
ICANN76 | CF – GAC Discussion on WHOIS and Data Protection Policy (incl. Accuracy)
Monday, March 13, 2023 – 15:00 to 16:00 CUN

GULTEN TEPE:

Hello and welcome to the ICANN76 GAC discussion on WHOIS and Data Protection, including a crisis session on Monday, 13th March at 1300 local time. Please note that the session is being recorded and is governed by the ICANN expected standards of behavior. During this session, questions or comments submitted in the chat will be read aloud if put in the proper form. If you wish to speak, please raise your hand via Zoom.

Once the session facilitator calls upon you, please unmute yourself and take the floor. Remember to state your name and the language you will speak in case you will be speaking a language other than English. Speak clearly and at a reasonable pace to allow for accurate interpretation. Please make sure to mute all other devices when you are speaking. You may access all available features for this session in the Zoom toolbar. With that, I will hand the floor over to GAC Vice Chair, Francis Cubahiro. Francis, over to you.

FRANCIS CUBAHIRO:

Because we have Melina Stroungi from the European Commission. We are all at the right time to discuss this. Thank you very much.

KENNETH MERRILL:

Kenneth Merrill, Unites States GAC alternate.

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.

LAUREEN KAPIN: And I'm Lauren Kapin. I'm hearing myself in stereo. I'm Lauren Kapin and I'm speaking in my capacity as one of the co-chairs of the Public Safety Working Group and also as a participant in the GAC small group on WHOIS in data protection policy matters, including accuracy.

CHRIS LEWIS-EVANS: Hello, I'm Chris Lewis-Evans from the UK, also one of the PSWG co-chairs and also a member of the GAC small group.

FRANCIS CUBAHIRO: And Ms. Melina, are you with us?

MELINA STROUNGI: Yes, hello? Can you hear me and see me?

FRANCIS CUBAHIRO: Yes, we can, thank you.

MELINA STROUNGI: Hi, this is Melina Stroungi from the European Commission. I'm working in the Internet governance sector and I will be covering the registration data policy together with my colleagues.

FRANCIS CUBAHIRO: In this session, we're going to discuss the bylaws and we're going to analyze future steps and the efforts for the implementation and new policy charters and data protection. So, I'm going to give the floor now to Kenneth. Please, Mr. Kenneth, you have the floor.

KENNETH MERRILL: Thank you, Francis and Chris Lewis-Evans for the record. So, yes, so as Francis says, in this session, we're going to go over some of the background of the WHOIS and data protection work in the interest of the GAC, go over the WHOIS Disclosure System, move on to the implementation of the Phase 1 EPDP implementation, then discuss data accuracy and then have a conversation around the considerations for the Cancun Communiqué.

Next slide, please. Brilliant, thanks. So, before I go through this slide, I'll just call out the capability building workshop that we had on Saturday. If there's any aspect of this you don't understand, that resource is available and it was a very good session, so thank you for organizing it and there's some more background on the WHOIS and data protection you can find there. So, why is this important to the GAC?

All the way back in 2007, we gave our advice and we recalled that again recently, well, fairly recently, 2017, around the importance of this issue and how it insists law enforcements and their ability to investigate and enforce national laws when combating abuse of the internet, assisting businesses to protect themselves and combat fraud against their business and their interest. Impacting on the infringement of intellectual property and also contributing to user confidence in the

internet and we heard from the new standing in president around the key part of that within ICANN for a safe internet.

Going on to the data protection side, obviously the effort was started off by the change in GDPR and the implementation of GDPR and it's really key that the release of that data is in line with data protection principles in the relevant states. But at the same time, it needs to be accessible for those with a legitimate interest and a lawful reason for doing that and really that's what we need to maintain. And going on to the next slide please. Over to Laureen, thank you.

LAUREEN KAPIN:

So I'm going to try and quickly cover some of the rather complicated, perhaps torturous history in the different work streams that have been going on. The slides are going to be there as a reference and we're happy to answer questions and we do cover this in many of the GAC meetings so you'll forgive me if I don't go into detail. And I almost feel like it bears an introduction with in the beginning, but the advent of privacy laws really caused a necessity for there to be a change in the status quo of the ICANN contracts.

So in 2018, a temporary specification was incorporated as the interim policy and at that time the GAC flagged a concern that this temporary policy allowed for potentially thousands of distinct policies depending upon the registrar involved and that was in our Barcelona communique and letter to the ICANN board. Those were in 2018 and 2019. So there needed to be, because as the name implies it was temporary, there needed to be something to replace that. So Phase 1 of the expedited,

we now know it's not so expedited, but Phase 1 of the expedited policy development process was launched.

And that was adopted by the board in 2019 and actually the implementation recommendations have recently concluded and we're now in the process, I say we, but what I really mean is ICANN org is in the process of reviewing the public comments received and actually the GAC contributed a public comment to that process. So Phase 1 is being implemented after mostly being adopted by the board. And there has been, if you're interested, a summary of those public comments published by ICANN org and there's a link to it in the materials.

Next slide, please. So what comes after Phase 1? Well, phase two, of course. The phase two was the fondly known as the SSAD policy development process, and there were recommendations for that that focused on a system for access and disclosure. And the GAC did file a minority statement regarding those recommendations. Any entity, stakeholder group who participates in the process and has concerns may file a minority statement and identified several concerns dealing with possibilities of a fragmented rather than centralized system created by the recommendations, concerns about enforceable standards to review the decisions whether or not to disclose domain registration data, a concern that the recommendations didn't adequately address consumer protection and consumer trust concerns, and that there weren't reliable mechanisms to evolve in response to increased legal clarity.

And then finally, and this is something we're going to hear a little more about, there were concerns about money, that this system could result

in costs for people who wanted to use the system, and that might make it difficult for folks who really need to use the system, for example, those involved with addressing cybersecurity threats, to use it. And again, the links for all these key documents are in these slides, so you can look at it later if you have questions, or you can come to us, or anyone in the GAC who's been involved in these things.

Next slide, please. So the recommendations from the phase two policy were approved by the GNSO and were proffered to the board, but the board did not accept or reject those recommendations. What happened next is that the board directed ICANN to conduct an operational design phase. That is an assessment of these recommendations, and really drilling down on how much would things cost, what do these processes look like, what concerns might we have with these proposals. This is ICANN org who conducts this assessment. And that led to a proposal that was in recognition that the phase two recommendations would create something very complicated that might cost a lot of money, and it was uncertain what the demand to use it as configured would be.

So there was a thought about, well, maybe start a little smaller. Maybe do a proof of concept, a pilot, and that launched a small group that was tasked with considering this. So that small group made some recommendations, and that launched org's focus on what was called the WHOIS Disclosure System, but in the tradition of ICANN, the name may change again, and I think what it's going to be called is the Registration Data Request Service. So very recently, the board issued a resolution based on ICANN's design for this proof of concept and input from the GNSO about what this pilot system could look at.

Next slide, please. In addition to our first two phases, there was also a Phase 2A, and that dealt with a very specific issue, how to treat not just natural entities, you and I are natural entities, people, but there are also legal entities like companies and businesses, corporations. How do you treat the data of those two different categories? And that resulted in some recommendations. Again, the GAC submitted a minority statement expressing some concerns. The board adopted these recommendations and directed ICANN to proceed to implementation.

In addition, there is currently, it doesn't have a number because it's just a scoping phase, so it's not Phase 2B, but what it is a scoping effort that focuses on a very particular issue, which is the accuracy of domain name registration data. And we'll be hearing more about that just a little later on in this presentation. That started in October of 2021, and it's still going on. And in its communique in ICANN72, the GAC recognized the crucial importance of accurate registration data and how important it is for the prevention and mitigation of DNS abuse.

Next slide, please. Next slide, please. There we go. So, in case all those words didn't convey the intricacy of these processes, we have a visual. This is a timeline of all the different strands of policy work that have been going on. So, you can see the Temp Spec in that lovely purple color on top, and that would be followed by Phase 1, Phase 2 and Phase 2A and data accuracy, then the operational design phase, which relates to Phase 2, and the WHOIS Disclosure System, which is a pilot, again, for the operational design phase assessments.

As a pilot that is resulting from the conclusions of the operational design assessment. All of that funnels into the Phase 2 effort. We won't

be testing you on this, because it's too complicated to test you, but it does give you a good visual that shows all the work that has been done since 2018 to present. So many people have devoted so much time and effort, because this is such an important topic, and hopefully we will soon be seeing the fruits of those efforts. Next slide, please. I think that is going to take us to my colleague, Kenneth Merrill.

MELINA STROUNGI: Sorry, Laureen, I think it's me.

KENNETH MERRILL: Yeah, I think so.

LAUREEN KAPIN: So sorry. My notes are failing me here. Apologies, Melina. Over to you.

MELINA STROUNGI: No worries, no worries. So Laureen explained the different phases in the policy process, Phase 1, Phase 2, Phase 2A. The topic on registration data policy goes kind of back to Phase 1. Just to give you a very quick overview, as Laureen also explained back in May of 2018, the ICANN Board adopted the temporary specification for generic top-level domain registration data, which modified the requirements in the ICANN contracts in order to comply with the General Data Protection Regulation, the GDPR.

So following that ICANN Board adoption, the GNSO initiated the expedited policy development process, the Phase 1, to determine if this

temporary specification should become an ICANN consensus policy as it was, or whether further modifications are necessary. Then in 2019, when the PPDP Phase 1 team submitted its final report, GAC already made some comments expressing some concerns in relation to the misuse of the WHOIS data and any conflicts with applicable privacy laws. Then in May of 2019, the Board adopted 27 out of the 29 GNSO approved recommendations, which triggered the beginning of the implementation process.

So basically, ICANN put forth the implementation review team in order to begin implementing this policy. So last summer, in August 2022, so a few months ago, ICANN Org initiated a public comment period where they were seeking input on this draft registration data consensus policy for gTLDs, and also any updates to the policies and procedures that were impacted by the registration data consensus policy, following recommendation 27 of the temporary specification.

So what is this ICANN registration data consensus policy? Basically, it is a consensus policy that lays down requirements concerning the publication, collection and transfer of gTLD registration data. It covers various areas, such as, for example, requirements relating to the transfer of specific registration data from registrars to registries, specifying how and when a data value must be published, for example, changes to the duration of retention requirements.

Next slide, please. So, and I see also the comment in the chat, maybe someone can also provide the link. So basically, we in the GAC, we welcomed, of course, the implementation of the EPDP team Phase 1 final recommendations, and of course, we highly appreciate the efforts.

We understand that it was not an easy task, but at the same time, we highlighted several public policy concerns that we had in relation to this policy. Some of these concerns are on the slide that you can see. For instance, we saw some issues in relation to the definition and proposed timeline to respond to urgent requests.

Currently in the policy, it's proposed to be two days plus one day, and if you take into account weekends, this can end up to five days in order to reply to an urgent request. Also, the way that the urgent request is defined, we would propose that it expands a little bit in order to also include imminent or ongoing serious cybersecurity incidents, and also regardless of whether the target is a critical infrastructure or not. So really, we should include a large-scale ransomware, malware, or botnet campaigns that could affect consumer protection and could require an immediate need for disclosure.

Then another issue that we identified was in relation to the collection and publication of reseller data. Currently, this is optional. The wording may is used. In our view, also, the definition of reseller should include also privacy and proxy services. Another issue that is not strictly speaking in the scope of Phase 1, but it's really relevant, it's the collection and publication of registration data concerning to legal entities. I will come back to this point in a bit more detail later. And we also found problematic in the policy, the inclusion of qualifiers related to commercial feasibility.

So for example, we would see the words commercial feasibility repeating quite often in the policy. For example, there is a discretion left to contracted parties to redact data based on commercial reasons

and technical feasibility, which raises some concerns. So I'm not going to argue with details, but we really commented every aspect of the policy. And I can share with you the link, although you can also find it in the slides.

Next slide, please. So overall, we also noticed that there is a need for greater clarity, for instance, regarding the obligation to enter into data protection agreements. I will explain what I mean by that. Also, we saw in the policy that certain policies, such as the thick who is policy was superseded by the Phase 1 implementation. And we want to understand why is that because currently there is not a rationale explained. It would be a good point to explain. Also, once these policies are implemented, the GAC encourages ICANN compliance to assess whether registers are providing links to how to make a disclosure request, so that those wanting to make a request are able to do so.

Where I would also like to stand a bit more is on some of the big pictures concerns that we had. A big concern was that currently there is a lack of clear standards in terms of enforcement and implementation, which leads in its turn to lack of legal certainty. So the way that the policy is currently phrased does not provide sufficient clarity or the conditions for a more harmonized application across the gTLDs.

So for example, in relation to the data protection agreements, as I mentioned earlier, this obligation is often accompanied by the words if required by applicable law. So there seems to be an inconsistency because on the one hand, the policy obliges the contracted parties to enter into data protection agreements, but on the other hand, it qualifies this obligation by adding the wording subject to any

applicable law. So it's not clear in the end if this is an obligation or if it's not an obligation.

Moreover, it is unclear how operators would assess such an obligation, how they will assess which laws applies. This creates a risk in our view, so it risks not having a uniform application across the gTLDs. So in the GAC, we really support making the data processing agreements mandatory and deleting the references to applicable laws. Another big concern that we had is that the current way that the proposed policy is presented is that it creates a partial system which results in a policy gap. What I mean is that originally, the timeline of Phase 1 was originally contemplated in being close with also the implementation of phase two and Phase 2A recommendations that Laureen mentioned.

This unfortunately is not the case, as we see a delay in the overall timeline, which risks in having a partial system in place. So the proposed draft policy does not take into account the approved Phase 2A recommendations, which creates issues because you risk having a policy that in a very short period of time will be overtaken by subsequent policies.

For example, in Phase 2A, there was a requirement to have a functionality in place in order to distinguish between data pertaining to legal entities and data pertaining to natural persons. And this functionality is not taken into account in the draft registration policy. So we really need to ensure that we create a policy that is future proof as possible, of course, and that it does not need to be amended in a few months or time from now.

We also maintain that the contracted parties should collect and make data of legal persons publicly available, of course, by maintaining some safeguards in relation to email addresses, and that also any kind of publication should be free of charge. So what are the next steps? A while ago, 20 January, ICANN issued a report of public comments. I can also share the link in the chat. ICANN received in total 14 submissions.

Currently, the implementation review team continues to assess all the input received. So from our side, we will be monitoring how the input will be taken into account. We had a look at the submissions received, and we have seen similar concerns to ours being expressed. So we really hope that they will be taken into account, and we will be following up closely. And another issue that we will be following up closely is the WHOIS Disclosure System, and I'm going to give the floor back to Laureen, but I'm happy to take up any questions after the presentation. Thank you.

LAUREEN KAPIN:

Great. So we're making our way through all the phases, catching up to real time. This is actually one of the most current issues, the WHOIS Disclosure System, soon to be renamed. So as we indicated, this is really a suggestion for a proof of concept, a pilot system that came out of the phase two recommendations and a recognition that what was recommended could be very expensive, could be very intricate, and was there a way to get some information particularly on users who would be using this, would there be a demand, what kind of information could we gather.

So this is what led into the proposal for this pilot program, the WHOIS Disclosure System. And the ICANN board very recently, just at the end of February, approved development of this system, and you can discard the name WHOIS Disclosure System and replace it with the Registration Data Request Service.

So next slide, please. What I'm going to do, and actually ICANN org has done much better than I could ever do, is give you a visual of how this system works. First of all, let's talk about timing. The hope is that this pilot program gets launched by the end of November, within 11 months of the board resolution. So that would actually be a little early, which is great. It would be launched for up to two years to gather all sorts of good information. It's going to be gathering information on data usage, usage data, and we're going to take a deep dive into that on the next slide, because you may be wondering, well, what is it going to gather? We're going to talk about that.

And then after this information is gathered about who's using it and what the participation is by registrars, registries, all sorts of people who are requesting information, how things get handled, then go back to the drawing board and figure out what has been learned and what makes sense going forward. So I'm going to just give you a brief reminder as to key features. This is a central portal, a one-stop shop. So you remember how the GAC had raised some concerns about a fragmented system and having to deal with a whole bunch of different registrars? This would actually centralize the intake.

So if you have a request, you can go to one place to input your request. What about money? Well, there wouldn't be a cost to make the request.

One thing that's not going to happen that was a recommendation in the Phase 2 is authenticating the identities of the requesters. So, for example, if someone is saying they're from law enforcement or from a consumer protection agency, that is not going to be authenticated or verified by the system. Now, that doesn't mean that the registrar might not have its own approach to dealing with that issue, but the system, the pilot program, isn't going to do that. And the request will automatically be routed to the right registrar.

So if you're interested in finding out domain registration about a website perhaps that's pretending to impersonate a government, for example, you're not going to have to figure out who that registrar is if you want to use this system. You just make your request into the system and it'll get routed to the right place. And all the communications afterwards, so you make your request, it goes to the right registrar, what happens next? That's not part of this system. All those communications are taking place outside the system. And the GAC and its Kuala Lumpur communique pointed out that this is a useful first step to building a more comprehensive solution and it should help collect useful data.

So next slide, please. So what do we mean when we talk about collecting usage data? There was an addendum that was recommended by the GNSO small team and this usage data includes a lot of useful nuggets of data. So how many registrars are participating? How many requests are coming into the system? How many times are there data requests from non-participating registrars? So this goes to the issue of who must participate in this system. And right now, the answer is no one must participate. We're hoping to encourage lots of

people to participate, but it's at their election. They can decide. So it may be that one of the requests involves a non-participating registrar. So that would be outside the system, but it's still going to be tracked.

So there will be information that bears on the issue of, well, did we get enough people participating in the first place? Is this indicative of something that's going to be useful for us? What else? Open requests, closure requests, type of requests, whether the requests have been approved, i.e., did they get the information they want? Did they only get part of it? Did they get none of it? That's all useful information. How long it takes, also very important, particularly because some requests are dealing with very sensitive situations, and the average response time. So all of that will be collected and then also reported back to the community.

Next slide, please. GAC had some concerns with the pilot program as it was described. And going back to this point, we don't know how many registrars will participate because it's voluntary. We hope that there will be robust participation. But because it's a pilot, it's outside of the Phase 2 recommendations. This is all voluntary. There may be a lack of awareness about what the system does and doesn't do, and that may lead to people not using it. So that's a risk. If it doesn't get used, then the data may not be very useful. And we also flagged a concern that law enforcement sometimes makes requests that deal with confidential investigations and that there needs to be a procedure in place to make sure that those requests are kept confidential, and there didn't seem to be functionality for that. So that was another concern.

So the GAC actually addressed this in its Kuala Lumpur communique, highlighting the importance of outreach and communication, telling folks about the availability of this system. They also invited ICANN to consider the participation of registry operators, although they typically aren't the folks one would go to for this information. In certain very select cases, they may be asked to provide information, domain name data registration information, and so it might be good for them to be able to participate. The GAC highlighted the importance of the data usage collection, and we see actually that there's going to be a lot of very detailed data collected. And also, again, stressed the importance of having functionality to keep law enforcement requests confidential when they need to be kept confidential.

Next slide, please. I think we may be moving on to a different topic now. No, we're still on the same topic. This is the board resolution. So the latest and greatest news on this is that the ICANN board is encouraging or to work to make sure that folks are encouraged to use this system by both the requesters and the registrars. They're also urging the GNSO to consider a policy development process or other means to require registrars to use the system. So that would be a path to making sure that all registrars are using this system, which might make it more appealing for users. So that's an urging by the board.

And then the board and the GNSO council, together with the small team and org, are going to think about what does success mean for this pilot program. And then these usage systems, again, will be put forth to the community so they can see what's happening with the system, and there'll be check-ins for engagement to see where things stand. And

now I think I'm going to be turning it over to my colleague Kenneth Merrill to talk about accuracy.

KENNETH MERRILL:

Thanks, Laureen. So I'm going to briefly provide some background on the work of the accuracy scoping team and then touch on sort of late developments since ICANN75 and sort of the next steps that are anticipated. So by way of background, it's important to recall that the scoping team was not tasked with developing new policy proposals but with assessing whether there should be changes to current ICANN policy on registration data accuracy or not. So the scoping team was given four assignments.

The first was to outline the current contract requirements for domain name registrars regarding accuracy of registration data and how those requirements are enforced by ICANN. The first assignment also tasked the scoping team with outlining how compliance reports on enforcement of registrar accuracy obligations. The second assignment was to analyze various approaches to measuring accuracy.

And so at this point, the scoping team has completed assignment one, and as I'll describe in more detail on a later slide, is still working through assignment two. Looking ahead, assignment three, which hasn't begun, will assess whether the current contractual obligations regarding accuracy are effective. And finally, the fourth assignment would assess whether any changes should be made to the current contracts to improve domain name registration data accuracy.

So I'll just go over some of the GAC's positions on the work of the accuracy scoping team here briefly. So at ICANN72, the GAC expressed support for the scoping team's work sort of generally. At 73, the GAC stressed the importance of the compliance element and increased transparency around compliance to aid in evidence-based analysis of accuracy.

Critically here at ICANN73, the GAC also noted that it's important to ensure that maintaining accuracy is considered along with any potential policies impacts on the privacy needs of registrants, including those with enhanced privacy needs. At ICANN74, the GAC stressed the importance of continuing the work of the scoping team again, including completing assignment one, which is outlining the current accuracy requirements, and also continuing the development of a registrar survey under assignment two.

The GAC also sort of noted some additional proposals that could be used to look at accuracy, including the testing of accuracy checks in a manner that wouldn't be dependent on access to registration data. Next slide, please. Great. So prior to ICANN75, the scoping team finalized its write-up on those first two assignments, delivering its interim report to the GNSO, and this report made three recommendations. First, that the GNSO Council request ICANN org to carry out a registrar survey. Second, that further work proceeds to explore the option of a registrar audit, including the use of so-called synthetic data, perhaps with the help of a third party to test registrar accuracy checks.

And finally, that the GNSO Council pause the scoping team's work on only those proposals requiring access to registration data while encouraging ICANN org's outreach to the European Data Protection Board and its completion of data process agreements and the data protection impacts assessment, sorry, DPIAs, with contracted parties. The scoping team also recommended that the GNSO Council request ICANN org to proceed with -- oh, sorry, I just touched on that. Apologies.

Next slide, please. So at ICANN75, the GAC encouraged the scoping team to continue its work while ICANN awaits feedback from the relevant data protection authorities. Here the GAC also stressed the importance of encouraging the widest participation of registrars in the registrar survey and sort of touched on some possible ways to incentivize participation there.

And then sort of fast-forwarding most recently to November, the GNSO Council adopted a motion to pause the work of the scoping team and to defer consideration of recommendations number one and two until the data protection agreement negotiations between ICANN and contracted parties have completed. And there's feedback regarding ICANN org's ability to process data for the purposes of measuring accuracy. Importantly here, they added there was also a clause that they sort of set a timer on this. So of six months. And so they these outstanding items will either take place or for six months, whichever is shorter. So that is where things stand at the moment.

In the interim, the GAC has proposed a question for our meeting with the GNSO on Wednesday, requesting an update on the vacant chair position for their accuracy scoping team. So that's another piece that

at the moment is still somewhat in limbo. So with that, I think I'll toss it over to Chris.

CHRIS LEWIS-EVANS:

Thank you, Kenneth. I'm Chris Lewis-Evans for the record again. So moving on to the last slide, and this is the one where we're looking forward to some of your questions. So be prepared for that. Really wanted to discuss what we could consider for possible communiqué language. So if we take the first aspect of what we've discussed, which is the draft registration data.

As Laureen said, the GAC provided a public comment, and a number of those items in that public comment are part of issues of importance for us already, and we don't see the need to reiterate the same advice or the same issues of importance that we've given on those matters. But obviously within those public comments, there were I think 14 different groups put in public comments with different matters other than our own.

So it's just whether there were any of those public comments that the GAC have read or heard about during the meeting that would like some more information on to understand if it is something that we should consider within the GAC as well. And just putting the queue up, sorry. Not seeing any hands or questions. Sorry, Iran, Kavouss.

KAVOUSS ARASTEH:

Thank you for the presentation. For those who know Swahili language, there are two expressions. "Hakuna matata." Is there any problem?

You reply something maybe, "Iko matata." Many problems. An old proverb mentioned, if you are in the hole, don't dig more, because you will be unable to get out of this. Second expression. Then over-regulation is another difficulty. Sometimes you over-regulate, then you don't know how to get out of it.

But this does not solve our problem. Our problem, Chris, Laureen and others, is that this time we would have spent more time to have a very precise, in-depth GAC advice. We should not, as you mentioned, reword the previous advice, which is dangerous. Because we had that bad experience.

In Helsinki, for something, we have some advice. Two meetings after we changed that, and the board said that I received two different advices. I don't know. So we should be very, very careful. But we should go to the heart of the problem. What we do. The important issue is that we should be replied by the board whether the minority statement, including GAC manuals, has been taken into account or not. If not, we are wasting our time.

This is very important, in particular when you are talking of the law enforcement. Very, very important. Including cost, including the sources you send, including registrar, they back reply. So this is not what we meant, that everything would be fully automatic. You send the request; you get back the request. But now it is not the case. It's going different places, so on, so you don't know what you get.

And there are many formalities, there are many other regulations. So, while we are thanking very much, Laureen and you, the gentleman from the United States I have not seen here, but his previous colleague

maybe has briefed him. So we need really to see, put concentration on the GAC advice, what we have to ask. If we miss this point, I don't think so. Maybe, Chris, you were with me as a substitute in the first phase. I was disappointed after the first phase, that is why I did not participate in the second phase. Because there were nine entities, some of them the opposing to some others like GAC and ALAC and so on and so forth. Every time we have something, there are oppositions.

To have a consensus, they put contradicting things into the system. That is the problem. The consensus is amalgamations of contradictions. That is now we cannot get out of it. So, now the ball is in your camp and in the camp of GAC. I think we should start as soon as possible to draft this GAC advice to see what we can do. I don't know. We had a big group and then we have smaller and now we have another small group. I don't know. A small under a small, so I'm sorry, constituency under and inside another constituency. I don't know where we go and where we get either of these. So, that is important, so I think in German language it is that we get in the Wüste, where you are in a desert. A desert that is no way to get out of it.

So, let's just do something that this is the most important element for GAC. DNS abuse, registration data accuracy and so on and so forth. Today I heard from the chairman of the board or the president, acting president, something registration protocol. I don't know what we're talking about, what protocol they are thinking of that. So, there are many things coming. So, that is the situation. Distinguished colleagues, there are problems, big problems. Thank you.

FRANCIS CUBAHIRO: Thank you, Kavouss

KENNETH MERRILL: Just to respond very briefly, Kavouss. To summarize, so obviously the input that we have put into that public comment is still being reviewed at the moment by the implementation team. So, as you say, it's very important that they listen to our input and our previous advice. So, the small team will endeavor to track the outcome of their review of our public comment. And if they haven't taken to an account our points, then we'll be able to inform the GAC of that. So, we'll endeavor to do that for you. Thank you.

FRANCIS CUBAHIRO: UK.

ROSE KENNY-BURGE: Thank you. Rose Kenny-Burge, GAC alternate for the UK. Thank you very much to our U.S colleague for the excellent overview of the work on the accuracy scoping team. You highlighted that it was agreed to defer consideration of recommendations number one and number two until such time the DPA negotiations have completed or for six months, whichever is shorter. Will consideration of those recommendations go ahead at this point, whichever point is reached? And in addition, how will a review of the scoping team's formation be conducted at that point? I would appreciate any clarity in this regard at the moment. But thank you. And, again, thank you for your work on this important endeavor. It is greatly appreciated.

KENNETH MERRILL: Sure. Thank you. And so on the first question regarding the timing and whether work on any of the recommendations can take place during the six-month period this is why I noted at the very end about the current lack of a chair for the group. So there are several things that are sort of preventing the work from really going forward, right at the moment. And I think sort of this is why we put this question to the GNSO for our bilateral is to get a better, more clarity as to what potentially could be taken up while we wait out that clock. So I hope that's helpful. And then your second question, could you remind me on that?

ROSE KENNY-BURGE: Yes, of course. And, again, this may be one that we bring up with the GNSO as well. But how will a review of the scoping team's formation be conducted at that point? Again, appreciate any details, but appreciate it may be better addressed to GNSO.

KENNETH MERRILL: I think that that's something that we would probably maybe raise in the bilat with the GNSO as well. So we shall see.

ROSE KENNY-BURGE: Thank you very much.

KENNETH MERRILL: And so going on to the consideration of the asset-dependent outcomes of the RDRS, which is another acronym for me to get my memory

around. So the small team just wanted to highlight two points. As I think it's Laureen, sorry, said on this, we have already recommended that a process is created to encourage participation. And we asked the board for information on that. We haven't received any information for that at the moment, so we may want to consider a follow-up on that.

Secondary, we also, as Kavouss said earlier the importance around access for law enforcement, and one of the concerns we raised was the confidentiality of law enforcement requests. We asked for engagement on that, and also that has yet to happen, so a follow-up could be considered.

So before I say about any other GAC concerns, I did note a question in the chat from our Russian colleague, which is it was said that it would be considered whether the requester is really a representative of the government. For example, if there is an authentication in the system, how would the question be solved whether the requester is really a representative of the government or not? And just to respond to that quickly -- oh, sorry, it was already responded to, but it's just a receiving system, so that would be down to the registrar, but that's answered. So with those answered, are there any other questions from the floor? Thank you.

FRANCIS CUBAHIRO:

Thank you very much. We've arrived to the end of our session. If there aren't any more questions on the floor, we can close the session. It looks like there may not be a question, although there's a question online, which was the question that was presented by our Russian colleague, but that was already answered, so thank you very much for

presenting the question. If there aren't any more questions, I would like to say that I appreciate your attention. I thank Laureen and her whole team for the quality of work that they've shown and also for providing the points on process development and also regarding consensual policy and regarding Phase 1. And also the WHOIS disclosure data. Also we'd like to thank you for that.

LAUREEN KAPIN:

It's very much a team effort, the three people up here are just part of the team and a lot of work goes in by many people to create these briefings. And I just want to give a big thank you to everyone who helped. And if folks have other thoughts, there are going to be multiple communicate drafting sessions. So if things occur to you there's still time to raise issues on this topic. I see Kavouss.

KAVOUSS ARASTEH:

Thank you, Laureen. I think before ending this meeting, apart from our sincere appreciation to Chris, to you, and to my colleagues from USA, we would like also to thank Fabian, who has worked tremendously, devotedly, and tirelessly with the group as long as I remember from many very beginning and so on. And he now, I would say, is a knowledgeable person, knowing many, many of the details. And he is an asset of the process for this. I would like to express our sincere appreciation to him. Thank you. And other supporting staff. Thank you.

LAUREEN KAPIN: Absolutely. We should all give a big round of applause.

FRANCIS CUBAHIRO: Thank you very much. So now we will conclude our session. We will pause for half an hour, and we will then reconvene to then talk about the GAC communique. Thank you very much.

[END OF TRANSCRIPTION]