
ICANN74 | Policy Forum – GAC Discussion: WHOIS and Data Protection
Tuesday, June 14, 2022 – 13:15 to 14:30 AMS

JULIA CHARVOLEN: Hello, welcome to the ICANN74 GAC discussion on WHOIS and Data Protection. During the session, questions or comments submitted in the chat will be read aloud. If you are remote, please wait until called upon and (audio distortion). For those in the GAC room, please raise your hand and when called upon, unmute your table mic. For the benefit of others, please state your name for the record and speak at a reasonable pace. I will hand the floor over to Manal.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Julia, and good morning, good afternoon, and good evening to everyone in the GAC room and Zoom, and I hope colleagues here have enjoyed lunch. Welcome back to the GAC session on WHOIS and Data Protection, and this session scheduled for 75 minutes. With Lauren Kapin, Melina Stroungi, and Chris Lewis Evans, to discuss the status and consider possible next steps for the GAC in relation to deliberations and implementation efforts aiming to establish a new WHOIS registration data policy taking into account of course the relevant Data Protection law. And with that, allow me to hand to our topic leads, to Chris, please go ahead.

Note: *The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.*

CHRIS LEWIS EVANS: Yeah, thank you very much, Manal, and hello to all the colleagues. My name is Chris Lewis Evans, and I'm with the UK National Crime Agency. So as Manal said, we're going to go over the WHOIS and Data Protection parts. And as we all know, this has been going on for a number of years so we have quite a few points to cover. So we will go over why this is important to us, why we keep talking about this, will provide you with a bit of background, show the timelines both past and future, let you know of the concerns that we have raised and ongoing, consider some of the SSAD recommendations and then look at the accuracy scoping effort and objectives for this meeting at ICANN74.

LAUREEN KAPIN: Hi folks. My name is Laureen Kapin and I will be speaking here in my capacities as a member of the GAC small group that is focusing on those domain name registrations data issues. So in any conversation, it's always good to start off with the question why should you care about this issue? And since we do talk about it in almost every ICANN meeting, it's an important question to answer.

So these are not new issues. The GAC principles regarding gTLD WHOIS services date back to 2007, and I use WHOIS and domain

registration data -- but for our newer GAC colleagues, the importance of this information which relates to who is responsible for a domain name, who is buying that domain name and controlling it, and the data they provide in terms of a name, email, contact information. This has been the topic of GAC focus for quite some time in Communiqués. And the GAC principles -- and taken together, these principles really give us a great outline of why this is important.

So this information is used for a number of legitimate activities. It assists law enforcement authorities when we investigate cases. It assists law enforcement authorities when they're trying to guard against abusive use of Internet communication technologies. So your investigation typically will try and find out if there is a problem with a domain name engaging in an illicit activity, say phishing, you will want to find out who is behind it, that is the investigation phase. But that flows into who will you take enforcement action against? So that gets to the prosecution of bad guys and gals who may be involved in illicit activities using the domain name system.

But it's not just your government folks and law enforcement who this information is important to. It's important to businesses to make sure that no one is impersonating them or pretending to be a legitimate organization when not, and of course businesses

have their own security folks that are interested in combating fraud and making sure that the public is safeguarded. Helps folks who are trying to enforce their intellectual property rights. And I think at a foundational level, it helps you and I and all the users of the Internet be confident that when we are buying something, when we are giving over sensitive financial information or health information, that we know when we're online that we will be safe, that our information won't fall into the wrong hands, that no one will steal our credit card information. And these principles are still relevant even though the GDPR very much changed the landscape of how this information is made available, and it struck a balance between the issue of how to protect personal data and how to make sure that the Registration Data is still available for all those important public interests.

So with the advent of the GDPR, the GAC also continued to provide advice and guidance on these issues and advise the Board that it should use best efforts to create a system that continues to facilitate legitimate activities recognized in these 2007 principles include this is a very practical piece of advice, keep WHOIS accessible for security and stability purposes. That language should sound very familiar to you, a core part of the mandate. So folks can protect the public, consumers, law enforcement can continue to investigate and mitigate crime, and do this through a user friendly and easy to access system. And

also to keep WHOIS quickly, quickly accessible to the public. And baked into the GDPR is an access mechanism for those with a legitimate purpose.

So that is sort of a broad overview of why we should care about this information and how it's made available, even with the balances that must be struck to protect personal information and continue to provide access for legitimate users for legitimate purposes. I will pass it back to Chris to give us a little background of all the activities that have taken place in this area.

CHRIS LEWIS EVANS:

Thanks, Laureen. So Laureen said a little background. You will probably see from the slide if we go to the next, please, it's quite a full slide. I will try and break it down as simply as possible. Obviously this was in the GAC briefing notes, so you will see a large amount of blue links there so if you want any more information you can obviously click through those.

So where we started with this was back in 2018 with the advent of GDPR, the ICANN Board brought out a temporary specification to allow registrars and registries to handle WHOIS without breaking the contract or the law. So that was enacted in early 2018. In 2019 this became a registration data policy. The GAC at that point stressed that this caused a fragmented system for providing

access to this registration data and that any further work should be done as expediently as possible. So this brought on some of the Phase 1 policy development work, concentrated on which aspects of the data needed to be redacted under GDPR, how that was done and different parts of it. So that was Phase 1 which coincided with the Montreal ICANN event. And during that we reiterated the importance of getting this done quickly and required an implementation timeline that would provide a system for access for Public Safety purposes and commercial purposes to give them access and to be able to continue to use the system for the security and stability reasons Lauren has already mentioned.

So then talking about the implementation, the Phase 1 policy development team recognized the importance of this and actually put it in the recommendations that the implementation phase was to be completed in February of 2020, I believe. And as you can see from the slide, that implementation is still ongoing. There has been some goods developments recently which we will go onto later and a public comment period for that has been announced for August of this year.

So going on to Phase 2 of the SSAD policy, so this was concentrating on the access to the actual WHOIS data for the items that were redacted. This work completed in July 2020, and

there were a large number of recommendations in there, the recommendations were very complex, there were lots of them. And due to this aspect, the Board requested that Operational Design Phase, or ODP, was carried out. The Operational Design Assessment was completed and presented in January of this year, and was presented to the GNSO for for their consultation. And the GNSO looked at this and found that again, it was very complicated -- I think complicated will be mentioned a couple of times. They asked that this is put on pause for Proof of Concept, so a request has gone in and they're just waiting for an answer to that.

Phase 2a -- because they didn't like Phase 3, I don't think -- was looking at the treatment of legal versus natural entities and pseudonymized email addresses. So under the GDPR there is a distinction about how you treat legal and natural person's data and the consideration of that was felt to be out of scope of the work within both phases 1 and 2. So there was a requirement for this sort of separate phase. And that was completed and the GAC submitted a minority statement and we go into a bit more detail on that, I won't ruin the surprise about what we said there.

Then lastly, starting October of 2021, a scoping phase for registration accuracy was started. And again, we will go over that in more detail as it is current and ongoing.

LAUREEN KAPIN:

So now we have the very complicated timeline graphic. The key takeaway here is that despite the terminology of expedited, in fact things have taken quite awhile. This work started in 2018 with Phase 1. And although the Phase 1 recommendations were in fact completed quite quickly, you can see from this second line, the EPDP Phase 1 in green and the phase 1 implementation in red -- green for go, red for stop -- the implementation has taken quite sometime. We are anticipating that the implementation review team will in fact be publishing a specific timeline, and that will be a welcome development. So there will be a publication of their implementation plan, and then an opportunity for the public to comment on that plan. And of course the GAC is a key stakeholder group who would be reviewing that and perhaps providing a public comment. So that is the implementation of Phase 1.

Phase 2 is turning out to be a little even more complicated in terms of timing and progression. We have the recommendations for Phase 2 and Phase 2a, and both of those have been acted on by the GNSO Council. And they are now in -- the Phase 2 particularly is now in this phase whereas a result of ICANN's work which we will talk about more and its assessment of those recommendations in terms of how much it will cost, how long it will take, how practically feasible it is, there are now ongoing discussions about the best way to proceed. So we will set that

aside a little bit but you will see there is an end point there. And then the newest phase in terms of scoping doesn't have Phase 1, Phase 2, or 3, it's the predecessor to a policy development process, it's the scoping part, if there is, what should be the contours, what should be discussed, on the table, off the table. That is the scoping, and that work is currently ongoing.

So this leads us to the Operational Design Phase which you probably have been hearing a bit about in the last meeting. And also when you are hearing about the system for access and disclosure SSAD Light, this all relates to the Phase 2 recommendations and the best way to proceed there. So either way, at the end of the day -- we started in 2018, we're here in 2022, and we don't really yet have closure on these important issues about implementing policies, permanent policies, to deal with access to this important information. So that's the takeaway from the timeline.

We're going to focus now on more specific concerns that the GAC has with some of the outcomes of this work, and I will pass it back to Chris. And we can go to the next slide.

CHRIS LEWIS EVANS: Thanks, Lauren. Chris Lewis Evans, for the record again. So just to highlight some of the concerns that we put forward, so as we

have said, as the GAC small team we took a very active part in the policy development process. However, I think as most of the consistencies inside there and groupings, there were a few issues with some of the recommendations. And most of the groups released a minority statement which we also did for these two. So some of the issues that we were concerned around were that the recommendations created a fragmented rather than centralized disclosure system. So this was brought about because the recommendations allowed for each of the registrars or registries receiving disclosure requests to make their own balances test decision. So this means that there are 2,000 possible ways of creating or doing that balancing test, and obviously that can create a less than standardized platform to work from.

One of the other aspects was the mechanisms within the SSAD didn't include a reliable method of evolving. So if there were to be a way to centralize those decisions, then that wasn't easily adjusted to account for new legislation or better understanding of the law. At the time of this GDPR was still fairly new and we really thought a mechanism to allow to change was necessary. We were also concerned around some of the compliance issues around the enforceable standards when making those disclosure decisions. I think we have heard before that it's really important to give ICANN the tools to be able to enforce some of the recommendations. So we thought these could have been a little

bit stronger to give ICANN the tools to be able to uphold any new policy.

And also a concern on the next slide is that there was a possibility that some of the financial considerations might cause disproportionate costs for the users, and this might deter actual use of the system. Sorry, so that was a minority statement within Phase 2. Going on to Phase 2a, which is the distinction between legal and natural persons, there were a number of really useful aspects within that. One of those was the creation of a flag that allowed registrars and registries to be able to identify different administration data and whether that was a legal person data or a natural person data. So we thought this was really key to being able to properly address some of that data and provide the proper protections to some of the data, which I think is really key here. We are wanting to protect the people's data to the best part of the law that we can and provide those protections. But where a legal person and that protection isn't necessary, then also we believe that the data should be released.

However, while the flag was there, it was a recommendation, it wasn't a requirement they had to do. So it was optional. This was a concern for us and we felt it fell short of expectations for this policy requirement, and that was part of our statement. And then going on to the costs -- next slide please.

LAUREEN KAPIN:

Next slide, please. So this focuses on ICANN's assessment of all these recommendations for Phase 2, which as you have already heard generated some GAC concerns and concerns by other stakeholder groups in the community and were actually numerous and complicated. So the assessment, which is a welcome tool to take a look at recommendations and ask some important questions in terms of timing and money and feasibility, raised some important issues. One, there was an observation that any system based on those recommendations could take a long time to build, three to four years. There were issues raised as to how complicated it would be to build this system with so many types of actions and systems and processes. And if you have a lot of time and a lot of complexity, there was an observation that you may actually have to spend a lot of money to do so. So ICANN org gave some estimates about the cost that this system might impose. So you will see that 14-107 million for ongoing operations. And then there is also an assessment of how will this be paid for? And you will see well, sometimes that really depends on how many users you have and how you divide that total figure by the number of users. So you will see variable costs that have quite a range that is depicted in this last box, what is showing as red on the screen.

But I think the concern here also is that this may be a system that possibly could be expensive for its users. And as you and I know, in times of inflation and grocery shopping and gas, when things are expensive we may be less apt to buy things. So this was a whole range that was raised by the Operational Design Assessment. So when the GAC looked at the assessment, there were also some concerns that we thought that the way the ICANN org interpreted the specifications dealing with how governmental authorities are accredited, i.e., when a government wants to request information, how do you know it's really the government who is asking, putting it down to very basic concepts, that the organization didn't describe these responsibilities in a way consistent with the actual recommendations. So we alerted and communicated on that issue to make sure that if the system is going to be described in a formal way to the community that it has to be in a way that actually reflects the actual recommendations.

But all these concerns generated some action by the ICANN Board and consultation with the GNSO. And just where things were procedurally, you had the GNSO accepting the recommendations and then it is up to the Board to decide if it will approve those recommendations or not. And in the middle you had this assessment that raised concerns. So these concerns then resulted in a consultation between the GNSO and the ICANN

Board, and they wanted to find a way to address these questions and concerns. So they formed a small group to discuss these concerns. So there was a pause, a little interlude where ongoing discussions took place. And one of the things that emerged from these discussions -- and the GAC took part in these discussions, your small group representatives, decided that maybe instead of implementing something that reflected all the recommendations in all their complexity, that it would be useful to do something a bit less ambitious. And that is why you have come up with the SSAD Light terminology. It is basically only focusing on certain components of the recommendations. For example, it excludes all these accreditation issues, which in fact in ICANN's view would have been very costly, and essentially it's setting up a prototype that will allow for a central place for users to make a request for this information in hopes that if you set up a prototype, a Proof of Concept for a limited period of time, that that will allow ICANN org and the community to know whether the system is going to be useful or not.

So ICANN org is now, after hearing the discussions of the small group that is focused on this response to the Operational Design Assessment, considering what such a Proof of Concept or prototype could be. And the group is waiting for ICANN org to provide some input on that. So there is a continued dialogue about this. And even though the many stakeholders have come

together in this group so discuss these issues, there still remain concerns overall about what the contours of this light system should be, what sort of information it will generate, and if it will answer the questions we really would like answered which at the end of the day are will the system meet the needs of the users?

So this is ongoing work and falls into the stay tuned category. I will pass it on to Chris. I hope I haven't actually anticipated some of the issues he was going to talk about, in which case I would have saved a little bit of time.

CHRIS LEWIS EVANS:

Thanks, Lauren. So if we can move on to the next slide please. So I think as Lauren has mentioned, the Proof of Concept is in that very early phase. This only came out the end of May and there is a lot of discussion going on in amongst the community. I think from our perspective, what we are interested in, what does this look like, what does the result of this Proof of Concept look like, how do we know when we get the results of the Proof of Concept and how will that inform the policy work and the recommendations that went before that? So I think it's key for us to be considered in that. And obviously slightly biased, being part of the UK, that Nigel's question around what are the timelines for the SSAD Light I think are really key to this next phase.

So as I was saying, I think understanding where we need to get to is really important in how we get there and how long that will take. As Laureen mentioned, there are a number of items with the recommendations of Phase 2 that aren't considered or won't be deployed within the SSAD Light. And I suppose another question is whether the ICANN org or Board consider this to be a rolling process, will it incrementally add some of the processes. And that will be of interest to us as government and Public Safety people, one of the key points is the no central accreditation authorities, a recommendation that allowed each country or government to have its own accredited authority. So it would allow them to stipulate which bodies within its country were Public Safety entities and allowed access to the data under that remit. The advantage of being identified as a governmental Public Safety allows certainly under the GDPR allow for them to be recognized as a competent authority which gives greater access to data. So I think for us this is a key feature that we will require at some point but obviously at the meantime without the security of knowing that a SSAD, a full SSAD would, be viable, I do think an SSAD Light system is worth investigating and worth considering within the GAC whether to support this.

One of the other features goes back to our issues of concern is that ICANN will not pass any operational costs on to the requesters. So that helps and removes one of those concerns we

had and hopefully with that, that will encourage usage of the system so we can get a fair reflection of the users that will be using it and the volumes of those. So with that, if we can go to the next slide, and I will pass it over to Melina for data accuracy. Thank you.

MELINA STROUNGI:

Hello, just trying to open my camera. Can you see me? Okay. So hi, everyone. I'm really sorry that I could not be there with you today. I was really looking forward to meeting all of you and just to be honest, it was a disappointment for us, we had to cancel last minute our plans because apparently we were not deemed healthy enough to meet ICANN standards. But anyway, so I'm just coming right from the meeting we had with the accuracy scoping team which took place unfortunately at the same time with the GAC presentation, so I have very fresh and hot updates to give you.

To quickly remind you, as you see on the slides, basically the accuracy team had four assignments. The one was to list the current requirements, what is the contract, and how enforced. And to find ways of how to measure accuracy. So accuracy for example can be measured by thirds parties, contracted parties, by ICANN, et cetera. The third assignment was to assess whether these requirements are efficient. And last, on the basis of the

overall findings, to see if there are anyways to improve further accuracy.

Where we stand right now, we're currently working on assignments 1 and 2. And the rest, 3 and 4 is discussed to be put on hold, and I will explain the hold process. So we have expressed many times how important it is to hold contracted parties accountable, and for assignment 1 especially, we have stressed a lot of times it's important to capture the full state of play, so the full set of requirements in place and how these are enforced. Unfortunately, just coming out from the accuracy scoping meeting, it seems that it won't be completely possible to reach a consensus there. So now we are working on an accuracy description where we list what is currently required in the contracts. But we as GAC also wanted to take into account the input by ICANN compliance according to which they explain how these requirements are enforced by ICANN compliance.

So what contracted parties argue is currently the accuracy requirements are limited only to syntactical accuracy -- and basically when spelled correctly and email address does not bounce back but received input from ICANN compliance, also in cases where the name of the registrant is patently inaccurate, even if the data passes the four-month validation requirements, it can still be considered inaccurate. And we are trying to push for

these inputs to be included in the accuracy description for the sake of completeness but we met resistance, unfortunately little support from other groups, so this is still hidden in a bit of a footnote. So still there and we're trying to find support from other groups to move it from the footnote to the main text, but this is how it is.

Actually today I made the point that we are specifically instructed by the GNSO to take into account any input we receive from ICANN compliance. And the argument I got back that ICANN compliance interpretation is wrong. So I don't believe we're in a position if something is right or wrong; we're just asked to capture it there. Now maybe we can go to the next slide. So basically all of the work we're now doing on assignments 1 and 2 is expected to be captured in an interim report published in the coming weeks, June, July, so the current description of accuracy is what I just explained and now we're moving to assignment 2, so basically to find ways to measure accuracy.

As I mentioned in the beginning, there are various ways to do that and each group would propose ways to measure accuracy. So for example we had the accuracy reporting system which the GAC supports to be back in place. We had third party [indiscernible] or measurement by the contracting parties themselves. So what is now the state of play is that there is a recommendation for a

voluntary survey by the contracted parties. Basically to send to contracted parties a set of questions asking what verification requirements they have currently in place. And on the basis of that to collect information on how they measure accuracy, if they have validation procedures in place, verification procedures in place. So basically it will be a question around the procedures. So no personal data will be collected.

Now, we see a number of problems with that because, first, the survey will be voluntary, no way to make it mandatory, so means maybe very few will reply. Then we don't know what kind of replies we will get. If we can 100 percent that say they're fully reliable -- because no one would come forward and say, hi, I'm not compliant. So basically we have all these questions. But anyway, we are not opposed to have the survey for sure. The problem is that there is a recommendation to pause the works, to stop assignment 1 and 2 and not proceed with 3 and 4, while at the same time waiting for results from issue on whether ICANN can actually access the data to assess whether they are accurate. Before the GDPR had access to the data, now not publicly available anymore so ICANN wants to see if they have legitimate interest in accessing the personal data not publicly available, and for that reason they plan to address the European Data Protection Board. They have drafted four different scenarios on whether [indiscernible] has legitimate access to this data. We

have provided guidance on what we think would be best way to redraft the scenarios in a way more targeted.

But basically now in the group they are proposing to pause the work completely until first of all they have replies on this voluntary survey, and second, until they have input from the European Data Protection Board. Now, we have expressed our disagreement with pausing completely the work because we believe there is room to move with assignments 3 and 4 while at the same time waiting for input on those two topics. I mean for one, the ICANN, the European Data Protection Board on whether ICANN has legitimate interest is not linked to whether contracted parties who are the ones who hold the data, have sufficient measures in place. So we don't see the added value of completely pausing everything by waiting because we don't know when the European Data Protection Board will reply, if they will, if the reply would be specific enough.

We also -- the same for the survey. Don't know when the people who reply to the survey, if they will reply. So pausing for an unknown timeline for vague results -- but it's a matter of consensus to see how we proceed. So this is where we stand right now. And I see a lot of questions in the chat. So I don't know what is the best way to do that, if I should read them one by one or if people want to take the floor.

MANAL ISMAIL, GAC CHAIR: Thank you very much. I'm looking in the room. I don't see hands in the Zoom room but I see Indonesia, Ashwin.

INDONESIA: Thank you for the presentation, the program for the RDS/WHOIS and accuracy and Data Protection and so on. I just wanted to see what happened before this meeting, for example -- let me read: To make sure that we don't have problems on WHOIS and Data Protection, in 2018, we discussed the legal problem between ICANN and epok, Germany -- if you remember, I can't remember if during the GAC meeting we discussed it or during this WHOIS discussion but it was [indiscernible] during the GAC meeting. If I'm not mistaken, there was a dispute between ICANN and Epak which is also ICANN stakeholders and goes to German court, makes the decision and so on, so forth and [indiscernible]

What I propose is that different policy in this field should be [indiscernible] able to avoid if there is a dispute between countries and ICANN. Because every country has a different Data Protection system. In GDPR it's like this, in Indonesia we have a different Data Protection system. Even the definition of personal data or strategic data is different from one country to another. So in this case I just wonder how can ICANN [indiscernible] so that the problem we had before, like the dispute within EPOC and

ICANN up to the German court and so on, so forth, that it's not repeated again. I like nice stories, they should be repeated. But not so nice stories should be avoided, just to make it better now and in the future. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Indonesia. And would the topic leads like to react now? I see a queue forming. Or should I go through the rest of the questions first?

LAUREEN KAPIN: Briefly, I very well take your point about the need for any system to be able to take into account the realities that there are privacy laws around the world and they may differ from each other, and there needs to be some sort of way that the policy systems will be able to also deal with the realities of the laws of the jurisdictions that are affected. So I very much take your point.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Lauren. I see Rosa, UK, India, and Brazil, and we will start with Rosa.

UNITED KINGDOM: Thank you. First of all, thank you very much for updating us and taking this important work forward. In terms of the survey effort

being proposed on accuracy of registration data, will the validation procedures that you mentioned be left up to contracted parties' interpretation or will a set definition be used? Thank you very much.

MANAL ISMAIL, GAC CHAIR: Thank you, Rose. Any reactions to this question?

MELINA STROUNGI: Yes, may I take the question? Thank you for this question, it's actually at the heart of the problem. I'm afraid the short reply, the straightforward reply is that it will be left up to them. You see, they went as far as to say that the interpretation by ICANN compliance is wrong. So it's as if they have the requirements of the [indiscernible] themselves if they fulfill these requirements. It's like a self-assessment exercise. So really there is no way of telling the survey -- as I said, it will be voluntary, it will gather information on what the contracted parties say about which validation procedures they have in place. But there will be no one I think to back it up, we will have to count on their word, and that's a bit of a problem that we see by relying completely on that. We don't say it's not useful to have of course as additional information, but relying exclusively on that might not be the greatest ideas.

And to react on a comment of Reuben's, absolutely, of course the intention is indeed to have truthful data, and the contracts do not only speak about accurate data but also be reliable data. And as you can imagine, when arguments come to that direction there is a lot of defensive position because they -- yes, they want to limit this to the narrowest interpretation possible.

MANAL ISMAIL, GAC CHAIR: Thank you very much. I see India next.

INDIA: Thank you, Manal, and thank you to the leads for giving the updates on both WHOIS and data protection as well as data accuracy. With accuracy important item and -- in order to cut the DNS abuse and cyber crime, the national Internet exchange of India, the registry of .in has started performing know your customer for assessing around the 3 million domains. And as far as making kyc monitor, this initiative in India we have started. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much. I see next Brazil.

BRAZIL:

Yes, and thank you to our colleagues. I want to follow up on the comment made by our colleagues from Indonesia. I understand this whole exercise started because of the sustained impacts of the GDPR, but of course there are other national legislations and some of them, [indiscernible] have inspired European laws. We don't have full assessment, still have to look into that more carefully but let's say countries that much a very significant system, a national Data Protection -- how we're doing this again because possibly requirements not the same so important to take into account.

The other point I wanted to mention when we know [indiscernible] to fully understand how this light model will work in practice, and I know that our previous recommendations from GAC itself regarding the accreditation of governmental authorities, the two topics go hand in hand, need to centralized the [indistinct] access to the system and I think both place a very significant burden on systems like ours, very decentralized and have thousands and thousands of [indiscernible] potentially would be entitled to have access to that kind of information. So scenarios of exercise that can potentially point to less burdensome in many respects.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Brazil.

CHRIS LEWIS EVANS: Just to respond to points from Brazil there and Indonesia, obviously the temporary specification was created because there was a conflict in the contract and law, and I think that was considered very thoroughly during the policy discussions that we had in Phase 1 and Phase 2 that any policy recommendations that we made had to be considerate of other laws in other countries and other laws that hadn't yet been passed. So we within the small group, we had a good range from the GAC and in fact I think India supported us really well because they were going through a Data Protection policy refresh at the time so -- put us in position of having to adjust policy because in conflict with law, and obviously the WHOIS has been there for a long time and stood for a long time. I know some members of non-contracted parties house said it was in conflict with Data Protection for some time, so I think it was massively overdue, a renewal and refresh. So those thoughts were thought about quite heavily not to conflict with law, and hopefully we're most of the way right. I can't guarantee it but I would hope that we have covered most of those points. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Chris. Any other comments from our speakers or any other questions from colleagues? And Rose,

assuming this is an old hand? Okay. Thank you. Okay. So we will continue now with the material. I don't see any further requests for the floor, I'm handing this back over to you Chris, thank you.

CHRIS LEWIS EVANS: Yeah, thank you. Chris Lewis Evans, for the record again. Next slide please. So as I mentioned, we just want to highlight objectives of the meeting, as mentioned, the SSAD Light or as it was referred to in our recent meeting with the ICANN Board, WHOIS Disclosure System, is very new. So we need to think about what we want from this system, how we want it to perform and act, and obviously provide advice on that regard. And I know we will have a very interesting meeting with the Board later, and I'm sure we will get some more information and be able to generate some interest there.

We also probably need to examine the prospect of a new policy development in relation to accuracy. As Melina points out, the scoping exercise had some delays. So do we need to consider other accuracy work in light of this? And then also we mentioned this has taken some time so we probably need to assess the impact on the public interests, the psw3 had a meeting with Europe pol and a number of the law enforcement member states and the current state of the parties seeking registration data is definitely fragmented, is I think the best way to say it in line with

our concerns. So we had evidence of some parties not getting answers back, other parties getting answers back from the same person. So it does sound like some of our concerns around getting access to the data are well founded and have evidenced.

And then also there is the continued impact of the implementation of the accreditation policy, and this again very key for Public Safety. There were recommendations that gave public safety access or a route to access this data, very important for us to get hold of and this was paused because of the work going on in the GDPR. These services are still being used by fraudulent sites and impacting Public Safety interests and without a viable policy implemented, this still causes some concern. And lastly is the implementation of the Phase 1, Phase 2, Phase 2a how we roll from an SSAD Light/WHOIS Disclosure System into a fully fledged access disclosure system.

So just flagging potential Communiqué issues in text. So I will stick with the SSAD Light and pass it to Melina for the accuracy side. I think I have mentioned a few times here the concerns around SSAD Light. So time, usefulness, and next steps. So I think conversations around those for long in the Communiqué will be really useful. And Melina, do you want to speak about the potential pause?

MELINA STROUNGI:

Yes, thank you. So basically I think I already explained that now there is a discussion on pausing the work. So while waiting for the feedback from the European Data Protection Board on these scenarios and while waiting also for this registrar survey, and we are have gone expressing our disagreement with the pausing of this work as we don't think this is the most efficient way forward, so we are going to propose to work on a text to include in the Communiqué on that element. An alternative is to also -- and it was proposed also in today's accuracy scoping meeting, maybe to have this as a homework assignment, so basically groups coming together to discuss what things we can already assess in the context of assignments 3 and 4 while waiting for feedback and then decide on that basis. But all still ongoing and remains to be seen.

What we can also potentially include in the Communiqué is that it's important to clarify that there is not a common understanding in the group of how accuracy is currently implemented and enforced. So these are some suggestions that we are going to work further on today. I don't know if there are any questions. I had a long comment in the chat but I will take a few minutes to read it.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Melina. I see the US, Susan, please go ahead.

UNITED STATES: Thank you very much for this update. I was just wondering could we go back one slide? I have a question regarding the content of the previous slide. On the third bullet point, I see assess the public interest impacts of the current interim policy. How is the public interest -- what are those public interest impacts?

CHRIS LEWIS EVANS: Yes. Chris Lewis Evans, for the record. So the impact of the current policy, so the temporary [indiscernible] access to registration data delays access to law enforcement and consumer protection organizations getting access to registration data, and it is causing a delay and an inability for those people to be able to carry out their work.

UNITED STATES: I would just like to note, I think I want to be a little bit careful about making public interests synonymous with public safety. So I think the US notes that any accuracy policy should comply with global privacy laws and also protect the rights of registrants, especially those most vulnerable to abuse. And in this regard, to the third point, the availability of privacy proxy services [reading]

promoting free expression and equitable access -- so we take more of a holistic view into account. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Susan. Further comments or questions? And I also see we have some comments in the chat. So colleagues, if you would like to speak to the points you wrote in the chat, please feel free to do so. Otherwise I'm not seeing any further requests for the floor. Any final comments, Laureen, Chris, or Melina? Or shall we conclude?

LAUREEN KAPIN: I want to thank everyone for their attention and sort of end where we began where we focused on the fact that all of these procedures and discussions and debates really seek, as my colleagues from the United States recognized, to achieve the proper balance between all of the interests at stake. So those were privacy rights, those are Public Safety concerns, it's law enforcement, business, IP rights, cyber security, a lot of interests that the GDPR in fact actually bakes into its assessment in providing a framework to assess this balance and achieve the balance. So that is where the real work lies for us, to figure out how to strike, those balances. And yes, it's difficult but I think we have a lot of good will and good brains to try and grapple with this.

MANAL ISMAIL, GAC CHAIR: So thank you --

MELINA STROUNGI: Sorry, just one last comment because I saw comments in the chat. Just to clarify that from our side, we did not attempt to make any interpretation on the requirements or on how they're enforced by ICANN compliance. We didn't try to interpret any kind of input it receives or assess it. Our only point is that since we have been instructed by the GNSO to take into account input by ICANN compliance, it would be good to document it. So our only disagreement is on the documentation part. So we want it to be documented clearly while some other stakeholders do not want it to be documented clearly. But not a matter of interpretation or assessment, it's just a matter of putting it in a more prominent place in the text. Just wanted to clarify to avoid confusion. Thank you, and thank you everyone.

MANAL ISMAIL, GAC CHAIR: Thank you, Melina, and thank you to Laureen and Chris for the very thorough and informative background information. And thank you, Melina, for taking the effort to attend two sessions at the same time and bring us timely updates from the scoping team. And thanks to GAC colleagues for the active participation.

It is now time for a 30-minute break. Please be back at the hour to start discussing an equally interesting topic which is DNS abuse. Thank you.

[END OF TRANSCRIPTION]