ICANN

Transcription ICANN Johannesburg

GNSO – Non Commercial Stakeholder Group (NCSG) Outreach and Strategy Meeting

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Man: (Maryam), do we have…

Man: I think that's the case.

Man: …let's get started. Does my mic work? Can you hear me now? Oh, it's not working I think. Okay. Now can you hear me? So let's get started. We might want to use the time to talk about what happened as well as what's happening today because there's not so much coming up today.

                I would like to hear from Stephania in particular what's happened in the GDPR session yesterday. Stephanie. Whatever. One of those.

Stephanie: Yes. Not Stephania but Stephanie for the record. How to start. Well, for those who are unaware of what's been going on, the registrars have become deeply concerned over the application of the GDPR.

                They started a small closed working group with ICANN in order to make sure that their contractual obligations got changed prior to the GDPR kicking in, which happens in May of 2018. That group has expanded somewhat under the leadership of Theresa Swinehart.

I should also say that Becky Burr briefed the Board on what was going to happen with the GDPR and that may have had an influence on expanding that group.

So the group is basically looking at two aspects of this, ICANN's accountability. And this would be the first time that ICANN has taken cognizance of the fact that it is responsible under data protection law.

And the registrars and registries of the contracted parties who are being forced to do things through their contracts that are in my view violations of the current European directive and many other privacy laws as well.

So that's what's happening. The registrars are in a rush. They did not want other people joining. This is not a cross community effort. I know that (Farzi) tried very hard to get me or another NCUC member up on that briefing session that they had.

They didn't want us. And quite frankly I was told that they didn't want us - they didn't want me in their working group, which I'm not quite sure why other than I'm a loud mouth and I do slow things down on the RDS. Sure. But that would be interrupting them with facts, you know.

So I think they're probably a little worried and then maybe a confidentiality issue. But anyway, the upshot of this is I went to the meeting. So was (Wendy) and (Aden).

And they are - they have distributed a sheet of many of the data elements that are required to be in the RDS at the present time. They're asking people to send them in all of the potential uses. So we undertook to send them in the potential uses of the end user because we represent the end user. What do the end users use this for?

Now I must say in all my skirmishes on privacy here and the RDS that people are always saying that end users look up Web sites in the RDS. And I don't think that is a valid - in the Whois rather. I don't really think that's the most useful way for a consumer to find out whether the Web site's good.

There should be regulation at the national level to say that if you've got a Web site and you're in commercial activity that you have to say who you are. Sometimes and in fact if it's fraudulent it's most likely that the domain registrar is not the one that's running the Web site. I mean it could be but, you know. This isn't the main reason for having Whois in my view.

Anyway, so we're supposed to come up with these use cases and send them in. And then I believe they are going to approach the data commissioners and see if they can - I heard one rumor that they were seeking some kind of a waiver.

I have heard others that they are going to revamp the Whois. But the deadline is tight. I think it's like July 20. Right. You better have done your homework or you won't be on the list.

So pardon me while I blow my nose. So we should give them some use cases. I told (Barney) yesterday that his were a little too geeky; that the average consumer doesn't do that; all the things he checks Whois for. So we can have two columns, the geeky ones and the non-geeky. I think that's the way to go.

So that's about it. And we have a meeting this morning that is being held, sponsored, initiated by Peter Kimpian of the Council of Europe to look at the Whois conflicts with law because, as you know, there's an ongoing consultation on that one.

And it's a bit stupid because frankly if we're doing all this GDPR work, the Whois conflicts with law procedure is going to be null and void. I mean

anyway, the Council of Europe has coordinated with the Data Protection Commissioners to have a response.

And, you know, I'm going to have an I told you so t-shirt printed for the next conference because it's kind of exactly what Chris Wilkinson and I were saying when we sat on that stupid PDP.

So anybody's interested, it's at 10 o'clock. And I'm sure I have the room number here somewhere. But I can't remember it off the top of my head. So is that a good - enough update on the GDPR?

Man: Thank you Stephanie. I could actually add a few points of my own. I was first heard of this thing and Theresa Swinehart had approached me and that apparently Becky or someone had pushed you into the group and see if you - they just might accept you, you know, that kind of thing.

After little bit of negotiation during the day before, then we - I checked in with Theresa a number of times and I went then to get okay, maybe with the two and then they eventually willing to have three and that was a rather weird - well, okay. And I can (contest) that's a weird discussion of how that - it went.

But a substantive point on those use cases, we should think of use cases for individuals who are registrants.

Stephanie: Well that's what we promised we would deliver.

Man: Yes. And I - actually I've been thinking of some cases where I've been happy that my - (have contacts address) has been available. Somebody might want to know is that when a similar domain is freed up - it actually happened to me once that I got another domain I wanted earlier. But that took - the other one was taken. And then it was freed up and somebody advertises it to me.

And I took it. But (really) of course most of this is bad. But once it's been useful. So I might want to (unintelligible) that. And of course if somebody's faking my Web site doing a similar thing that - almost similar thing pretending to be me, then somebody else might want to holler at me. And so I'd like my one to be reachable. So those are at least sort of sensible use cases for individual registrants. But yes, let's identify more.

Stephanie: But a plain abuse contact is not the same as registrant name and all the rest of it, you know, that's the thing. Anyway.

Man: Yes. And of course another case is simply made a - say I make a technical mistake in setting something in my DNS. So the technical contact is something somebody can point it out to me. Come on, you screwed up. Have to fix it. It can happen. It has happened to some people I know, so. That's why (about) use case. So if you want to be reachable and you might.

Stephanie: And well, and I mean quite frankly we've got this massive list of all of the data points, many which I'm not going to quarrel with. We argued for, I don't know, weeks at the RDS Group because there is this confusion in the way we describe things.

I had said that anything associated with my registration was my personal information from the lens of data protection law. So obviously the name server and the, you know, various other technical data - things that are generated, you know, people have this idea that personal information is only the things about me that I gave to them. No. It's the whole file, you know.

And I could not get that through to people. They seemed to think the minute I said personal information and I wasn't want to release it, no, obviously you release all that stuff so the name can work.

But so we have a real problem with people not listening. I mean either that or I'm a complete failure at communication.

Man: Yes. Anyway, all of those use cases I mentioned (all be) such that they are - should be (opting) the things. Things you've may do if you want to but nothing that should be forced (on me). And actually all of those could be done without any separate Whois RDS mechanism at all.

I could simply put my contact information as text file in DNS if I want to publish it. And if - those who know how to use Whois would find that there as well.

So but these are - if you want to make a case to collect use cases, then Whois might be useful for an individual registrant and then point out if we don't actually need Whois for this or that they must be completely optional because all these cases is something that some registrant might want but should not be forced to do.

Stephanie: It sounds like you're volunteering to put this together. Because I mean I would have no clue how to add a text file to my Whois. And I must say I was shocked one valid use of Whois that I really wasn't aware of because quite frankly somebody on my staff did my registrations for me.

I plunk along and do it myself like pay the bills. But do I care what's in there? No. Do I look at it? No. Did I realize that my company that I got it from was not actually an accredited registrar but a reseller? No. Could I find my accredited registrar? No. Because I didn't know how and there was nothing on the reseller's site to let me know who the accredited registrar was.

So I've got a whole new flank opening up on lack of transparency between resellers and accredited registrars.

Man: Yes. I went out looked at that thin data of what was now minimum basic public datasets of something. Oh, everything essential there is actually

already (available) through DNS. I can - name service is of course is something that must be public. DNS has (them).

But even their registrar can be (done) through there because the DNS - and then those records must be delegated someone. If you know how to do it (dig your way) through DNS, you got it there. So and any people who know how this work can do that. So it's whether we want to make it easier or not. So actually I'd say the minimum public dataset will be (now).

Okay. Name service has to be published somehow but they are in the DNS. You don't need Whois for that. We don't really need Whois for anything after all if we continue in the minimum.

Stephanie: How does the average Joe who doesn't know about this find them through the DNS?

Man: No way. Average Joe not a chance. I run name service myself. I'm a deep down geek. I can do that. But average Joe no way.

Stephanie: Okay.

Man: But of course chances are that if this becomes an issue, somebody sets of a service that doesn't do these searches for them and then whether that's legal or not is the next question.

Stephanie: Well, they become yet another data controller, you know.

Man: Yes. Anyway, I will try to put something together but I will be mostly offline the next five days. So (it's) kind of hard. Maybe I'll find time today to put at least some kind of list of this.

Stephanie: They're trying to draw a line so we have to get something in in a timely manner within the next week I would say.

Man: Okay.

Stephanie: Week or so.

Man: Okay. I'll tell you something today. Can't promise much but I can write up
                what I just spoke.

Stephanie: Right. And that - even that would be helpful, yes.

Man: That's a start. That's a start.

Stephanie: Yes.

Man: Okay. So anything else. Rafik, you think you have something to say about
                GNSO wrap up session that we should be paying attention to?

Rafik Dammak: Thanks. Well, I mean so for today there are not so many session for GNSO
                except the next one on the rights protection mechanism that the working
                group session of I think for three hours.

                Then we have the GNSO wrap up and it's kind of basically trying to cover
                some items that we discussed this week and small like preparatory tasks
                toward the next ICANN meeting in Abu Dhabi preparing for maybe discussion
                about the GNSO Council Chair election and so on. So this kind of maybe
                more operating details and so on.

                But I think most important session today is the last one about geo names and
                that the continuation of the previous session I think was on Tuesday. So I
                guess for those interested in the topic to - they should attend it.

Stephanie: Can't hear you Rafik. Remember I'm deaf. Okay?

Rafik Dammak: I say that the next geo name session today I think it will be at 5:00 pm. So at 5:00 pm, so. Yes I think so. For the last one, yes.

Man: Three fifteen.

Rafik Dammak: Three fifteen. Three fifteen. Yes. It will be the last one anyway. So I cannot miss it.

Man: (Renata).

(Renata):   Yes. Just about - something about a session that happened yesterday was the budget session. So it was really interesting. But one of the things that actually caught my attention was a very I think you can say naive question by a fellow Claire Craig about the process documentation review of session that's actually going on right here next door and the initiative that include the panels outside.

So she said well, you all complained that - basically in a nutshell. We don't - we aren't learning about policy. I want to learn about policy. But when I go out and see these panels, the letters are really small and I can't read them. And it all seems so complex.

So given like a lot was discussed on engagement and capacity building, I think this is something we could probably look at. I mean it does seem that it's an initiative that has a considerable budget. So what are the facts of it, what are the results? And couldn't NCSG contribute since NCSG does participate heavily in the policy making process?

So I just - it just - it was just seemed - just jumped to my attention that people are trying to learn and they're not really finding their way. And the materials are not deemed adequate.

Rafik Dammak: Thanks (Renata). I mean I myself I didn't go through the - what they did as a new visual. But personally I would be really careful to use that as a reference. I understand they are trying maybe to visualize more the process and what is going on and how things do.

But it's hard really to summarize like for example, for PDP. For the PDP like for the GNSO. I mean document, the money and for GNSO is like around (80 P), something like that (with all of the tasks).

It's (risk) that we are pushing people to just kind of - (they will be needed). They are (the point) to be (necessary like) really accurate because they're trying to kind of (condense) too much information. I think it's - they are good for introduction.

But I wouldn't advise choose them for as a reference because for example, the GNSO itself, they created before some simple visual, which is I think has been - well, what's the kind of the lifecycle.

But it's important that they fall - we need to also tell people that - first thing, you get quick overview. You can check how maybe how it works. But you - the next step you go to the kind of the full material. In there are just - I mean it's more like reading. And I know that many people maybe don't like that.

But because as a structural vision, it's just kind of really, you know, it's all about process and procedure. And you have to be really careful on that. So it's good that they are trying to visualize. But I mean even when you - you don't (love) the document, it's impossible to read it too big. So maybe they can improve in how make it more simple or more easy to read.

But I think even in practice it won't be that easy to - but I mean, yes, I think the session is ongoing. It's good and important to learn more how what they - how they are seeing this thing.

For NCSG I think we always have this discussion about the material and so on. I mean myself I have mixed feeling about this because it's important at the beginning to introduce people to this topic - the process. But at some level you have to go to the kind of detailed document or reference and that we will find even in any working group.

Briefing can give you kind of the stepping stone and quick help to get onboard. But then you - people need kind of to jump in and - I'm not sure what kind of how the message even for our members and those who (unintelligible) to tell them that that's how you should maybe do if you really to get involved and then so on.

Maybe I think also there was - I know a few years ago there was someone like advocating that we use more plain English. I mean to simplify the language. Use it in the documentation. But it's also about process and procedures. Sometimes it varies kind of terminology that need to be used. So it's - the thing is how to balance.

(Renata): We also have I think perhaps multiple tracks going on and I mean in NCUC only there's the FAQ discussion and the onboarding materials. So yes, I'm not sure how to - how it would be to have materials on this. And I agree that it can be complicated.

But it is worrying I think Rafik when a lot of budget is dedicated to big flowcharts. And we could use much more with like bringing someone to a policy meeting.

Rafik Dammak: Okay. Yes. I mean I think all this visual communications not quite (in scale). Happened like before and it's - yes, it's questionable. Regarding material, this is kind of position I have for (a while).

I'm worried that we are creating also a lot of material because there is like the importing program. We are trying to do our thing. The GNSO they are

preparing lots of this kind of background, briefing. Now even (this letter). And there are a lot of material going on.

And the problem - the risk we go like from too little to too much. And when you have too many material with overlap, you have also problem of how you keep them updated and consistent. Because they are initiated by different staff like they have a calendar. You have all this material about (ingoing) policy or about the process.

And even like - I mean I think that's why maybe it confuse people - newcomer, how to navigate between the different Web sites in ICANN because many will go to the ICANN Web site. ICANN Web site is not the right one to find about policy.

You will find there about the governance of ICANN, maybe information about the groups, about public comment and announcement. But if you want about the policy, you have to go to the every stakeholder group or (events) at a committee Web site. And for us it's GNSO. So people need to learn how to navigate within the GNSO.

And in term of the ongoing work, it's in conference. It's in Wiki. So people need to understand that that's where you can find like the up to date information or like the transcript and so.

So it's kind of more to teach and (this is an idea) what is how - (unintelligible) how you navigate between those to find the right information. So because I understand that for newcomers who think yes, we go to the Web site and find.

But is not really working well in term to find information because it's just how it's designed and what kind of (unintelligible) like this - that Web site, the material but also yes, how spending money (internal) to expense or it's when you have too many things going on; many staff initiating a lot of activities. It

even confuse even for those who are - who have been here for a while, so. And I think we should…

Man: Yes. It's 8:30 now.

Rafik Dammak: …guess we can…

Man: Okay. We have a question. Please go ahead.

(Husman):   Okay. Thank you. (Husman) for the recorder. I'm a newcomer. So during these three days I really learn a lot about the process of this PDP. But I guess that is the same things as well. I am not a (NP) but I guess that is at the same way, the process to come to consensus, to do so (another thing or another).

But for a newcomer the best important thing is just to learn about patterns, you know. Because (unintelligible) ICANN it's very, very important to know how people reach - go from one point to another. Is it possible to go back again? We don't know.

But if for instance, you know, patterns - (I'm interested) about patterns, the different point of views they are trying to push their own interest, you know. That is a (mini) issue. You really, really just want to see someone write down that for me for instance (LPM) that is really my goal, my finite goal.

Every time it is something hiding but you try to push (unintelligible). So I'm newcomer, you know. Sometime you can use (unintelligible). And at long last you say oh, I mentioned the right place or maybe I'm not defending the right issues.

So time-to-time it's really, really important, as I say, to have (as is case). Is really, really important. It is (unintelligible) case you can't understand or that

is a big (hiding) issue. It is. That's what I learn from these three days. I don't know. Maybe I'm wrong. But I'm just trying to proceed (by this way).

Frank Huffman: Okay. Frank Huffman. ((French Spoken 0:26:25.1)) Merci beaucoup. So I think is like someone discovering a new sport. Let's say football. So the first time you will learn about the rules, which is the process. But it's not enough. It doesn't mean that you know how to play the game.

So the next step is you learn maybe more about tactics, about the techniques and so on. And that takes time. And that's by practice. So what you (unintelligible) is maybe trying to something like what kind of dynamic can - what this history of some topics because many of those topics are really like for long, long time like the Whois, it's maybe - I mean over maybe 20 years.

The rights protection mechanisms also kind of old and so on. And so there are a lot of history in that matter. And yes, it's not easy to find them. It takes time. And this is kind of my practice kind of to - you kind of - when you join working group, you observe what kind of argument are used.

Maybe some material can help you like they put like several background material that maybe - they're not necessarily like summarizing all the position or, you know, what happened before. But at least it can give you some insight so about that.

So it takes time for anyone. And that's the kind of - maybe the learning curve to learn. Because we talk a lot about process but it's also about people, what kind of issues they are advocating. So it's really by practice. You join, you observe, you see what - how things go on and then from there you can learn. You see how people are doing things.

So I mean there is no recipe. There is no easy way to go. But by that, as I said, you can discover the pattern. You can discover what are the main

issues, what are the main argument that people tend to us because then you can understand their perspective.

And that's why it takes - like an example of sports. So by practice you will learn things. I mean it's hard to kind of - in the beginning you - if try to push everything, teach you everything in the beginning, you will forget. So it's by practice you will have this.

Come on, say ((French Spoken 0:28:45.8) parlez-vous francais. Say ((French Spoken 0:28:48.1)). Say ((French Spoken 0:28:53.8)). So you need to come back to it. So it's that the way that you can learn and also enjoy because then you will discover how things are done.

And I mean to be newcomer, don't worry. I mean all those process are quite enough long that it gives you enough time to learn. So I mean a usual PDP is not just on one year and (have) for two years. They are in particular all those kind of the three and going (unintelligible) procedure. The rights protection mechanism Whois, they would be really for a long time, so.

Man: Okay. Thank you for that. Anything else before we close the session? Just note that the RPM session will begin in this very same room at 9 o'clock. So anybody interested in that, just hang on. Okay. So let's close the session. Thank you everybody.

                                            END