
ICANN69 | Community Days Sessions – GNSO: Registration Data Policy Implementation IRT
Wednesday, October 14, 2020 – 17:00 to 18:30 CEST

ANDREA GLANDON:

Hello. Welcome to the ICANN 69 registration data policy IRT meeting being held on Wednesday the 14th of October at 15:00 UTC. My name is Andrea. I'm the remote participation manager for this session. Please note that this session is being recorded and follows the ICANN expected standards of behavior.

During the session, questions or comments submitted in the chat will only be read aloud if they are put in the proper format, as I will note in the chat. I will read questions and comments aloud during the time set by the chair or the moderator of the session. Nonmembers should place their comments or questions in the chat. Members should raise their hands if they would like to speak. When called upon, kindly unmute your microphone and take the floor. Please state your name for the record and speak clearly at a reasonable pace. Mute your microphone when you are done speaking.

With this, I will hand the floor over to Dennis Chang. Please begin.

DENNIS CHANG:

Thank you, Andrea. Welcome, everyone. My name is Dennis Chang. I'm the policy implementation program director at ICANN Org or ICANN staff. This is our IRT meeting—Implementation Review Team meeting—number 35 at ICANN 69 virtual forum.

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What we're doing today is implementing the EPDP phase one consensus policy recommendations working together as a team. For the agenda, since this is a public session, we're going to give a very quick overview of what this policy is and policy implementation is about, and then we're going to tell you what we have been doing and get right into our working session.

This is a 90-minute session that was designed to be an IRT working session but open to the public. So what you can do is watch us work and you can view everything that we're viewing. At the end of the session, I will leave five minutes for community Q&A where we try to, together with the IRT, answer all of your community questions.

Andrea, if I lose track of the time, please stop me and remind me.

ANDREA GLANDON:

Yes, I'll give time checks.

DENNIS CHANG:

Thank you. So let's tell you a little bit about the registration data policy. Please note that we have named the policy as what it is. EPDP is an acronym for expedited policy development process. It's really a description of the process. And when we took over that policy implementation, we named it fitting what it was really about. It is a registration data policy, and that's what we're implementing.

So back in 2018, GNSO, Generic Names Supporting Organization that are in charge of creating the policy have initiated what we call [finally

as] EPDP. That team had developed a policy recommendation. So we call them EPDP team.

Now, EPDP team back then had decided to do their work in two phases. So you will note that there's EPDP team that are continuing and they have just finished their work on phase two final report, and they may be continuing with more work. But on phase one, they have completed their work and in February 2019, the team submitted to the GNSO council their final report which contained 29 recommendations, and May 15th of 2019, board adopted 27 of the 29 recommendations. A couple of recommendations, they had comments, recommendation 12 specifically. And it is the implementation team's job now to implement all those recommendations with some of the conditions given by the board.

So, where are we today? The first thing that's important is that IRT, which is designed to [advise] the ICANN [Org] in its policy implementation and review the ICANN [Org's] policy implementation plan and duties and approach and/or the work product began their work on 29th of May 2019.

We are still continuing, obviously, so let me show you this page. This is more meaningful. So when we got started, we—meaning the implementation team, including the ICANN Org and the community members, designed this three-phase process. So stage one was important because we had a temporary specification that was being used as the requirement for the contracted parties in dealing with the registration data that was expiring on the 20th of May of 2019.

So the stage one, we recognized that and then the implementation team immediately implemented what we call the interim registration data policy. In fact, that policy is now in effect. So for registration data policy as of today, we have an interim registration data policy that's in effect, and what we're doing is now going to implement what we would call maybe a permanent registration data policy. And all this information with the links that you see here are all publicly available material that you can find on icann.org.

So let's talk about some of the activities of the Implementation Project Team—which is IPT, that is sort of an acronym to indicate the ICANN Org staff—and the IRT, which is the Implementation Review Team that is the community team. What have we been doing?

So when we do policy implementation, most people think of policy language being drafted. That is true. The recommendation comes in the form of recommendations, and the most important duty for the implementation team is now then turn those recommendations into requirements language for consensus policy that is published and becomes a contractual requirement for the contracted parties and everyone involved. So that is one part.

The other part of the phase one implementation scope is that there are reports and studies that are required, things like data retention, legal, natural persons, and the waiver process that was to be delivered. That's what we're working on. And here, impacts on existing policies and procedure, this is an enormous scope where the recommendation requires the implement team to review every

consensus policy and procedures that are being impacted by the policy implementation for this registration data, and right now, we're at a point where we are going through all the documents and redlining them to present to the IRT for review. And you'll see a lot of those in today's meeting where we are looking at the actual redline documents. We call them RedDocs now.

And the other part is this data protection agreement. Of course, this whole policy, the impetus was the GDPR, the data protection, and it requires that ICANN Org create a data protection agreement with the contracted parties, registries and registrars, and also with the third parties such as the data escrow service provider. So that's the scope of what we're dealing with.

IRT agenda is on the IRT Wiki. We maintain this Wiki space to do our work where we keep all our agenda, meeting minutes, recordings and any of the work products with a full list of the IRT members and their statements of interest. We will go to it now to start our work.

This is our IRT Wiki space. It's a Confluence community page that is publicly available, and you'll see the meetings that we've had so far. Today's meeting is also posted in the agenda, and after the meeting, [inaudible] attendees and recordings will be published here, as with all the other meetings that we've had.

So I've just gone through my introduction of the policy implementation, and agenda number two, timeline. This is a working draft and we're going to be looking at that now. Let me pause here.

And to the IRT members, if the IRT members have any questions or comments. If not, we'll proceed.

This is an IRT workbook that we use for policy implementation, and as you will see, we have a list of tasks for the IRT we're maintaining, and we have a timeline that we are working to. This is a working draft, so what we're doing today, we're here in October, so the policy language OneDoc is what we're working on, along with the RedDocs as we call it, and you'll see more of these. And of course, also being prepared is the data protection terms, or DPA with contracted parties and ICANN Org, small team is working on. And all of these will eventually go out for public comment and then the public comment report, and then we'll start the implementation phase.

So far, the implementation team has agreed to 18 months of implementation time. So this is what we're working to today. At every IRT meeting, which is every two weeks, we look at this timeline and adjust the timeline as needed.

Next, we'll talk about the RedDoc procedure for IRT task which is number 108. In here, we were looking at the RedDocs and we received a GNSO council advice on August 20th where they requested that IRT, and the implementation team, of course, prepare a draft revision to the affected policies and publish for public comment.

BERRY COBB:

Dennis.

DENNIS CHANG: Yes, Berry, go ahead.

BERRY COBB: You have a few questions.

DENNIS CHANG: Oh, from IRT. Yes, Go ahead, Alex.

ALEX DEACON: Yeah. Good morning. Hi Dennis. Just on the schedule, I think at this point in the process, we should take a step back and evaluate where we are, ensure we have the right perspective. Remember that the phase one EPDP policy work took seven months to complete. It started on August 1st 2018, and the final report was published on March 4th 2019. Seven months.

The first meeting of the IRT, as you mentioned, started on May 29 2019. The phase one policy said we should wrap things up by February 29th 2020. We passed that date long ago and no one seems to care. So this IRT has been working for almost 18 months now, almost three times the length of the policy work, and we still have much to do. We still have to complete the OneDoc, we have to complete these RedDocs, we have to solve the Rec 7 Thick WHOIS issue and we have to complete these four DPAs that you mentioned, the DPA between ICANN and the contracted parties, the DPA between ICANN and the dispute resolution providers, the DPA between ICANN

and the escrow provider, and there's also an indication that there must be a DPA between the registry and the registrar for transfer.

So we understand that the DPA between ICANN and the CPs, a draft will be available for review hopefully in December, and then we've been told that ICANN Org won't start work on the other DPAs until after that DPA is complete.

So there really isn't any concrete, granular schedule as to when these are planned to be completed. We have zero visibility. I don't see any plan as to when the IRT will complete its work. Every time we see this timeline that you put up here, it continues to slip and slip. It's not clear to me we will ever complete. So this is a major concern to me, as you know, and I believe it should be a major concern for others as well. I wish I had a solution, I just don't know. But I just wanted to make sure I raise this issue and this concern, because at this rate, it'll be a two-year IRT process and it just seems that we could be doing a better job here on getting these things done. So, thank you.

DENNIS CHANG:

Thank you. Yeah, so as you know, Alex, we meet every two weeks. The reason that I make the timeline the first part of every IRT meeting is exactly that. I am trying to get everyone's attention to the timeline and see if there's a way we can do things faster. Stephanie, go ahead.

STEPHANIE PERRIN:

Thanks very much. I apologize for asking a naïve question, but I joined this group rather late. Sadly, I was tied up in the EPDP. But the

question I have concerns these data processing agreements. One of the things that really never came up throughout the discussion of the EPDP is the data that is shared by registrars and registries in the context of their other work. In other words, stuff that is not within the remit of ICANN.

I'm talking about necessary contracts with security organizations or reputation list groups or, you name it, marketing organizations, data that might be considered regular business that has nothing to do with WHOIS, however, remains the personal information of the registrant.

Now, in the data processing arrangements, I would think that some of that below the surface data, as it were, thinking in iceberg terms, might be named in your data processing agreements. And I'm wondering what the process for a public comment on those data processing agreements, what kind of a public comment procedure is envisaged, and how much of those processing agreements is within the remit of ICANN to seek public comment from user groups or stakeholder groups such as the Noncommercial Stakeholder Group.

Obviously, we purport to represent noncommercial users here and we have a view as to what's going on with their personal data. Thanks.

DENNIS CHANG:

So for the DPT or the data protection agreement that we're working on correctly with Contracted Party House and the ICANN Org, and they're working on them as a small group, it's our intention to share

that with the IRT first, and then as part of the public comment, it will be available to everyone. That's the plan.

On the other data protection agreement, we have not made that decision yet, like a data escrow, our ICANN DPA with the data escrow. We have not started that work, as Alex mentioned, and we have not decided, made a decision on how we're going to treat them. I'm sure that—I think we'll share that with the IRT.

But whether or not we're going to hold up the public comment because of those agreements is something that implementation team will still decide and then act on. Now, I don't know if that is satisfactory, but Stephanie, you're part of the IRT meeting. I know that you just joined, so you probably have a lot of questions about everything that we're doing.

In terms of the DPT, I would ask that we will of course know a lot more and if Beth is here—not sure if she is—maybe Beth can share, or anyone from the small team can share some more status about that. But if she isn't here, that's okay too and we'll cover that in our next IRT meeting when we're together again then. And the IRT will be informed of the status there along the way, so it will not be a surprise to any members of the IRT.

ANDREA GLANDON:

Dennis, Beth is here if you want her to speak.

DENNIS CHANG: Are you here, Beth? Can you speak to it? Would you like to?

BETH BACON: Hi Dennis. Yes, of course. Would I miss this? Come on.

DENNIS CHANG: I was thinking. Yeah, so why don't you tell the IRT and the attendees here something about the DPT that we're working on?

BETH BACON: Sure. And I will say, Stephanie, you and I have talked about this before in other fora as well as Alex, and we have great understanding of the concerns and what needs to be in the data protection agreements between ICANN and the contracted parties. But then there's other items that will, I think, necessarily fall to a contracted party and vendor type relationship. So I think that's important to keep in mind. And Dennis summarized kind of where we are, so I won't add to that, but we are working in a small group with ICANN as per the recommendation, contracted parties and ICANN Org are engaging to negotiate some data protection terms between contracted parties and ICANN, and we're working diligently, we are making progress on that. And when I say progress, I mean we have words on paper and we're discussing them and we have agreed on parts, which is excellent progress. As anyone in the IRT can say, it feels really good to close out a section when you review it.

So we are working on that. We're paused a bit as we have two weeks of ICANN meetings and I don't think anyone will begrudge ICANN or contracted parties or anyone else who's contributing to any of these efforts to take a little pause and pick back up at the end of October once the meetings are over. So that's our plan. We will restart.

And then as Dennis noted, the plan is to bring that draft to the IRT for review and discussion, but again, we've discussed this with ICANN and it's really important—and we do put this on ICANN's plate—to scope that interaction really well, because as those in EPDP phase one can remember, when we were discussing how to phrase that recommendation, the negotiation is between the contracted parties and ICANN, because it is a piece of the contract. So we have to be really careful about how we discuss that language. But again, we'll leave it to ICANN to present that appropriately and scope that appropriately, and we do hope to have language at least in the small group.

We were looking at sections of the document, now we're moving back to the full document, and we do feel that we're going to be able to move back to a full document review following our restart at the end of the month. So we are making progress, and I'm happy to talk about this offline. I don't want to eat up a bunch of our time here. But I'm really happy to talk about this with anyone if you just want to send me a note. Thanks.

DENNIS CHANG: Thank you, Beth. Appreciate that. Let's continue. Let's see. What we were going to look at is the IRT, the RedDoc procedure. So in August, we received this instruction from the GNSO council, and the implementation team had embraced this and accepted this, and we began working on all the RedDocs, the redline documents. And we had some questions that we were dealing with, and I don't know if Sebastien is here too. Sebastien, did you have a chance to discuss this with Sarah first and then share it with the council [inaudible]?

SEBASTIEN DUCOS: I did have a chance to check that with Sarah.

DENNIS CHANG: Sebastien, can you state your full name and your role?

SEBASTIEN DUCOS: Sorry. I'm Sebastien Ducos and I'm a GNSO council member and the liaison to this IRT. I did have an occasion to discuss this with Sarah two weeks ago, ten days ago and was able to discuss that. I didn't discuss that with the GNSO council per se, I discussed that with the small team who were also tasked to look at it with—on Rec 27. The small team on Rec 7 that was also tasked on Rec 27. Sorry.

And they were looking at it, but Rafik suggested indeed it should be escalated to the council, so we're in the process of doing that. The answer will come in the next week or so.

DENNIS CHANG:

Okay. Thank you for that. So you'll keep us in the loop. So the direction until we hear—or let me just give the team a default direction, is please don't change anything that we're doing, and proceed with making changes on terminology. This is something [inaudible] fairly obvious, but this is number two item was where we were having some questions.

So we will continue to do our work while it gets clarified, and if it does get clarified to not do number two, then of course, we will have to back out those changes. But I think it's a lot easier to do that than start looking for changes on documents that we have already looked at.

Let me go back to the list here. So this is the list of our impacted policies and procedure as of today, and as I was saying, it's a fairly significant amount of work, so to orient attendees, this is what we're talking about, impact on existing policies and procedures. So this is the part that we are looking at and working on today.

So so far, we have reviewed 21 policies and procedures, and we have determined that two of them do not have to be changed because there was no impact, and this note here—Thanks, Sarah—was where initially, we thought that 18 and 19, so UDRP and IGO INGO policy was not impacted, but then she noted that there were some terminology changes that does impact. You don't have to apologize, Sarah, you were doing the job of the IRT, exactly what we invited you to do to help us. So thank you for that.

So we now caught that up and we added those to the list. And the ones that you see on the left side is the original documents, links to that, and on the right side is the redline documents, and the links to that. So this is what we are looking at and this is the status. So maybe half of it is done and another half still needs to be done, and the way we are tracking this is using what we call the IRT task list where each time we have a document, we assign it to the IRT members for review. When I say we, I should specify this is the IPT, the ICANN staff who's doing the actual work of creating the redline documents and marking them up.

So let's go down one at a time. This is the first IRT issue, and it was due on October 2nd, and I see some notes here. Sarah said redline is good. Alex said it looks good, and he further has a note that [inaudible]. Yeah, RPM review team is going to look at this. So this is a good point. There is a rights protection mechanism [gTLD] working group that is ongoing in parallel, and they're looking at this also from their perspective, and the staff in the background is trying to coordinate between the policy support team supporting the PDP working group and the IPT, the implementation team here doing the redline for what we call the [inaudible] phase.

So we are doing that. Here, what we want to do is look at it together one last time and if there isn't anything further that we have to do, then we will close this one out, and it's our intention to publish it in the Wiki page here in this area and when we go to public comment, we will go ahead and link to those documents so that the public has a chance to review them too.

And this is just a note that says we're going to look at the date. That's the domain names—I see. What we wanted to do is we wanted to say registered name holder, and Amr is suggesting—Amr, what are you suggesting?

AMR ELSADR: Hi. I think it's been changed since I put that comment in.

DENNIS CHANG: Okay. Thank you. So we already accepted it then. Good.

AMR ELSADR: Thank you.

DENNIS CHANG: Thank you very much. And Antonietta had made some editorial changes. And you can see that here—okay, so we are trying to do terminology changes reflecting RDDS for WHOIS. So let me do it this way. I would like the IRT members—because I know this is ongoing work and we've already done all our work here, instead of going through each comment down the line, is there something that you would like to bring up for discussion? So I see comments from Amr, from Alex. So go ahead and raise your hand. Amr, you have your hand up. Which comment would you like to address?

AMR ELSADR: Delete the highlighted sections starting from to enable—

DENNIS CHANG: You mean the “to enable access to domain name registration data,” the whole highlighted [inaudible] so it would read, “To provide pursuant to ...”

AMR ELSADR: Right. So it reads, “Refers to online services that registrars and registry operators of top-level domains are required to provide pursuant to applicable registry agreements, registrar accreditation agreements and ICANN consensus policies.

DENNIS CHANG: I see. And I see that Sarah plus one’d you, so she agrees. Any other comments on this from IRT?

AMR ELSADR: Dennis, if I may.

DENNIS CHANG: Yeah, go ahead.

AMR ELSADR: I just wanted to flag that the same issue exists in the OneDoc, so we might want to cut that highlighted section out here as well as in the OneDoc, so I just wanted to flag that too. Thanks.

DENNIS CHANG: Okay. Let me make a note. Thank you. Any comments? IRT members? Oh, she's making the same comment you just did. Marc Anderson.

MARC ANDERSON: Hey Dennis. I guess I'm unclear, are you agreeing with Amr, disagreeing or just taking that for consideration?

DENNIS CHANG: Yeah, I'm taking this for consideration. there was a reason—and especially, I was looking at, now that you remind me, on the OneDoc section whether that was appropriate to do. I know that the intention here is consistency, but I think that we need to consider this before making a decision. So in general, if this is obvious and we will go ahead and just make a decision [inaudible] here, but if it requires a lot of consideration, then we will not make the decision here, but we want to hear all your rationales and reasoning to change things. Does that answer your question, Marc?

MARC ANDERSON: Yes. Thank you. I appreciate that. I guess—

DENNIS CHANG: Where are you on this?

MARC ANDERSON: Yeah, I think Amr makes a good point. In phase one, we did identify purposes and Amr points out that just saying “To enable access to domain name registration data” seems to unnecessarily limit the definition. So I think that’s a good point, and I also agree—I’ve made the comment before that it should be consistent with the language in the registry agreements, the RA and the RAA. So I agree with that point as well. I think that’s a good point by Amr. But I’d be curious to hear staff’s take on that, so maybe I’ll wait until you guys have had a chance to review and come back to us.

DENNIS CHANG: Yeah. So don’t forget that as we’re making decisions here and making policy consensus language, we could—and we are in fact— going through the RA and RAA and updating those to be consistent with our policy too. So we can do that. So don’t forget that we have that option. So this is a time to do it. This team is the team to review that carefully to make sure that consistency exists but it’s not just [on here. We can do it both ways.] Mark, go ahead.

MARK SVANCAREK: Thanks. I’m not an expert on the language that’s in the RAA, so sorry if I say something stupid. My concern is that I don’t know specially if that language says things like enable access to registration data, and I’m also concerned that if you remove it here and then subsequently

change the RAA language, that it won't actually refer to access to the data at all in either place. So I would be concerned about removing this language. It's in there, it seems safe to me. Thanks.

DENNIS CHANG: Thank you, Mark. Amr.

AMR ELSADR: Thanks, Dennis, and thanks, Mark, for that. To me, it really boils down to one thing. Was there a recommendation coming out of phase one of the EPDP that required this change in definition? Like I said, if we take the highlighted section out, then the definition is pretty much consistent with what's already in the RA and RAA. If there was a recommendation coming out of phase one that required this change in definition, then sure, because when we're developing draft consensus policy language, it's supposed to reflect the intent of the policy recommendations coming out of the GNSO and adopted by the ICANN Board. And like I said, I don't recall there being a recommendation to the effect of making this change. If there is, then I stand corrected, but unless we can point to a recommendation that says that this change in definition is necessary or required during implementation, then I think it would be a good idea to take that highlighted section out. Thank you.

DENNIS CHANG: Thank you. Anyone else? Yes, there is a discussion going on in the chat. Anybody would like to take the mic? Sarah.

SARAH WYLD:

Hi. Thank you. As I said in the chat, I don't think that access belongs in the definition, as Amr said, and I think Marc said it's unnecessarily limiting and I agree with that, but I do see Susan's point that if we take out the whole highlighted phrase, then all that this definition refers to is online services and not registration data related services, which is probably not a great definition. So maybe we should just take out the words "to enable access to" and keep in the words "registration data" so that the definition becomes, "are required to provide registration data pursuant to applicable agreements," etc. So that might be a good way to change that. Thank you.

DENNIS CHANG:

Yeah, you're thinking similar to how I was thinking. This whole thing was the registration data, and if we lose that aspect of what this means, then it could be too broad. So that was very helpful. Thank you so much. Any other IRT comments on this particular item? We'll have to come back to this one. Next is the—Okay, Alex, I think I answered your question. Is here anybody else who would like to address anything in this? Do you want to speak to this one? Okay. No.

If not, I'm going to move on to our next document. So this was the URS rules document, and we're going to now go to the next item which is the URS procedures document. So, question to the IRT, any comments here you would like to address with the IRT here? I noted that— [redline is good.] Alex, we were trying to figure out what IBID meant.

But we decided—yeah, my Alexa doesn't know that one, she just answered me.

Any comments? Beth, you have your hand up. Can I find your comment here?

BETH BACON: No, you will not find my comment there.

DENNIS CHANG: Okay. [inaudible].

BETH BACON: I just have a question. I believe it's down in 10.3 perhaps, or in the 10 area. There's a change—so in the document, it changes WHOIS to registration data, capitalized, but registration data is not a term that is defined in this document. So if we keep it at registration data, I don't think it should be capitalized. But then also the question is, should that WHOIS reference be changed to RDDS or registration data? So I didn't put a comment in because I'm genuinely asking to see what people think is correct there. Thank you. Sorry, 10.2. I was close.

DENNIS CHANG: Sarah thinks it should be RDDS. Marc Anderson agrees with Sarah.

BETH BACON: I also agree with that, it seemed more consistent with the changes we had made previously in the documents of WHOIS to RDDS. So I just wanted to flag that that should probably be RDDS and not registration data. Thank you.

DENNIS CHANG: Yeah, Maxim, you're right. We are trying to get the word “WHOIS” out of our talkings and the policy as a part of this terminology update. Anyone else? Okay, thank you for that. We appreciate the comments. Anything else on URS the procedure? My goodness, I'm just noting the date when we worked on this, on March 2013. So we lived for some time without any change. Thank you, Beth.

We're going to move on to our next document. That is a [inaudible] URS document. It's the technical requirements document. There was Alex, that IBID, but we take that as meaning it's all good here. Anything on this document? I'm not noticing—Eric, do you want to talk about your comment? Go ahead.

ERIC ROKOBAUER: Yeah, Dennis. Hi everyone. Apologies, I didn't add my comment in the task list of the previous document. But I just wanted to highlight here [that what's here—the title of the registry] requirement, it just doesn't align to what is in the phase one recommendations. The recommendation, I think its number 23, specifies when the registry operator would not provide data and limits to providing data in case

of thin registries, and that’s just not called out here. It’s a little more broad in this language. Thanks.

DENNIS CHANG: I see. Thank you. Anyone else? So as far as these documents go, of course, after we’re done and we publish for the public comment, you do all know that that’s when all the experts of the URS are invited to comment on them, so we’ll get some good views of the public comment on these documents. Marc Anderson, go ahead.

MARC ANDERSON: Thanks, Dennis. I’m just putting into chat, what Eric raises is something we talked about previously within the IRT when we had originally discussed having the URS changes as an appendix to the OneDoc. We had the same discussion, and I pasted into chat the language that was previously in appendix A of the OneDoc. I guess it’s still there, it’s just—

DENNIS CHANG: It’s still there.

MARC ANDERSON: It’s just been marked as deleted.

DENNIS CHANG: Yeah.

MARC ANDERSON:

So we had the same exact discussion, and this language I pasted in was the language that we settled on to address the concern that Eric is raising. So that might be helpful here as well. I think this is addressing the same point Eric is making.

DENNIS CHANG:

I see. Okay. So we have not deleted this appendix section. I know that we looked at it and we agree that we don't need the appendices, and we will delete them, but good thing that you're pointing that out now. Thank you. That's helpful.

Thank you, so we'll have to take another look at that one. Let's see if we can move on to the next document. Just stop me if I'm going too fast here. So, this is the procedure for handling WHOIS conflict. Was there any general comments? Okay, [inaudible]. AD is changing comments to same as 110. Commend at 110. I see. So Alex thinks it's okay. Anyone else?

This one is short. This was due for review to you on the 6th of October, and I'm assuming that everyone had a chance to review it. I did not receive any request for additional time, so we're going to get going with this.

So for this one, which is the handling WHOIS conflict law with the privacy law—it's this one, right? Okay, so that's what we're going to do with this [item], so we're going to go ahead and consider this review

closed for that. And we're going to publish it on the IRT Wiki. Thank you.

Let's continue. No comments on this one. This is the transfer FOA initial authorization for registrar transfer. I see comments from Owen. No one else. Was this something that you wanted to talk about, Owen? If you did, here's your chance.

OWEN SMIGELSKI: Sure, Dennis. I can speak to it.

DENNIS CHANG: Thank you.

OWEN SMIGELSKI: Yeah, I think the position of Contracted Party House is that because the requirement for the gaining FOA was deferred this year pending the outcome of a PDP which is quite possible will get rid of the gaining FOA, we don't really think it's within scope of this IRT to review and make changes to this FOA, which is already subject to another full PDP. So I think it's best for us just to pass and not actually do anything with this. Thank you.

DENNIS CHANG: I see your point. So you're [presuming] an outcome and therefore we should save ourselves work. I think that's what you're saying. I'm not sure.

OWEN SMIGELSKI: I guess, yeah.

DENNIS CHANG: Yeah, as convenient as that sounds, I don't know if that would be considered neglecting our duties. What do other people think? We already did the work. Anybody else have comments? Yeah, I know, I think I see Alex's comment and Sarah's comment. If we go down the road of presuming a future outcome and therefore we're going to adjust our work scope based on that, then we want to have a different discussion about what other [inaudible]. We have to really do our implementation with the information best available today and with the direction that we are receiving.

Sarah, go ahead.

SARAH WYLD: Thank you. I want to support Owen's comment here, and relating to what Alex is asking about the RPM working group, I do think that this is an important consideration and we need to of course make sure that any policy changes that are substantial happen within the appropriate context and by the appropriate group.

So here, if we look at those three categories, as I'm sure we all recall, the second and third category are being split out. So it used to be that there were two categories, terminology and policy. And now we're looking at expanding that second bucket into two buckets itself, and I

think that could be fine but it could be problematic. I know Sebastien, as we said earlier, was talking to the GNSO council or a small team of them about this, and so I think it's really important for us to get some more direction on that topic. Thank you.

DENNIS CHANG:

That's a good suggestion. Sebastien, I hope you're listening. This is sort of a good test case. This is definitely a terminology update that we were asked to do, so we're going to do that, and we're doing it, but then some IRT members here feel that it really belongs in our new policy [inaudible] category which we're not supposed to do. So it's a good test case. So maybe you can use this one as an example too. Thank you, Sebastien.

So for now, we take your input, Owen. We will hold off on this one then. It's a simple change as far as the change is concerned, it's just a name change, but the concept, your concept or whether this applies or we're doing things out of scope is something that we want to be attentive to. And IRT's role is [inaudible] to do exactly that. Thank you. So we'll hold off on this one and not close it out.

Let's go to the next. So, standardized form for authorization. Again, the change itself, this—here's a good example. Here's a terminology update, obviously. This one is to be consistent with the registration data policy. This is another very good example. So our default condition, default working model is that we make both of these changes. Oh, sorry, "To clarify, it's not out of scope. The requirements to use the gaining FAO is currently deferred and is likely the

upcoming—” Okay, so what I meant by out of scope is for the implementation team to do the redline and publish it as a redline. That’s what I mean. Should we do that? It’s the point that you’re actually raising. So should we bother to do a redline on this at all, or just not do it? Is there a reason we’re not touching this one? I think that was the question.

So, what about this IRT? Are you okay with this one? Shall we move on, close this one out? No comments? [inaudible]. Go ahead, Alex.

ALEX DEACON: Just to note that that first—the removal of the admin contact isn't a terminology update. That’s a phase one policy update.

DENNIS CHANG: Exactly.

ALEX DEACON: Okay. I thought you said the opposite. So we’re still waiting to hear back from Sebastien on whether this change is appropriate or not.

DENNIS CHANG: I see what you mean. So you're saying that before we publish it, let’s wait for Sebastien. Okay, good. I'm okay with that. So we don’t have to publish this one, let’s wait. And then, so that you know that while we’re having this meeting, I'm also providing direction to our internal ICANN staff team so they don’t slow anything down with all the

remaining items here. So their direction is to keep going with the same assumption that we're using here and make these changes. So on that point, let's hold off on this and then move on to our next document. Thank you, Alex.

Let me just make a quick note. Sorry, [Seb,] you know what I mean. Okay. Next item is WHOIS marketing restriction policy. Of course, now we want to call this registration data marketing restriction policy, which I believe is terminology update, clearly, but there are other changes. I think that is the only change, just the name change. This one's safe to go, right? I think we are okay. And clearly [fits into] bucket one, definition of terminology. Going once, going twice. Marketing restriction is this one, first one. So I'm going to cut this, [paste it here.]

BETH BACON: Hey Dennis, my hand's up.

DENNIS CHANG: Hi Beth, go ahead.

BETH BACON: I just wanted to ask the same question as I did before as to why this is getting changed to registration data as opposed to RDDS.

DENNIS CHANG: Are you [marketing RDDS or are you marketing] registration data? How do you look at that?

BETH BACON: I'm simply, again, asking because we are—Sarah just made my point, we're not marketing registration data itself, it's marketing the RDDS to, I guess—farm that data is a terrible word that we don't want to use. Also, I don't believe this document defines registration data either. That's a definition for a capital letter term that's in the EPDP phase one and it's used in that document for those purposes. So I think this should be RDDS just like we did for the other one. Thanks. I'm not sure.

DENNIS CHANG: Okay. Let's see. Amanda is making a point here. Let me see if I can read this. "The term "WHOIS" is used throughout the policies in two different ways. One, to describe the WHOIS protocol (RDDS); and two, to describe WHOIS data (Registration Data). While we have tried to capture it correctly, we have caught ourselves getting it wrong at times, so would welcome the IRT to point out anywhere this should be updated in the redlines. Thanks Beth!" Okay. Yeah, thank you, Beth.

"It takes a whole team." Yeah. It's a good team. Teamwork. Thank you. Let's see. Stephanie, "Exactly." I'm reading Stephanie's chat here. "You walked yourselves into the bottom part of the iceberg." So we are going to take another look at this, so we won't close this out. So, what are we restricting the marketing of? We may have to think about

this. And maybe RDDS marketing. Yeah, maybe that makes more sense. Thank you very much. So we'll take another look t that one. Appreciate your comment. Let's go to the next one.

Next one is the rules for the uniform domain name dispute resolution policy, UDRP. This is [inaudible] UDRP, not URS. This is the UDRP one. This one, RPM working group has not started looking at yet, and they're going to. So let's see. Oh. This is another place where you found the same comment. Thank you, Sarah. I understand what you mean. Anything else? Oh, Alex made this comment on the e-mail, so I copied it here. Oh, sorry, [inaudible]. Sorry, that was my mistake. Thank you, [Amr.] I appreciate it, of course. We're going to update it. And this is the kind of thing that I'm considering as terminology update even though it's not a terminology. But it was just an inaccurate reference point that lingered on and we haven't looked at it for a while. So we're going to make that change.

IRT comment on this one. Anyone want to speak on this? If not, because of this item here, I'm going to hold off on closing this, which is the same [comments,] until we make a decision on how we phrase this, whether we're going to delete the whole thing or [inaudible] to just change—delete those ones. We'll leave this one. Thank you for the IRT input.

Okay, so this is ... Yeah, I had added a task because it's a big important step and I didn't want to do it without explicit decision. I know we talked about it and we all agree. Here is a decision point where I want to make sure that before we delete appendices, entire section, A, B

and C, so there will be no more appendices on this policy language once we take this action. So I wanted to highlight that and put it on your to look at that carefully. And we're still on 13. I have not received any objections to that, so we are going to go ahead and do that.

So Isabelle, go ahead, you have authorization to delete that section. Thank you very much. This is additional registration data directory service (RDDS) information policy. In this case, we have used RDDS to replace the WHOIS for the terminology change. Let me see if anyone entered comments. This was just due yesterday, right? No, actually, it's due today. Sorry, if you haven't had a chance to look at this, I guess the due date was officially today, so to be fair, you have the end of day to review it and look at this. I don't know why I got signed out, but I'm getting back in there.

Okay. Andrea, there is Jonathan waiting in the room. Please let him in. He's our friend.

ANDREA GLANDON: He's coming.

DENNIS CHANG: Hey Jonathan. You're late. We're almost done. You missed all the fun part. So that concludes all the [prepared] OneDoc [inaudible] for you to review. And we come to our agenda item AOB. Marc Anderson has a hand up. Do you want to comment on this doc, Marc?

MARC ANDERSON: Hey Dennis. Yeah, apologies, I've not had a chance to look at this one yet.

DENNIS CHANG: No apology necessary. Remember, you have until end of the day.

MARC ANDERSON: Right. But when you pulled it up, I noticed that this references access to certain registration data, and this is via webpages and port 43. Port 43 is of course WHOIS—the protocol specific, so probably not appropriate. And also probably just not necessary to have that there. I think you can probably just lop it off at the end there after it says access to certain registration data, period. That's just what I'm noticing now, having it up on the screen. And again, apologies for not having a chance to look at this one yet.

DENNIS CHANG: Yeah. Please do look at it, you have time to do it. And that goes for all the IRT members. But that is a good point. I was looking at that, should we go ahead and take the opportunity to just delete that reference, or do we need it still because it's still alive? So it's sort of a debate in my head, what to do. But I'm glad to get your input on this. Amr, you have your hand up. Go ahead.

AMR ELSADR: Thanks, Denis. This is a general comment, not specific to this document, since we're wrapping up RedDocs. Could I ask you to, if you

would be so kind, Dennis, would you mind sending sort of a summary to the IRT mailing list with all the changes we've agreed to and those that you're still going to review? Just to help us keep track of what we've actually wrapped up today and what is still open for discussion. I think it would be helpful for is because going through these over a call and just trying to make sure we don't miss anything, I just think would be helpful. So if you would do that, that would be really great. Thank you, Dennis.

DENNIS CHANG:

Yeah, I can do that. [inaudible] one at a time say, this one we closed, this one we're waiting. And just so you know, the way I'm keeping track of that is here. So I will use this column, which is an information—the IRT workbook, that's what I'm calling. So I know this one is completed, this one is completed, so the staff has direction to go ahead and publish those. This one, we're going to wait for Seb, and the other ones—well, some of them we didn't look at yet, but the other one had the comments that we're going to do. So yeah, I can do that. That would be helpful to the people who are not at the meeting [too, I would think.] Sure.

AMR ELSADR:

Thank you so much, Dennis.

DENNIS CHANG:

You're welcome. Trying to make it as easy for the IRT as possible to help us. [Any other comments? That is a perfect AOB, actually.] Beth

likes your idea too. Eric does too. That’s good. Thank you for suggesting it. We’ll do that. Any other business? If not, as promised, I’ll open up the floor to our guests here for community Q&A. So, have there been any questions we received? Somebody help me to catch up.

ANDREA GLANDON:

One moment. There was one at the very beginning from Maxim, “Is there a target date for delivery of the first draft of the data protection agreements?”

DENNIS CHANG:

Yes. Beth, why don’t you answer that question?

BETH BACON:

I think we went into that and gave a general timeline in my previous overview. If Maxim still has issues, he can shout at me. But we are going to reconvene at the end of this month following any ICANN meeting weeks, and then aiming for reviewing that whole entire document and getting to a really good place, a solid place to review end of the year. But if that changes, we can update. Thanks.

DENNIS CHANG:

Alex?

ALEX DEACON:

Just, again, I think it would be important that if we have a date for that one particular DPA, it would be important and helpful to have dates for the other three that we discussed that the policy requires be written. And if we know when the dates of deliveries of those would be, we'll have a better idea of when we'll be able to finish kind of the IRT work, which personally I think would indicate when we could go to public comment. Thanks.

DENNIS CHANG:

Yeah. So Alex, to be clear, the team is deciding that they're going to focus on the DPT between the CPH and the ICANN Org. So that's the focus right now and all the energy and effort is going into that one DPA. And it's a good thing that they're doing that, because there have been many changes and different approaches that the team has tried working on, and they're trying to come to a concept and agreement. So once that is done, then they're going to look at the other DPAs, but until that happens, we are not going to distract the team from that main point.

And of course, once you do the most difficult one, the other ones, I expect—and we're all expecting—will follow fairly quickly. And again, as a reminder, [we have not decided] that those other DPAs will be available at the same time [inaudible]. We will share it with you, the IRT members, but [inaudible] on the public comment because of those is a decision [inaudible]. I'm not sure whether that is the best thing to do for our implementation.

That's the [progress tracking.] Okay, so ICANN Org, I think Susan is asking, "It'd be helpful to hear from ICANN org on the progress ..." I'm not sure if Susan is meaning the same DPA that the team is working on with Beth or if she's referring to the other DPAs that we have not yet looked at. So I think I answered both questions, but let me know, Susan, if you have further questions on that. Of course, you're an IRT member so feel free to speak, and then we can talk about this at our next IRT meeting too. Any question from the public? Non-IRT members. This time was reserved for you.

ANDREA GLANDON: No hands or comments right now, Dennis.

DENNIS CHANG: Thank you, Andrea, for confirming. If that's the case, why don't we wrap it up and move on to our next meetings? I think this was our last ICANN 69 session, but we of course have other meetings.

ANDREA GLANDON: Dennis, Phil Marano is asking for a link to any of the documents shared today.

DENNIS CHANG: Phil, the link to the documents is not available to non-IRT members. So this is what we were talking about, that when we are done with, like for example this ... Because I think we decided that [we're not going to do that,] so for example, when we are done, the IRT is done

with this redline document, it'll be published on the Wiki and the Wiki is here. This is what we mean. This is a publicly available place that IRTs publish their documents here. So it will be going here for your review. So things like this kind of document and FAQs are available here, and we will be adding documents on this section.

ANDREA GLANDON:

Dennis, Susan Payne also has a question.

DENNIS CHANG:

Oh, okay. That's a good question. It's quite simple. The reason we are not going to share with the public the documents that IRT has not first reviewed and we have some sort of an agreement that we're done with it is because we may have gotten something completely wrong and it needs to be corrected before we share it. But in all cases, they will all be shared at the end of the day. We're just trying to save the public any unnecessary review and react to it before it's time. And of course, all of these documents will be available for public comment [inaudible].

Well, I think we are at the end of our session time. So here, I will say thank you, and we'll see you again the IRT members and the public and the community. Thank you for joining us today. So Andrea, you may stop the recording and close the meeting.

ANDREA GLANDON: Thank you. This concludes today’s conference. Please remember to disconnect all lines, and have a wonderful rest of your day.

[END OF TRANSCRIPTION]