ICANN78 | AGM – Joint Session: ICANN Board and SSAC
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FRANCO CARRASCO: Hello, and welcome everybody to today's joint meeting between the ICANN Board and the Security and Stability Advisory Committee. Please note that this session is being recorded and follows the ICANN Expected Standards of Behavior. Interpretation for this session will be available in seven languages, which are Arabic, Chinese, French, Russian, Spanish, Portuguese, and English.

You may click on the interpretation icon in Zoom and select the language that you will listen to during the session. For all panelists, please remember to state your name for the record and speak at a very reasonable pace. This discussion will be between the ICANN Board and the SSAC members only. Therefore, we will not be taking questions from the audience today.

However, all participants may make comments in the chat. Please use the Dropdown menu in the chat box and select Respond to all Panelists and Attendees. This will allow everyone to view your comments. To view the real-time transcription, please click on the Show Captions button in the Zoom toolbar. Having settled this, I will now hand the floor over to the ICANN Board chair, Ms. Tripti Sinha.

TRIPTI SINHA: Thank you, Franco. Welcome everyone to this bilateral meeting. We always look forward to these discussions so, there's an honest and constructive back and forth. And with that, I'm going to turn it over to Jim.

JAMES GALVIN: Thank you, Tripti. James Galvin for the record, SSAC's liaison to the ICANN Board. And first, let me say welcome and thank you to all the Board colleagues and SSAC colleagues who are here. We've been setting up on both sides for a lively and interesting and open dialogue and discussion, and very much looking forward to it.

I do want to remind everyone and, in fact, ask, this is an open dialogue, so as SSAC members or a Board member, you are all invited to speak at any time. Please step up even if you're not at the table, you don't have to be at the table to speak. There is a roving mic and they'll be very delighted to bring one over to you.

You'll just be recognized in the queue with everyone here, and we'll try to work through all of this. And I think with that, I will turn it over to Rod for opening remarks and to set up our discussion.

ROD RASMUSSEN: All right, thank you, Jim. And thank you to the Board for having us today. We do look forward to these discussions, and I know we've had some really interesting ones over the past year or so. I'm looking forward to this being my last one of these as the chair, and I'm sure Julie feels the same as the vice chair.

And I know you all already know this, I believe it's on the agenda, but Ram Mohan is going to be taking over as SSAC chair as long as the Board does approve that, which I hope happens soon, I do believe it's on the agenda. And then Tara Whalen is going to be taking over as vice chair starting on January 1st, 2024. Probably 00 UTC. I don't know our local time. We may have a gap.

Anyhow, it's been my pleasure for the last six years to have these discussions with the Board and be able to have really get into the thing that I think that is most fundamental to ICANN, which is the stability and security of the naming system. And that's kind of our purview or our remit or job as the SSAC to be thinking about these things, especially looking towards the future and where challenges, threats, opportunities may be.

And I hope that we've done a good job of trying to anticipate some of those things. I know we haven't always seen everything, but that we are really grateful for the good interaction we've always had with the Board and look forward to continuing that under Rams leadership.

So today's topic if I-- oh, I've got the clicker. Hey, there we go. I know this has already been previewed and the topic is achieving fit-for-purpose outcomes in a multi-stakeholder model environment, or in other words, making sure that the things we do actually do what we intended for them to do.

And this came about from when one of these meetings we have a request from the Board, Hey, we're going to have this dialogue, what is it going to be? And this one was going to be interactive, so we wanted to come up with a topic that we could have some brainstorming

around, bring some ideas to the table and actually have a discussion. So that's what we want to try and do.

We had a very lively discussion in our previous session about what we're going to talk about here. So I know on our side, we're prepared to have a lively discussion, but at the end of the day, we're trying to make things better. And I know the whole idea of the continual improvement process is a major topic for the Board right now, and I think this fits into this.

So we had our workshop last month in LA, we have an annual workshop where we get the SSAC together and we go over a whole bunch of things, but we were inspired on this one around some recent things that have come out, and we'll talk about that in a little bit that just didn't seem, as we have from an engineering perspective, fit-for-purpose. And that's a tough thing to say.

So let's just say effective in other words, going to deliver on what they were intended to deliver. And so we've made comments and provided feedback, and there's several examples of which we'll talk about a bit, I think, to stimulate conversation. And taking it back to our role and how we fit in, it's like, okay, how do we make sure that SSR considerations are really integrated into the processes here?

And that also brought up the global public interest. Is that, okay, how does that fit into that too? Which is also a topic that is being worked on. And it's an important topic. Don't know if this fits in perfectly or not, but it does seem to, at least, I think it's worth the conversation as are these things part of a continuum, if you will.

So speaking of that with the global public interest framework that's being worked on, we're very supportive of that and getting that into the processes. One thing we thought looking at, and this is not some sort of formal SSAC opinion here, this is just kind of just in our brainstorming and the like.

While it implies that what you engage in creating policy or recommendations around should deliver them, it doesn't actually say that. It has a lot of other great concepts about when you're building those things it should be and do. It doesn't say it should deliver on what was set out to, and maybe that just the implication is enough, but we thought that maybe adding something like the word effective as one of those things within that might be something to do.

So we threw that out there as an idea. There's actually literally a place where it would fit, and I know that probably goes to comments there, but we could bring it up here and chew on that one a little bit, I think. And that fits back into the engineering from this or the product development views, that is what you deliver through your policy or recommendations processes fit-for-purpose at the end of the day.

And that gets me to the questions, this is really quick deck, this is all just to set up conversations. So we have several questions here that are designed to stimulant conversation. And so the first one is what happens? And I have a few examples and I've got a few members who've had a direct experience with things that didn't quite work out the way intended that we could talk about on that.

But what happens, and then during the process what mechanisms does the Board actually have to take a look at things and say, are this is in the public interest? Is this going to be effective?

And thinking about it from the Board's perspective, but also thinking about it from the broader perspective of you've got policy, the creation process or you're making recommendations and policy and such, and you come to a point where you say, okay, here they are, and then you accept them or not, and then they get handed over to somebody, usually ICANN Org, but it's somebody to do something with.

And the classic fashion ICANN Org will take something and they'll do operational design and do other things. And there's opportunities all along the way here to say, is this going to work or not?

Or to get input from various parties, is that happening enough? And are there places to make decisions on that? And can there be objective goals created, objective measurements around, here's what this thing, policy recommendation, set, whatever it is, is supposed to deliver in the end? Can we create measurable, objective goals for that, that can then be turned into something ICANN, then somebody can take a look at and say, yes, it meets these, no, it doesn't.

And where does that belong in the process? Is it part of the continuum of the process? Is people making the policies to begin with? When people are making decisions, whether or not to accept them and move them on. Does it belong in the interpretation and design phase? Does it belong at the end of the process to say, okay, did we deliver what we're supposed to, and what are those measurements?

Then who makes those choices, right? On what time and what criteria. So those are all questions, is there some place, some entity that could-- a neutral arbiter of whether or not things have met some sort of objectives. When do you write those objectives? Is it in the scoping phase, is it in the policy phase, is it both?

There's all kinds of questions here. And then the idea that it is in the global public interest, where along the process are we checking for that too? And then that's a repetition of this prior slide, should we include the idea of effective in there? So those are some questions.

And it also kind of fits into the discussions around the continual improvement process. I know there's work going on within ICANN Org about doing exactly this stuff. We've had conversations amongst the various SO/ACs around how do we do a better job coordinating and making sure that we understand what we're trying to get done and are aligned on what that actually means.

But in the end of the day, we have had several examples where we, at least, SSAC have explicitly said this isn't fit for purpose. Most recent example of that, and there's a draft of this letter around this that we previewed already with some of the SO/ACs and with the Org as well, and Jim to the Board, is that we've got this concept of urgent requests, and that would be to deliver data around registration information in a rapid fashion to help in cases where life is in jeopardy.

And we ended up with a solution that said, well, that's three business days, which can be transferring into many more days than that. And I know from other conversations, it's kind of, okay, this doesn't make

sense, just from a labeling perspective. But this is an opportunity to examine how do we get there, right? And then have that convers

ation. And the overall, that's a portion of what happened with the SSAD and the other disclosure of registration data information proposals that have come along, which the SSAC has been had participants and like the EPDP, et cetera. But we've ended up in places where we have SSAC and other advisory committees have said this isn't going to work.

I would like to actually-- I should be handing this off to a couple of our other SSAC members instead of me just talking through this. But there's a concern that the people who would actually be using the system to make requests aren't going to be interested in using the system. I think there's a lot of acceptance of that around here is how do we get here? Greg, you, or-- Well, no, go ahead.

JAMES GALVIN: You're going to jump into discussion, or is this still part of your intro? I was going to suggest

ROD RASMUSSEN: I just gave a couple-- Okay. Yeah, I gave a couple examples. There's a more examples that other members have, and then we could talk about those, or we can just get into the substance as well. But yes, I'm done with my introduction.

JAMES GALVIN: Okay. Let me suggest that we jump into the discussion. You know, we have 45 minutes here for that. I think what I'd like to do is I'm going to start a speaking queue with Avri, our Board member on this side, and then I'll manage a speaking queue and give everyone a chance to talk.

If you want to preload it with some people you wanted to target on the SSAC side after Avri, just tell me who that is as she starts to talk, and then I'll look around for people who want to raise their hand, and I'll do my best to keep track and move from there. Okay. So Avri, please, over to you first.

AVRI DORIA: Thanks. it's hard to know where to start. One of the things I can do is start at the end and say, and I'm starting on, on the global public interest subject at first. I'm not diving into the continuous improvement one yet. I'll see if I am the one to dive into that or someone else is.

So the end of the story is, wow, if you managed to answer all these questions and get yourself involved in the GPI process over the course of policy development processes, that will be really exciting and wonderful. And that's where I'm heading on this.

Now, where we've gotten to this so far is this was done as a pilot, and you probably know all this, but I'm going to start with saying it just because it gives me something to say while I'm thinking, that basically the Board has an obligation on every decision to say, yes, we believe it's in the global public interest, or no, we don't think so.

Now, in many cases when there was nothing, you'd sort of, well, my gut sort of tells me, and everybody's gut here sort of tells them that it is in the public interest, so yes, it was in. And decided at a certain point that we needed a little bit more to root it into.

So staff and many of the organizational units around basically spent a lot of time trying to define it, could not define it, and you'd hear comments like, well, if you can't define the public interest, then I'm not going to worry about it if it can't be defined. And that was really not a good answer because the bylaws still say the Board has to make its decisions based on it being in the public interest.

So that's when we started to develop as a Board tool, this particular framework that basically said, if we say that the bylaws contain in their contents, in their statements, what we are obliged to, and it's none of the bylaws, it's the articles.

They make certain statements and those statements map into various public interest statements. So then basically went through ICANN's technical, and I think you already went through some of this, that ICANN's technical coordination, stable security, open, resilient, interoperable, and then sort of, okay, then go to the bylaws and it says, will it preserve and enhance the administration, will it this, will it that?

Basically, for every statement in there, sort of ask the question, did not go deeper into the questions at that point. Now, the other notion that people had was, as we were going through this experiment, and the experiment was used on the SSAD, and it was used on SubPro, and if you look at their reports, you'll see reports where a member of the

staff or several members of the staff went through the framework and basically pulled out statements saying, this was discussed there in terms of the public interest in that, because part of the framework of-- framework of the framework, silliness.

But part of the framework included the notion that the PDP itself by being bottom up, by being inclusive, by being actually included the opportunities for all these questions to be asked and answered, kind of like the questions you're asking now, but that the board, while the board could in its own manner, in a top down manner, say we need a framework so we can make a decision, we couldn't in any sense, say, and as part of the PDP, you're going to use this.

So part of what we did during the process, but especially during SubPro, because that was more ongoing while we were doing this, was sort of talk to people and say, you know, you could do this, you could do this while you're in the various phases like you asked at what phase this, at what phase that? You could do this, and if you want to adopt this, then, find the right phases in your processes.

ALAC was interested in it, GAC was interested in it. Sometimes I had the feeling that some of the groups in the GNSO were a little less interested in it, but, so be it. Each group would decide for itself how it would use it. Again, not a Board decision in our view at that time.

So we've now gotten to the end of the framework, did a brief discussion on it in the workshop, sort of said, looks like from the Board perspective, it gives us a handle on the discussion, it gives us something to look for. It gives we can read the PDP, we can read about the comments, we can read about all the discussions and say, yep,

they looked at stability there. Yep, they looked at equality there. Yep, they looked at all those things.

And yeah, it looks like they covered it. Now there's certain things that it needs a rework. Things have changed, there's human rights involved now that hadn't been approved at the time this was put together, so that has to be included. Various questions came up, and the question came up of, and the Board has yet to take this further in a future I can't describe, but has to basically sort of say, okay, is the community interested in working with us to develop this further? To what extent is the community willing to work with us in taking this further? How can we do the work in taking this further?

And I think it would be lovely to keep it rooted in the bylaws as it is. Now, people have also argued that we were too simplistic somehow in only pulling out sentences, there may have been actions that have an implication of a public interest that we didn't take that, we just sort of said, will it preserve and enhance because the bylaw said it will preserve and enhance? But there will be a vote on this and that, and that may have had a public interest implication, and we didn't go deep diving on that stuff.

So that's something that could be done. The community can look at its PDP processes and say, yep, we can bolt it in here, we can ask ourselves these questions, we can decide who responds to that. And I think the last part of your question on that, that I haven't touched on at all is who decides? Staff gives a recommendation and the Board reads it and says, yep, makes sense, decides. Now, we only did two cases, they were just examples. You ask what happens if either staff or

the board reads it and say, no, this does not meet the criteria for global public interest.

No one's really talked about that option yet. And that's, sort of, this is a pilot tool, and a pilot tool, fortunately, we didn't get that, or maybe we did. We've got two PDPs, one of them is in its medium state of indeterminacy, and one of them is in the process of being decided step by step. And we've looked at it, we have not hit a wall that said, not in the global public interest. Maybe we might have on one of them, but it's in a state of indeterminacy. I'll stop.

JAMES GALVIN: Thank you, Avri. I would say that my big takeaway from your excellent summary and introduction there is, it's clear, I hope that the SSAC recognizes that the Board has been having similar conversations as the SSAC has now put forth here in these questions, which clearly indicate that the SSAC has had some deep conversations about the framework. So now we'll dig into some of the details here. I have a speaking queue of Steve Crocker, Greg, John, and then Jacques. And then I'm looking for others to add to the list. So, Steve, please.

STEVE CROCKER: I guess the place for me to jump in is on the discussion about urgent requests. Just to share a context, urgent requests were inserted into the phase one PDP process.

JAMES GALVIN: Steve, could you get a little closer to the mic? Speak a little louder. Thank you.

STEVE CROCKER: Urgent requests were added to or included in the phase one EPDP definition requirements and defined very explicitly and vividly as immediate threat to life limb critical infrastructure or child endangerment. I'm not sure I've got the quote precisely right, but those are the key things that were in there. And the specification accompanying that was how long should the-- is permitted to respond.

And there was a blank left, and it was kicked down the road to, well, we'll sort that out in the implementation review team. A prior SSAC member was the active person in that, and unfortunately, he passed away. And even more unfortunately, that left an opening for me to step in which I suspect was probably bad news for a bunch of people.

So my encounter of this was in the implementation review team, and I'm looking at this specification, and I see urgent requests, life limb, so forth, and then I see days, and I'm thinking, wait a minute, wait a minute. If it's really that urgent, and it's really that important, the units are wrong, this is sort of basic. Specifications should be seconds, minutes, hours, maybe, not days. So I jumped in, and the resistance was incredibly stiff. And I learned multiple layers of this sort of tangle.

Thus was how long was the maximum time to respond before a contract compliance issue was raised? But of course, say the registrars, we try to work really hard on this and we take this all

seriously. And it also became clear there were some political issues involved in whether or not the wording there was going to satisfy various other parties. Excuse me. So then I tried to peel back another layer. I said, so how do urgent requests actually get submitted? No specification, zero.

How long should it take and what's that process? And things got very tangled up there because no specification, can't use abuse contact because that involved different people, different skillset and cost issues and so forth. And so I backed up and I said, this whole thing is not really a well specified system, and it's not fit for purposes is the terminology that arose from that. What was interesting from the process point of view, which is what's being raised here, Jim, on where does this fit, and Rod to say, where does this fit?

Is that having that discussion in that setting was ruled out of order because it wasn't on the original agenda, it wasn't part of the punch list of items to be resolved. And within the implementation review team, implementation review process, I should say, asking questions that are fundamental is out of scope, because that is beyond the purview of that setting.

And it would cause a-- have to revert back and have to go back into a policy review process, nobody wanted to do that. So to me, that's a systemic failure, and I'm more than happy that we're having that discussion here and that that's all been brought up. I've been in environments in the space business where reliability is super important.

And you can be very far down the path in an engineering process, building these very expensive systems, and if an engineer starts thinking about something, whether it's a possible flaw, that environment encourages and demands that that be raised up. And when there are such flaws and they don't get attended to, you get something like the shuttle disaster. I don't know that we're in quite as demanding an environment here, but if you have that wording that says urgent requests, life limb, et cetera, and then you have this fuzzy business of we have no way of reaching it, no separate path and so forth.

It's a serious flaw, and in the worst case, wait for it, what's the worst case in this environment? It becomes a public issue. And then you have a very awkward and embarrassing situation. You guys are in charge here, and you have no method of doing that. Well, Senator, we take these things through. We do not want to be in that position. And one of the precepts about why ICANN was founded, it was supposed to be an agile private enterprise so that it doesn't have a lot of the restrictions and a lot of the baggage that a government operation would have.

And we're clearly not making it in that sense. So I'm delighted to see not only this very specific relatively contained issue, but the more general issue of why isn't fit-for-purpose a prerequisite before getting into a selection of choices among viable alternatives, which is what I view the policy development process is? And that whether or not it's discovered upfront or whether it's discovered later, why doesn't it take priority over, well, we are going to reach consensus, how many people like this? How many people like that? Not acceptable. Thank you.

JAMES GALVIN: Thank you, Steve, for an excellent example. That brings us to the question at hand that we're discussing here. I have Greg, John and Edmon. Becky, I saw you come to the front. Do you want to be in the queue? Thank you. Over to Greg.

GREG AARON: I'm Greg Aaron. I was asked to talk about the RDRS, the Registration Data Request Service, so it's going to launch next month, and it came out of a long process that started with the EPDP several years ago. The SSAC participated in all that policymaking process. We had several members on it, including myself and Steve Crocker and our new vice chair, Tara Whalen. And what's the purpose of that program?

The ICANN website says it's, "The service is designed to gather usage and demand data that will inform the board and the GNSO and help with the development of the SSAD." So that's the purpose, gather usage and demand data. There are some significant problems that will affect the data that gets collected. And at various points, the SSAC has said this setup might not be fit for purpose.

Now, some of the problems that we'll see with gathering the data is first, a lot of the registrars are not participating, it's optional. Right now, the list only has registrars from two out of the five ICANN regions for example. Right now, a minority of the gTLD domain names are sponsored by the registrars who have signed up. So it's a selected group, a self-selected group of registrars who will participate

representing maybe not the industry, but also a lot of people who would be the consumers of this system have said they will not use it.

And that includes some organizations with memberships who are in the security world like MOG. They've said, we haven't had good response in the requests we've been making to registrars already, and there's no guarantee that we'll get any information, and we feel like we're being asked to send in requests just to send in requests. So there's some doubt about whether there will be a legitimate demonstration of the demand for the data.

We'll get some sort of results, we'll see, but we don't know if they're going to be representative and there will probably be some argument when the data comes out about what it actually means. So we've designed a system that may not fulfill our purposes, and we'll have to see what happens. And that's not where we want to be. Thanks.

JAMES GALVIN: Thank you, Greg, for yet another excellent example of the issue at hand here. I will say that the Board itself has quite some discussion about the data that's being collected and its quality and what's going to come from that. And well, we are where we are at the moment, but thank you for highlighting that and bringing it up. So I have John, Dmon, and Benedict. So John, please.

JOHN LEVINE: Yeah, thank you. I'll try and be [00:32:53 - inaudible]. I have two more examples of this pattern of failure, and I see what they all have in

common is that the data is provided by contracted parties and the consumers are not contracted parties. So the first one is the CZDS, which is the service that implements the contractual provision that zone files have to be available under reasonable terms to people who want it.

And before the most recent round, it actually worked pretty well, but it didn't scale very well. If you wanted access to a zone file, you would send in a form to the registry, the registry would look at it, and then they would send you back credentials to do an FTP download or something. And once you had the credentials, you could then download the latest file every day forever, unless there was some question that you were misusing it or something.

Then we all realized, well, gee, that with thousands of registries, that's not going to work, credentialing everybody individually is going to be ridiculous, trying to handle a thousand different FTP servers would be ridiculous. So a bunch of us I know, including Rod and me, and I think other people, and Warren, other people around the table, essentially put together something that was supposed to be the same as the existing process, but was central credentialing and a central place to download stuff.

And then it was implemented, and apparently as they were implementing it, they talked to the providers, but they didn't talk to the consumers. And what it produced for the consumers was terrible. You had to log into the website, you had to individually apply for every domain and explain why you wanted it.

But what was even worse is that the contractor had always said, well, you get access for a year. And what had always happened was that it was automatically renewed forever, and it didn't occur to us to say, and it has to be automatically renewed forever. So what happened is you would get access for a year, then your access would expire. Then once your access expired, only then could you apply to get access again. You had to do it manually. Sorry.

GREG AARON: Actually, what happened is ICANN set the limit for three-month renewals. So every three months, if you wanted to renew, you had to go in and renew all of your subscriptions, and then the registry had to check off on it.

JOHN LEVINE: Yeah. Now, fortunately, it turned out that a bunch of us figured out that we could reverse engineer the website. So basically, we had our scripts pretending to be people renewing stuff, which was just ridiculous. And it took several years of complaining like, no, this is not implemented correctly. No, this is not implemented correctly. And now it's mostly fixed, the renewals are mostly automatic.

The approvals are still too slow, but once you're approved, the renewals are mostly okay. And while it is mostly okay now, I mean, I think if the original evaluation process had been involved both the consumers and the producers, there's no reason that they couldn't have built it right in the first place and saved a lot of effort.

And then I have a much smaller example, which is, we were at a MOG meeting a couple of years ago, and the question came up, we know that some new TLDs have much worse abuse rates than others, and I wonder if the number of WHOIS queries is related to the number of abuse reports. And I said, well, in fact, there's these monthly spreadsheets provided by the registries, and we can look, okay.

So one afternoon, I opened up my laptop and every little script to download all the spreadsheets, scrape out the numbers of WHOIS requested by domain and by month, and then I made some charts. And the first chart I made looked like this. And for people listening in, it was a perfect horizontal line.

There were several hundred domains, all that had the exact same number of queries every month. And we thought that looks odd. And we pretty quickly realized that they all were at the same backend provider. Then one of my colleagues was looking at it, and there were a bunch of where they were all kind of the same, but bouncing around, like maybe they were a little bit different, but he actually had a pretty good statistical background.

And yeah, he reverse engineered the numbers, and an actual, sorry, an actual set of numbers will closely, but not precisely match a normal distribution. But these numbers were perfectly in a normal distribution, which made it clear that in fact, they were faking the numbers to pretend that they had individual numbers.

And we went back to the registry and they eventually confessed, and I think the numbers are somewhat better now. But again, if the consumers were designed in the process and said, no, actually, when

we say WHOIS numbers, we mean WHOIS numbers? And if it's a little harder to provide a hundred different numbers rather than one number, that adds them all up, well, you have to do it anyway.

Anyway, so these are much smaller issues than whether we're going to get the data fast enough to add for a hostage situation. But the pattern again, of not evolving the clients in the first place is notable.

JAMES GALVIN: Thank you, John. Very much appreciate yet another couple of examples. And as a reminder to my Board of colleagues, SSAC has spoken on both of these issues before in an SSAC publication, and I honestly forget which one it was, but it was a fairly recent one. And we also know that CZDS has been developed as a CZDS2.0, which is not quite complete on the Org side, so it has not quite yet been released. But we've gotten a presentation on that and we see that.

And the issue that John has raised about statistics has also been addressed and is part of the WHOIS registration policy as an incidental adjunct to that. So at least some of that has gotten there. SSAC has also commented that it did not like the results that came out of the WHOIS registration data policy, just to be very clear.

So SSAC still doesn't think that those are completely solved problems, but at least there has been some forward progress. Okay. So with that, we have Edmon, Benedict, and Becky, and then I'll look around to see if anyone else wants to get on the list.

FRANCO CARRASCO: This is a reminder for our panelists to please speak at a reasonable pace for our interpreters. Thank you.

EDMON CHUNG: Edmon here. I guess thank you Steve, Greg, and John for the specific examples. And I think it's come across quite loud and clear what some of the concerns are. I do note that I think both the CZDS as well as the WHOIS data that probably you're referring to are probably not part of the policy at this point. I wanted to take a step back to some of the questions that was framed around earlier. But don't get me wrong, I hear very clearly, John, what you meant.

So I guess I wanted to add to say that I share every excitement that the SSAC is paying attention to the GPI framework. I think there is work to be done to flesh out further. As Avri said, there's certain parts that needs to be added. And if the SSAC feels that additional fleshing out of the security and stability elements of that would be useful, that would be great.

I think further to that, I think adding to what Avri was saying, I think that she alluded to it, but I would specify specifically that perhaps when SSAC is working on your advice, you can utilize a customized version of the GPI framework for your work as well, and perhaps based on the customized version, we can then steal back or copy back from you guys what the emphasis on the security and stability side a little bit more.

And I think the board will, based on Avri's report, but we're, moving forward, going to try to use the GPI framework where appropriate with

the understanding, and I believe that it's kind of like a living document, it will continue to improve it and add to it. And hopefully, the different parts of the community will make use of it or a customized version of it, and then it ultimately might go back to the Board as well.

So, that's one big area that I want to highlight. The other thing in response to some of the questions that are put out in front of us, I would like to say, I guess both the fit-for-purpose or effectiveness concept, I think that came to bear really with the two ODAs, because the operational design assessment really bring to light that some of these things might not be feasible, some of them might not be fit for purpose in that sense.

And since then, I think the Board has added, and some of the new PDPs have actually added to it. One for example are liaisons from the Board to working groups, that has added to understand issues as the policy is being developed. The other one, at least for the IDN EPDP, I understand that there is a GDS liaison. So from the ICANN staff GDS team, there's a liaison to the PDP so that we get a continued sense of the feasibility of the actual implementation so we don't have to-- it's almost like front running a little bit the ODA concept.

And I think those are incremental improvements that address-- at least tries to address the fit-for-purpose and effectiveness of the outcomes of the policy development process a little bit. So I guess want to add that. So finally, one of the questions asked if there should be a judge or dedicated entity, as Avri said, will probably depend a bit on the staff to do assessments and stuff.

But ultimately, the Board, regardless of whether we find someone or whatever, I think the results of previous IRP says that the Board still has an obligation and responsibility to assess whether it's in the global public interest when we actually make a decision. So regardless of whether we have an independent entity or judge, ultimately the Board is tasked with that. So, I want to kind of highlight that as well.

And if there is ultimately a dispute about the decision, then essentially goes to IRP, right? I mean, then actually people can file an IRP to assess whether the Board actually made the right decision on whether it was in the global public interests. That's sort of how I understand it. But I think the discussion about these continuing improvement is really a good one to have.

JAMES GALVIN: Thank you, Edmon. I haven't been reading my whole speaker list here, only the next couple of them. So we have Benedict, Becky, and then Rod, Matthew, you are actually after all of that. Again, I'll look around to see if we have anyone. Quick time check for folks, we have 15 minutes. Go ahead, Benedict.

BENEDICT ADDIS: Well, I was going to hinge about the CZDS, but I'll waive that because that's something Edmon said I wanted to pick up on. You said that the CZDS and the example we gave about sort of emergency registration data access, you said those weren't in policy yet. Do I understand correctly? And can I just ask you to clarify on that, please?

EDMON CHUNG: As I understand, and maybe Becky will have better information, or Avri, the CZDS is in the contract registry agreements but not part of the consensus policies. And that's why it's left to the registries to decide whether to respond acceptance of the downloads, and that's what was described. But I don't know if Becky and Avri or others have better information, but that's what-

BENEDICT ADDIS: Doesn't really seem like a great answer when we're talking about hostage situations just with my ex-law enforcement hat on. Thanks.

JAMES GALVIN: Yeah, CZDS was originally consensus policy. I don't remember exactly how far back it goes, what it was part of, but it was before the 2012 round, so it all had to be there. But there are obviously requirements in the contracts on registries to provide that service. And so, interpretation of all that is where things get messy. Okay. Becky, you're actually up next, and then Rod and Matthew. Anyone else want to raise a hand?

BECKY BURR: Thanks. I just want to respond to a couple of issues. I think Steve, on the urgent request situation, the Board has reviewed that based on a request that we got from GAC, and I think we agree it's not fit-for-purpose. There are some very complicated things though when you say that that we're going to have to think about.

And I will just say from my perspective, in an emergency situation where you need people to respond very quickly because it actually is somebody's life or a child exploitation situation is in danger, if you don't have pre-authenticated credentials, it's going to be very impossible practically to be responsive.

And so the Board will be bringing the urgent request issue back to the GNSO Council on the basis of how can you say it's okay to wait five or seven business days to respond to something where somebody-- to a hostage situation or the like.

I just wanted to say one other thing about all these people who are saying they're not going to use RDRS. And I hope that you will take this in the spirit in which it is offered, because I've tried to say this to the commercial stakeholders group as well. When you say people are not going to use it, you need to be very clear about the fact that from a data protection analysis, what people are going to say is either you don't need it or you're getting it from someplace else, or we need to have evidence of something other than that.

And if it's either one of the two things, you don't need it, or you're getting the data from someplace else, and it's not personal data, so it's less intrusive, you will automatically flunk the legitimate interest balancing test. So people keep saying nobody's going to ask for it, but the implication of that is some other evidence of what's going on, the only thing that people can take away from it is that it's not going to pass the legitimate interest balancing test. And I'm not saying this in anything other than the most loving way, because I just don't think it's an argument that's a winner here.

JAMES GALVIN: Thank you, Becky. And I do-- oh, no. Okay. Thank you. And so with that, we have Rod and Matthews. Over to you, Rod.

ROD RASMUSSEN: Maybe in a bit. I don't want to dive-- this is a case of getting into a rabbit hole, and I don't want to get into a rabbit hole because we were using examples to exemplify the problem, we don't want to solve the problems here today. And please have offline discussions. I know there's some need to discuss things, we're trying to get this at the higher level.

Now, having said that, I'm going to break what I just said there just a little tiny bit because I don't want to give the impression, not on this issue but something else, I don't want to give the impression that there's a pattern of contracted parties versus others. There's another issue that is in our potential work docket. So there's not an SSAC consensus around this, let me make that clear.

But it was brought up in another meeting today when we were, or not today, early in the week when we were pre sharing what we were going to talk about with the board around things that don't quite work right, and that is a barrow, the emergency backend registry operator.

And having done a quick informal survey of civil registries, apparently, they don't think it's fit for purpose either. So that's an example of contracted parties not being happy as well. So I don't want anybody to have the impression we're picking on any particular group, we're

picking on ourselves and everybody else involved in the ICANN process to say, let's do better.

And how can we do that? So that's why I want to make sure we uplevel to that. And the part I wanted to to also say here is that there is, I think the ODA and some of the things that have been put in have improved the process. But what are the mechanisms when things don't go right there, how does that work?

And how do we make sure that we do a better job farther upstream as far as not getting to the point where people say, you spent two years arguing about this, you came out with a policy, it ain't going to work. Go back and try again. So it'd be nice to have that before ICANN spent a lot of money on evaluating stuff that we could have done a better job earlier.

And I think having the Board liaisons is great, but maybe there's some other assessments we need to do earlier in the process. That's just a thought of mine. Okay, I'm done.

JAMES GALVIN: No, thank you very much. And I think your last point there really is critical as part of the Board's discussions of the GPI, certainly that is the question, is there a way for this to be integrated into the community processes? It's not something for the board to tell people to do, but as Avri said right up front, the Board has been using opportunities to socialize it.

I think that SSAC having obviously looked at it carefully and come up with these questions and examples is really a good outcome from all of that. And I would say that part of the next steps here in this would be to consider what role can we play in trying to bring some of this further out into the community to make it a part of things.

So something to keep in mind. Matthew is my last speaker up on the queue. We have seven minutes left though. I don't know if anyone else-- Oh, okay. Avri will get some last words in there. But Matthew, over to you.

MATTHEW SHEARS: Thanks Jim. And building upon what you said and bringing the topic up a bit and building on what you said, I think we're at risk of thinking about fit-for-purpose too late in whatever process or mechanism or tool that we're deploying. In a manner of speaking, the Board goes through its own fit-for-purpose approach when we look at the recommendations that come through to us.

And sometimes, we may find that they're not fit-for-purpose, and that's why you see us go back with many, many questions for clarification, et cetera. So in some ways, yes, it'll be interesting to integrate it into the GPI, but it may actually be more important to integrate it into processes at a much earlier stage. And I would say you could even consider taking it back and looking at the chartering stage. Is the chartering that's being undertaken fit-for-purpose?

ROD RASMUSSEN: And I think if you take that kind of an approach towards dealing with this issue, you'll end up with much more effective policy results. So I think we need to think about it in that kind of a timeline and not just as something that's an add-on at the end when all the work has already been done. Thanks.

JAMES GALVIN: Thank you, Matthew. And with that, over to Avri.

AVRI DORIA: Matthew, you you were saying almost what I was going to say, just the opposite. That's one of the reasons I'm arguing or have been arguing, and I'll stop in a couple days. But I have been arguing for bolting this GPI process onto each stage of the policy development process that basically, as you were saying, there are different questions you would ask at each phase, whether it's fit for purpose or however the question gets framed, depending upon which of the many purposes are in the GPI because It isn't just these.

We can have the same discussion about many different themes within it, but that for it to work, yes, at the end you can do through and you can look through and say, oh yeah, they talk. But it's only if it gets bolted on to the policy development process from charter on through all its phases with the correct indicators and the correct functions that you'll actually get to the point where it becomes almost automatic for the Board at the end. They don't have to think about it so much.

They could see that it was done all the way through as opposed to needing to ask some smart staff person to go through read it and find all the places where they sort of did it. So I agree with you completely, but saying it differently. And thanks for this, I really do hope you take this on and make something of it. Thank you.

JAMES GALVIN: Good. Thank you, Avri. I appreciate that. We have four minutes left in our hour. That is the end of the speaker queue. Any last-minute new speakers who want to say a word or two before I give this to Rod for his closing remarks and all of it. Not seeing any new hands. I think this has been an excellent discussion myself and very much appreciate everyone who has contributed their words in doing this. And with that, let me turn it over to Rod for some closing remarks.

ROD RASMUSSEN: Thank you, Jim. And thank you definitely to the Board for engaging us in this discussion. When Matthew said the scoping phase, that was one of the discussion points we'd had as well. And I'd like to add that just further thought around that is that, we've done a lot of work in the GNSO space around scoping and making sure all that has there.

And then each of the advisory committees has their own process. We spend a lot of time ourselves reviewing these things and thinking about scoping. Because scoping ends up tending to often be what you find was the root cause of a problem at the end of the day.

But I would add that we also need to do a good job and that there is some of this done, so I don't want to say it's not being done, but around setting objectives of what you're trying to deliver at the end of the day.

Just arguing about the objectives helps you make the scope anyways, right? But those objectives as much as possible should be measurable and measure them along the way. And that goes hand in hand with checking with potentially as Avri suggested with the public interest framework and many other things. But the more work you do in creating a good plan, the less work you have to do later.

And we're finding I think one of the central frustrations around ICANN has been, we spend all this time trying to implement something after we spent all this time arguing about what to do. So let's see if maybe putting a front loading little bit of this stuff would help. So just thank you from the SSAC for again another good meeting.

JAMES GALVIN: Okay. Thank you to all. We are adjourned.

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