ICANN69 | Community Days Sessions - Joint Meeting: ICANN Board and CSG
Thursday, October 15, 2020 - 14:00 to 15:30 CEST

[This meeting is being recorded]

FRANCO CARRASCO: Hello, and welcome, everybody, to the joint meeting between the ICANN Board and CSG on Thursday, October 15th of 2020. My name is Franco Carrasco, from the ICANN staff, and I will be the remote participation manager for this meeting.

Before we get started, I would like to provide some brief information.

Please note that we are holding this meeting as a Zoom Webinar. Be advised that the floor of this session is reserved exclusively for interaction between the ICANN Board and the CSG members. We therefore have the members of both groups promoted to panelists today and are the only ones able to speak.

For our panelists, please raise your hands in Zoom in order to join the queue to participate. All panelists are muted by default, so please proceed to unmute just when you are given the floor.

Before speaking, please ensure that you have all your other app notifications muted and to clearly state your name and affiliation for the record.

Bear in mind that the Board will only take questions from the constituency with whom they are in session. Consequently, the Q&A pod is disabled on this webinar.

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You also have available interpretation services in English, French, Spanish, Chinese, Arabic, and Russian. Please see that information posted in the chat in order to learn how to access them.

For all participants in this meeting, you may post comments on the chat. To do so, please use the dropdown menu on the chat pod below and select "respond to all panels and attendees." This will allow everyone to see your comments. Note that private chats are only possible in Zoom webinars amongst panelists. Therefore, any messages sent by a panelist or standard attendee to another standard attendee will also be seen by everyone else.

Please note this meeting is being recorded and chat sessions are being archived.

Finally, we kindly ask everyone in this meeting to abide by the expected ICANN standards of behavior. You may view this on the link on the provided Zoom chat.

Having said all of this, I will now give the floor to Maarten Botterman, chair of the ICANN Board.

Maarten, the floor is yours.

MAARTEN BOTTERMAN: Thank you very much, Franco.

Thank you, everybody, for being here and joining this session between the Board and the CSG.

I'm fully cognizant that for some of you, it's the middle of the night or very early morning, particularly the Americas. And for others, it may be more convenient timing.

Please note that we do recognize this to be the case for all community organization that supports and makes all this possible and the Board itself.

So next to missing the social interaction that we're used to during face-to-face meetings. Having to participate from all time

zones in the world is surely a downside of global virtual meetings. Sorry.

On the positive side is that you don't need to leave your family behind and you can join any session of interest without having to travel, even if it's just one or two sessions that you have a key interest in.

But that's it. It is as it is. And let's make the best of it.

So we really look forward to engaging with you in an open discussion. We have a couple of questions to guide us, but we're really open to this interaction. And from our side, I'm very happy to say that, Matthew will be willing to chair this.

So, Matthew, the floor is over to you.

MATTHEW SHEARS: It's a great pleasure to be here. And I just want to say how much the Board appreciates these opportunities to meet with the CSG.

We have two broad-bucket issues here. On the one hand, we have the enhancing the effectiveness of the ICANN multistakeholder model, which is the Board's. And then the EPDP 2, ensuring framework evolution.

So I'd like to kick off our discussion and ask Mandla to introduce the question, the Board's question, and to give us an update on where things stand on the multistakeholder model evolution. Thanks very much.

So, Mandla, over to you.

MANDLA MSIMANG: There we go.

Thank you. Thanks, Matthew.

This is Mandla Msimang, for the record, from ICANN Board.

So the Board topic, as Matthew has said, is on enhancing the effectiveness of the multistakeholder model. And we'd really like to hear your thoughts and comments on where we are and the next steps, and even the process that we've used to get here.

So I'll kick off the discussion by giving us some context to frame -- to frame the discussion.

So as you probably know, early last year, the Board initiated a project, which is aimed at enhancing the effectiveness of the ICANN multistakeholder model. And it's one of the strategic objectives that's outlined in our strategic plan.

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So the point is really to -- I guess to make sure that the multistakeholder model is able to evolve and to keep up with the evolving and changing needs of ICANN's global community.

So following the launch of the project, we started a public consultation and solicited input from the community. And initially, that input was solicited as part of the ICANN operating and financial plan discussions. And that was -- the discussion was facilitated by Brian Cute, who had chaired the ATRT1 and 2 processes. And with the community input, that process identified six priority topics that the community believes are hampering the effective and efficient functioning of the multistakeholder model.

And amongst those issues was the efficient use of resources. And another one that was identified was the prioritization of work.

And so following that, we issued a paper on this issue. And that went out for comment until August this year. And since the closing of that, we incorporated the community's input into an updated version of the paper, which has now been published.

So process-wise, I guess that's a view of how we got to where we are. But now, moving forward throughout the consultation, it was very clear to all of us that despite the fact that this

multistakeholder -- evolution of the multistakeholder model project is central to the work that we do, we -- the community is quite overstretched. And that -- they don't -- the community doesn't necessarily have the resources or the bandwidth to deal with yet another project on top of the other work that everyone is doing.

So I think it's really important, as the Board, for us to emphasize -- and I don't know if we can overemphasize -- that there's no intention of duplicating any of the work that's underway. Not trying to duplicate any other processes. We're actually trying to make sure that this process harmonizes existing efforts and that it actually just strengthens the model, which is the center of how we work and who we are.

So just in terms of where we got to, the six priority areas that Brian Cute had identified via the community, were then now streamlined, and we've now prioritized those even further. And we've prioritized them into three. One is prioritization of work and the efficient use of resources.

Another is precision and scoping of the work.

And the third is consensus representation and inclusivity.

And these are described in a lot of detail in the paper. But the -- I think the point is that the work has to be complementary to the

other efforts that are underway, like I said, like ATRT3 and the PDP 3.0.

And that the three initial areas are just that. They're initial areas that we've identified to start off with. And the other three of the six priority areas that we identified before will still be dealt with. If they aren't dealt with through dealing with the first three areas, they'll be dealt with in the five-year operational period. So they are not falling off, and it's just, I think, a recognition of the community's need to stagger these things and prioritize -- prioritize the work that is being done.

So we'll also be, through this process, looking at gaps and issues that have been identified by the community as areas that are hampered, hampering the efficiency and effectiveness of the multistakeholder model. And I think that's basically, you know, the gist of the content of the work.

So now that the paper has been published and it's finalized, the next step is to go into implementation planning. And so we'll be converting all of the work that's been done into proposed actions. We'll be allocating resources to that, and then we will be implementing a (indiscernible) based on the level of priority we've assigned to them.

And really what we'll continue to do is solicit input from the community on this, and I think one of the first steps is the discussion that we're having now with you, and to hear more from you as we get into the implementation phase.

So I think that basically summarizes how we got here and what we'd like to introduce as a topic on it for discussion today.

CLAUDIA SELLI: Thank you very much, Mandla and Maarten, Matthew and everybody for being here. It's Claudia Selli from the Business Constituency. I really thank you for the opportunity of having this discussion. Of course we have been active, you know, during the process by filing comments on the multistakeholder process, and I would invite, in particular, my colleague Mark Datysgeld to kick off the discussion on that and our work on the CSG BF.

Mark, if you can unmute yourself:

MARK DATYSGELD: Thank you very much, Claudia. Can you hear me?

>> Very well.

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MARK DATYSGELD: Thank you very much.

Mark Datysgeld, BC, for the record.

So I was saying that anytime we ask ICANN about where do priorities come from, we always hear that they come from the community. That might be the case, but how it happens is very confusing.

I want to bring up a specific example to illustrate what I believe has been a broader trend. So the final list of MSM issues and the request for us to prioritize them was published as part of fiscal year '21-25 operating and financial plan. It wasn't clear that the MSM reform output was sitting there after 300 pages. I don't believe this was understood by the entire community to begin with. We were following it closely, but that might not be the case for everyone.

I heard from people that missed that.

But anyway, the directive said on page 338 of that document read as follows: Of the six proposed work streams in the work plan, please rank them from 1 to 6 according to which issue represents the most ripe fruit opportunity; that is to say, an approach or solution to the issue that can be developed in a shorter period of time and we've got lesser amount of resources needed.

But afterwards, even on yesterday's document on enhancing the MSM, this is what this same passage has become: The community was asked to rank the six topics in priority order with 1 having the highest priority and 6 having the least priority. The six topics are listed below in the priority order suggested by the community comments received.

And these are not the same thing. What was asked from us is what would take the least time, but it came back to us as this is what you find the most important. Maybe we think there is one issue out of those that is more important than the other combined. Who knows?

But the priorities are there. They have been chosen, and the window to disclose those is gone, so I'm wondering about the future of this process.

What I would like to ask from the Board is what steps is the Board going to take to proactively make sure that the communication between the community and the Board is clear and transparent during the MSM reform process? Are there any steps you intend to take in this sense so that we establish this line in the clearest manner possible and the communication really is, you know, what it should be?

Thank you very much.

MATTHEW SHEARS:	Thanks, Mark.

So let me just kind of back it up a little bit. So what we -- When we went out and we asked for the community to give us a sense as to what their priorities were, what the intent there was really to understand what those priorities were and then for the community to communicate them back to us.

And when we received those priorities, what we realized in the process of going through them was that a number of those priorities encompassed issues that were covered by other priorities. So the three that ended up at the top of the list, from the perspective of the work that went into it, from the analysis behind it, and from the public comment, it felt that those three that were prioritized would enable us, over time, to address all of these issues. In other words, we're not putting any of the issues aside, but what we're doing is we're actually trying to address the first three and then come to the others as well.

And the other thing that we realize is that this process of multistakeholder evolution won't be happening in a vacuum because it has to be taken alongside implementation of reviews, it has to be taken alongside ATRT3, et cetera, et cetera.

So it's going to be a -- it's going to occur over the rest of the strategic planning process in '21 to '25 time frame.

So we're not excluding issues that were raised in that prioritization list, but what we've done is we have said is these three wiki particular ones are the ones we want to address first and hopefully by addressing them, we will also address some of the other issues that are on that list. But we are committed to addressing all six issues over time.

I hope that answers. Thanks.

If any other Board members want to jump in, please do.

MAARTEN BOTTERMAN: I think you said it very well, Matthew. The whole area -- This will be a constant process. This is also something that even five years from now won't be over. We will continue to improve this. And our commitment is to do it in the most transparent way. And for sure, we now will focus on the first three priorities, as Matthew said, and the rest will follow.

And also on this, the intent is to do this together. There's no way anybody could do this alone. Community, organization, and Board.

MATTHEW SHEARS: Thanks, Maarten.

Anybody else? Back to you, Claudia.

CLAUDIA SELLI: Thank you, Matthew. I'm just looking at my colleagues to see if Mark or others have any reaction or questions, further question to the conversation.

MARK DATYSGELD: Briefly, Claudia. I thank the Board for their answer, and if they could take into consideration this particular aspect. And in the future, what we would like to see, us, you know, the ones who are to taking the pen to try to help this as best as we can, is if a question is asked of us, we would like to hear the exact question we need to answer and then hear the exact answer to the exact question we made; otherwise, it becomes a process in which we feel we are not actually having a conversation but, rather, speaking into a void and maybe it's captured, it becomes very opaque.

Thank you very much for your attention.

MATTHEW SHEARS: Completely understood. And thanks for the comment.

CLAUDIA SELLI: Okay. So I don't know, I don't see any other hands up or questions in the room. So maybe this leaves us more time for the discussion around the EPDP 2 and --

WOLF-ULRICH KNOBEN: Claudia?

CLAUDIA SELLI: -- and ensuring the framework evolution. We had agreed on a ten-minute demonstration on how to use Salesforce system to track disclosure requests as a possible ticketing system.

So if it's okay with you, I have my colleague Steve DelBianco, vice-chair policy for the BC introducing, then Alex for that presentation.

WOLF-ULRICH KNOBEN: Claudia, please, can you hear me?

MATTHEW SHEARS: There's another hand up.

CLAUDIA SELLI: Sorry, sorry. I think that, Wolf-Ulrich, you wanted to say something.

WOLF-ULRICH KNOBEN: Yes.

CLAUDIA SELLI: Apologies.

WOLF-ULRICH KNOBEN: I'm sorry for that. Coming back to the MSM, because I raised my hand. So it's Wolf-Ulrich Knoben speaking. So I'm the chair of the ISPCP constituency, and in the context is the prioritization of work. So I have also something which is -- which is I think -- over the years, you know, we have experience, you know, that the question of roles and responsibilities in that respect between the ICANN community, between ICANN org and the Board. There has to be more focus given on it, on how to share the responsibilities within them.

So I have -- sometimes I have Göran's words in my ear saying, okay, ICANN org is doing what we -- what the community wants to be done. That's nice. But as he knows and as you know, all, you know, we need support in doing that and outlining that, what we have in mind and what we are going -- what we want to be done.

So what I would like to say is sometimes -- I think it may have been outlined also in public comments, we want to see a -- a

more, let me say, proposal or substantive proposals which is needed from the -- from the org by themself in, you know, outlining, you know, the items we are doing. And in order to facilitate and help and coordinate within the community the work.

And in addition to that, there are -- there have been -- there have been groups established over the time, the so-called SO/AC leaders, which are very close to the issues, we are very close in discussion with the ICANN Board and the ICANN Org.

You have to take into consideration that the SO/AC leaders is just one platform. But we have still, in addition, stakeholder groups and different constituencies as well who make up the SO/ACs. And they have to be taken into consideration as well. And the process that the discussion is going through from bottom-up from these constituencies has to be taken into consideration as well.

It doesn't help that much if you only rely on an SO/AC leaders' platform, like as the chair of the GNSO is Chris -- is -- he cannot represent all of the different constituencies and stakeholder groups in one. And you have to find -- you have to take that into consideration also for all the prioritized work.

So that's my comment to that. Thank you.

MATTHEW SHEARS: Would anybody on the Board like to comment on Wolf-Ulrich's point?

Seeing -- Mandla?

MANDLA MSIMANG: Just to say I completely agree and understand -- agree with and understand his point.

And roles and responsibilities actually was one of the issues that was highlighted throughout this whole multistakeholder model process and included on the list of priority areas that needed to be addressed.

So, I think, your point isn't lost at all in the process and it's included very much in where we're going to be going, going forward. So I actually very much appreciate the comment, because one of the things as I think a newcomer coming in that I've kind of harped on is, what are the roles, what are the responsibilities. And it's also been voiced by the community. So it's something that I think is an important point.

MATTHEW SHEARS: Thanks, Mandla.

Claudia?

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CLAUDIA SELLI: Thank you, Matthew. And thank you, everybody.

                        I'm just checking if there are further comments, I don't know if also from the IPC in case, or if you're comfortable in changing topic.

                        Okay.

MATTHEW SHEARS: Just wanted to see if there are any other Board members that wanted to jump in on this particular issue before we....

                        Not seeing any, so, yes, please.

CLAUDIA SELLI: Okay. Thank you.

                        I think we can proceed with the second point. And, Steve, I had called on you before. So if you can unmute yourself and kick off the discussion.

                        Thank you.

STEVE DELBIANCO: Thank you, Claudia. It's Steve DelBianco, BC's vice-chair for policy coordination.

The business constituency doesn't and didn't hesitate to vote "no" on the Phase 2 report since it delivers so little value in the face of so large a need.

But the BC wants to be pragmatic and constructive to help ICANN Org implement the SSAD, what Göran first called a ticketing system. And we want you to help implement it quickly and at a fraction of the Org's initial cost estimate.

So BC member Alex Deacon, who is a computer scientist who holds multiple information technology patents, and he also runs Cole Valley Consulting, has dedicated some time to demonstrate the feasibility and the attractive practicality of using the system that ICANN already uses in order to deploy the ticketing system.

So we'll turn it over to Alex Deacon.

And, Franco, you can bring up Alex's slides, please.

ALEX DEACON: Thanks, Steve, and hi, everyone.

This is Alex.

So, yeah, over the past several months, I have found myself thinking quite a lot about what's next. And before I start, I think it's important to note that I'm in no any way arguing any

position on how the Board should vote on the EPDP Phase 2 recommendations. I've been asked by the CSG to simply share some of my thoughts and the research I've done in the hopes that you and perhaps others find it useful.

No matter how the Board votes, it's important that when we think about what's next, that we do so in a pragmatic fashion, as Steve mentioned.

I know there have been a lot of blog posted and comments made, statements about the SSAD. But for this discussion, I wanted to put the standard and well-known rhetoric aside and try to focus on real, pragmatic solutions.

So, Franco, if you can go to the next slide.

So we must remember that even with the completion of the Phase 2 final report, there are many years of work ahead of us. If the Board approves the Phase 2 recommendations, it's my personal view that we won't see an operational SSAD for at least five years, if not more.

Remember, we're not only implementing policy that will result in contracts, we, and I guess ICANN, will have to stand up a full-blown operational system. And I'll talk more about that at the end of my talk.

So depending on when this approval happens and the clock starts ticking, I have no doubt it'll be 2026 at the earliest where we will see this.

Next slide.

But what do we do between now and the time an SSAD appears? Well, as we know, we rely on the temp spec and eventually the Phase 1 reasonable access recommendations when or if the IRT ever completes its work. And, of course, if the SSAD never sees the light of day, then I suspect this will be our reality into the future.

So we really need to think about a pragmatic plan starting today, a plan that can cover any eventuality.

So what would that look like?

Next slide, please, Franco.

So this is what we have today; right? It's 100% distributed. It's mostly email-based, there are some portals being built by individual contracted parties, which I think should be commended. One of many issues with this is that we don't have aggregate data to analyze. We don't have transparency as to how or even if the system is working.

This has resulted in what I believe are unnecessary debates and -- about true statistics concerning responses to disclosure requests, you know, these debates about whose data is better or whose data is correct.

We've seen disclosure numbers that range from 70%, which, again, should be commended, all the way down to close to 1% disclosure rate. Most seem to settle in around the 30% disclosure rate. So there's clearly improvements -- room to improve, if you will.

So who do I believe in terms of these numbers? I don't know. Perhaps everyone is right. But no matter what, we'll be forced to make uninformed decisions based on conjecture without data that really reflects all of the users of the system, not just a select few.

So next slide, please.

So can we improve upon this? I think of course we can.

And one way would be to apply existing ICANN infrastructure and capabilities and expertise, notably, the Salesforce system. Can we configure a new Salesforce instance to manage receipt of all incoming requests and distribute them to the appropriate contracted party?

This is analogous to how reports of abuse and issues of compliance and many others are handled today.

Now, I'm not a Salesforce expert, and I understand it's a complicated, quite powerful, and costly service to manage. But in order to wrap my head around the details of how systems similar to Salesforce worked, I signed up for a trial version of a competing product, called Zendesk. And, basically, a fresh version of Zendesk provides all of the functionality you see on this slide and, obviously, a lot more. And it took me about 15 minutes to get a proof of concept that you see on this slide up and working end to end.

So, yes, this is the so-called ticketing system that some, including myself and Göran, have been talking about. It's clearly a far cry from the SSAD, and it would be a mistake to compare it to the SSAD.

But -- If you could go to the next slide, Franco.

But I assert, at the core of any future SSAD is a ticketing system just like this, just like Salesforce provides, just like Zendesk provides.

I also assert that there's no reason to build an SSAD from scratch. We don't need to spend millions building a spoke system and another 9 million per year to operate it. We can

configure an off-the-shelf ticketing system in the short term as depicted in the last slide, using infrastructure that exists today.

If you could go to the next slide, Franco.

And then over time, we can build it out to include more functionality, functionality that looks more like an SSAD.

And, again, in my effort to understand the limits and capabilities of these type of ticketing systems, I was able to build out this functionality -- again, using Zendesk, not Salesforce -- in about a half a day.

Is it perfect? No. Is it complete? No. But does it indicate that this might be the start of a pragmatic path forward? And, obviously, I believe the answer to that question is "yes."

So my proof of concept supports the following functionality. I'll just go through this quickly. And you'll recognize a lot of this based on the Phase 2 report.

It supports requestor credentialing, which would support an accreditation framework. It supports credential verification, which would ensure authentication and access to the system. It supports the concept of credential revocation.

It has the ability to acknowledge the receipt of a request. It has the ability to verify incoming requests for context and syntax,

things like priority levels, purposes, legal basis, what I call, quote, unquote, under-penalty-of-perjury assertions, explanations, justifications, attachments, and the like. All of these are required by the policy. And all of these can be managed by these systems.

And, of course, it manages ticketings and ticket tracking, including the ability to set statuses and ask -- and for contracted parties to ask for clarifications or that additional information be provided.

And then at the bottom, it has request distribution and queuing. Each contracted party can have their own queue of requests. They can log in to queue and manage their queue. And they can even opt in to be notified by an email when a request comes in for them. And this allows them to track these disclosure requests in their existing registry/registrar specific customer service portals.

And I'm told this is how it happens today.

And then, finally, we have the important things like SLA management, SLA calculation reporting, statistics, the ability to create dashboards. All of these exist in systems like this. And then, of course, all this information is logged.

So -- and then, finally, remember, because we ended up with a hybrid model, all of the decision-making still happens at the registry, at the registrar, at the bottom. This is -- we're not suggesting that that change at the moment.

So as I mentioned, this is all prototyped and working end-to-end today.

And if you could go to the next slide, Franco, then I'll wrap up.

But before I do, I just wanted to mention, you know, I've been reading this new-to-me concept of an operational design phase. And while I'm still trying to wrap my head around what it means and how or if and even when it should be applied, you know, I'm thinking one possible operational design would be to consider a plan to the one similar to the -- plan similar to the one I'm describing today. This plan allows us to evolve and improve and build upon existing functionality and expertise and infrastructure within ICANN, within policy, of course, over time. So we could, for example, start and support temp spec-style requests, if you will, now. And I describe that on slide 4.

We could support Phase 1 requests, if and when the Phase 1 IRT ever completes, or some version -- and that would be some version of slide 4.

Then, of course, the question is, is can we support Phase 2 policy in the future and use this as a basis to build the SSAD as a building block. And I believe we can.

And then, of course, can we use Phase 2 evolution mechanisms or future PDPs to evolve the system over time.

And, again, I believe we can. This would include concepts such as increased centralization, automation, you know, strong auditing regimes, and other requirements in policies which I haven't mentioned so far.

So all of this can be done, I believe, while ICANN and others seek both legal clarity and the answers to questions posed in writing to the DPAs and the commissions. This doesn't need -- The answer to those questions doesn't need to block us, I suggest.

So let's think pragmatically. There's no need for a Big Bang development process here. Let's start simple, as I mentioned. Let's leverage existing ICANN capabilities and expertise and infrastructure. And then let's build upon and evolve those capabilities and infrastructure over time, as needed. And, of course, we would learn and improve the system as we go.

So thanks for listening. I see there's lots of chat happening. I haven't had a chance to look at it. But I'm happy to answer questions.

MATTHEW SHEARS: Thanks, Alex.

CLAUDIA SELLI: I will leave it to you.

MATTHEW SHEARS: Thank you, Claudia.

Thanks, Alex. Really appreciate this.

I'm going to just open it up and see if we -- I see Göran has his hand up.

Göran, please.

GÖRAN MARBY: Thank you.

Impressive. You really thought a lot of things through. And it reminds me about a part of what we did in the Strawberry paper. So, I mean, I'm very thankful. And we definitely are going to come back with questions to you.

But I have one question. If we -- when we did a cost estimation for the PDP, the biggest cost was actually not this part of the system; was the identification of the actual requestor. And not

when the process -- when they are identified, but actually how do I identify them in the first round, so to speak.

Someone told me, I don't know, so it might be wrong -- that in the U.S., something like 20,000 different police forces. And how do you make that -- how do you make that first phase to -- in the system to know that when the first time they get their accreditation?

Then the second thing is that how do you, from a technical, from a data perspective, know that the next time this person comes in and asks question, (indiscernible) it's still the same person, the same device, the same I.P. address, whatever? How do you measure that? I'm not asking -- it's not a "gotcha" question. I'm actually sincerely just asking.

ALEX DEACON: Yeah, thanks, Göran. It's Alex. I'm happy to answer that.

So, again, as Steve alluded to, in my background, I've been involved in technology that's around user identity and authentication and authorization and the like. And this is a solved problem. Again, I don't want to downplay -- I don't want to suggest that this is an easy problem. But this is -- this is a problem where solutions exist, solutions that don't need to be reinvented at ICANN, solutions that could be leveraged based on

services that exist today. And, again, I think we need to -- to think about how we would ease into this.

We can start with simple identity, user name/password, with very little accreditation and verification and validation behind it to start with. And then, over time, we can move into a -- a more SSAD-style authentication and authorization and identity verification based on some of the concepts we've put in the Phase 2 report.

And so, yes, it is costly. But I think we should -- we shouldn't get too caught up on that, and we should look for existing technologies and solutions that exist today to solve that problem.

GÖRAN MARBY: Here, I actually would caution that there aren't solutions to this. We are talking about hundreds of thousands of requestors, which, according to the law, has to be identified and logged, because there is actually going to get access -- they're going to ask questions about personal data and they get distributed personal data on the other end. And there are requirements in the law how to handle that.

I'm not saying there aren't solutions. I'm saying the solutions aren't a quick fix. I'm not disagreeing with anything.

I also come from a security background, worked intensely with security for anything from defense industries and other ones. So I also think that I have some experiences doing that.

And we -- and it is a -- it's not a process issue. It's actually a very technical issue. And, actually, I'm not -- the thing is that I'm not trying now to sort of come into an argument with you, because I really appreciate the work you've done. And I really was looking forward to have this conversation going forward.

If you want to have a little bit more of an input of how we dealt with this, please go in and look at the Strawberry paper, actually -- or the TSG, the Technical Study Group. Because there are a lot of discussions about technical people who have been thinking about it. I agree, there are solutions. Only caution, there isn't a quick fix.

MATTHEW SHEARS: Steve.

STEVE DelBIANCO: This is Steve DelBianco. Göran, the authentication and identification of requesters would be a concern whether we used Salesforce or whether you build something from scratch. It's

sort of not on point as to whether Salesforce is an attractive and pragmatic solution.

And watching the chat during Alex's presentation quickly led me to believe that maybe we were missing the forest for the trees here. The reason Salesforce was attractive to discuss is that ICANN already uses Salesforce. The reason we weren't as concerned with the data transfers that you spoke of in the chat is that because today, I can go into your Salesforce system and report a DNS abuse complaint. I can go into your contractual compliance Salesforce system and report a complaint, and I'm aware that those complaints and abuse concerns are shared with the contract parties that are identified and information is exchanged between requesters and contract parties with ICANN in the middle. And I'm sure you're doing so in a GDPR-compliant manner.

So the BC is trying to be pragmatic here, is paying attention to the adage that it's a lot easier to ride the horse if you face the same direction the horse is going. And given that you are already invested and using Salesforce made it the logical choice here. So I do hope that you can receive this in a constructive and pragmatic sense in which it was offered. Thank you.

GÖRAN MARBY: I don't want to make this -- this is not an argument about the proposer or anything else. As you know, we proposed to do what we call the design phase where we are actually going to sit down and look at things. And we are not going to build anything from scratch. We have -- we have a couple of different platforms inside ICANN. Salesforce is one of them. And I think there are around four or five, started with 11 or 12 ticketing systems. And, of course, when we need to do something and the Board would expect from me to do something that is cost effective.

The only point I'm trying to make there's not a quick fix. It's not the ticketing system itself. It's legal. It's technical. It's operational. It's a lot of things to take into account. But I really appreciate your thoughts about it.

MATTHEW SHEARS: Claudia, we also have Sarah who is on the phone and couldn't put her hand up so she would like to ask a question as well.

CLAUDIA SELLI: Yeah, absolutely.

SARAH DEUTSCH: Thanks. Can you hear me?

MATTHEW SHEARS: We can, Sarah.

SARAH DEUTSCH: Thanks, Matthew.

I also just wanted to thank you for sharing the model and the creative solution and, Steve, for explaining why you use Salesforce.

What I'm curious to know is this obviously would be kind of a cheap prototype-type model that would demonstrate some things up front. So what would CSG be looking to task if this kind of model was created?

MATTHEW SHEARS: That's for Alex. It was a bit crackly there. Did you get the gist of it?

ALEX DEACON: Sarah, this is Alex for the record. The question is what would CSG be wanting to task if this type of system -- prototype system existed?

SARAH DEUTSCH: Yes. What would you be looking for, let's say, in terms of its efficacy, its efficiency, how it's working for you, those kind of questions?

ALEX DEACON: Yeah, well, again, as I mentioned up front, one of the issues that I think is hurting us at the moment is our inability to truly understand how the system as it exists today, right, as defined in the temp spec and defined in even the phase 1 Rec 18 reasonable access recommendation, we really don't have a good way of understanding what the issues are and how well things are working.

And because of that, we don't have a way of putting a plan together or making a decision as to how improvements could be made. So if we were to layer a very simple ticketing system such as this on -- and so forget about the SSAD for now, forget about a phase 2 for now. If we were able to leverage a simple ticketing system like this for the temp spec and for the phase 1-style disclosure request, I think it would take us a long way to understand how this system is working, where things aren't working so well, and what improvements can be made. And so that's where I would start. But clearly, once you have a system like this in place, I think it brings along a lot of other capabilities out of the box that we could leverage to make everyone's life

easier. Again, I think this would be a win-win -- this would be a win for not only those of us who are requesting data. I believe this would also be an improvement for those that are responding to requests for data.

CLAUDIA SELLI: Matthew, I see that Göran has his hands up in the chat, but it could be an old one. Yes, probably it is.

MATTHEW SHEARS: Can I just confirm, Sarah, do you have a follow up? The connection is a bit difficult for you. Do you have a follow-up?

SARAH DEUTSCH: No. I'm all set. Thanks so much.

MATTHEW SHEARS: Thank you. Any other Board members want to comment?

Okay. So, Alex, just wanted to say that we appreciate this -- bringing this to us and presenting it to us. As Alex noted, there was very good discussion in the chat and hopefully that discussion can continue.

And I think from the perspective of the Board, ideas that have come forward like this are very much welcomed.

I see Maarten's hand is up as well. Maarten, please.

MAARTEN BOTTERMAN: Just to say very appreciate thinking along how to make this happen in the most reasonable way.

Again, just to reiterate, the most difficult thing is who can we give which information and who will be responsible and liable for that. The pure handling is an important part but probably not the main course of the system.

But, again, I hope that a good way forward to come from this policy to a real working system will involve you and the ideas that you just shared. And as Göran said, really very open to any contributions that help us address it. So thank you very much again.

CLAUDIA SELLI: And thank you, Matthew and Maarten. Of course, we are aware that this is our multiple here and it is not an easy fix. But we are happy or glad to help as we can. So count on us on that.

Before then, we -- before finishing, we had another point that we wanted to raise and address, unless people feel that they have to say something on the topic we are on.

But we wanted also to talk about the NomCom review working group. And I have Heather that wanted to kick off the discussion here.

Heather, if you can unmute yourself.

HEATHER FORREST: Thanks, Claudia, very much. And thanks to everyone for coming together today, Board colleagues and colleagues across the CSG and, indeed, I suspect across the community.

My name is Heather Forrest. I am the President of the IPC, and I'm happy to kick off what I really hope can be a discussion here, bearing in mind, of course, the community -- or, I guess, our community, the CSG, has recently received some responses in respect of the topic that we're talking about now.

We had put together a proposal that was fairly widely accepted within the various constituencies and stakeholder groups in the GNSO to the extent that there were certain aspects of the NomCom review recommendations that hadn't quite been taken into account. And we suggested that perhaps before the

NomCom RWG pursued its own recommendations that maybe we just circle back as a community to look at those. And they went to a kind of holistic study on how the community has evolved post-new gTLDs and what the community looks like and who we all are and are we properly represented on the NomCom.

And, unfortunately, it appears that the RWG has opted not to, let's say -- or to overlook that recommendation in the NomCom review report, and we've only just received correspondence.

I'm not sure if our Board colleagues are aware. But we've received a response from the RWG leadership saying, Thank you, we appreciate your suggestion, but we're going to stick with our recommendation.

So, I suppose, just to make the Board aware -- and I'm happy to circulate to the Board, if that's helpful. The IPC took the lead on this and put together a response to the NomCom RWG stating why we felt their recommendations were premature and their recommendations specifically go to a sort of rolling distribution of the seats available across the GNSO and why a number in the GNSO more broadly, not just within the IPC, felt that probably wasn't a wise thing to do, A, to clog up the GNSO's workload in having to decide that on a rolling basis and, B, it didn't strike us

as we have the data to really understand ourselves how we should be allocating.

So that's where we are. We've only just, as I say two days ago, received a response from the RWG leadership to say they didn't -- you know, they thanked us for our contributions but weren't really sure how that impacted their recommendations.

So making our Board colleagues aware. And I certain welcome, Claudia, if anyone else wants to speak to this, by all means, please do.

CLAUDIA SELLI: Thank you, Heather. Matthew, I don't know if from the Board perspective you have a reaction to that.

MATTHEW SHEARS: Let me see if the Board -- Maarten, is that an old hand, or do you want to come in on that?

MAARTEN BOTTERMAN: It is, I think -- I think Avri may be able to respond best as chair of the OEC.

MATTHEW SHEARS: Please go ahead, Avri.

AVRI DORIA: Thanks, yeah. Avri speaking.

Once I saw the question, I was basically looking at it and very much appreciate the additional information.

At this point, it's interesting, when talking about the NomCom Review Implementation Working Group, the RIWG -- I think I got the letters right, hopefully I did -- it's interesting to look that that is a community group that is currently working on it. In fact, I went and checked the membership in that group just to see that it was somewhat representative and it is.

And the way the implementation team works is that they work along. They report every six months on the status of it. So the Board isn't actually being intimately involved with the process.

Having said that, any proposal that they would come up with is something -- especially as it would affect bylaws as has been, is then the beginning of its own long process because a bylaw doesn't happen instantly. It doesn't happen without consultation, you know? It involves a comment period. It is then -- if and when the Board decides on it, it is then subjected to EC. So there's nothing that is going to happen very quickly here.

Definitely understand the issues about the workload involved in constant, you know, looking at the representation and seeing if it is balanced.

But there's also something to be said in the GNSO as a community having a certain amount of self-determination in terms of that community figuring out the balance and that. So I think when it comes to looking at this, it really is going to be balancing of many aspects.

But definitely appreciate getting, you know, the views you've put forward.

I don't think I've seen -- or at least have not seen recently, but I don't think I've seen the IPC proposal to actually be able to comment on that. But, indeed, as I say at this point, the process is very much in the implementation team. Understand that there's been communications between you all. So hopefully that will continue to get to a point. And, also, I'm hoping that the representatives you have on the RIWG are also in communication with you all to try and sort of get this to fall in a place where there's a certain amount of agreement.

I don't know, you know, what else to add to that at the moment, but I'm certainly willing to go further if I can.

CLAUDIA SELLI: Thank you, Avri. And I think, Heather, I see your hand's up. Thank you, Heather.

HEATHER FORREST: Thanks, Claudia. I'll just respond to that briefly. And, Avri, forgive me. I think there were two points I wanted to pick up, and at the moment I have only written down one. So I will start with that one and see how I go.

Certainly, it's very much on my mind -- so I led the effort for the GNSO and the council to understand the GNSO's powers in the empowered community and how that impacted GNSO operating procedures and undertaking that evaluation. So I'm certainly extraordinarily sensitive to what you're saying about bylaws amendments and the process that's involved in that.

And that is, indeed, one of the things that we highlighted to the RIWG -- and you've done better with the acronym than I have -- is that you don't -- we don't think that it's sensible to entertain engaging or entering into that process when you have a sizable chunk of the community that is affected coming out very clearly and saying, We don't support this.

It's not the best setup to go into that bylaws amendment process, let's say. And so that's one caution that we had.

And that's helped me remember the second point that I wanted to make, which is I think it's an important clarification. It's not often that we can make this clarification. We'll all hold our breaths as I do it. This is not just an example of the IPC and the BC against the world here. And, indeed, it's not the CSG against the world here, although the ISPCP -- and I will leave my colleagues to express their own views, but they were supportive of the proposal that the IPC put forward as was the Registry Stakeholder Group.

This is a rare issue in which both houses or constituencies in both houses of the GNSO come together. It's really important to notice that because so often I think we're just programmed to think, Oh, well, it's those two constituencies again, I'm ghasting at windmills. That's not what this is.

So I'm more than happy to -- with that in mind and hoping that we can all look at this with a degree of legitimacy here that I think it deserves, I'm more than happy to make sure the proposal comes your way.

I completely acknowledge what you say, Avri, that it's not within the Board's, let's say, direct workload. But I do think it's helpful that you understand the positions that's been put forward given the impact that it has on the community. And certainly our

GNSO Board members, we appreciate them having an understanding of it. So thanks very much.

AVRI DORIA: Thank you. If I can quickly respond.

I certainly wasn't even looking at it was it the IPC, was it the BC. I was just basically looking at more the dynamics of the work of the RIWG, the various representations on it and the fact that you are all talking. So hoping that, you know, that conversation would get somewhere and certainly when the next, I guess, it's December or something that we get the next official feedback from the RIWG. And that point, it becomes very good to us to basically look at and say, Have they taken all of the issues into account? How have the discussions gone? Have they looked at it? But also appreciate us being able to sort of see the alternative proposals, but certainly wasn't getting into judging it of which constituency, which stakeholder group, which whatever is in it, just the fact that there is this dialogue going on that the Board sort of stands back from while the implementation is going and then goes forward. And then just sort of say nothing is going to happen precipitously. It's really the point I was also trying to make, is that this is not -- you're not going to turn around tomorrow and find out that the Board has approved something going forward because it's a much longer

road than that with many chances for everyone to sort of input as we move in that direction. And that was the point I was trying to make. Thanks.

CLAUDIA SELLI: Thank you, Avri. And just to say that the ISPCP, Tony Holmes, has just confirmed in the chat that they were supporting others' comments and positions that was put forward.

In the chat, I see Steve with the hand up.

STEVE DELBIANCO: Thanks, Claudia. Steve DelBianco.

When this restructuring came up, the BC was of particular attention, since the BC has a small and a large business nominee to the Nominating Committee.

So we reached way back to the year 2000, when Philip Sheppard was representing the BC and the Names Council was transforming and the Nominating Committee was first created. I see Avri nodding. I think Avri was there at the creation as well.

The rationale that Philip explained was that the Nominating Committee was something that wanted to acquire legitimacy and a breadth and diversity of representation.

And the notion that Philip put forward is that the business constituency, as the registrants and commercial users, had a real bifurcated distribution of membership, very small businesses and lots of them, whose needs and concerns were very different than the fewer number of large businesses that were in the BC, who acted as registrants and whose customers and employees were users of the DNS. So this sort of bimodal approach said that you couldn't split the difference and assume that one person could represent both small and large business perspectives, so it was best to have both, an explicit small business and an explicit large business.

This doesn't argue against reexamining that rationale in light of things today, but I believe that any reexamination would maintain the view that you need a small business perspective and a large when you're out there recruiting leaders to come into the ICANN community.

So I wanted that historical perspective to get into there.

And Philip Sheppard has provided a little bit of a written history that we can share with everyone as well.

Thank you.

AVRI DORIA: Thank you. It's good to hear that Philip's still involved. It's been a while since I've seen him. So thank you for that.

No, and I think those discussions are all things that come after this -- this sort of stage that the RIWG is in of first, you know, being into their principles of what are their bases for discussions and then going on from there.

So, yeah, I think it's very valuable to bring in the history.

CLAUDIA SELLI: Thank you, Avri.

I don't know if there are other comments or reactions, questions on that.

MATTHEW SHEARS: Not seeing any from our side, Claudia.

CLAUDIA SELLI: I don't see anything in the chat.

I'm just wondering if there are final comments or question.

MATTHEW SHEARS: Have we covered everything in the agenda?

CLAUDIA SELLI: We have, indeed. We have covered everything we had, the three main topics addressed.

MATTHEW SHEARS: Okay --

CLAUDIA SELLI: So if there are -- yeah.

MATTHEW SHEARS: I was just going to ask if any of the -- if any fellow Board members have any other comments or any issues they wanted to raise with the CSG.

GÖRAN MARBY: Question, Matthew. Am I completely wrong that I read somewhere there was questions about the letters we sent to the European Commission? Or was that another meeting? Sorry.

CLAUDIA SELLI: No, you are actually right, Göran. It's my fault. I forgot to mention that.

MATTHEW SHEARS: I think it's on the prior page.

CLAUDIA SELLI: It's a good point.

If you don't mind us going back to that, indeed, Dean, if you're still there -- which I think is the case -- if you can and want to speak to that.

DEAN MARKS: Thank you so much, Claudia.

We saw the letter, Göran, that you had sent earlier to the European Data Protection Board with a number of questions on the balancing test. We were curious whether you had had any response on that earlier letter and what you see as the path going forward with your letter to the commissioners to try to get the legal clarity that, you know, we think the entire community needs to be able to move forward on these issues.

Thank you, Göran.

GÖRAN MARBY: Thank you.

And we continue our quest to try to find more legal clarity. And now when the PDP, expedited PDP, is done -- which I always take the opportunity to thank everybody who was involved in the expedited PDP. I think they're real heroes for what they did. But the PDP showed one thing: The ICANN community can go to one place, but they can't go beyond -- they can't change the law by building a system or circumvent the law by building a system.

So there are fundamental issues there, like the role of the data control and data processor. And we want -- we think that the ICANN community, to be able to make its decision, needs more information. So we will continue.

And I said all along it's going to be very hard to get those questions. So now we are increasing the pressure to make this happen. And therefore you saw the letter not only to the Data Protection Board, but also the three director generals involved in this one, which I actually had the pleasure of having a meeting with.

Just, actually, some information, you might or not have seen that the data protection authorities came out with a paper about their views on the role of data processors and data controllers, which we are going to submit comments to as well. It was very interesting, because to a lot extent, they -- I wouldn't say "agreed," but they had the same -- we have understood the law

the same way they did when it comes especially to the role of the data controllers and data processors, in that there is -- you can't say, for instance, that just because we do something in joint control with someone else, you actually have to break down the whole processing activities into different parts and make sure that -- you can have different data controllers for different parts of the chain without being joined.

And that is, actually, quite interesting. And I recommend every one of you to read that, as your being lawyers, most of you.

But we will continue this effort.

We also asked some questions to the GAC which we are waiting for a reply from. In their (indiscernible) report, they made some statements, and we wanted to have a little bit more legal clarity from them.

Remember that the GAC is not a stakeholder group in -- outside ICANN, they're actually governments. They're the ones who write they laws, they are the ones who have the data protection authorities. They are part of that system. So when they say something, it actually counts. And also, especially interested in the European Commission's actions there.

And there, we also have a very special request for the European Commission. The European Commission has a couple of things

that is outside of everybody else. They don't do an -- a clear interpretation of the law, but they actually have measures to do. One of the things they have said is that they're going to write contractual languages for data controllers and data processors, which we are looking for to a lot. And the other thing is that they have this legal -- they have the right to ask official questions to the Data Protection Board for clarifications. And I think you can help me to join me to convince the European Commission that it would be very timely for them to do that now.

So thank you, Dean. We are continuing the work.

I want to say one more thing. So this is -- this goes along with what the Board has instructed us to do and I think everybody wants the clarification. But on the other end of legal clarifications, it is up to the community to decide what to do with it.

Thank you.

DEAN MARKS: Thank you so much, Göran.

Sorry, Claudia.

CLAUDIA SELLI: No, absolutely, Dean. I was just saying the same thing.

And also thanking for the engagement with the European Commission and continuing to pursue the legal clarity that is needed. We're really grateful for that.

I think there is a question from Lori in the chat, where she's asking to you, Göran, whether you think the DPAs will be any clearer if the Commission asks a question.

GÖRAN MARBY: Yeah, what a good question.

It depends what the questions is, actually. The question has to be something that is done in such a way they can give a clear answer.

I think we reached a point where we can start saying that if the European -- European E.U., the data protection authorities, and the E.C. doesn't do anything, the only way I can conclude that is that they're actually happy with the situation, that they are happy with the limited access to WHOIS information, and that's a part of their intent. Because, otherwise, if they thought it was a problem, despite what you're saying and despite what the law (indiscernible) says, they know about all of this. They get the

same complaints as we do. And if they don't take action, the only way I can see that is that they are happy with the situation.

And then it becomes more a political issue than a sort of ICANN versus the E.C. versus -- you know. The views are political, and that's not ICANN.

But I'm really, really waiting for them to do something. And if they don't, you should probably have another conversation with them, because then it's moved beyond ICANN. If you don't feel that the law is sufficient for what you need, that's not -- ICANN cannot change that. That's more of a political thing, and you should engage with them.

Thank you.

MATTHEW SHEARS: I see Becky has her hand up.

CLAUDIA SELLI: Thank you, Göran.

Yeah, of course.

MATTHEW SHEARS: Becky.

BECKY BURR: Just in terms of additional guidance, I'd like to draw everybody's attention to the fact that the European Data Protection Board guidelines on the concepts of controller and processor is still open for comment for feedback for a few more days -- not very many, four. But I think all of you might be interested in looking at paragraph 70 in that, which talks about sort of iterative controllership. And I think that that is an area worth pressing the European Data Protection Board on, because that is precisely the kind of clarity that would be extremely helpful in this context.

So sorry for a little lobbying here, but I find that paragraph incredibly -- it's paragraph 70 in the guidelines on the concept of controller and processor in the GDPR issued by the European Data Protection Board on -- in July, which is open for comment for a few more days.

So for those of you who are interested and have the bandwidth to engage directly on that, clarity with respect to that iterative controllership, because that is precisely the issue at hand when we talk about the -- the ability to get to a UAM. If -- Contracted parties are responsible up to a point, but the decision to disclose would be ICANN's or the central gateway's, and the central gateway would be the sole controller in that concept. It could -- it could be very helpful.

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And I believe that ICANN is -- that this is on the plate for the conversations that Göran has -- is having, because I discussed this with him a couple of times, just in response to Lori's comment.

GÖRAN MARBY: You're saying that you are (indiscernible) you know, your are important in this as well. Many of you have a lot of resources in Brussels. And for good and for bad, the European GDPR has become the role model for many other privacy legislations around the world. And it's also because of the -- the size of the economic area has a greater impact.

So, I mean, -- and we are just trying to get legal clarity. We're a technical organization. You, as other organizations, have a lot of other people who can engage with the -- with the European Commission, the legislatures, and parliament. And I usually say that you have one of the most well-known lobbyists in Brussels sitting on this call.

MATTHEW SHEARS: Thank you. Becky, did you want to comment further?

BECKY BURR: No. I'm just doing my little public service announcement.

MATTHEW SHEARS: Thank you very much.

CLAUDIA SELLI: No, thank you. And certainly we continue and stand ready to help as far as we can, of course, on that, in trying to help and get some clarity. So for that, you can count on us.

I don't know if there are any final questions or -- from -- from other people.

I don't see anything, Matthew, on our end.

MATTHEW SHEARS: I don't see anything on our end, either. So I think we can bring this to a close.

Before I -- I just want to say, Claudia, I'll give you the floor, and then I think Maarten wants to wrap up. But I just want to say how much we appreciate this time you spend with us. And just very sorry that we cannot meet in person. An incredible medium, but it's not a substitute.

Thank you very much for the open discussion, thank you for bringing forward this proposal. Much appreciated.

Back to you, Claudia, and then I think Maarten will close.

MAARTEN BOTTERMAN: Okay. Thank you, both. Thank you, Matthew, for engaging and helping us in this discussion with you, Claudia, and on your side.

Again, this is about ICANN. This is how we do things. We work together. We listen to each other. And I think we manage to better and better find that engagement in locations like this and in other ways. Just now, whenever you think what's happening now, we're here in this together and we're looking forward to collaboration.

So highly appreciate it, and looking forward to see you around during ICANN69.

CLAUDIA SELLI: Absolutely. And thank you very much also very much on our behalf, on behalf of the CSG, really appreciated the exchange, and as you say, and point out the fact of working together. I totally agree that it is important. We are all in the same boat. So whatever we can do and how we can help each other, I think, the better.

So thank you, also, for taking the time to listen to us and to respond to our questions.

And I hope, indeed, that everyone stays safe and we can see each other very soon.

MATTHEW SHEARS: Thank you very much, everyone.

CLAUDIA SELLI: Thank you.

[END OF TRANSCRIPT]