ICANN80 | PF – GNSO-RDRS Standing Committee Work Session
Monday, June 10, 2024 – 10:45 to 12:15 KGL

DEVAN REED: Hello and welcome to the RDRS Standing Committee session. Please note that this session is being recorded and is governed by the ICANN expected standards of behavior.

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And over to Sebastien. Please begin.

SEBASTIEN DUCOS: Thank you, Devan, and welcome to everybody here present and online. So, this session is one of three that we're going to have this week to talk about RDRS, and we'll give the details of the other sessions in a minute. This session is a public session, so I wanted to make sure that we had time to update everybody on what we're doing and how we're doing these things. But given the fact that we have … And I'm very thankful of other groups also having organized conversations around this. I want to make sure that we also find time for ourselves to go and figure out what we're doing for the future. If you remember, we set up as an agenda for ourselves as a standing committee to decide what particularly the development program is going to be for the next six months. And we haven't really gotten anywhere with this and I wanted to be able to take

time on that. So we're going to have a first half of this session. And when I say a half, I mean more like a third. No, no, you can have more than five minutes. Do your job. But I want to keep as much time as possible for the discussions afterwards on the future.

And with this, Feodora, if you want to take it.

FEODORA HAMZA: Good morning everyone. For those who don't know me yet, my name is Feodora and I recently joined the GNSO and I will be going through the slides with you today. It's all information that you've seen before, but we wanted, to for the six-months milestone, check in to just remind you of the original success criteria, present you the latest metrics and a few notable system enhancements and notable trends, and then we are going to go over to the discussion for all of you to have.

So in the next slide, you can see the overall ambition or goal of the standing committee or the RDRS. And the question is, has the experience with RDRS sufficiently informed the GNSO Council and ICANN Board to make a decision with regards to the SSAD recommendations? And with that, the EPDP Small Team proposed success criteria for RDRS to the Board. You can see them on the slide, and based on the Board's response, the success criteria four, five and six were considered success criteria. And the first three were more like system requirements. So as success, we would look into sufficient number of registrars that participate, sufficient number of requests if they're high or even if they're none, which would indicate also if the

system is needed or not, and then user satisfaction and experience should also be measured.

In the next slide, just for visualization are the data points that the small team proposed that should be measured and presented on a monthly basis. We all have discussed them and gone through them multiple times and we agreed that these are useful. But of course, based on your discussion, some enhancements would be needed.

And this just goes further on this slide. You can check them later on the metrics and reporting. You can see what is available to you on the official side. You have available PDF reports, but also the CSV files that you can work with. We have produced seven total metrics in total. And yeah, we are going to present the overview to you now.

So the notable ones also looking into the success criteria would be the total number of registrars participating, which is 88 at the moment, and the requests submitted, which are 1215. And of the rest, you've seen those numbers before. This is just a reminder for the upcoming discussion. Also in terms of success criteria for user feedback, these are the notable RDRS system enhancements that you discussed and brought up to the standing committee. Some are completed. Some are still pending and will be incorporated as soon as possible.

On the next slide you can see the notable RDRS trends. So the overall feedback is 2.9 on a scale from one to five, which is, I think, very good. But of course there's always room for improvement. And you can see also on the sample of the user survey feedback where things might be

going. And this might also be good to look into in terms of what's coming next in terms of discussion points.

And I think that on the next slide we have the Sankey graphic that Sebastien produced. Maybe you want to …

SEBASTIEN DUCOS: No, I think actually Gabriel produced it. So Sankey is that form of graph where we have information that we go and split. And so this one, I think, is on the last available …. I think it might be on the April data to be checked. So the—

FEODORA HAMZA: So this next one would be the one on the April data that Gabe did. And this one is on the domain lookups, and the previous one is the on disclosure requests based on outcome type. So it's two different ones, just for you to know.

SEBASTIEN DUCOS: Okay. And so this is not relevant for all the data that we do but for at least the understanding of the flow of how things come. So from a domain lookup, which is basically the entry door to the system, what happens to all the different requests? And you can see that there's a number of requests that don't work or don't work for the system simply because again, this is a system to request data within the New gTLD Program—so everything that is not supported by this, either because they are ccTLDs or gTLDs that are not part of this program.

Then also we have this notion of participating registrars or not. Not all registrars participate. We manage in the beginning at least to make sure that we started with a very large representation of registrars, at least in terms of domain names, sponsored domain names, but it's still a work in progress there.

And then that last category, the domains not found, obviously it could always be typos and people or domains that no longer exist. That's also possible.

So that green one is the flow of what happens to those requests once the domain name actually fits the criterias of this particular tool, and what happens to it all the way to the end—so why were requests approved, why they were denied and so on and so forth.

Again, in the different sessions that we will have this week, this is the part where we talk about the tool and how we want the tool to evolve. We're not here to decide who and what requests are made or how they're answered, etcetera. That will be worked in another session. And so I'll make a quick plug to those two sessions. There's one later today and one tomorrow, but the one particularly tomorrow I think is going to be (well, at least to me) very interesting because we're going to go into the details of why things are potentially approved or potentially denied. And I think that that's going to be an interesting learning because better understanding of how it fans out on the right part of it is going to help us, one, decide if this is a tool that is worthy for the community and, two, how to make it better to hopefully (and it's not the [end of the aim]) get people satisfied with the answers that they want to have, whatever they may be.

Back to you.

FEODORA HAMZA: That's actually also all from my side. And we are now moving to the next part of the session on the open discussion.

SEBASTIEN DUCOS: Okay. So before we turn into the standing committee specific questions, I want to take the opportunity of this being an open session. So maybe we have a quick round. I see no hands, but if there are comments outside of this room, inside this room …

Okay, I see your hand, Steve Crocker.

STEVE CROCKER: The idea of success criteria to me falls into two fairly different baskets. I'll call them narrow and broad. So the narrow one is we set out to build the system, to operate it, and to collect various statistics. Are we meeting those? Are we getting some data? The answer to that is: sure.

But the broader question is, this is a piece of the bigger problem of are we meeting the needs of the community in terms of providing access to registration data for legitimate purposes and protecting against illegitimate or inappropriate uses of the data? And what does this process, this RDRS, tell us with respect to that? I don't see much dialogue that is connecting what's going on here versus that. So somebody coming in from another planet and listening to all this says, "Oh, so you guys have sort of just hardwired this, that you'll do this no

matter what the data is. It'll tell you that you'll go ahead with what you had previously planned, in which case, why bother to run the experiment at all?" That'd be [ape posture].

Another one is, "So this is showing that nobody really needs the data. So that's another positive thing. Let's just shut the whole thing down." But for those people who say, "You know, it's really important that that data be available, and this is not getting there," where is that dialogue? Where is it scheduled to be had, if ever? And how much more are we going to learn by running for another 18 months as opposed to the first six months? Thank you.

SEBASTIEN DUCOS: Thank you. So, obviously, I'm only chairing this, and this is a standing committee answer, so I give my own personal feeling here, but I'd rather it be coming from the rest of the standing committee. It is absolutely clear that this is a pilot, that indeed, as you said, Steve, needs to give us answers on how we want to proceed afterwards. We're not building here. We don't have here in our hands the future. We have a pilot to be able to see and evaluate what the future should be. "Should it be this? Should it be something else? Should it be nothing?" is a question to be asked. We're at this six-month check, and six months out of a two-year program, so a quarter down.

To me, at least (and we're almost there), the most important is to make sure that we have all the metrics that we need to be monitoring, and we have all that down pat, that we have the interface that we need to have that we're collecting the data to be able to send fully formed requests

to the registrar to have them armed with all the information they need to have to be able to give the answers and then that we're, as you said, also taking the data points that we want to take from there. That was the exercise without judging any of it.

The reality is also, as we're doing this in the first six months, there was a lot of tire kicking, there was a lot of trying, there was a lot of people using this tool to see what comes out of it. And so I also expect that the quality of the data itself is not completely relevant and that it's in the duration that we're going to find that.

I'd like to be able to close this chapter now, this part of the setting up and tire kicking and everything and going forward with it. I don't think that we should have any conclusions on where we're going with the future with the data that we have now, again, because everybody was trying it. I'd like to see what data we get in the next six months. The conversation needs to be ongoing and needs to start from now or after this week.

Without being too mysterious, the only thing that I think is missing in the data that we're collecting is the work that is happening now, on one hand making sure that the requester information is mandatory and is fully informed. That was one of the big problems that we got from the registrar side saying, “Hey, I don't know who I'm giving this data to.” We need to make sure that we collect that information more clearly. And the last bit of reporting that we're missing from that list is the reporting on requester per jurisdiction and particularly law enforcement requests. We're going to get both, but that's not … Once we've got that, as far as I'm concerned, (of course, we're going to develop and do better

things and improve the interface and all these things), the data is set and now we can go and look at it really and say, is this providing the information that we want?

On the, providing the answers to the request, that's the same old conversation that we've had already for two years. I can't guarantee the answers are going to be given. Again, I invite you guys to come to that discussion tomorrow because my findings in the last few months of why things are granted or denied I found it very interesting. I think I get a better sense of where the bar is, and I think there will be helpful to you guys to understand where the bar needs to be to get that and hopefully get more of the information that you're looking for. But it's not the exercise of this team or this standing committee to decide where that bar is. That's a discussion to be had with the registrar as that answer.

Did anybody else want to give thoughts on this? Steve DelBianco, I see your hand.

STEVE DELBIANCO: Thanks, Sebastien. And you said one fourth of the way in at six months, but it isn't a continuum where you start here and work your way up towards some point of arrival. Rather, it's more like circling, circling and trying again and trying again, from what we learned. You said kicking the tires, so the requester community kicked the tires, stubbed our toe, the tires went flat, the car didn't move. So we've had an experience in the system that led us to conclude, "I wonder if it's going to be worth it." But we're all here and we're all engaged, because I'd love to hear tomorrow's registrar session about ways in which we can improve the

quality of the requests so that they more frequently result in a disclosure. We're watching carefully what NIS 2 will require in terms of disclosures of privacy, proxy and entities that will change things in the next six months.

But some of the things that we'll learn from the registrars tomorrow or that you'll learn later today from the requester side go straight to the standing committee to ask staff to make changes in the system, obviously with a tremendous number of denials, to the extent that the validation of data on the way in, reminders, and educational assistance to the app will improve for new entrants, new requesters. Existing requesters have kicked the tires and stubbed their toes, so they have figured it out over time, to the extent that that's the way one registrar responds. Each registrar responds in a different way, which is frustrating. But I understand that the registrars retain their own discretion on whether to grant the disclosure. So inconsistencies contribute to the stubbed toe of kicking the tires.

So ordinarily [in] an iterative process where we improve the system, improve our education in the system, they can succeed if on the second iteration there are people that participate with an improved experience and new participants are pulled in. We have a significant risk for the reasons that Steve Crocker identified that on the second iteration, we end up with fewer requesters. On the second iteration, despite the system being easier (I was talking to Rod about it this morning), it may still not be sufficiently disclosing for new entrants to start to jump in and do requests.

So let's just be clear-eyed about it. On the second iteration, after we've improved the system and been educated, we may or may not start to get meaningful data. And I and Alan were among the folks on the EPDP who said, over and over again, when you chaired this, "Don't expect this to be a demand validation exercise." And there were times, Sebastien, that you would note it after I said it, and there were times it made it into a report or two and then got purged. I continue to hear the dialogue all the time that one of the primary bases of the system is to assess demand. But trying to assess demand when there isn't a significantly increased disclosure means that you're not really measuring it. And that's where Steve Crocker brings up the notion of, "What is the demand for?" The demand is that if I have a legitimate basis to understand who the registrant is for the purposes of stopping consumer fraud and abuse, or whatever my purposes are, how do I get that data? And RDRS thus far isn't answering that. Maybe the second iteration will do better, but we may not have the participation we need for that second six months to be active.

All that could change because of NIS 2 transposition by European Union member states. And I realize that that only affects European registrants and users, but so did GDPR, for that matter. So it's broad. And, Thomas, I think you're next in the queue. And help us to understand the way in which that that will help to perhaps supercharge the second iteration. The second six months of this experimental pilot will, right in the middle of it, be encountering the effect of NIS 2. And I hope that helps. Thank you.

SEBASTIEN DUCOS: Thank you, Steve. Thomas, you are in the queue, but you're not next in the queue. There's Gabe first. Gabe, you're not in the room, so I guess you're joining us remotely.

GABRIEL ANDREWS: Yeah. So this is Gabriel Andrews for the record. I am Co-Chair of the Public Safety Working Group and participating in the standing committee I guess as one of the GAC representatives in the committee. I wanted to call out that when we talk about the assignments that we were given, assignment two spoke not only with the collection of information that might inform possible technical updates, but also to be considered how we might improve the related messaging and promotion of RDRS.

And I say this because I just mentioned I'm part of the Public Safety Working group, but my day job is with the FBI, and I wanted to really work hard to raise awareness of the RDRS within my organization for all of the various data requesters that would normally want to be able to use WHOIS information to make them aware that this was a tool that existed since November and that it was something that was available for use. And we did a lot of push messaging just like ICANN had. And I note that even when ICANN talked about the type of push messaging that they gave to law enforcement, they gave really good examples, reaching out to really smart places to give that messaging. I was impressed.

And yet, despite all of my efforts and despite all of ICANN's efforts, when I talked to the agents on the ground and just kind of anecdotally ask

have they heard of this, I find that I have by and large been failing to get the word out to folks on the ground, despite having sent massive email blasts to every single person in the organization, and despite having really trying to do like information seminars online and so forth.

And so what I'm coming to terms with, the fact is, we had (and forgive me, I'm going to call on a factoid from I think Crocker before) on the order of 5 billion WHOIS queries that were made a quarter in the past. And yet, when we look at the total six months of all the initial domain inputs that were used in RDRS were in the order of 7000 or less than 10,000, I cannot help but feel that we could be doing a better job to raise awareness of this.

And so I wanted to highlight this because it is a failing of my part just as much as it is on anyone else that might have taken the role of evangelizer. But I cannot help but think that we can do a better job of placing the information about the RDRS where we've been training for decades, the requester community to look. And that is within the data itself. When you make a registration data request and you see those fields of WHOIS [and] the registrant[,] you see that this information has been redacted. I scratch my head and I wonder why it is that we're not saying this information has been redacted and you can go to RDRS.ICANN.org to request it. If we're creating RDAP profiles that enable people to create notifications for various purposes, why is it that we have a notification that says, “You may see that the above is redacted. You can go to ICANN and here's the link.” And I know this is something we've brought up before in other contexts, but I wanted to really repeat this because I'm seeing us, despite all our best efforts and

all our best intentions, not getting the word out to even a sizable proportion of, I think, the true end users of the system that we've created for.

I'll pause there, but thank you.

SEBASTIEN DUCOS: Thank you. Just a quick note. I fully agree with you, Steve DelBianco, that the number of requests that we're getting here shouldn't dictate if this goes on for … It's only a representation of the market. I think that we need to walk away also from the millions of requested WHOIS used to get ... It was two completely different systems. There was a lot of automation behind it. There was a lot of just data mining, which is specifically what GDPR said we shouldn't be doing. So there is going to be a huge difference.

I'm more interested, for example, in the difference on a case-by- case basis of each registrar saying, "I used to get ten requested a month. Now I get five on RDRS, five direct." That's more of a comparison that I'm interested, and I'd like to get all of them on RDRS, but I'm not expecting 5 million or whatever the number of requests is. I think that we need to be aware of it.

I see your hand up, but maybe I'll put you in the queue. And I understand you want to answer, but … okay.

STEVE CROCKER: Just very quickly, I just wanted to note that you said GDPR prohibits the data mining. There's differences of opinion as to whether that

necessarily holds. And the other half of that is there's a point of view that says for certain applications that data mining is absolutely essential. And so I just want to have that included in the total picture of what we're talking about, as opposed to just taking it as a given that it's prohibited and won't happen.

SEBASTIEN DUCOS: Okay, so I happen to be European, but not a lawyer, but I have a European lawyer that might have something to say on this and whatever point you wanted to say. Thomas?

THOMAS RICKERT: Thanks so much, Sebastien. Hi everybody. A couple of points. You know, some of the arguments that have been made during this session sound like we've already reached everyone that we need to reach. We just need to improve the quality of the responses to make everyone happy. And as far as I'm concerned, that's far from the truth.

I think we (this point that Gabe made as well) still need to raise awareness for this. And I think that we need to do a couple of things in parallel. We need to reach out to those who don't yet know that the RDRS exists. We need to make sure that the RDRS itself gets better. We need to train the requestor side and publish more information on how to do that right without too many feedback loops. And also we need to train the registrars or people that are doing it for the registrars to improve the quality and the consistency of the decision making there. And I think if all that works hand in hand, then the system will be more fun to play with. But we're not yet there.

But I don't think that I agree with your point, Steve, that this is not going to be linear. I think it's going to be linear in terms of requests for us and also in terms of disclosures. And actually what we want to facilitate with this is get the data to the folks that have a legitimate interest in getting it and getting that with the least possible effort for the request and also for the registrar.

So I think that I'm still on the optimistic side of things. I think we've improved already. I see that there are sessions going on and maybe we should raise awareness for those more as well. Some of you have joined the [Echo] webinar that we did with Sarah's great support and some others, but also the registrars are doing their session. We have the CSG session during this week, and I think we need to be very loud about these things happening and that we are actually providing for discussions such as the ones that Steve has asked for.

Now, a quick point on NIS 2. And this shall be very brief, but as you know, the national laws need to be transposed until October 18. A lot of member states will miss that mark. That's already clear now. As you know, the corporation group is currently working on providing guidance to the national lawmakers. There's one sub team, one task force, dealing with the question of legitimate access seekers. But as we heard from the cooperation group leadership, their findings will only be presented to the cooperation group plenary late summer, which means that that's going to be too late for the lawmakers to be taken into consideration for October. So we've heard from national lawmakers who think that they might only consider those results for secondary law.

But there's one law (and this is why I'm mentioning it, because it is possible to provide real guidance on this)—the Belgium law—and you can agree with the things that are in there or not, not only ask for domain names to be blocked if a verification fails, which is, you know, the first law that I've seen that actually talks about results of a failed verification. NIS 2 is silent on that, you know, what the consequences should be. But that law also has a list of what legitimate access seekers are. And I guess that's what we're looking for. You know, you can agree or not agree with the specific list that the Belgians put out, but I think we're looking for such guidance so that there's clarity for the disclosing side as well as for the access- seeking side in terms of what they can ask for and what can be disclosed.

So I think that's going to be good. But still, we need to, in other cases, still do the assessment according to the GDPR, and that doesn't take us any further than where we are at the moment.

Final sentence. And this is maybe for those who are talking to the national regulators in EU member states. We've asked the German lawmakers to provide a clarification that both the entity's name as well as the email address for legal entities can be published or made available. I guess that would take us a great step forward because the uncertainty of what … The recitals of NIS 2 who say you should publish email addresses for legal entities unless they contain personal information, which leads to the burden of testing this to the registrar. And if we got a legal basis for the public of that data field only, I think that would make a huge difference. So if we could also work on the regulators to make that happen, I guess that would really help.

SEBASTIEN DUCOS: Thank you, Thomas. Just a quick admin note. I see two people in the queue, Alan Greenberg and John McElwaine. And then afterwards I'd like to stop that particular conversation and go into the actual list that the standing committee has in front of it of improvements. So if you guys can prepare that. Alan Greenberg?

ALAN GREENBERG: Thank you very much. Sebastien, you started off by saying we have to decide what we're going to be doing, what this group is going to be doing, and I think that's really important. We've heard a number of people say we have to beat the bushes more and get more people involved. Those people are only going to stay involved if they get some sort of results that are useful to them.

Can we go back to the previous slide, the last Sankey chart? Sorry, is that not going to be possible?

SEBASTIEN DUCOS: It is. I just asked them to prepare something else. Sorry.

ALAN GREENBERG: Previous … That one. Those numbers show that of all the requests, many of which are ccTLDs and whatever, but nevertheless of the people coming to the system … And the only reason someone comes to the system is to try to get some data. Less than 3% get answered, get the

data revealed. Of those requests that are applicable to gTLDs, the number is somewhere under 9%.

Our target going forward now has to be not only to get more people using the system, but get the results to a point where they feel it's worth coming back and using it again. There's no guarantees. There's going to be a balancing system or whatever. But I think one of our challenges is going to be to look at each of those places where the lines split and see what we can do, if we can do anything, to make the system more productive and useful to the users for who it's designed. That, I think, is the challenge. And it's going to be an easy one to measure because the charts show it really clear. Thank you.

SEBASTIEN DUCOS: Thank you, Alan. So I'm trying to word this carefully, and I'm trying also not to preempt discussions tomorrow. I want to note that out of the millions of requests that we used to get, we also have created a habit that people thought that legitimately they could start any particular process dealing with a grievance on a registration by going to get to the registrant data. That's the first reflex. I had a problem with the domain name. Who is it for and where do I start the process?

My findings in the last few months discussing with the people that do the work internally at GoDaddy is that that actually is not the right way to look at it, or is no longer the right way to look at it, and that there's many requests that are fully legitimate in terms of process ("I want to deal with a problem that I have here") that do not require registrant data or do not require registrant data as a first step.

And so we also need to relearn the path to resolving the problems that we have. And WHOIS or registrant data may not be always the first step.

So when we find these numbers … I agree with you, it sounds very, very low. In terms of percentage, it sounds very, very little. But it doesn't mean that we're going to get to a 99% and it doesn't mean that we're going to get to it much inflated, whatever.

What I'd like to also have maybe outside of the discussion (but it's not for this standing committee) is a Sankey of where is all my problems and how do I find solutions? And some of them are not going to be part of this. Some of them are not going to be about registration data. Some of them are going to be about hosting, some of them are going to be about certification, some of them are going to be about other things which we are not looking at here. We are still very much in the mindset of "The first thing I need to do to resolve my problem is to know who the registrant is behind." And I'm not sure that is still a relevant question.

ALAN GREENBERG: Just to be clear, education is going to be part of this overall process and we're not necessarily ones to do that education. But just as you if we can't figure out how to handle ccTLDs, we have to get the message out saying, "We don't do ccTLDs," and those numbers suddenly look a lot better. So education is going to be part of it at various levels. I'm not questioning that.

SEBASTIEN DUCOS: Okay, thank you. I see John McElwaine and I see a Paul McGrady that creeped into that list even though I had … Well, I like you too much to bar you out. John McElwaine?

JOHN MCELWAINE: Really quick comment to make, which is that I think we're at a point now where it would be a good idea to have a third category of outcomes, which would be, instead of it counting as a denial, if the information is publicly available because it's already behind a privacy proxy registration, then that be a third category. That will take a big chunk of the denials out and will give us a more clear picture as to the RDRS statistics. Particularly with PPSAI starting up, that might also be a good opportunity to educate requesters of forthcoming other methods to access that data. Thanks.

GABRIEL ANDREWS: Sebastien, can I quickly clarify something about this chart that speaks to that? It's my fault for it being ambiguous.

SEBASTIEN DUCOS: Yes, please.

GABRIEL ANDREWS: So I should note that when I have proxy listed there, I did some amount of interpretation, and that wasn't the language used in the ICANN metrics. It was the description that you gave about the information already being public. I shorthanded that as proxy. So when you see the

approved or partially approved in the proxy, the true, most accurate form of saying that proxy category of 13 there for the month of April would be like the registrar saying, hey, this information is already public. It's my interpretation that for most, if not all, times when that occurs, it's because they're talking about the proxy service and because the request was submitted for that information behind the proxy service. And as I think we're all clear on right now, registrars are in that situation, stating that they are not going to be making the disclosure determination on behalf of their affiliated proxies, but rather they wanted to denote that information is already public, pointing to their proxy itself. I hope that clarifies.

JOHN MCELWAINE: And let me jump in. So, Gabe, my point … And it may have changed, but early on particularly (and I have not done one recently), when the information would come back from the registrar [and] be just denied, sometimes it would be explained, sometimes it wouldn't. And so if that is continuing, then I think we need to capture that as a proxy and probably not as a reason for denial. I think that should be a third category. Thanks.

SEBASTIEN DUCOS: So I think there's multiple conversations there—well, at least two. One is indeed the Sankey. Just by nature of these graphs, we had to shorthand the labels. Otherwise it would have been all labels and no graph. And so proxy or public or whatever we can fine tune.

The second conversation, John (and I know that you had it with Sarah because I was on that call) is, I guess, to a certain extent, the education of the requesters but the education of the registrars also to make sure that this type of problems is answered in that type of way and so that we categorize the flow and it doesn't get lost indeed in the Deny category.

This is work that the registrars are doing internally. I'm sure that is one of the points that is going to be discussed more in the registrar session. Without making that session anything that it's not, I think that these exercise[’s purpose] (and my understanding is that the registrars are going to keep on doing them, maybe not every ICANN, but every now and then) is to make sure that slowly, even if it's not policy-wise but in terms of by osmosis, registrars will start better understanding what others are doing and what they're doing and possibly learn from each other what is an acceptable response and type of response.

So it goes also to what you were saying, Steve DelBianco, earlier; that inconsistency … Until we have policy and until we have legal framework behind it, we can't impose it, particularly in this pilot. But at some point, there will be sort of learning within the community of how to communicate to each other what that answer that I'm giving you is and why am I giving it to you, et cetera. And I think, I hope, that registrars, in absence of policy and legal, will be able to do that by osmosis.

Paul McGrady? And then there was a gentleman there raising his hand earlier, but I do not have your name. So you were technically there before Paul, but I don't have your name. Sorry.

DAVID HUGHES: It's David Hughes from IPC. So I want to go back to a comment that Alan made with regards to this. So I'm going to give you an analogy here. The purpose of this is … Let's say I open a restaurant because I want to find out if there's a market for my particular vegetarian hamburgers or something. And if I get 441 orders and I only serve 35 of those, the customers are not going to come back. So that's the core problem here: that if we don't address the approval rating first, then everything else we're discussing is a waste of time. I just wanted to add that. I'm sorry.

SEBASTIEN DUCOS: Yeah, go ahead, Sarah.

SARAH WYLD: Thank you. That's a really interesting analogy. I imagine the remaining 400 and however many minus 30 came to the restaurant and ordered meat hamburgers. Thank you.

SEBASTIEN DUCOS: So I was going to have the same answer with milkshakes, but, yeah. Again, I insist this is the next step of a tool that we used to use and used to be the first entry point. You're specifically talking about a very specific restaurant, a vegetarian restaurant that does burgers. The problem is that the vegetarian burger is not the answer to all the problems that we have, and we need to describe that a bit.

DAVID HUGHES: You are correct. I'm going to rephrase. It's just a restaurant. Forget I ever mentioned … People order food. They need information. That's what they need in order to solve their problem. And with all due respect, I don't think that you can tell my lawyers what information they need to deal with our legal issues.

SEBASTIEN DUCOS: With all due respect, accepted. But let's have that discussion. Paul McGrady?

PAUL MCGRADY: And I don't feel guilty at all for sneaking in at the end of the queue because the queue just kept growing and before me. So, I mean, this a good discussion, but to a certain extent, we've kind of gotten directly off track, with whether or not NIS 2 this and whether or not people should care about WHOIS anymore and all that good stuff. The bottom line is this was meant to be an experiment. We tweaked the experiment a little bit at the beginning.

Alan, respectfully, who I greatly respect, at some point the experiment needs to run. And whether or not (and I apologize, I'm not calling anybody a rat; I was just trying to think of some other famous experiment) our particular rat is making its way through the maze in the way we want it to make its way through, I don't think that this group should be sort of trying to figure out how to get the rat through. At some point we're going to have data points at the end of this thing. It's meant to be two years. At the end of the two years, we will know how many people use the system, what the return rates were, all the different data

points. And then everybody can decide what that means in terms of do we move forward with the SSAD or not? At that point, you have to remember it's just a history lesson. The only reason we're doing this is because staff did an operational design phase on the SSAD and it was kooky. And that's a legal word: kooky. I mean, it was nuts. And it had these giant ranges because they had no idea how many people would use it, what the return rates would be, and all this other stuff.

So this is the purpose of the experiment. We're midstream in the experiment. If people don't like the numbers and how they're turning out, if one particular group wants more people to put requests in to prove that requests are going to happen, then figure out how to get people to put requests in. If another group wants to deny requests and they don't like the way that looks, well, then figure out how to grant them. There's a way to have the numbers turn out different than the way they're looking now, and that's through people using the system on both ends of the system. But it's not the scientist in the lab's job to manipulate the experiment midstream to get to the numbers that they want.

And so we can only do so much. As far as I know, neither the GNSO Council nor this team has been giving any money to go out and promote this thing. We don't have any marketing funds or anything like that.

And so I want to be sympathetic to what everybody's saying, but at some point, either we're running experiment or we're not. And if what we're really doing is we're running a system that we've all sort of tacitly agreed is going to be the end result and nobody's taking the SSAD seriously anymore … And I heard somebody say there's no policy.

There's actually policy. The SSAD … I mean, that went through. It was at the final stages where the staff did an operational design phase and then the Board was going to do something with it. So it's not that the council has not done anything. But if we've decided sort of tacitly that this is the system, then great, let's try to fix it. If we're still where we thought we were, which was that this is an experiment to collect data, then to a certain extent, we have to be a little bit hands off and let the people using the system figure out how to improve things.

So again, with respect to whether or not NIS 2 … And then there's some cheeseburgers and all this other stuff. The bottom line is, as the people in the white lab coat running the experiment, we can't put our thumbs on things like that. We've fixed a few tweaks. Great. Now let's see where it goes. Thanks.

SEBASTIEN DUCOS: Yeah. Thank you. Many things I could comment on it, but positive [inaudible]. So I'm not going to say it, and you say it better. Thomas? And this is the last las because I do want to get to that list. Go ahead.

THOMAS RICKERT: First of all, on the rat thing, I'm happy to be one of your rats. If we sing Let It Snow at some point together, I'm part of the pack.

A couple of points. I think that the burger analogy, if you like it or not, made me think, are we calling this thing correctly? You know, is pilot the right word? Is pilot already giving people the impression that there's something that we test drive, but it's already working? And I think that's

not true. I think that we might need to do a course correction in adequately describing that this is something that we're building together, not giving people the expectation that they get their veggie burger, but that we're trying to find the proper recipe to do it before the real launch is taking place or not. So maybe “better” is a better word for that, or whatever native speakers might come up with. But maybe we need to manage the expectations of everyone that participates in this.

Also, I think that, on the discussions that we're having around NIS (as Steve said, that bulk access is possible for analysis), we need to take into account all factors that might be impediment for disclosure or that could stimulate a higher number of successful disclosures. And that includes the discussion that's happening in the chat on how we can possibly bring onboard the cc world. I think that would be a great idea to make them part of the game if ICANN can spend its own budget on helping the cc’s as well. You know, I don't know, but I think that needs to be found out.

So I think that we should continue the conversation on all these things. And maybe it's also worth talking more about the legal stuff. I'm not saying this because I'm a lawyer, but, you know, sometimes the discussion sounds a little bit like we could be far more successful if only the registrars wouldn't be that stubborn and disclose more. And there are really tangible legal risks in disclosing things that you shouldn't be disclosing. So maybe we need to come up with some legal publications on that. And I'm not volunteering to draft this, but to set the record on what's possible and what's not possible. And just to give [two] ideas, you don't only need a legal basis for disclosing, but if you want to, from

a GDPR perspective, disclose beyond EU member states borders, you need to have a safeguard for these international transfers. You might need to do transfer impact assessments and all that. So it's not a lightweight exercise, as the case may be. And I think that we're not doing ourselves a favor by saying that this could all be done if we only tried harder. You know, we need to face the legal realities. And that's both in the recitals of the NIS 2, as well as in the text of NIS 2: that all the disclosure requests need to pass the tests of the GDPR and other relevant laws in that area.

SEBASTIEN DUCOS: Thank you, Thomas. So on this, and precisely maybe something you said, Paul, just a minute ago, I consider that we're working out a policy here not because nothing was done, but because nothing was implemented, and that we're trying something out of policy. I expect at some point when we're finished with our work, that we will go back to policy building, review the work that you mentioned has been done, and possibly pare it down or go back to it, etcetera. But what we're doing here is not what the policy recommendations recommended. And in any case, they haven't been implemented.

To this, there … And I wasn't part of that discussion. I only followed it not as a choice, but I was in the background of it. I wasn't in the foreground of that discussion, the SSAD discussion. But I do suspect that there will be also learning (if not guidelines, if not automations, but learnings), collective learning as a community and for the registrar to say this is acceptable and this is not acceptable, and this is the gray line where you're going to have to look, given your jurisdiction, where you

are, where your requester is and where your registrant is. All these things are going to come in learning. Once we have that in policy, then we can implement it. In the meantime, indeed, we're in that sort of haste.

Go ahead. I see you signing. Signing, signing. Go ahead.

PAUL MCGRADY: Very briefly, yes. This is all meant to be learning. And then something next will happen and we have to go back and revisit the SSAD because you can't just leave dangling policy out there. if it's not been implemented. We're going to see the SSAD again and we'll have this learning with it.

David's analogy is important because if the restaurant has 400 orders and only serves, you know, 25 whatever, customers are not going to be happy. Likewise, if the restaurant has seating for thousands and it gets 400 visitors a year, it's going to choose not to stay in business. And sot again, this is all just data.

The one thing we'll probably learn is we'll be able to give staff more information, and if they're going to redo the operational design phase, maybe it won't be so kooky. I mean, the new estimate won't be 1.5 bazillion dollars or whatever the quote was last time, some crazy number. And so we are going to have to revisit it. And since we have to revisit it (the idea behind this was an experiment), then to a certain extent, we just have to resist messing with the experiment, even if people are unhappy along the way. But because this is an experiment, it's not the end result. Thanks.

SEBASTIEN DUCOS: Yeah. I fully agree with you on this. Steve Crocker? I'm the worst chair managing this queue. You guys are [inaudible].

STEVE CROCKER: Thank you. Just very briefly, the comment that this is an experiment and we should let it run is absolutely the right thing if the experiment is properly designed and if there is still data to be learned. There are a lot of real world examples in serious business where you set up an experiment, you run it, and while you're running it, it tells you that there's no point in going further, both positively and negatively. The Food and Drug Administration in the US, for example, sometimes interrupted a trial and said the data is overwhelmingly positive and it is beneficial, from a public interest point of view to make the drugs available before the planned end of the experiment. So that would be a positive case.

There's plenty of room for differences of opinion, but I think the question of whether or not this experiment is yielding data that will be helpful or has already yielded data that should be acted on is a question that has to be included in the dialogue, rather than, “Sorry. We said two years. We can't talk about anything else. Let's run the two years and then let's think about it,” [which] is a waste of resources and a dereliction of duty at a higher level than just simply running this experiment. Thank you.

SEBASTIEN DUCOS: Thank you. I hope at least the first six months of this experiment have proven that we're not doing just that. We're not just watching it happen.

But anyway, I wanted to close the discussion in order to get to this document. And for those that are not part of the standing committee, this is our impressions document. It might not be the best name for it, but it's the document that we use to collect improvement notes, things that we want to change, in the tool itself (not in the result, just the tool) and how we want to handle this. We had set ourselves, or I had tried to set a target, to make sure that by this meeting we would have an agreed set of things that ICANN needed to do and include in their development program in the next six months. There was a number of improvements that were automatically agreed or were easy to implement enough for ICANN to go ahead with it. And you went with a large number of these things. And there were things that were considered as being bigger and needing a bit more reflection.

One of the example was the API. Do we need an API? Do we not need an API, its development, etcetera? It takes time and money to do that. Do we want it? Do we not see it as essential? And there were some discussions.

We talked about improving this sheet. Sarah, you had a few points which I think were agreed unanimously, if not by standing ovation. And so I still would like to see that happen on it.

What I'd like to also be able to now get to is a position where we're able to take off the things that have been done or have been agreed and are

ready to be done (there might be different coloring for it) for us to see what is outstanding and decide what needs to go forward.

Now, I don't know … I haven't checked time. I don't know how much time we have for that.

UNIDENTIFIED FEMALE: 29 minutes.

SEBASTIEN DUCOS: 29 minutes. We've got plenty of time. So maybe we should go through the exercise, if only for people to understand where we're at and for us, this group, to understand where we want to be in our future discussions, to go through those items [and see if there are] things that have already been raised, make sure that we know what it is, where it's at, and so on.

So on this first request that I see here from the Non-Commercial Stakeholder Group who requested having data on the jurisdiction of law enforcement requests on the basis of the fact that that information is made public by a lot of organizations and wanted to make sure that we did, my understanding is that we've got a full green light on this. And Gabriel, you're on the line, so you can correct me, but my understanding is that you've got a tacit agreement from the PSWG that this is indeed information that can go out.

GABRIEL ANDREWS: Yeah. Sorry, I thought there was a question.

SEBASTIEN DUCOS: No, go ahead.

GABRIEL ANDREWS: I just want to concur that the level of transparency at the nation level (or nation economy, I guess, which is how we're referring to it) is acceptable and has got consensus agreement back from my questioning of the PSWG there. So I don't anticipate any objections to that at all.

And just clarifying that we are not talking about identifying organization level requests, but the nation economy level full steam ahead [?]

SEBASTIEN DUCOS: Yeah. And by jurisdiction, it is definitely nation, country level, territory level. We're not talking about county sheriff being named and et cetera. Absolutely correct.

GABRIEL ANDREWS: Thank you.

SEBASTIEN DUCOS: So this is all approved. I understand that the information that we're collecting, the data that we're collecting, could be two sources of data. One is a field that is in the law enforcement sub-form that is already a mandatory field to describe the jurisdiction that you're in. I'm still interested to know exactly, because it's a dropdown list, what that list

is made of. But we can have that discussion offline to make sure that it's as inclusive as possible and that we're not limiting that. Again, it's still not going to county level and naming sheriffs.

And then the other source of information that might be interesting to compare is the country of the requester. One doesn't have to exactly match the other. I'm taking, for example, a law enforcement request that would come directly from Interpol. The fact that the requester is in Singapore and Amsterdam, or wherever they may be, is less relevant than the fact that it comes from Interpol. And so we'd see.

But we're all agreed on this. The country feel is going to be mandatory or made mandatory … imminently? Yes? I get headshakes from staff. And so we will be able to report on this as of our next report, as of … How long does it take to include a new metric on this one?

ELEEZA AGOPIAN: My colleague Lisa is on the phone. I believe the field will become mandatory at the end of June. Lisa, correct me if I'm wrong. And then once that's in the system and we're tracking it (so that would probably be through July), it would probably be reflected in our August report, which would reflect the July data.

SEBASTIEN DUCOS: Okay, so July data, mid-August report. Thank you very much.

So, however we do this, I would have this tracked in some kind of an orange form that says, "We've adopted it. It's on track, and we will have this done shortly." Thank you very much.

The next ones. So, there's a series of requests from PSWG that were voiced by Gabriel Andrews. And because of the format here on the screen, we don't get to see everything.

[SARAH WYLD]: Gabriel, if you double click on right in between the two pages, it collapses the margins.

SEBASTIEN DUCOS: Wow. They do. Very good. Sorry, I'm lost for words. My life has just changed. But the point still stands. Gabriel, did you want to speak? Because this is another thing—sorry—for the public, but also for the group. I want to make sure that every single one of those items has got, within the group, a champion. It doesn't mean that you're the one that brought it. And you may have brought it from outside, from your discussions outside or whatever, but I want every point in these sheets to be owned by somebody, and somebody that can defend it, explain to us where it's at and, yeah, be the champion of it. So, Gabriel, since your name is on this, can you walk us through these few points?

GABRIEL ANDREWS: Do you want to go topic by topic, like number by number there, pausing?

SEBASTIEN DUCOS: Yeah. And then we get an idea of where it's at, if it's moved at all, if it needs to move, and so on and so forth.

GABRIEL ANDREWS: Copy. Okay, so I'm going a little bit from memory here too, because I can't see everything in the document. I don't have it open. But I do remember most of these, having been the one to collect the feedback and incorporate it here. So the topic number one deals with when you first go to the RDRS tool and you've done the process of logging in with your ICANN account, and you click that a Create New Request button. There's a big dialog box that pops open on Create New Requests, and it's sort of a wall of text (I don't mean to be derogatory, but that's the impression you get) where it has a big description of things that might dissuade a person from making the request. [That's] how the feedback interpreted it.

And we were suggesting that some of the information presented there is important. It's important to recognize that the registrar participation is voluntary or that the existence of proxy services might mean that a request isn't responded by a registrar on behalf of their affiliate proxy service. But we don't want to have that text be phrased in a way that seems to dissuade so strongly the person continuing with the request, because as we all know, all the participation is voluntary to begin with. And there might be a registrar in the world that will make disclosure determinations on behalf of their affiliate proxy service. It's conceivable. And so we want to make sure that we're making sure that that doesn't put up a big no in the face of a person that's initiated a request and to (what do we say?) rephrase the guidance? And I think we had some suggested text, et cetera, et cetera. But basically it's to just

rephrase the guidance containing the key information without making it quite so much of a roadblock. And I'll pause.

SEBASTIEN DUCOS: Okay. There's a note from ICANN that says that assuming there is a text-change-only, it doesn't require any development.[] It's a low impact.

Turning to you, [Adeline], I assume that you're the one behind this text to start with. In terms of legal implications, are you happy with … Is this something you looked at? Is this something that is feasible? Comments?

[ADELINE]: I am not sure I look at that one precisely, Lisa. I don't recall. No, I think we're still going through that one. So Lisa will need to ping me in that one. I don't see any red flag, but let me think about it a little bit more, and we can discuss at the next meeting, maybe, if that's okay.

SEBASTIEN DUCOS: I was going to suggest that: we set deadlines also for the stuff that we need to do. So next meeting (and maybe somebody can note that), we will talk about that, make sure that legally it's fine, and indeed, if it's just a text change, then go for it.

Gabriel is the champion of this. Is this satisfactory?

GABRIEL ANDREWS: Yeah, absolutely. I appreciate any forward momentum.

SEBASTIEN DUCOS: Thank you. Next one?

GABRIEL ANDREWS: Okay. This is noting that the current RDRS enables or attempts to enable processing of what I'm going to call compulsory legal process, by which I mean subpoenas, court orders, search warrants, those sorts of documents. And I want to first say thank you for the consideration for the law enforcement use case here. But the feedback I wanted to bring is what we're hearing from the various law enforcement organizations I've spoken to: by the time that you go through the process of getting the subpoena or a court order search warrant or what have you, you've already done a lot of the heavy lifting of identifying exactly who the business entity is that's going to be served exactly where they have offices, physical offices, that fall within a jurisdiction that enables you to send it there. You've done all of that heavy lifting. And so the benefit of RDRS of sort of doing that triage for you is it's no longer as much of value-add.

And further, there might be operational risk associated with having a third party involved in this, because now you no longer, as a submitter of this legal process, know that it's actually reached your intended destination.

And the general feeling from both myself as a person who sent a lot of legal process, but also from me querying the room of other law enforcement folks and representing other law enforcement agencies across the world, thus far has been that we do not anticipate the RDRS or successor system being used to submit this sort of compulsory legal

process, that it would be much more likely that organizations would send it directly to the entity that would be receiving it and to cut the middleman out.

And so wanted to say this, not because we're asking for anything further, but because this is probably something that can be effectively cut and removed as something that needs ongoing support.

SEBASTIEN DUCOS: So, thank you, Gabriel, for this. And this raised the same point that I tried to make earlier, that the RDRS is not, in its pilot and possibly in its final product, going to be the end-all or be-all of all the problems that we have with registrations.

Now, I don't want to burden this group with more work than it has, but at some point, maybe in a different context or a different working group (I don't know exactly how, and let's discuss that), it might be also interesting to create that diagram, that process diagram, of what's my problem and where does it go, to make sure that, as you said, Gabriel, we capture the fact that "This is a process. It happens. It used to happen with some WHOIS information. It doesn't anymore, but it's okay. And this is how we resolve it," because this is also education that needs to go out. I don't know that it needs to be this group, but I think that it would be interesting work to track on.

With this, since you have nothing to do, if only maybe, to remove a field, remove a question … Is that what you were suggesting, Gabriel?

GABRIEL ANDREWS: I think we were. We can go back and look exactly what the text I suggested was, but, yeah, I think it was to consider removing that.. I'm rereading what I had written previously. Sorry. It's just been a while.

SEBASTIEN DUCOS: Good. But since there's nothing to add to this right now, we'll park this and know this accordingly.

I'm turning also to you, Caitlin, for time, because, again, I don't track that. So you'll stop me when I need to.

Maybe if we can move to the next one and try to go back faster. Go ahead, Gabriel.

GABRIEL ANDREWS: Great. So, question number three. There's a question, as you're submitting your request, that pertains to the requester's legal basis, and I believe GDPR is even mentioned explicitly. I know this is one of those occasions where it'd be really helpful if we could just scroll through the RDRS itself as we're doing this and see the whole form at once. But I guess there might be other images.

But the key point here is that the feedback was to make this a question that is optional to answer, meaning that you don't want the requester to feel compelled to say yes or no as to whether they're articulating a legal basis under GDPR to request the data, if they are, for example, a podunk cop out of Ohio, or, let's say, someone in Japan or Argentina that might have very little familiarity with European privacy law, much less want to say yes or no to something if it could influence the results.

And already we've heard some feedback that saying no, like, "I'm not articulating a legal basis," has resulted in some denials of requests because it was interpreted by registrars as, "Well, this person doesn't have the legal basis then," whereas the question was a bit more ambiguous than that it was asking whether or not the person is attempting to articulate it.

And so we were suggesting that this question be an opportunity to provide a legal basis if it's something that the requester is very familiar with and wants to seize an opportunity to do so, but that it not be presented as something a person must click yes or no to and maybe put it towards the end rather than the beginning. I hope that description makes sense narratively.

SEBASTIEN DUCOS: So that does make sense. I see your hand, Sarah. And by the way, I saw also your hand, Steve. Well, actually, no, I'm not going to make the comment because I think Sarah is going to say the same. Do you mind if we give it to Steve first? Because he—

STEVE DELBIANCO: All I was saying was if we scroll to the appendix of this doc, you'll have screens. Thank you.

SEBASTIEN DUCOS: Okay, thank you. So point to address. Sarah, go ahead.

SARAH WYLD: Thank you. I'm hesitant to remove or make that question optional entirely, as I do think that each request should be grounded in somebody's legal basis, but that might not be the GDPR. So perhaps we should reword the question. But I would say to keep it required, and I would be happy to work on rewording it. Thank you.

SEBASTIEN DUCOS: So I'll add a point. It's a bit different. I agree with you, Sarah. The other thing is, I agree with you, Gabriel. When the answer is "No, I don't have any legal basis because I don't know what legal basis [it is]," then it says to the registrar, "Well, I'm not giving that data because it's not grounded on any legal basis." Reformulating the question is important.

Removing the mandatory aspect of it I would encourage not to do. I think one of the problem, at least that I've heard (and this is our experience internally at GoDaddy) is people looking for information in order to build a case. So they do not know if they yet have a legal basis, but they're building up on that information. And that usually is a red flag that says to the registrars, at least us internally, "Well, if you're still building a case, maybe you're not there yet to receive the information, and so it'll be a no, not because you won't ever have it, but because I'm not here to give you elements to build your case. I'm here to deliver registrant information, which is precious and affecting people on a legal basis that you have already identified."

So removing that as a step, I think, is going to discourage what at least the requester, as I say, wants, which is disclosure. I want to make sure

that we go as far as possible to help the registrars, making sure that they're secure in that disclosure.

GABRIEL ANDREWS: Can I clarify one thing just in response? I'm not suggesting that we remove the provision of facts which are necessary for a registrar to make a disclosure determination. Ask any facts you wish. What I am suggesting is the rephrasing of this question. So that rather than asking the requester to articulate their legal basis, instead you're asking them the questions that you, as a registrar (GoDaddy, I suppose you are, Sebastien, but any registrar) pertaining to those facts that you would then use to make that determination.

So, for example, if there is a legal basis under GDPR for any law enforcement officer in their official capacity to make a request and you want to know which jurisdiction that they're a part of, those can be two questions that you incorporate. Are you making this request as part of your duties as a law enforcement officer, and if so, what jurisdiction are you making this request from? If you have additional questions that factor into your analysis, by all means ask them. But then you're enabled to make that analysis, as opposed to the question as phrased. It places an expectation of familiarity that is not reasonable to expect exists in all cases. That's the feedback that we've had.

And so I think that we definitely want to find that middle ground where you have all the information you need and not making a case, but already have a case for in those situations, but not phrase it as, "And you need to know GDPR law," because this opens the door then to, well,

what happens if another nation passes additional law at some point? Are you expecting every requester to scale up the familiarity with law to each and every one of the regimes that might be established in the future in each of these 200-some-odd nations that may exist? And I wouldn't want to open the door to that either. Pausing.

SEBASTIEN DUCOS: Very fair comment. Just to try to be practical, it's a "Yes, I do have. It's part of this list or other," and I go and describe how I feel I have the, the legal basis. Is that what you're suggesting?

GABRIEL ANDREWS: I'm sorry, I [don't] understand. [Rephrase?]

SEBASTIEN DUCOS: Yeah. Okay. Do you staff fully understand what the story is here? Yes, I get in the groove, at least on understanding. There might be shuffling. This might be following the category slightly more complicated than we want time to evaluate that. But as long as you get a clear understanding of what the question is, then we can move on.

ELEEZA AGOPIAN: Yeah, it sounds like kind of restructuring a list. So it would require a bit more, potentially more, development. We'd have to dig into it, but I think the request is clear.

SEBASTIEN DUCOS: Okay. So with these cases where you might need a bit more, you have a champion. You know where to find it. We don't need to have a plenary each time to do it, with your agreement, Gabe, that they reach out to you if we do that, and then we can come back to the committee if it takes a lot of time, effort, and whatever to decide how we prioritize it. But I think we're good.

I saw you shaking your head or whatever you did with. No, you're good. Okay, thank you.

Next. If we go back to the top … And we won't have time to do this whole list, but I do want at some point or another between now and our next meeting to have gone through this list to know where we are. And maybe … Is this where we are? Maybe I'll give you the mic just a second after. It sounds a bit disjointed, but I'm worried about the time that we have on this session. If we go back down a bit to the additional ones, this one … I see now Gabriel's. I still need ownership on these things and will not review it until I have an owner on these things. I don't care if it's not you or if you would just want to have it—

GABRIEL ANDREWS: Can we get clarification on what CSC is? I didn't understand what that was, so I didn't jump into to own. 1314. Do we know what CSC is?

SEBASTIEN DUCOS: I believe it's a large corporate registrar based in Maryland, but I don't know. It's an acronym. It could be many things. I believe that we're

talking about the large corporate registrar, but I don't know that it is. Anybody.

GABRIEL ANDREWS: Sounds like not me.

SEBASTIEN DUCOS: No, no, that's not you. That's not you. I'd love somebody maybe closer to that part of the business to own it from the standing committee. But again, I don't want to be obtuse, but if I don't have an owner, an internal owner on this, it is not worth our time as far as I'm concerned. I want somebody to champion it.

This said, … And I think that this is not the only input that we're missing a champion on. I think that everything going further down is still not there. So I'd like to have people owning this.

We go one more point to you, Gabriel, and maybe if you want to choose one in priority that you want to have answers on, and then we can go quickly through the other table to make sure that it's not just requester-based, but that we have also the registrar part. And I think that we've gone further on that bit with Sarah. Is there any particular point that jumps to mind that … I see one that's high priority there: point 7. So the high-priority essential for request identity [inaudible.]

GABRIEL ANDREWS: Yeah. So item seven. So we had noted this, and by way of explanation, part of the reasoning, the rationale, behind marking number seven as a

high priority is that we're noting that the issue of knowing who the requester is is a very important issue to the context of the eventual SSAD, and it's been impactful to the RDRS. And so this is marking this as a very high priority feature. When we were speaking with ICANN staff, I think way back when, a year or two ago, there was some thought that the API might be something that was incorporated midstream in the RDRS, and we're hearing more recently than that that it's most likely to not be.

But we wanted to note that this is a high-priority issue, that even if it can't be incorporated within the RDRS, is something that absolutely should, I guess, be something that we collaborate with you on for any successor system, SSAD or other. Although it would really help us as requesters in multiple constituencies if we had an API, for a variety of reasons, it helps with both the authentication element as well as the ability to make more efficient inputs. We note now that when you do requests, if you have a list of twelve, for example, that's twelve specific times you're going through, and you're doing duplicative data entry and input and so forth. And so this was something that, for a variety of reasons, we thought was an important one, but, recognizing that this is also a very high level of effort, we are flexible in discussing how that can proceed. And that's a conversation we continue to have offline as well. It doesn't have to be done right this very moment.

SEBASTIEN DUCOS: So I see your hand up, Sarah, and then Steve Crocker.

SARAH WYLD: Thank you. I think this bears further discussion. I'm not certain that an API would resolve the issue of how to authenticate the requester's identity. At my registrar, we have seen fake FBI requests that look really real. Sorry, I'm actually not sure that it was FBI. It was fake law enforcement requests that looked real. So similarly, how do we know that somebody using an API is who they say they are? It might still be that the receiving registrar needs to do something to ensure that the requester is who they say they are. And I'm not sure how the API would solve that.

GABRIEL ANDREWS: I did a poor job of explaining., Sarah, sorry. Oh, I thought you were done. My apologies.

SARAH WYLD: No problem. Just one other quick little thing. I understand it is burdensome to submit many requests over and over, and so I wonder if we are using the template option as fully as we could. Thank you.

GABRIEL ANDREWS: So just by way of explanation, one of the potential mechanisms of authenticating law enforcement might be we could use a portal on our end. We have done some amount of work, a non-zero amount of work, let's say, on creating a request portal for our enterprise. That could come from a consistent place using consistent authentication mechanisms. So it would be perhaps sufficient then for a registrar that knows that, hey, when requests come from this particular law

enforcement organization, this is the place that comes from, whether it's an IP address range or whether it has these certs. I don't want to get too … I'm not an engineer anyway, so I shouldn't get too technical to begin with, but there could be some consistency with the way that that request is received. It doesn't mean that you might not also get someone just off on their own that sends a request individually that you have to evaluate on some merits. But it would mean that the bulk and majority of the requests that you would receive from an organization would follow a structured format that makes it easier for you to immediately establish that level of baseline trust.

And we are having discussions in other contexts about whether or not there are existing mechanisms, whether it would be through Interpol, et cetera, that might help with this. But they all will rely upon, at some base fundamental level, the ability for a machine to talk to a machine. That's what we're really talking about when we're talking about having an API, because it enables that sort of authentication info. An API by itself doesn't mean anything unless you already know where it's coming from, etcetera, etcetera. I hope that's a better job of explaining why we felt that was important. Thank you.

SEBASTIEN DUCOS: I see your hand, Steve Crocker.

STEVE CROCKER: Thank you. This is very helpful. And Sarah, thank you very much for untangling this. What I was going to say was that it's relatively easy to whip up a de facto API with no cooperation and no expense on the part

of ICANN Org if the requester community or any particular portion of the requester community who chose to do that. One could size that and do it. It's a matter of weeks of implementation and thousands or tens of thousands of dollars, not millions of dollars, not years of implementation.

However, the key point that's emerged here, which I think is a very important point, is that it's not just a question of automating the interface. It's also a question of once you do that, having in mind that it also adds an authentication capability, that's a separate issue, which Sarah has made very clear and is very, very important.

So it's not just a simple API. It's an API that has additional functionality built into it with respect to authentication. That's really the problem that I sense that Gabe is pushing on. Very legitimate problem. How much of that could be done through an ad hoc API is a separate question that might be worth investigating. But it's not just API or no API. It's API-plus in some sense.

SEBASTIEN DUCOS: Okay, so we have to end the session now. Or do we have one more minute? So, Alan, you get 15 seconds.

ALAN GREENBERG: Very, very short. I'm just going to point out that from the very beginning of our discussions, APIs for requesters has been a high- priority item for a lot of the community. So it's not just law enforcement.

SEBASTIEN DUCOS: Okay, I just would like to note then … I guess, Gabe, you have your hand up as [that it's] important. Steve, I take your point to the fact that it doesn't need to be asked doing it. It can be done by requesters combining. I see a number of faces on that end of the table that do supply a request in numbers. Maybe it's a discussion that needs to be had separately, and I'm happy to participate in it to make sure that these things happen, if not through the committee itself, then in a way that you guys decide. If it needs to be brought back to the committee, yeah, there's a bit of a priority thing here. It is definitely a big task, not only for whoever is going to develop it, even if it's light but in order to make it fully sturdy. And it's not that easy. And then also for everybody that's going to use it, because it's implementation for every requester, an API does mean that you're going to do some work to plug it in.

With this, and because we need to close this session, thank you very much. Can we quickly have a slide, even if we leave it after the session, with the times and dates of our other two meetings to make sure that people know to show up? Thank you very much, and thank you team for that. Thank you.

DEVAN REED: Thank you all so much for joining.

[END OF TRANSCRIPTION]