And we're going to spend 15 minutes on the IRT working session and you will watch the IRT in work.

At the end, we'll reserve five minutes or community Q&A, if there are questions. Andrea, please let me know when the five minutes comes if I don't notice and get carried away and lose track of time. So, let's get started right away.

So, the Board resolution was on 15 May 2019 and it was based on the GNSO EPDP recommendations from the temporary specification for gTLD. There were 11 resolutions. 27 of the 29 recommendations were adopted. Two recommendations were adopted in part—that would be rec 1 and 12.

The Board furthermore categorized these recommendations in three: A, adopt as is; B, adopted with comments; C, not adopted in full.

So, since the 15th of May, these are some of the activities that have been completed. We assembled in IRT, produced some study reports, and analyzed the recommendations to find the tasks that will be required for the implementation for the policy, to build in effect the implementation plan.

So, we are here in June and so far what is significant is that everyone should know that we have a registration data policy and it's called an

interim registration data policy and that was published on 17 May 2019, and it's effective now.

What we're doing is Phase 2 of that and that is to take all the recommendations and building what you would call a permanent registration data policy.

So, the IRT Implementation Review Team, as we call them, is made up of 38 members from all affiliations within the ICANN multi-stakeholder model and IPT which is ICANN staff, ICANN Org. There are 12 core members active in building this policy.

And this is an overview of the process that we use. So, we start with setting the recommendation. We end by publishing the policy and then implementing it.

We're at step number three which is completing the draft of the implementation policy language recommendation to create a draft policy language so that we can put it out for public comment.

These are some of the concurrent activities that's going on and what is outstanding. For the public comment, what we are doing is now that we have a complete set of policy language, there are some recommendations that not everybody agrees on the interpretation and there are differences in the way recommendations can be interpreted for a requirement.

So, we are having a conversation to see if we can come to a common understanding and resolve any differences or compromises to find a way forward. And these are some of the items that we're aware of.

Recommendation 7 on transfer is the key topic of discussion today and we'll get to it right way.

So, what we do is we work on the community Wiki workspace and all the material that we're using that is available for the public is on this Wiki page.

So, we are getting to the IRT Wiki page right now and here is the agenda for today. This is the way we do our work. For every session that we have, we create an IRT meeting agenda and then we work together to follow that agenda to have the meeting.

So, first thing on the IRT working session today is a recommendation 7 discussion. So, for this, let me show you the policy language. And this is what we affectionately call OneDoc. This is a draft registration data policy and it's composed of 14 sections, 3 appendixes, implementation notes, and the background.

When we say rec 7, recommendation 7, which delivers with transfer of the registration data from registrar to the registry operator, otherwise known as rec 7.

Currently, we have a baseline language which you see here in section 8.1 to 8.5 and we're also looking at an alternative language which is a streamlined version and seeing if, with this language alone, we can still implement with the same requirement.

So, what has been happening with this is this. Let me see. So, this is the latest event. This is a letter from BC and IPC and the IRT members

of them, writing letter to Sebastien and the IRT. It was written just a few days ago and it deals with the topic that is on hand.

Sebastien serves as an IRT member but as a GNSO liaison to the IRT member, and recently Sebastien has been tasked by the GNSO to see if he can gather IRT [inaudible] on this topic and have further discussions on things that we can find a way to move forward.

So, maybe this is a good time to turn it over to Sebastien. Sebastien, would you take it over?

SEBASTIEN DUCOS:

Thank you, Dennis. My name is Sebastien Ducos for the record, and indeed I'm the GNSO liaison for the IRT. I am, like many of our European colleagues, calling you from Europe where it's 2:40 in the morning, so sorry if there's a bit of slur or mispronouncing. I just woke up for this call.

So, indeed, two weeks ago—or just short of two weeks ago—we had a group discussion on this and I encouraged all the different parties that wanted to either make a statement or renew a statement that they had made in the past on this for everybody to share and read, and I received input from the Contracted Party House without distinction between registries and registrars. It was sort of a joint statement actually sent directly to the GNSO but we included that for our upcoming discussion.

That statement referred a paper that had been submitted in December by Marc Anderson, so we're including also that statement in

our discussion. And as Dennis just reminded us a minute ago, we received submissions from the joint IPC and BC last week, on Thursday I believe—on Wednesday. Sorry. On Thursday my time. Which present their point of view.

I had during the last two weeks encouraged anybody again to come forward either by submitting papers or calling me directly. So aside from the submissions that we've received and that we all shared, I also had a firm discussion with Marc Anderson to discuss the [December] paper and I had a discussion with Alex Deacon and Dean Marks on the IPC/BC paper.

So, the first thing that I wanted to do was to make sure that everybody had presented their opinions or everybody that wanted to participate actively in this discussion had been able to share their thoughts.

So, maybe just quickly, going around the table now, if there is anybody that hasn't in the last two weeks, either because they weren't on the call or haven't had time or anything but still wanted to make a statement or wanted to raise their hands? I think it's a good time to do it now.

And seeing no hands raised, I will assume that we have everything.

Obviously, the discussion is not closed. We're not going to resolve it in the next 20 minutes. I'm very hopeful of course that we will but I don't think that we will.

So, one last call for input here. Reach out to me later maybe this week if you still want to present your thoughts.

Now, having read all the documents and having heard presentations from everybody ... So, if I have received all the information and all the input, I haven't—and just because in terms of calendar, we're going to meet with the GNSO later this week—I haven't gone back to the two GNSO ExCom members that actually [inaudible] me to try to find where issues were and possible resolutions. So, I haven't this week gone back to them. I did last week but I haven't this week gone back to them. I wanted to have this conversation with everybody before going back to them [inaudible] today ahead of our GNSO meeting.

So, what I have read—and I want to make sure that I'm not taking any position here. I would like for the rest of the IRT to express positions and take position. I'd like for this exercise to be as neutral as possible. But what I have read and I have understood from the different input that I've received is in two broad lines.

The first one is around the topic of defining what is the legal basis for these transfers to occur. There is a recommendation one that defines the legal basis for the entire exercise of what we're looking at through the IRT. So, what data to manage, how to collect it, who to transfer it to, etc., without looking at the different parties and how those interact, we take the black box of what we're trying to filter and clarify in the IRT as an entire piece.

And directly related to rec 7, there is indeed a note for those that were early on the call—Dennis pointed it out again. There is a note from the Board when signing off the Phase 1 EPDP. Thank you, Dennis, or

whoever is controlling this—which notes that recommendation one is the description of the legal basis for the whole activity to be carried.

I think that, between the different parties that I have read and heard, there's a different interpretation of how that legal basis works and I think that that's something that needs to be discussed.

Does it, again, carry full weight throughout all the activities that we're describing and we're clarifying in this IRT? To what extent does it do it? And I think that should be discussed.

The other point of discussion I think is—and from my understanding, this is something where—in general, it's not just this IRT but in general—we're walking on new ground here is how do we, from an IRT point of view, from this stage of the policy development flag where there might be discrepancies between what we're doing and other bodies of policy?

So, one very easy one I think that needs to be flagged—one very easy one that I've heard everybody agree upon is, for example, on the data set. We are currently looking at a data set that is shorter, simplified compared to the original thick WHOIS dataset, and the one in particular because we're talking about the work that we're doing now in relation to the thick WHOIS transfer policy.

So, how do we—and I'm asking this very openly because I literally don't know. But how do we flag in our work that what we're doing has an implication there and requires a review—if only a small review but a review nevertheless—of the datapoints that are described

[inaudible] policy in relation to what we found to be more legally correct as the smaller data set.

There are other implications obviously and other ways that that policy might need to be reviewed but I don't want to get into that because that's part of the first question that I put on the table. So ... Sorry, again, 2:00 in the morning.

So, if there are no further questions to be looked at today—and I think that there's already a pretty chunky piece of conversation right there. So, if anybody wants to intervene in some other way, I see that Marc has already raised a hand. But otherwise, I would like to engage the conversation.

Now, before we engage the conversation, I know that everybody—or at least the ones that I've communicated with—have very strong views about what we're doing and have very formed views about what we're doing, which is fair enough. They've been doing this work for the better part of the last two years. I would like, just for the sake of conversation and the sake of exchange here, to make sure that we're not just rehashing points that were already shared in writing but try to listen to each other and bring new things to the table.

This said, Marc, if you want to take the mic, you're very welcome. I don't know if we need to free your mic or if you can do that yourself.

MARC ANDERSON:

Thanks, Sebastien. Can you hear me okay?

SEBASTIEN DUCOS: Yes, absolutely.

MARC ANDERSON: Great. Thank you, Sebastien, for taking this on. I appreciate the summary and the description of where we are right now.

Noting the Board’s scorecard, that provides a little bit of a snippet, but I want to highlight a couple of interesting things in there. First, I want to note that the scorecard itself came from the Board resolution and putting the text to that, that particular resolution, there’s a link to that in Zoom chat. And I want to provide a snippet from the Board resolution itself.

In there, the Board states on recommendation 7 that data elements collected and generated must be transferred from registrar to registry provided an appropriate legal basis and data processing agreement is in place that mirrors the language from recommendation 7. They go on and say, “And that transfer is optional for contact information.”

So, I think it’s important to point out from the Board resolution itself that they clearly understood from reading the recommendation that the transfer is optional for contact information.

In the scorecard, the section you had on there earlier refers to the minimum data set. They note that recommendation one provides the legal basis for processing the aggregate minimum data set, and there

it refers specifically to the fields that are in green as required in recommendation seven.

Sebastien, you were noting that the purposes in recommendation one aren't broken down specifically, but there staff provided a more detailed breakdown in the appendix of the final report. It's specifically in Appendix D, data element worksheets, and those further break down and provide more detail and it's deliberated by the working group. On the transfer of data from the registrar to the registry, it's specifically covered in section 4D. Once again, it clearly shows the transmission and contact information optional.

So, I wanted to provide that additional context to the starting point of discussion.

SEBASTIEN DUCOS: Marc, for everybody's understanding, do you mind putting those points that you discussed in chat? Simply because your mic was going in and out and some of the points may not have been fully heard by everybody. The references, I mean.

MARC ANDERSON: Of course. Apologies for the mic fading in and out.

SEBASTIEN DUCOS: Thank you for that. Your hand is still raised. I see another hand by a [Fred]. Mic is yours. Hello. I have a person called [Fred] with a raised

hand. I don't know if it's a mistake or actually somebody wanting to intervene.

DENNIS CHANG: Yeah. I'm not sure who [Fred] is but this is the IRT working session, so if you're not a member of the IRT and you're joining us from the public, we have reserved five minutes at the end of the session for you to make your comments. Thank you, [Fred]. Continue, Sebastien.

SEBASTIEN DUCOS: Well, I was hoping to engage a conversation.

DENNIS CHANG: Maybe Alex, you want to ... I know that Alex is the one who delivered this letter to the IRT.

SEBASTIEN DUCOS: The second letter, yes.

DENNIS CHANG: Yeah. So, was there anything that you'd like to say?

SEBASTIEN DUCOS: Alex, you should have taken the mic.

ALEX DEACON:

Yeah. Hi, everyone. This is Alex. I guess I'm ... It's not clear to me what our goal is in this discussion. I know and appreciate well Marc's position. We outlined a slightly different one in our letter.

I guess maybe the question is to you, Sebastien, regarding what you need to do your job, how we could help, maybe what form that will take and then I guess what the next steps will be.

If you want to have a debate back and forth about the positions of the contracted parties and what we laid out, we can do that now I suppose, but it's not clear to me that's what you wanted. I guess I'm just looking for some guidance and clarification.

SEBASTIEN DUCOS:

That's a very fair point. So, what I have been tasked by the GNSO ExCom is to find if there is an issue and uncover it. So, I guess the first item that I need to gather is if there are difference of opinions—and I believe that there are. If there are differences of opinions, have I interpreted these differences of opinions well and can I go back to the GNSO ExCom with this and say this is where I think that we're having issues, friction, whatever you want to call it? So, that's one point.

The second point is one maybe to review within the IRT. I'd like to think that, as the IRT, we should be able to proactively find solutions to this problem, not just expose the problem but find a path going forward.

So, I was hoping to engage a conversation here to maybe see if there was, from what everybody read of each other's positions, ways that they see going forward, rather than just [inaudible] on what we are.

And that way forward may be an open discussion. It's usually, in my own experience, very hard to obtain that sort of resolution like that in an open debate. It might be a more private conversation also on trying to find where these friction points are and what could soothe them. But I don't want to be prescriptive here. I want to hear it from everybody.

Then the last point is the point I made at the very beginning. Again, the IRT, as Dennis reminded me last week or two weeks ago, is an exercise of many individual voices. We've taken an approach here, and probably historically because of the way the EPDP was organized itself, to [inaudible] way of approaching it with the CPH, with the BC, an the IPC representing their own point of view, and I just wanted to make sure that other parties around the table were able to do the same and [inaudible] to do it. So, these were the three points.

DENNIS CHANG:

Marc, I think you have your hand up again. Did you want to speak?

MARC ANDERSON:

Thanks, Dennis. I'm speaking closer to the microphone and louder, so hopefully you can hear me better this time.

DENNIS CHANG: Yeah, it's better. Good.

MARC ANDERSON: All right. Excellent. Thank you, Sebastien, for that. I think that makes a lot of sense and hopefully we can do that. I have had a chance to read the letter that Alex submitted on behalf of the BC and IPC and Alex was a of the Phase 1 EPDP, so he's of course familiar with the deliberations.

One of the challenges I found in reading the response from the BC and IPC was that, in Phase 1, the working group members did not identify legal basis why data must be transferred. The data we're talking about is the contact data—registrant, admin, technical contact data—why that data must be transferred in all cases. We did not identify a legal basis why it must happen in all cases.

So, I guess with that understanding, I'm failing to really understand the BC and IPC's position. So maybe that's a question for Alex how I'm supposed to reconcile my understanding of the EPDP Phase 1 Working Group, that we did not identify a reason why that transfer must occur in all cases with the letter you sent.

DENNIS CHANG: Alex, you have the floor.

ALEX DEACON:

Yeah. Thanks. I think it's worth noting that the final report for Phase 1 was completed and approved by the team and by the Board prior to the Bird & Bird legal advice that we had gotten.

I think our position ... I don't want to repeat. You could read in the letter here but we believe that there is really no conflict between the recommendation 7 and the thick WHOIS transition policy.

Rec 7 doesn't prohibit or prevent the transfer of additional data elements. The use of optional in rec 7 does not foreclose the enforcement of a preexisting contract, which is the thick WHOIS policy which was approved by the multi-stakeholder bottom-up process, proved by the GNSO Council and the Board, was actually implemented and then was in the process of being deployed when it was paused.

So, we believe that with this new information from Bird & Bird, while rec 7 requires that only a minimal set of public data be transferred from the registrar and the registry, provide—and this is the important wording—provided an appropriate legal basis exists and the data processing agreement is in place. It does not prohibit the transfer of additional data elements in line with the same conditions of appropriate legal basis and the presence of a data processing agreement.

So, it is our job I believe in the IRT to ensure those things are in place, support the policy that was approved by the community in the thick WHOIS many, many years ago, and the Bird & Bird memo gives us a path forward to do exactly that. Thanks.

DENNIS CHANG: Marc, did you want to speak again? Or go ahead, Sebastien.

SEBASTIEN DUCOS: No, I was just going to say I see three hands up—Alex who just spoke, Marc also. Maybe you should listen to Susan, unless Marc had a ... Yeah. He took his hand off. So, Susan, the mic is yours.

SUSAN PAYNE: Thank you. Can you hear me? I'm never sure with Zoom.

SEBASTIEN DUCOS: Perfectly well.

DENNIS CHANG: Yes.

SUSAN PAYNE: Okay, thank you. So, I've been involved with the WHOIS issue since 2005 and worked on the thick WHOIS transition PDP and the IRT to some level.

When the Board joined the IRT just a few weeks ago, it was very clear that they felt that we were not to throw out the thick WHOIS transition, throw out the baby with the bath water here, and make a responsible decision and did not point to anything, in my opinion, that showed that this was not feasible and that it was an issue.

And I think we're really talking about one company that is very respected in the realm of domain names, but when the new gTLDs were launched, part of the conditions were that those would all be thick WHOIS registries with the intent to go further down the way and make all gTLDs thick.

Now, GDPR is here but GDPR does not preclude doing that and there's nothing to be that we can see—and I signed on to this letter as part of the BC and there's nothing, in my opinion, that conflicts with making sure that that data is transferred to the registry, dot-com specifically, and the Board seems to support that.

So, we have the Board saying do not throw out the thick WHOIS policy, and I think the BC point of view is advocating strongly to follow the Board, we agree with the Board, and that we should move forward with the IRT and implement this so that that data is transferred.

And we're only talking ... I mean, that data is already being transferred to the new gTLDs, so we should just follow suit, do what the community has worked on since 2013 and move it forward. Do it in a way that is protecting their privacy and protecting the data—all this registrant data—but we cannot just whole say, say, "No, it's not part of it and we're not doing it," because 12 individuals didn't provide a clear pathway and clear enough of a report, which I understand. I've been on enough PDPs and review teams to understand that's a very difficult thing to do.

But the IRT has a responsibility to move forward and take the responsible steps here.

SEBASTIEN DUCOS: Thank you, Susan. I see a hand by Marc.

MARC ANDERSON: Thank you. Whoever is driving on Zoom, could you pull up rec 7 and the Phase 1 final report?

On the IRT, our job as IRT members is to assist staff in interpreting or understanding the recommendations if they're not clear and making sure they make sense. It's staff's job to implement the recommendations as they're written.

In recommendation 7, it very clearly lays out a nicely color-coded text whether the transfer is optional or required. And if you scroll down a little bit, you'll see a key there at the bottom. Green is required. Yellow is optional.

This recommendation 7 very clearly lays out whether or not it's required or optional to transfer the data. These are the recommendations made by the GNSO Council and ICANN Board approved consensus policy. And it's staff and the IRT's job to implement this policy as it's written.

I agree with what Alex was saying earlier, that very clearly there is the ability to transfer the contact data in cases where a legal basis exists and data processing terms are in place.

But this policy that we're tasked to implement is very clear on which fields are required and which fields are optional. It is our job to

implement this as it's written. That's our task—nothing more, nothing less.

SEBASTIEN DUCOS: Thank you, Marc. I see a hand by Volker.

VOLKER GREIMANN: Yes. Good morning to you all. I think the recommendation also needs to be read in reverse, which also means that if there is no legal basis or no data processing agreement—but I think the legal basis is the most important part of that, then a data transfer must not occur because they are not covered by the GDPR.

In fact, any processing activity needs to have a legal basis for that processing to occur, and we were I think very clear in Phase 1 when we said that this basis must be present.

If no such basis is present, i.e. the registry has no actual own need of that data, then obviously the data transfer, there's no legal basis, no objective for that transfer, other than having it there because all others have it there. There's no legal basis [under] the GDPR.

So, obviously, we need to consider what the recommendation says and doesn't say to make sure we follow it correctly. Thank you.

SEBASTIEN DUCOS:

Thank you, Volker. I was going through the list of participants quickly to see if I could see Becky, who was there on the call that you referred to, Susan. And I can't find her ... There.

Having listened to the call several times now also in preparation to this—and I don't want to misquote her. I really wish that she was here to say it herself. She definitely said that indeed the IRT wasn't here to go and change the thick WHOIS transition policy just like that nilly-willy—probably not a legal term, sorry.

But she used the term “shadow”. I can't remember. Sorry. She used a notion of not changing policy without ... Just in the background. But it needed ...If a policy—and this is why I raised the point of the data set itself. If there needs to be a change of previously existing policy, that it should be flagged and done through the appropriate channels and not in a way that is not clear to the whole community.

I don't know that she ... Well, again, I don't want to interpret. I wish that she was there to do it. But I think there might be a slight difference of perspective here.

And again, on the data point, I think that we're all in agreement that we need to flag that in some way. I was just wondering what your opinion was of that. And I see Susan raising her hand again. Please, go ahead.

SUSAN PAYNE:

I copied one of her statements from a BC letter. We took it straight of the—or Alex and Dean took it straight out of the transcript. She made

the comment that she did not want a quiet repeal of the thick WHOIS policy, which makes sense.

If this policy should be changed, then let's do what we always do. We have a process—PDP process—and we can go back and we can sit in a room and discuss it again, but there is no reason that at this point in time, with the Board's concerns and the stakeholder groups, the constituencies, that are concerned about this and the security and stability of the Internet at jeopardy that we do not implement with the EPDP policy, thick WHOIS, for those registries that have not already done it—most of them have—and we move forward.

If GNSO Council decides there is reason to rethink that policy, then we follow the standard mechanisms that we all do. But I think it was in Marrakech when we had a long session that lots of us that are on this call today also participated in. We went through policy by policy by policy how the EPDP might impact these specific policies.

So, it's no surprise here. I think a lot of people have given it a lot of thought and we just need to follow suit, follow the multi-stakeholder system, because if this goes away with the EPDP, it is a quiet repeal of the thick WHOIS policy without the voices and the input from the multi-stakeholder community on this.

So, as an IRT, I think we have a responsibility to hold fast and to move forward, so that we can move forward with the EPDP policy—at least the first set of recommendations—and get this moving forward because it's very difficult to contact registrants that are behaving badly on the Internet right now.

So, I think we could go back and pull out all of Becky’s language, but it was very clear in my opinion that she and the Board—she’s speaking for the Board—was very uncomfortable with moving forward with rec 7 in the way that it’s interpreted by the contracted parties.

And Sebastien, I just wanted to sort of give you my condolences. I was a GNSO councilor and was a liaison to one of the working groups that didn’t go so well. So this is not an easy role that you’re in. So, my sympathies to you.

SEBASTIEN DUCOS: I had a chat with Donna Austin who reminded me of that on Friday.

SUSAN PAYNE: It’s [inaudible], tough.

SEBASTIEN DUCOS: Thank you. Thank you very much.

DENNIS CHANG: And thanks, Susan, for hanging in there. [inaudible].

SEBASTIEN DUCOS: I’m conscious of time rolling.

DENNIS CHANG: Yes.

SEBASTIEN DUCOS: I have three hands up, so maybe we need to go through those three and wrap this up. I think I have enough to go back to the GNSO Council at this stage. But let's hear those three new points. I have Marc, Volker, and Sarah in this order. And then maybe wrap this up, if that's okay with you, Dennis.

DENNIS CHANG: That's fine.

SEBASTIEN DUCOS: Yeah. Marc?

MARC ANDERSON: Thank you, Sebastien, and thanks for raising that point. That's a great one. On that one, I think—hopefully it's reflected in the transcript—but I also agreed with Becky. There should not be a shadow repeal of the thick WHOIS policy. Certainly, that's not what was intended in the recommendations. So, there I certainly agreed with Becky.

And I want to point out recommendation 27, which clearly says that the EPDP team recommendations that as far as the implement of these policy recommendations, updates are made to the following existing policies, procedures, and any others that may have been admitted to ensure consistency with these policy recommendations. And it goes on to list a couple, including the thick WHOIS transition

policy. So, rec 27 clearly provides instruction for how to deal with that.

And I fully agree that this should not be done in a shadow manner. This should be done in a fully transparent, open, and clear way that's understood and visible to everybody. I think we can all agree that that's important.

But I want to note that that cuts both ways. We cannot have this policy shadow change or shadow update the thick WHOIS transition policy anymore than we can allow the thick WHOIS transition policy to shadow change or shadow modify this policy. This policy has to be implemented as it was approved and as it was agreed upon.

So, I think that ... [inaudible] put in chat, "No shadow affirmation, no shadow repeal." This policy doesn't shadow change the thick WHOIS policy anymore than that policy shadow changes the EPDP Phase 1 recommendations. Thank you.

SEBASTIEN DUCOS: Thank you, Marc. Volker?

VOLKER GREIMANN: Yes. Just two minor points. I don't think this would in any way repeal the thick WHOIS policy. It just qualifies it. It updates it to a status that wasn't known when we didn't have the GDPR. I mean, I was on the thick WHOIS policy working group and at that time it seemed like a good idea because we weren't thinking about GDPR at that time. And

now we know, well, any day to transfer to a registry, especially into a different country outside the EU, requires certain conditions to be present and one of those conditions is that that processing must have a purpose.

So, when we are saying that ... When we said in the recommendation that this purpose must be present, we didn't repeal the thick WHOIS policy. I think it's [inaudible]. Then we added another condition to it that has to be fulfilled before we can move ahead with that. That's all it is.

And the second point is I think it's wrong to conflate security and stability with thick WHOIS. The Internet was running fine and it's still running fine, with the majority of registrations under thin WHOIS. There is no security or stability issue that I can see that has stopped the Internet from running securely or stable in the past decades it's around. So, saying that [inaudible] for security and stability, it's just wrong.

SEBASTIEN DUCOS:

Okay. Thank you, Volker. I see that there's nine minutes left on this session. [inaudible] down. I think somebody's mic is still open.

So, if nobody ... Again, there is [inaudible] went down by Mark SV [inaudible] went down. I'm not sure. Let's call for a word.

ANDREA GLANDON:

Please. One moment please.

SEBASTIEN DUCOS: Please go ahead, Andrea.

ANDREA GLANDON: Go ahead. You can continue.

SEBASTIEN DUCOS: Sarah, you raised your hand and you had it raised before, so please go ahead. But that will be the last statement. Thank you. Sarah Wyld? We're not getting Sarah. I don't know if you can unmute yourself if the hand is raised [loud beep]. Can that person please shut down? I don't know if we can do that ourselves. I appreciate that, Sarah. I'm sorry about that.

UNIDENTIFIED MALE: I do hope that Sarah has not gone away. She had some good stuff to say.

SEBASTIEN DUCOS: I hope so, too, but I understand also. Yeah. Given the clock on this, if Sarah is still online [loud beep]. This isn't acceptable. Okay. We're going to wrap this up. Sarah, please reach out to me. [loud beep].

DENNIS CHANG: I think it's probably better if we go ahead and wrap it up. Hopefully, you've heard some good input from Sebastien. And I remind the IRT

members this one thing. As opposed to the EPDP team where the members of the EPDP team are working as a subgroup representing their constituencies, IRT is not build that way. So, as individual IRT members—and of course anyone can join the IRT—you can have a voice, an equal voice.

So, the [IPT], the ICANN Org, as we are drafting the policy language, we are looking at the content, the argument, and that's what we'll be using to craft our language.

So, just remind you. You can contact me, of course, and you can also contact Sebastien to continue to provide your input.

And I just wanted to show you this one more time. The language that we are examining are here. This is the language that the [IPT] has proposed to make it simpler and I think it does the job. This is the original language that you have been looking at. And [inaudible] in the letter of the BC/IPC. They have also produced the language proposed. So, please look at that and give us your input.

The next IRT meeting is here and you can see it on the agenda. It will be on July 8th and we will start working on our agenda as soon as we're done with this meeting.

Before we go, we didn't get to the other agenda topics, but I did want you to take a look at this. This is the target timeline that we are discussing. So, if we are to open public comment—and I think the earliest time we can do that is September—we have to finish our OneDoc like at the end of July.

So, what this means is that we are going to have to allocate and limit the last remaining open items, as we will, and then be done with the discussion part and we will go ahead and go to the public comment with whatever we have and then of course we can continue to work while the policy language is in the public comment.

So, the thing that I'm going to ask the IRT members is this. Recommendation 7 on transfer is clearly an item that we have conflicting interpretation within the IRT and we are trying to see if we can make progress on that. But we can't talk about it forever, so we will have to decide on a [inaudible] which [will go to public comment].

The other potential items are that we identify the 15.2 and recommendation 11, emerging requests. I know there's a lot of comments on the IRT [docs], on those items. So we will have to discuss that.

But the way we're going to go forward is to decide then the time that we will allocate to those discussions and see if we can get to a point where we are ready.

So, sorry about the Zoom [inaudible], but we experienced it more so ourselves, so that's unfortunate. So I'm not able to open up the mic to the public and that's a shame. I did want to hear from you but perhaps next time we try again.

So, thank you, everyone. Sebastien, did you have anything more to say, have any remark that you can have the mic? No?

Okay, then, thank you, all. Thank you, all, for supporting the Registration Data Policy Implementation. Bye now.

ANDREA GLANDON:

Thank you, everyone. That concludes today's session. Please remember to disconnect all lines and have a good rest of your day.

[END OF TRANSCRIPTION]