ICANN73 | Virtual Community Forum – GNSO: Registration Data Accuracy Scoping Team Meeting
Monday, March 7, 2022 – 12:30 to 14:00 AST

TERRI AGNEW:

Hello and welcome to the Registration Data Accuracy Scoping Team meeting. Please note that this session is being recorded and follows the ICANN expected standards of behavior.

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With that, I'll hand the floor over to our Chair, Michael Palage. Please begin.

MICHAEL PALAGE:

Thank you, Terri. Good morning, good afternoon, good evening, everyone. And I would like to welcome the working group members as

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well as the larger ICANN community that is sitting in on this session today.

What we decided to do to make this as interactive as possible is we want to open up this session to community input and interaction, but this will be a working meeting. So this, if you will, gives a little insight into what we, the Accuracy Scoping Working Group, is doing.

Generally, as with most calls, I usually start off with a quick administrative update. What I like to do here today is just provide a roadmap of what we are going to be undertaking during this 90-minute session, as well as giving a little bit of a background as to what we are tasked with by the GNSO Council.

Next slide, please. This particular scoping team literally began our work at the beginning of Q4 of last year. So we're relatively a new team within the policy development process. And the GNSO Council specifically gave us four assignments that we were tasked with. The first is to look at historical enforcement and reporting. The second was to look at accuracy measurements and to compare that to what is the current standard operating procedure and where there can perhaps be room for improvement. This is what we're calling our gap analysis. These are Assignments 1 and 2.

With the way the GNSO Council instructed us, it is our task to handle these two assignments first, and only after handling these assignments are we to move forward with Assignments 3 and 4, which deal with effectiveness and potential areas of future improvement. So, again,

Assignments 1 and 2 are what this group have been undertaking over the last five months.

Again—this is just a note—our friends at the ICANN Policy Team have been incredibly helpful. Out of all of the ICANN Scoping Team or all of the policy work that I have been involved in, I would say that, as far as the substantial amount of documentation, both current and historical, there is a lot here. So those that are interested, I would please direct you to the wiki, where you will find the full breadth of resources that we have been reviewing.

And what you'll be seeing here to say is we're going to be focusing sort of on the gap analysis, basically looking at what are the current practices and where there can potentially be room for improvement or gathering additional data.

Next slide. And what's important here is we are a little bit behind schedule. We had originally anticipated and targeted having Assignments 1 and 2 to the GNSO Council by ICANN73. We have unfortunately missed that target for a host of reasons. What we're trying to do, though, is we are trying to get back on track. And I do believe we are close on wrapping up that Assignment 1 and Assignment 2. And we do though, however, anticipate perhaps a little bit of a quiet period before we start to substantively engage in Assignments 3 and 4 because you will probably be seeking additional guidance or instructions from the GNSO Council regarding the output of Assignments 1 and 2.

Next slide. So one of the things that would be really incredibly helpful to the scoping team, particularly for those people that are sitting in on this session for the first time, as you hear us discuss the existence or non-existence of data points, if you have factual data that either support of contradict a particular proposition or statement … We really want to focus on facts. As a scoping team, it is very important—and, as a chair, a remind this to the working group all the time—and we are not proposing policy. After we have done our work, we will present our work to the GNSO Council and, if they believe it merits further policy work, they can then kick off a formal policy development process that will look at making potential consensus recommendations.

Again, at this point, this is more fact-gathering and presenting this so that ICANN Org and the GNSO Council will have all of those facts. And I think that this is consistent with where ICANN is going with the OPD and the ODAs, as well as the recent survey they just announced on Friday with the new gTLDs. I think ICANN is trying to move more towards objective fact-based determination. So that's very important.

And with that, if you will, as a quick introduction, I want to now begin to move into some of our substantive discussion that will be taking place here today. And with that, I will be turning over here to Marika, from ICANN Org, who will be explaining the document that will be on the screen, what we as the group will be discussing: the pros and cons of each of these propositions. And we would really appreciate and welcome any insight or any comments from the community. Again, this meant to be interactive. If you do see something, please raise the

question, and I will work with ICANN Org to work it in and bring it to the attention of all participants. Over to you, Marika.

MARIKA KONINGS: Thanks very much, Michael. The document you see on the screen—I just posted the link as well in the chat, so those that want to follow along and either zoom in or out are able to do so … To maybe provide a little bit of context, as Michael mentioned before, the group started out working on a gap analysis, where a number of questions were asked for input, starting out with, what is the current goal of existing accuracy requirements? And how can it be measured (whether or not these goals are being met)? Third of all, are there are any goals that have been overlooked? And if yes, what problems would these goals aim to address? And then, fourth, if you have identified additional goals, how and by whom have these been documented and measured, and how can that information be reviewed?

So what we're currently looking at and where we're at in the process is basically Question 2. So we have discussed current requirements and current goals of accuracy requirements, and we're looking at, how can it be measured (whether or not these goals and requirements are being met)? And as part of the gap analysis, a number of suggestions were made by members of the group that might be worth further exploring.

So what the staff support team did is we created this document that you see on the screen, in which we basically, on the left hand side, copied and pasted the specific proposals that were made by the different groups. We tried to highlight as well, in the second and third

column, potential upsides and downsides of these proposals either based on conversations to-date or direct input that was made from the group. And then, in the last column, we identified potential next steps that the group could perceive.

And I see Alan is typing in the document, probably inadvertently, unless he wants to add a lot of numbers to it.

So the idea would be to run through this table, first of all, to make sure that we've accurately captured the proposals that were made by the different groups and to try to assess whether there's some consolidation that could potentially be done because there's some overlap in these proposals and whether there's further upsides or downsides that need to be documented and whether there are potential steps that either are missing or should be modified. The idea here is not to work on one specific proposal or pick one. At least from a staff perspective, I think there are various ones that the group may want to explore further to basically understand whether or not these are feasible and result in the data that the group is looking at to basically better understand whether or not existing requirements are being met.

I see Becky's hand up, so I'll pause there.

BECKY BURR: Thanks. And sorry.

MICHAEL PALAGE: Go ahead, Becky. I was just going to introduce you, but Marika did it equally as fine as myself.

BECKY BURR: Thank you. I just thought I would jump in here. The ICANN Board has been meeting for the last four days, as is the usual case, in a workshop in advance of ICANN73. And this issue of data accuracy is one of the areas that we talked about.

As you know, the Board has asked Org to seek greater clarity with respect to the application of GDRP in a number of circumstances. And we think that this is an area where that may be appropriate as well. We know, for example, that if ICANN gets a report of inaccurate registration data, it has the ability to request that information from a contracted party to check it. What we don't know is the extent to which GDRP would permit ICANN to access registrant data proactively to conduct research and analysis on accuracy. And I think there's two aspects to it. One is what kinds of inaccuracies occur? And do they prevent contact? And how often do those inaccuracies occur across the data set?

So the Board has asked Org to prepare a number of specific scenarios in order to consult with the European Data Protection Board on whether or not access to this data proactively would be legitimate and proportionate, which is to say not outweighed by the privacy rights of the individual data subjects.

And there could be any number of scenarios—for example, engaging an independent third party to do some sort of analysis in Europe so that

data transfer issues aren't invoked, or a number of different scenarios. If a statistician was to tell us that some subset of the entire data set could be analyzed to give us a reasonable basis of information, that would be another circumstance.

So we have asked ICANN Org to prepare those scenarios and to seek guidance from the European Data Protection Board. We are going to be asking the GAC to support us in that request for clarity. And we hope that this might be a way of really creating a baseline that everybody can sign up to in terms of what the status is.

Now, I just want to say, of course, it is not enough simply to get the European Data Protection Board's blessing on that. It would be great, but that's not enough. Obviously, there would need to be various arrangements put into place—a data protection agreement with contracted parties, for example—in order to access that information for this limited purpose.

But I just wanted to put that out there: the Board has heard the concerns about the lack of a baseline that everybody agrees gives us the kind of data we need and is prepared to seek assistance in order to conduct further research on this question.

MICHAEL PALAGE: Thank you, Becky. If I could add perhaps a quick follow-up question— and if anyone else, any other members, have questions, please get in the queue—I applaud reaching out to the GAC. I think they will be instrumental in getting this right and seeking the clarity that we were

looking for. Before those questions get submitted to the Data Protection Board, will there be any consultation or collaboration with this group, considering how this appears to be within our remit? Do you have any initial insight on that?

BECKY BURR: It's a very good question, Michael. We did not talk about it. As I said, it's going to be a series of scenarios. And I expect that people in this group may have ideas about other scenarios that are appropriate. So I certainly will take that back as a friendly suggestion.

MICHAEL PALAGE: Okay. And I see Alan supporting that as well. Again, I just raise that— and if you want Becky, I consult with the broader group … Again, I'm not making any unilateral declarations there. I just wanted to see if that was something that would potentially be available to the group.

So with that, thank you again, Becky, for being proactive and sharing this information with not only the working group but the broader ICANN community. This really does make, I'll say, the development process work.

So with this, Marika, I'm going to turn it back to you so that you can perhaps lead us through some of these discussions here and people do not have to listen to my voice for the majority of the next hour.

MARIKA KONINGS: Okay. Thanks, Michael. I think it's very helpful information that Becky has shared, and it will come up later in the document as well, where some of those questions were identified as well as potential gating factors to be able to explore potential next steps. So that may be something we can already note here in this document as work that is ongoing.

So, looking at the first proposal—this is basically a combination of what the registrar team suggested, as well as a specific question that the registry team put forward—it would be to consider whether a survey of registrars would help in obtaining some useful information that would help inform the group's deliberations.

So there are four specific questions. I think three of these were identified by the registrar team. One was identified by the registry team as, again, providing potential insights into whether or not accuracy requirements are being met.

One of the upsides that we noted here would be that it would provide direct reporting from registrars—so directly from the source—and no potential need for third-party involvement and/or information on whether a DPA would be necessary. And tracking this information over time could create a helpful picture of the state of accuracy.

At the same time, there were a couple of downsides identified, and these come directly from the registrar input basically noting that, even though the information might be helpful, it's not possible to require registrars to provide these data points, as there's no contractual obligation or policy obligation to track and disclose this information.

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And there might be limits into the willingness to provide this, as there is the complexity and time and cost potentially involved in gathering this data. And an observation was also made that there might be concerns from the scoping team or maybe the broader community as to whether the information or feedback provided could be considered as accurate as data provided by the registrars.

So what we identified as possible next steps would be to potentially engage with the Registrar Stakeholder Group through the registrar team that of course participates here to see what willingness there exists to participate or help with such a survey and reach out to registrars to request this information. And probably some further consideration would need to be given to whether or not these are the right questions, whether more specificity might be needed, whether other questions would be helpful, and also what kind of format such a survey could or should be run in to make sure as well that, whatever is provided, that is in a format that is easy to digest and track over time as well.

So it'd probably be helpful to pause here and see what the reactions of the group are. And does this accurately represent the proposal from, I think, the registrar and registry team? And are there other upsides or downsides that the group should factor in as you consider next steps? And are there any other next steps that should be considered here as we look further into this specific proposal?

MICHAEL PALAGE:

Well, there seems to be an incredibly active discussion going on in the GAC regarding Becky's initial contribution. So it seems like we may have hijacked the discussion. But as we get through this document, we will revert back to some of the, I think, interesting discussion and questions taking place regarding the information shared by Becky.

But to perhaps again drill down on this to make this a little more interactive, particularly for people that are joining, usually our sessions intend to be very interactive, so I'm going to call on my registrar colleagues here. With regard to this proposal, perhaps they can share from perhaps what they think from a timing perspective. That's one of the things that I think would be really helpful. If we were to seek this information, how quick do you think you might be able to turn it around so that we can get that information in the pipeline?

Thank you very much, Volker and Marc. Volker, you have the floor.

VOLKER GREIMANN:

Thank you, Michael. I think it's a very interesting proposal. The question here is, how many registrars and registries actually track that kind of data? I mean, implementing these requirements that they work, that they function, is one thing, but when they were implemented, there was no interest in having statistics on that fact. So most registrars that I know of have not implemented that. And asking to implement that would A) not go into historical data but only go forward and B) require development resources that many registrars don't have available. So most of these are automated processes that run in the background and,

if we have to look at creating new databases and tables that basically track this happening, then I'm not sure how realistic that is.

But on the other hand, I do agree that registrars are probably best equipped to provide that data because only they know what is going on in their systems. So only they can find that out.

So I think there's a problem here. I'm not sure that can be solved, but ultimately, from the concept, I think it's the best source of data that we have. It's just the question of, can we get at that data in a meaningful way? Thank you.

MICHAEL PALAGE: Thank you, Volker. Marc Anderson, you're next in the queue.

MARC ANDERSON: Thanks, Michael. Interesting points from Volker. This point that registrars may not actively track of this information is a fair point and it's something he captured [as a downside].

I raised my hand to point out that I think one of the advantages of this one is that it doesn't preclude work in other areas. We can consider possible survey questions—really possibly any questions. I think this is sort of a low level of effort for us to put together some questions. I think Volker gave some good thoughts as far as coming up with questions that are potentially answerable by registrars.

But I would be interested to work together with the rest of the Accuracy Scoping Team to consider questions that we could ask the registrars to

provide input on to help inform our working group. I think the downsides of being able to trust the data and likely getting a subset of registrars responding will call into question the wholesomeness of the data and the responses. I think that's fair. But any data points are worth us considering and I think it would be worth our time to spend little effort in the working group to try and polish up some questions that would potentially provide value to the Accuracy Scoping Team.

MICHAEL PALAGE: Okay. Sarah, I'd seen your hand go up and down and up and down, so I'm going to put you next in the queue because it has gone up and done so many times. So, Sarah, you have the floor. Sophie, you're next.

SARAH WYLD: For sure. Thank you. I just had a few thoughts. I like this idea. I would like to hear maybe from some other groups on this suggestion because I feel like we've heard a lot from the CPH, who are already holding the data.

Michael, I wanted to answer your initial question of how long this would take. I could imagine that creating the survey itself wouldn't take too long. We already have a pretty good sense of what questions we're looking at. And so I feel like we can get it done. But I want to hear as to how many responses we would need for the answers to really be accepted. Thank you.

MICHAEL PALAGE: Okay. Sophie?

SOPHIE HEY: Thanks, Michael. I was just going to suggest another thing that we might want to consider if we do decide to move ahead with a survey: potentially reaching out to ICAN Org for language support so we wouldn't have just perhaps American registrars being the primary respondents and hopefully get a more expansive pool responding to the survey.

I'd also suggest it might also be worthwhile asking some questions about what sort of processes registrars are already doing—not just looking at how many domains have registration data which is validated and verified but asking, what do you do to validate and verify? That might be something worthwhile considering in part of the question. Thanks.

MICHAEL PALAGE: Okay. So I see some comments in the chat that I'm going to, if you will, filter in, but before I do, to the non-contracted party members, is there anyone that would like to speak to this proposal? Again, we've heard from the registries and the registrars. I think it would be helpful to hear from some non-contracted party types on this issue.

While I leave you to think about what your question might be, I'm going to go to a question in the chat by Brian King. I think his question here talks about potentially, as part of this survey, a compliance amnesty for

those registrars who have less than 100% accuracy. I think that's something noteworthy.

And perhaps, to Volker's point about the cost … And, again, I think we always need to be mindful of the cost implications of what we do. And if we look at what ICANN has done historically back when domain name tasting was the scourge, ICANN actually came up with a way of incentivizing economically those registrars that were not involved in tasting.

I also look to the recent EU DNS abuse report that talked about economic incentives towards good actors. So this is something else that perhaps on this particular point we may want to look at.

And thank you, Alan, for stepping up. I was going to call on you, but there you go. You did not disappoint. You have the floor.

ALAN GREENBERG: Thank you very much. I guess, in my mind, the second bullet on the downside is the really critical one: will the data be accepted as being meaningful? And Sarah alluded to some of the reasons for that. It's not clear you could get uniform responses across the board.

And I think we all acknowledge that there's variation among registrars about how many take the accuracy thing/requirements as seriously as others. Most data seems to indicate, when you look at DNS abuse and other things, that problems are not evenly distributed among all registrars, but some tend to be pointed more than others. And are

registrars who may not be as scrupulous as some likely to respond at all?

So we may be skewing the data to get it just from the better actors and not have necessarily a good picture of what the overall system is. I don't know. But I think that brings the whole thing into question enough that I wonder whether, given the other uncertainties, it's really an area we want to pursue. Thank you.

MICHAEL PALAGE: Okay. Stephanie, for the benefit of those that are just listening to this on a recording, I know you just stated, in the chat, an objection to the methodology. Would you be able to perhaps speak to this?

STEPHANIE PERRIN: Yes. What I typed in the chat was precisely—hang on. I'll just scroll down here if I can. I objected to the methodology followed during the RDS review in polling law enforcement agencies for how they viewed removal of the old WHOIS. (That's a rough characterization of the study that was performed at the time). I think that the same issues would plague this kind of study unless you bring in independent scholars and actually insist on access to real data. I don't think that ICANN has the authority to insist on real data and impose it, and you would need to have conformity between both studies. I mean, the results of the polling of law enforcement agencies was, yes, they missed the old WHOIS, but they were still using the legacy information systems that were out there, despite the fact that those might be non-compliant with GDPR, I

will add. So they still had lots of good data from the commercially-available systems.

I don't really find this helpful. We need to know, how often is the data used for legitimate law enforcement purposes?

Now, the same kind of self-reporting would plague this system. What contracted party in their right mind would say, "Well, yes, we found our accuracy rate is 50% but we still stumble along and make money"? I don't think that's going to be very helpful. Thank you.

MICHAEL PALAGE: Thank you, Stephanie. And I think this perhaps goes to some of the comments that Brian King was raising. "How can we incentivize those that participate in here to do so and be a good actor by voluntarily participating but then not be punished for that voluntary participation?" I think is something noteworthy.

Marc, I see you are the last hand up on this particular issue before, I think, we move to the next proposal, so you have the floor.

MARC ANDERSON: Thanks, Michael. So, listening to comments from other people and the discussion in chat, I think that the general trend that I'm hearing is that the survey would not produce useful results. And so this doesn't seem like an idea that's generally supported by the group, which is fine. Right? I mean, that's the purpose of discussing these: their value. Should we continue to look at them?

But I guess, before we move on from this one, I want to ask the group one other question to ponder. And that's, are there any question we could ask registrars that would be interesting or useful? I'm sure there are questions out there that people have about how things are implemented, what their process for suspending a domain name is, and what's the process for unsuspending a domain name due to reports of inaccurate data. Is there anything we could ask registrars here that would be of value to the scoping team that may provide information that's useful and interesting to us?

Maybe there is. Maybe there isn't. I'm just throwing that out there before we move on from this one. I think it's worth us considering if this does have any possibility to provide helpful information before we move on. Thank you.

MICHAEL PALAGE: Thank you, Marc. And, again, Marc, I think we as an entire scoping team will revisit this. I don't view this as making any decisions. We still have some work to do on Assignments 1 and 2, so I don't see, again, precluding this based on the discussions here today. I want to give everybody time to think it over and discuss it on the mailing list as well as to discuss it in a follow-up plenary call.

Alan, it looks like you will have the last word on this proposal.

ALAN GREENBERG: I wasn't planning on having the last word but just a thought on the first bullet, which we haven't discussed really at all. There's two ways of

getting registrars required to do something that they aren't currently required to do. We could have a PDP and generate consensus policy, or things could be put into the RAA by lateral negotiation between the Registrar Stakeholder Group and ICANN Org. If the Registrar Stakeholder Group believes that there is merit in requiring registrars, for instance, to report certain things, we could just decide that the registrars and ICANN Org would insert this into the contract.

Now, it takes a while for RAAs to roll over to be applicable to every registrar, but nevertheless, we can add requirements if there is a general belief in the Registrar Stakeholder Group that that would be of benefit of the overall organization. And it could be done without quid pro quos. We could just simply decide that this sentence gets added to the RAA. And we shouldn't discard that completely if there's something that really benefits addition. That would benefit all of us. Thank you.

MICHAEL PALAGE: Thank you, Alan. And I think that—oh. Volker, you have the last word.

VOLKER GREIMANN: Sorry. I couldn't let that stand. I don't think that we can decide to add anything to the RAA whatsoever. The only parties that can decide to add anything to the RAA are ICANN and the contacted party subject to the RAA—i.e., the registrars. No other party has any word to say of that. Thank you.

ALAN GREENBERG: To be clear, that's exactly what I said. I didn't say "we; his group." I said, "we; ICANN Org and the contracted parties in bilateral discussions."

MICHAEL PALAGE: Marika, you have the floor. If you want to, you can have the last word on Proposal #1 before transitioning into Proposal #2.

MARIKA KONINGS: Thanks, Michael. I just wanted to note as well—I think Alan mentioned it as well—that, of course, this group could recommend, if that is identified as a potential gap, that either it's further considered as part of policy development or a recommendation is made through the council that the contracted parties and ICANN consider this issue further.

I just also wanted to flag that I think we're discussing this a little bit on as whether this is already a thumbs-up or a thumbs-down question, but I think at this stage, we're really kind of trying to go through all these questions. And it's probably—I think you've mentioned this already as well—too early to exclude anything because, again, there are a number of options where the group probably needs to get a better understanding on whether or not it's even viable to pursue that approach. And I think here there have been already some arguments made why it may be difficult or why it may not be helpful, but at the same time, as I said, we don't have a picture yet of what may be viable.

So the group may not want to close any doors yet and try to see indeed here what could be helpfully asked. Is there any willingness to

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participate? Is there further work that could be done in this area? Or is this indeed an area that needs to be discarded because it turns out that it's not going to be helpful in addressing some of the questions?

So, having said that, moving on then to the next proposal on the list, which related to third-party assessments, it was suggested that a third party could maybe independently measure the three data points above. And it's now already four. In order to do so, they would first need lawful access to the registration data. And I think this was also a proposal that was made by the registrar team.

So one of the advantages here would be that there's independent review and assessment of the information by a third party. A potential downside—again, this is also taken from the registrar input on this specific proposal—could be that lawful access might be complicated [and jurisdictional] concerns. And even if it's achieved, there would still remain cost and time concerns as the registrar would still need to provide access to the data to a third party.

So, again, I think one of the things here we identified … As I mentioned, this is the question [E] that the data processing agreements and the ability for either ICANN Org or third parties to access this information for research or compliance purposes is one that is hopefully going to be addressed in parallel.

So there might still be other aspects of this potential avenue that the group may want to consider and elaborate on until further answer are forthcoming on whether or not this is a viable avenue so that at least you're prepared for potential next steps on this proposed path forward.

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MICHAEL PALAGE: Thank you, Marika. And let me try to tee this up to stimulate some discussion among the team here. So I noticed the comment from Brian King about restarting the ARS. This is something that a number of members have discussed.

I think, though, however, the contribution by Becky at the top of this top I think was very insightful. What I heard from Becky is that ICANN is, I believe, looking at narrowly tailoring those requests for where they would be able to, if you will, get access to the data.

So ICANN—please correct me if I'm wrong here, Becky—is not seeking access to all information about all registrants or to query all domain names. They are looking to narrowly tailor their legitimate interests to a specific subset of domain names in which a potential complaint has been raised.

Did I get that right, Becky, or did I swing and miss?

BECKY BURR: No, we think that, in order to create a baseline, we have to have a look across the full dataset, not just focus on places where problems or inaccuracies have been flagged.

Now, does that mean that, in order to do a study that is statistically sound and would be able to garner the support of all of the stakeholders as a legitimate study, may not need all the data but

presumably you'd need a representative subset of data across registrars and across registries.

I think those are all expertise-related questions, but this is very much related to a study involving proactive checking if that is in fact permissible under GDPR. And as you know, we do have significant concerns that the legitimate interest test for looking at registration data when there is a flag that it is inaccurate is very different from the balancing test inputs and outputs to do the kind of proactive accuracy scope baseline creation analysis that we're talking about here.

MICHAEL PALAGE: Thank you, Becky. And just to follow up on this point, Stephanie has raised a point that we as a group have been discussing, I think, over the last couple of weeks: if we only look at perhaps the data associated with reports from DAAR, if we're only looking at that subset of, say, 50-100,000 domain names per month, does that lead to a potential bias on the outcome of accuracy? This is something that, as I said, is a consideration. And hopefully, as a result of ICANN's engagement with the appropriate DPAs, we will get some clarification on that scope of what data perhaps can be legitimately queried and processed.

So with that, is there anyone that would like to get in the queue and speak on this particular topic?

Thank you, Sarah. You have the floor.

SARAH WYLD: Thank you. I think there's an interesting thing happening in what's suggested to be reviewed here in Item B. Could the screensharing person please just scroll up a little bit so we can see the text that's above. Yeah. Thank you. Perfect. Right there. Okay. So Item B refers to measuring B's three data points. There's actually four of them, as Marika pointed out. But if we look at them, none of those are actually personal data. Those are statistics: how many domains were verified, how many are in progress, how many are suspended.

So I think we should consider what exact information we want to obtain from this review. If we're just looking at what's listed there in 1 to 4, I think we could probably do it without the data protection agreement mentioned in Item E, whereas if we are looking at the actual underlying data, then of course there would need to be appropriate agreements in place and also some conversations about how that accuracy would be assessed. But those are two different kinds of assessment, so we should figure out which one we want to look at first. Thank you.

MICHAEL PALAGE: Sarah, excellent point. And, Becky, I would assume, if ICANN Org is looking to engage with DPAs, they are seeking to access personal data and not just this non-PII that has been referenced in this survey. Is that a fair assessment?

BECKY BURR: Well, yes. The information that is not personal data—truly anonymous or information that does not contain any personal data in it—is not

subject to GDPR. I think there are professionals who know how to create the kind of study that we're talking about, and I am not going to pretend to be one of those. But, yes, the notion is we probably need to look at … If you're going to do a proactive analysis along the lines of ARS, you probably do need to process some personal information. And that's why we are going to seek the guidance from the European Data Protection Board.

MICHAEL PALAGE: Thank you, Becky. And one thing—again, something that just popped into my mind here—is if you can, in one of the future meetings, perhaps give us an update on that timing on when you see that submission being made, and perhaps when we might get a response. Obviously, this is not going to be something that happens in a matter of weeks. It's probably going to take several months. And it would be helpful for us, when this groups goes back to the GNSO Council to perhaps give an update on our status, to have that additional data point on when we able to move forward with Assignments 3 and 4. So I would appreciate it.

BECKY BURR: As I said, this issue was discussed and addressed in our most recent workshop that ended last night. We hope that Org will put together the scenarios, and we can make the requests promptly. But we really haven't had a time to regroup on timing, and I will report back to the group once we have a better sense of that. But obviously there's some

urgency in it. But I do think it could be one of the important aspects of our work here.

MICHAEL PALAGE: And again, Becky, we thank you for sharing this literally hot off the press (obviously, less than 24 hours). So we greatly appreciate that interactive exchange of data.

Brian, would you like to give an update from ICANN Org's perspective?

BRIAN KING: Just quickly, Michael, thanks, Becky, for providing the update of the discussions that were had over the weekend. And I wanted to reassure everyone (not only Becky but other SMEs internally at the Org) to keep relaying information on this when we're going to send the questions, etc., so that we do it in a transparent manner and we can get feedback from everybody as the work goes along. So that's all.

MICHAEL PALAGE: Thank you for that update, Brian. So any other questions or discussion regarding this proposal?

I see none, so, Marika, you will have the last word and will be able to transition us into the next proposal.

MARIKA KONINGS: Sure. Thanks, Michael. So I just wanted to note that we'll take note of Sarah's comments. And I think what may make sense here is to break

this scenario into two pieces, one of which would be having a third party assess the questions or the data points based on the questions that are already identified here which would not contain or would not be expected to contain personal information. And then an alternative version of that would be where there would be a third-party assessment which include a potential review of personal information, which of course then comes with separate questions or issues that would need to be addressed. And maybe in that way, the group can kind of think through what will be useful to ask as part of such a survey.

And as well, does that third-party assessment of the questions identified under A potentially address some of the concerns that people have raised with registrars providing that directly and how reliable or useful is that data. So that may be a way of proceeding on this one.

And of course, we've set this document as a Google Doc, so if there are any further comments or input that people have, feel free to add these to the document.

So, moving on to Suggestion C, which was to have a dedicated ICANN Org registrar audit, the idea would be that ICANN would dedicate the next registrar to focusing on adherence to the WHOIS accuracy requirements. This could review collection and verification processes to ensure that data is appropriately validated and verified without examining the data itself, potentially removing the roadblock of getting a third party lawful access to the data.

One of the pros identified here is this is already an existing mechanisms that ICANN Org uses and applies. So that might facilitate the use of that.

Of course, the group probably would need to further discuss what information it expects to obtain from such a registrar audit, as well understand from ICANN Org what they are able to ask because there may be certain things that the group may want to hear answers to but that are not within the remit of what an audit could do.

So a potential suggestion here for a next step would be to ask ICANN Org for further information on, if there is support for proceeding down that path, what information can specifically be audited in the context of the WHOIS accuracy requirements and what timeframe could potential results be expected in because I think there's a kind of cycle that is in place for conducting these audits.

So that's Option C, basically.

MICHAEL PALAGE: So any questions or comments about the proposal that Marika had just shared?

Marc Anderson, you have the floor.

MARC ANDERSON: Thanks, Michael. That's a good summary from Marika. And I think she has pointed out really that the big question with this one is, is this at all feasible? And I think here I'd like to hear from ICANN Org. Is it at all feasible to do something like this? Would they be willing to work with us on the possibility of having an audit? And is this something that's just logistically in the realm of possibility?

So this seems like it would take a fair bit of work from the scoping team to think through, like Marika said, what would this look like and what results we expect to see in order to have meaningful data. So before we go down the path of spending time considering this, I think we'd need to hear from ICANN Org if it's at all possible. And even without them even committing yes or no, I think they could probably give us some ideas of if it's logistically feasible without committing to doing anything.

MICHAEL PALAGE: So I see Brian agreeing with the feasibility. So perhaps, Marc, do you think—I know we have started to discuss coming up with another list of questions to ICANN Org—these feasibility questions would appropriately fix within that next, perhaps, tranche of questions that get submitted to get some clarity before investing any more of our time on this?

MARC ANDERSON: Yes, absolutely. I don't know that we need to wait for a specific submission. We have Brian on our call here. I would suggest putting together a question or flagging for him a question for him right away. I don't know that this is an easy question or not. I suspect ICANN Org [will] look into this and consider it, so I think we probably want to get this in front of them sooner rather than later.

MICHAEL PALAGE: So, Brian, not trying to put you on the spot—obviously, I know you'll have to go back and consult with your ICANN Org colleagues—perhaps you can articulate some of the concerns that I think Marc was raising and, I think, you yourself shared about the feasibility.

BRIAN KING: I agree this is something we want to do sooner rather than later. And I think it's a question for Compliance and the audit team as a cross-functional thing that we can address quickly and get our review of that back to this group. But I won't weigh in any personal thoughts at this stage. But maybe we can, as part of our level-setting here or in our next meeting, come up with the full list of questions. This one can sort of be at the top, noting it's urgent to move the work along one way or another.

MICHAEL PALAGE: Thank you, Brian. I would appreciate that. I think we have one more proposal, Marika. Or are we done?

MARIKA KONINGS: No, we actually still have a couple more.

MICHAEL PALAGE: Oh, a couple more.

MARIKA KONINGS: It goes all the way up to H.

MICHAEL PALAGE: Oh.

MARIKA KONINGS: So I still have a few to go. So the next suggestion was a closer review of accuracy complaints. The suggestion here is to review the number of accuracy complaints processed by the ICANN Compliance team in the context of total number of registered domain to have a better understanding of the relative volume of complaints. But this could also include the resolution reason for each complaint and review of the WHOIS quality reviews outcome through which the Compliance team looks at previously suspended domains to determine if they remain suspended to give a clear picture of the types of outcomes occurring in these cases.

We haven't added anything here, of course. One thing that the group has discussed is that the number of complaints have gone down, probably partly because the results of data no longer being publicly accessible and people not being able to see the data that is there and flagging whether it is inaccurate. I think others have also noted that complaints may not be filed because ICANN cannot compel disclosure of certain data. Again, I think the group has encouraged everyone, when they do receive inaccurate data, to report that so it can be investigated.

So, again, I think the question here is, what could the group here do as possible next steps? We do have an aggregate of information, of course, available in the reporting that ICANN Org has provided, but what kind

of further information would be expected? How would that help the group? Because I think we also discussed previously that, of course, where complaints have been filed, there's a subset of data that is being looked at that may already be problematic because it has been reported. So again, if/how would this be useful and what would be a next step to further explore this issue?

And, actually—I'm scrolling too far—we did have to identify that already here. Of course, the group thinks it is useful to further explore. We could ask ICANN Compliance if they could assist with this request. But, again, to probably be able to do so, some further specificity on what the expectation would be helpful.

MICHAEL PALAGE: Okay. Seeing—oh. Marc Anderson?

MARC ANDERSON: Thanks, Michael. So this one strikes me as something we should be doing regardless. It seems to fit in with our first assignment (I'm paraphrasing here): assess measures used by ICANN Compliance to monitor, measure, enforce, and report on accuracy obligations and so forth. It seems like it's solidly within our first assignment. I know Marika pointed out some of the issues or concerns that people have raised with the accuracy complaints that are received, but I think this is a data point. And it's something we should consider as part of our work.

I know also that ICANN Org provided some information on accuracy complaints as part of the briefing material. I looked at that a while back

and I'm not recalling exactly what it said off the top of my head. So maybe it's worth a little time by the scoping team to go back and look at what information has already been provided to us and maybe consider if there's additional information that we want to ask ICANN Org for or follow-ups we could do with it, with an eye towards an additional update to the GNSO Council on Tasks 1 and 2. We could consider what information we related to accuracy complaints we could put into that report related to Item 1.

I'm not sure this suggestion provides a complete picture on a measure of accuracy. It provides a snapshot. But I do think this is something that we should be doing either way as part of our charges by the GNSO Council.

MICHAEL PALAGE: So, Marc, personally I would agree with you. I think the numbers from ICANN Compliance, both historical, pre-GDRP, and current, are important.

And for the benefit of those people that are listening in, some of the initial questions that we asked ICANN Org and specifically ICANN Compliance were on some of the reporting codes. So if you go to the ICANN wiki, you can actually see the questions that we asked and some of the specific follow-ups that ICANN Compliance provided regarding their reporting and classification of these.

So, again, seeing how we are all about being data-driven, I would agree with you, Marc. I think these are important points, both current and historical, that should be reflected in any output work of this group.

Marika, I think, seeing no other hand, we can now move on to E.

MARIKA KONINGS: Thanks, Michael. So maybe E we can probably move on from pretty quickly because that is basically the suggestion of having data-processing agreements in place. And we identified, as well, this being linked to a number of the suggestions. And this may seem to be one that needs to be or can be parked, for now, noting what Becky has shared. We also noted that there were really, of course, a couple of follow-up questions that have been identified for ICANN Org that go in the same direction. So they may also of course help contribute to that conversation.

So I don't know if there's anything further that anyone wants to discuss on this specific item at this stage or whether you just want me to move on to the next one.

MICHAEL PALAGE: Well, I know Thomas and Stephanie have been very active on this topic. So unless they choose to make an intervention at that time, or if there is any other member that would like to make one … Going once, going twice … You can move on to F.

MARIKA KONINGS: Great. Thanks. So basically, Suggestion F focuses on either conducting a separate kind of study or restarting of ARS, or ARS in a modified format. I think this was a suggestion that was made by a couple of groups in response to the GAC analysis. So it was suggested that one of the ways to obtain new metrics from this could involve a one-off study or the reimplementation of the ARS-completed Phases 1 and 2, which could allow continuous accountability. Further reflection may also be needed in term of Phase 3 of the [ARS], which was left incomplete.

What we suggested here as potential next steps for the group to explore, of course, is, if a separate of one-off type of study to be pursued, what would such a study look like and what specific questions would it address? There's the question, of course, of if ARS can or should be restarted and, if so, if it would be in a modified format, what would that look like? And of course, as we've said, this is pending the question of whether or not data can be accessed for this specific purpose either by ICANN Org by an independent third party conducting that research.

As I said, that question is hopefully going to be dealt with separately, so maybe the group could hopefully consider, if there would need to be a separate kind of study, what would it look like, what questions would it ask, or what information would it need to review to provide helpful information to the group and/or is the focus really on just restarting ARS in the format it used to be or are there modifications that could be considered?

And of course, in that context, the group could also think through potential scenarios that would factor in responses that might be received from the EPDP on whether or not legitimate access could be provided to that data for these specific purposes.

MICHAEL PALAGE: Marc, you have the floor.

MARC ANDERSON: Thanks, Michael. Here again I have a similar comment to my previous one. Either way, we owe the GNSO Council a response on this question in our second assignment from council. They specifically ask us to consider and write recommendations on whether the WHOIS ARS needs a revamp to make it fit for purpose or whether there are other ways in which accuracy levels can/should be measured. So this is one I think we very specifically need to consider as a scoping team and provide a response to the GNSO Council on this one.

Also, again, a similar comment. We received a tremendous amount of very detailed and helpful briefing material on this topic from ICANN Org, including a PDF on exactly this topic. So we have a good deal of information to start with already, but this clearly enumerated in our assignments from council. So we need to do our due diligence here and include this in our response to council.

MICHAEL PALAGE: Again, I am not disagreeing with you, Marc. We seem to be aligned today. Very good.

Marika, if we can move on to G and third-party monitoring.

MARIKA KONINGS: Sure. And maybe just responding to a question in the chat—because I think there's some conversation around whether the references here to that the DPAs is the same as the one in Phase 1—I think to a certain degree, yes, although I think Becky has also suggested in the conversation that that could be a very specific one that would focus on ARS potentially and just address that specific issue. So if I understood it well, that's still kind of a question of if ARS is restarted, whether that would fall under those agreements that are being negotiated at the moment or whether it would require something else. So that is something that I guess the group may need to consider further when there is further clarity on what is needed or required.

So the next specific suggestion here was third-party monitoring. I think this was a suggestion that was made by the IPC that seems to bring together a number of different suggestions as it refers to third parties, including governments that could monitor and assess and report. It also refers to the NORC study that was done previously and I think some other information that is referenced here.

So I think that the question here to the IPC is really, do the other options covered in this document cover what the IPC has suggested here, or is this a separate kind of suggestion that's being provided. And if so, it

would be helpful to maybe further explain what that specifically would look like and what could be done next in that regard.

LORI SCHULMAN: And Marika—

MICHAEL PALAGE: I would just thank you, Lori. You read my mind. I was actually going to call on you to elaborate a little more. So please, you have the floor.

LORI SCHULMAN: I apologize. I would have prepared a little earlier because I'd like to definitely sync up the question with what you're asking, Marika, which is, what are the previous publications or information that's already being discussed or refers to that? We could reference that into the IPC proposal. I don't have that. And that's something that could be easily done.

But we really felt that using third parties and having good data processing agreements in place regarding these or those is very helpful to this process because, by having an independent scope, it would take some of the … I don't know what the word is. It's important to be objective about this. I guess that's what we want to say: when we look to studies, when we look to anything, we're not loading one way or the other.

And it has been duly noted that the contracted parties do have a lot of obligations put on them and a lot of auditing requirements already. And

it isn't necessarily that we want to add and explode the burden, but at the same time, we are right now, I would argue, having quite a dearth of current information. And looking to new and different ways to expand on what we know and do it in a way that's legally compliant and does not necessarily add too much internal burdens, perhaps having third parties makes a lot of sense in that regard. Not sure.

We also identified previous studies—I think our colleagues at ALAC have as well—that have identified problems, but they're [masked]. And I think the contracted parties are correct in stating that this has [past masked]. And we don't have a clear outlook post-GDPR. I don't know if we can assume that the problems remain or amplified. Or perhaps, to [many's] points, the problems have diminished, given that many know now that their due days is masked. We don't know.

So we put together this cornucopia of ideas to think about creative ways and ways that would be the most efficient to gather information in an objective way.

MICHAEL PALAGE: Thank you. And I just want to do a quick time check here. Marika, I think we go to H. So we have one more after this, correct?

LORI SCHULMAN: So I'm going to just follow up to, Mike, and ask Marika, maybe offline. I want to be responsive to the question you asked. I'm not clear that I have been. And if we need to map this to certain documents, that might be worth doing and then putting in "for future meeting."

MICHAEL PALAGE: Marika, I think that's something you and Lori could perhaps coordinate offline, I think.

MARIKA KONINGS: Sure. As I said, we did identify here specifically the question in the document as well. So after this call, Lori, please have a look at the other specific suggestions and see whether or not the IPC's suggestions are already captured in those or whether they could be included in those or whether what is being proposed here is a completely separate proposal that needs to be recognized as a separate idea that's not captured by the others. It may be a combination of both because, as I said, I think the IPC's suggestion captures a number of different aspects. And I'm happy to go through that with you if that's helpful. But again, I think we're just trying to get clarity on where this exactly belongs and whether or not there's a separate proposal that needs to be called as such so that the group can review and discuss it.

LORI SCHULMAN: Marika, thank you for that clarification. And I see Sarah's note in the chat. And I think I may have misunderstood the question at the first cut. So, yeah, I certainly can review this and go back up top to see what crosses with it and note it as follows. But I still think it might be worth an offline conversation to see if we can mesh this up with any of the other documents that have been introduced to the group.

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MICHAEL PALAGE: I think this is consistent with what we've done before. I think, when we were formulating our question to ICANN Org, we kind of threw all the spaghetti. Then we consolidated. So I think this is part of that consolidation and refinement of proposals and is consistent with what I just heard as well with what Sarah was echoing in the online chat.

So just a quick time check. We have fourteen minutes left. So what I would like to do here is to try to get through this last proposal so that we can open up to the floor. And if there are any attendees that do have questions, please raise them. We would like to give you to the opportunity to engage and try to answer any questions that you may have had previously or a question that has arisen during today's session.

Marika?

MARIKA KONINGS: Thanks, Michael. So this last one I think came from the BC, and we had a similar question here for clarification. And it was suggested here that data could be obtained by implementing the RDS review team recommendations. And we basically asked the question here … It would be helpful to get more specificity in relation to which RDS review team recommendations and how they would address the data-gathering aspect that we're discussing here.

We did note that there are two recommendations that we are at least aware of that went to the GNSO Council for further consideration, so we're not sure if those are the ones that the BC had in mind. But again,

it would be helpful if the BC reps could have a look at this and provide some further info on what they specifically have in mind with regards to this proposal.

MICHAEL PALAGE: Sarah, you have the floor.

SARAH WYLD: Thank you. I have a clarifying question that I would like to just leave with the groups have proposed a third-party review of the data. My question is, what exactly would that review look like? And I want to understand that so that I can fully consider the suggestion. I want to know the whole picture of what we're talking about here.

So, if we're suggesting that ICANN Compliance would proactively review data for accuracy, setting aside questions of the protection agreement, what actually would they do? Are we talking about sending an e-mail? Does this e-mail require a response? Are we talking about making a phone call? Is somebody going to phone up hundreds of thousands of registrants? Are we talking about going to the person's house and seeing if they live there? Seems like a bad idea, but I'd like to understand so that I can fully consider. Thank you.

MICHAEL PALAGE: And, Sarah, in the chat, Susan is just noting her limited connectivity issues, but in the chat, she has acknowledged that she will be adding the recommendations to the document. So hopefully the additional

responses from the BC may be able to proactively the concerns that you just raised.

And with that, I think we have now completed the entire analysis, which I think is good. We have ten minutes remaining. Is there anyone that would like to raise a question or something like that? And I'm just being reminded that, if attendees would like—this is interactive—you can raise your hand. If you would like, you do have that ability. This is not an auditorium function or a conference, so we can make things a little more interactive here.

Hopefully, we've been so informed that we answered all the questions.

Okay. So, seeing none, I'll kind of leave this here, just looking at trying to get back to the accuracy current definition—the status of our working definition/construct. I know for a fact we will not be able to wrap that up in ten minutes, so I am not even going to put that forward as a potential discussion point.

What I would like to do is … The meetings. We generally meet Tuesday. Could we give the UTC time that we generally meet, Terri? The UTC time. Excuse me, on Thursday. I'm sorry. I was thinking about our pre-meeting. On Thursday, the UTC time that we currently meet. I apologize.

TERRI AGNEW: Generally at 14:00 UTC for 90 minutes on Thursdays, weekly.

MICHAEL PALAGE:	Weekly. And this is open to observers. So if you do want to follow what is going on, you have the ability to listen.
	One of the other things that we have done as well—and you can find this on the wiki page—is, if you have any questions or comments or data points, you can actually submit them to an e-mail. That will be monitored by our ICANN Org colleagues and, if the material is relevant, will be sent to the entire working group. But we have tried to make this particular scoping team throw out the largest net possible and tried to involve as many people as possible.
	So unless I see any other questions, comments, or concerns, I will propose to give everyone eight minutes back of their day.
	Marika, anything on the ICANN Org side before we wrap this or are we good?
	We're good.
	So, Terri, at this time, I'd like you to stop the recording. Stay safe, everyone, and please enjoy the rest of your ICANN73 meeting. And I look forward to hopefully seeing a number of you at ICANN74's hybrid meeting in The Hague.

[END OF TRANSCRIPTION]