

Yvette Guigneaux: (2/21/2018 16:15) Welcome to A Continued Conversation on access to WHOIS and Compliance with EU's GDPR | 22 February 2018 | 14:00 UTC!

Yvette Guigneaux: (2/22/2018 05:17) Hi All - will the 331#, the 408# and the 612# identify for the record?

Paul Luehr, FaegreBD: (05:17) 612 is Paul Luehr from FaegreBD

Yvette Guigneaux: (05:17) Hi Paul, thank you!

Timea Suto: (05:18) Hello. The 331 number is mine, Timea Suto from the International Chamber of Commerce

Yvette Guigneaux: (05:19) Hi Timea - thank you!

Yvette Guigneaux: (05:19) Ok - the 408# - does that belong to anyone?

Amy Bivins: (05:31) Yvette, the 408 number is usually the Adobe room audio

Yvette Guigneaux: (05:36) hi Amy - thank you

Yvette Guigneaux: (05:43) Please remember to mute your phone if you're not speaking, thank you

Yvette Guigneaux: (05:47) 120# and 331#, would you kindly identify for the record

Leon Sanchez: (06:01) Hello everyone

Maxim Alzoba (FAITID): (06:02) Hello All

Alex Deacon: (06:02) Some echo...

Yvette Guigneaux: (06:02) hi Alex - we're working on fixing that

Statton Hammock: (06:03) Sounds good brian

Maxim Alzoba (FAITID): (06:03) skype to toll free works fine

Bradley Silver: (06:04) yes

Alex Deacon: (06:04) sounds great.

Griffin Barnett: (06:06) Hi all if not speaking please mute

Griffin Barnett: (06:07) we are hearing some background noise in the AC room

Griffin Barnett: (06:07) Thank you.

Chris Pelling: (06:07) someone has an open mic

Chris Pelling: (06:07) @staff - someone has an open mic :)

Chris Pelling: (06:08) ys

Susan Payne: (06:08) yep

Ayden Férdeline: (06:08) you are heard Steve

Theo Geurts RrSG: (06:08) yes

Paul Diaz (Public Interest Registry): (06:08) yes re Adobe

Kathy Kleiman: (06:08) yes!

Christian Dawson: (06:08) yes

Luc Seufer: (06:08) hush Chris, Tatiana is going to give us some GNSO craic

Yvette Guigneaux: (06:12) Brussels office - once done speaking - would you kindly mute your phone line if possible?

Claudia Martinuzzi: (06:12) done

Yvette Guigneaux: (06:13) thank you Claudia

shirley: (06:15) there is a big silence - have we lost audio?

Griffin Barnett: (06:16) STEve DelBianco is speaking...hopefully others can still hear him?

Yvette Guigneaux: (06:16) No Shirley, Steve is still speaking - i can hear him

Alex Deacon: (06:16) loud and clear

Kiran Malancharuvil: (06:16) I can hear Steve no problem.

Maxim Alzoba (FAITID): (06:16) push speaker icon to unmute

shirley: (06:17) nope I still can't hear. I am going to dial in

Yvette Guigneaux: (06:18) ok Shirley, let me know if you need any assistance

Ayden Férdeline: (06:20) absurd data retention period. two years is too long

Ayden Férdeline: (06:20) 30 days is more proportionate

Theo Geurts RrSG: (06:21) 2 years is okay, unless it is in conflict with applicable law

Marie Pattullo: (06:22) That's over-reach - GDPR goes to personal data.

Maxim Alzoba (FAITID): (06:22) CEO of a company is still a person

Maxim Alzoba (FAITID): (06:25) any changes for Registry Registrant ID?

Carlton SAMUELS: (06:26) Um, where have I seen this model before I ask?

Maxim Alzoba (FAITID): (06:27) is it possible to share the slidedeck URL?

Luc Seufer: (06:27) If you are the legal rep. of an entity I don't believe you can claim any right to privacy regarding your position. The whole point is for the public to know who can validly represent an entity.

Ayden Férdeline: (06:27) we know that ICANN is facing a decline in revenue. i wonder if the accreditation process for private actors to access the gated WHOIS data could be a new revenue stream for the organisation? just thinking out loud...

Dirk Krischenowski (.berlin): (06:29) GDPR is crystal clear: even as CEO you are a private person and ceo@company.com is a person identifying data piece

Luc Seufer: (06:30) @Dirk if that would be true the Handelregister would have to be redacted

Stephanie Perrin: (06:31) Luc, that depends on the law in each jurisdiction. In Canada sole proprietors are regulated at the provincial level (14 different bodies) and there may or may not be protection for the name of a business owner. I realize we are talking about the GDPR here, but this is a very valid concern from a global operations perspective

Maxim Alzoba (FAITID): (06:31) is Law Enforcement of non-EU countries legitimate under GDPR on thier own soil (non-EU too)?

Dirk Krischenowski (.berlin): (06:40) @luc - good thought!

Maxim Alzoba (FAITID): (06:49) nice

James Galvin (Afilias): (06:49) just love being on hold

Statton Hammock: (06:49) Someone's mute music?

Graeme Bunton: (06:49) That's some top shelf hold music

Christian Dawson: (06:50) I'm enjoying it

Ayden Férdeline: (06:50) i quite like it ;-)

Fabricio Vayra: (06:50) @Graeme — LOL

Bradley Silver: (06:50) Its calming

Michael Palage: (06:50) Has ICANN secured appropriate copyright licensing for this performance :-)

Lori Schulman: (06:50) Agree, at least it's a pleasant distraction

Justine Chew: (06:50) Signal for intermission!

Susan Payne: (06:50) it's nice isn't it. anyone know what the piece is?

Marie Pattullo: (06:50) Trolling classical style.

Lori Schulman: (06:50) @Palage - excellent question

Karel Douglas: (06:50) good music though!

Statton Hammock: (06:51) Did we just mute the presenters?

Statton Hammock: (06:51) Yes, I can now

Alex Deacon: (06:51) yes

Susan Payne: (06:51) we can now

R. Mallet: (06:51) Now it is OK

Paul Luehr: (06:51) yes

Luc Seufer: (06:51) we can carry on

shirley: (06:51) i can hear

Sam Irving (Elipe): (06:51) Back on now!

Bradley Silver: (06:51) can hear

Maxim Alzoba (FAITID): (06:51) last thing was about risk assessment

Kiran Malancharuvil: (06:51) I can hear the presenters. she muted everyone and then unmuted the presenter.

Yvette Guigneaux: (06:51) Sorry about that everyone

Yvette Guigneaux: (06:52) Alexander Heirwegh - has hand up

Luc Seufer: (06:52) ROFL

Luc Seufer: (06:52) Take the 5th Kathrin

Griffin Barnett: (06:53) Alexander's hand has been noted we will try and get to him shortly

Dean Marks: (06:53) Can a link be made available to the slides Steve DelBianco was just speaking about for remote participants? Not seeing them on screen in Adobe Connect.
Thanks.

Vicky Sheckler: (06:54) appreciate Cathrin's statement that the needs of the users need to be reconciled with GDPR

Griffin Barnett: (06:56) The slides we are using today can be found at:

https://urldefense.proofpoint.com/v2/url?u=https-3A_drive.google.com_file_d_1uMUipINLPVwk8mKtW9oeRTMsZLmDDw9-5F_view-3Fusp-

3Dsharing&d=DwIFaQ&c=FmY1u3PJP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=xjNMRR-fjlgBx7tqUEv8lZv2O9RJyMyqWkymcecegCUuwDxFVsW6VBuvkqKnS_lk&m=orUdtwPEjVke95vQshb8lleCUcBovBKGbiyF6l43Oy8&s=KfesflZ2KUzVgrMTw31v6ri_SelGsCEu21S9Sy5hRdc&e=

Statton Hammock: (06:56) Great question Steve.

Griffin Barnett: (06:56) We will be sharing all of the materials from today after the presentation as well

Luc Seufer: (07:02) ICANN having only one establishment in the EEA determining which one is its main one shouldn't prove to complex

Theo Geurts RrSG: (07:03) We might to circle back on the change of registrant policy in regards to the accuracy requirement

Griffin Barnett: (07:03) Hi all, we have noted the hand up in the AC room but because we are running behind on time, if you wouldn't mind typing your question into the Adobe Connect Room Chat with the header "<QUESTION we will take note of it>

Griffin Barnett: (07:03) *"<QUESTION>"

claudio: (07:05) I had the same question about Eurid, its self certification

Fabricio Vayra: (07:05) Agreed re: Eurídice

claudio: (07:05) you fill out a form and get the Whois data shortly thereafter

Fabricio Vayra: (07:06) "Eurid"

Dean Marks: (07:06) Excellent question just asked from Brussels about .eu

Dean Marks: (07:06) Thank you Griffin for the link; much appreciated.

Griffin Barnett: (07:07) My pleasure Dean

Griffin Barnett: (07:07) Alexander, now that you have raised your question can you kindly lower your hand in the AC room? Thank you

Theo Geurts RrSG: (07:07) Most EU ccTLDs registries get low number of official LEA requests.

Steve Levy: (07:08) What about a system of registering "trusted" parties who have freer access to data? This would include law enforcement, lawyers, and the like.

Dean Marks: (07:08) Will Cathrin and Christian remain for the balance of the seminar so that further exchanges can be had with the other panels?

Vicky Sheckler: (07:09) <QUESTION> @christian, is an opt-in consent to have a registrant's data put in the public whois directory considered freely given if the registrant's ability to obtain a registration is unrelated to whether they consent to have data that might otherwise be gated made public? <QUESTION>

Steve DelBianco: (07:19) @Christian and Cathrin: We would so much appreciate any response you can give here to QUESTIONS posed in this Chat.

Chris Pelling: (07:20) <Question> For DomainTools speaker, are you stopping or have you stopped the sale of harvested domain data now ? just I notice you are still selling the service at \$99 a month per use https://urldefense.proofpoint.com/v2/url?u=https-3A_www.domaintools.com_products_domain-2Dresearch_pricing_&d=DwlFaQ&c=FmY1u3PJP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=xjNMRR-fjlgBx7tqUEv8lZv2O9RjyMyqWkymcecegCUuwDxFVsW6VBuvkqKnS_lk&m=orUdtwPEjVke95vQshb8lleCUcBovBKGbiyF6l43Oy8&s=RR_yOt0m1m7BAfUTGSbPxdUodH_MjIACuGsCfe0zA48&e=
</Question>

James Galvin (Afilias): (07:21) Sorry but DNS is not a trust-based network. it is an identifier mapping system.

Ayden Férdeline: (07:22) @Chris WOW

Stephanie Perrin: (07:24) To the best of my knowledge, ICANN does not have good data to support the view that consumers 1) actually use WHOIS to verify websites 2) would be more secure if they did

James Galvin (Afilias): (07:24) Having email does not guarantee access if site is under attack. It depends on the infrastructure supporting the web site and the email address.

Maxim Alzoba (FAITID): (07:25) also e-mail boxes could be compromised

James Bladel: (07:25) Note there was a past study (Nominet? In 2010 or earlier) that demonstrated a link between perceived privacy and accuracy of data submitted to WHOIS.

James Galvin (Afilias): (07:26) Accuracy is important but the fundamental problem is that registrants are not obligated to provide 'accurate' data. This is a problem RDS PDP working group is finally recognizing and may consider addressing.

James Bladel: (07:26) Folks are more willing to provide real & accurate contact data, IF they are confident it won't be publicly available.

Ayden Férdeline: (07:26) anyone could claim to be a private investigator

Theo Geurts RrSG: (07:27) @james correct

Ayden Férdeline: (07:27) audio is low

Susan Payne: (07:27) cannot hear steve at all

Rahael Seifu (Google Registry): (07:27) Can't hear Steve

Fred Felman: (07:27) steve is inaudible

Chris Pelling: (07:27) @Staff my question is above

Maxim Alzoba (FAITID): (07:27) extremely low level

Chris Pelling: (07:27) @Steve not easy to hear you

James Galvin (Afilias): (07:27) @jamesbladel - also we are not concerned about "folks" anyway. Bad guys will do whateve.

Ken Stubbs - Afilias: (07:27) can't hear speaker

Andrew Mack: (07:28) can you repeat the question?

Alexander Heirwegh: (07:28) referring back to my question re EurID, if publication of registrant data could not be in compliance with the GDPR, and EurID request form system is not scalable, what options would be left..

Griffin Barnett: (07:28) Apologies, had a mic issue in the room...should be able to hear Steve Metalitz, now speaking

Chris Pelling: (07:28) @Steve, not that much to be perfectly honest with you

Maxim Alzoba (FAITID): (07:29) As I understand any party accredited with EU Law Enforcement could be seen as a valid party for access ... but if there any?

Maxim Alzoba (FAITID): (07:29) *is there any

James Galvin (Afilias): (07:30) It's not as much of a burden to get a request you get to ignore.

Theo Geurts RrSG: (07:30) As a .NL registrar with no personal data in the WHOIS I do not experience the scenario Steve just explained.

Statton Hammock: (07:30) Lori just dropped

shirley: (07:30) cant hear over the phone either

Statton Hammock: (07:30) Laurin

Carlton SAMUELS: (07:30) Laureen Just went dead

Yvette Guigneaux: (07:30) yes

Ken Stubbs - Afiliias: (07:30) lorry ok now !

Carlton SAMUELS: (07:30) OK. We hear you

Theo Geurts RrSG: (07:31) The registrant is the source, what other data would registrars use?

Chris Pelling: (07:31) They go to ICANN and fill out the whois inaccuracy forms

Luc Seufer: (07:31) How would a third party better know the data belonging of a data subject than the data subject itself?

Benny Samuelsen / Nordreg AB: (07:31) The contact problem have been solved in a number of registries in the ccTLD world where there are a form from where thos who want to get int touch with the registrant can send email and it will be send to the registrant

Benny Samuelsen / Nordreg AB: (07:32) It's really not that hard to solve

Vicky Sheckler: (07:32) @christ how can youd o that if the data is behind a gate?

Chris Pelling: (07:32) Can the question be answered or are you simply ignoring it ?

steve metalitz: (07:32) @Luc, f the registrant provides inaccurate data. But of course that would never happen would it?

Fabricio Vayra: (07:33) Appreciate the clarification that data inaccuracies can be reported directly to the DPAs

Theo Geurts RrSG: (07:33) That is why the GDPR has an accuracy requirment, so data can be corrected by the registrant.

Maxim Alzoba (FAITID): (07:33) @Steve, actual data changes over time , and registrants do not have to update it in domain data

Fred Felman: (07:33) fuzzy sounding - can he get closer to a mic

Chris Pelling: (07:33) @Vicky all we have to proove to ICANN is that the data we hold is correct, if the new model, you will see I think stae/province and country

Chris Pelling: (07:34) and be able to determin if that is correct or not - remember - we did not introduce this, we have to simply follow the law

Luc Seufer: (07:34) @Steve the only alternative would be that the registrar or registry tamper the data provided by the data subject

christian: (07:35) @vicky recital 43 of gdpr explains what is meant by freely given consent . relying consent could be considered invalid if consent to publicising personal data is treated as condition of registration

Maxim Alzoba (FAITID): (07:35) QUESTION, Do Registrars/Registries have to anonymize data before making Data Escrow? (full info goes there) QUESTION

Ayden Férdeline: (07:35) how is "self-certification" externally audited?

Maxim Alzoba (FAITID): (07:36) self-audit?

Steve DelBianco: (07:37) Yvette -- can you please re-display Alex' certification page?

Steve DelBianco: (07:37) THanks, Yvette

Yvette Guigneaux: (07:37) on screen

Griffin Barnett: (07:37) Sorry for the shuffling through some slides folks, had a minor technical issue with the deck

Yvette Guigneaux: (07:38) you're welcome Steve

Griffin Barnett: (07:38) Should be back up now

Alexander Heirwegh: (07:38) funny that all GDPR principles will also have to be taken into account regarding the self-certification form

Maxim Alzoba (FAITID): (07:38) as a registry we will try to accept such things in written form, wet ink

Steve DelBianco: (07:39) @Alex -- can you cite examples of where a similar form of self-certification is used today for EU registry operators?

claudio: (07:40) Eurid

Statton Hammock: (07:40) Would invite Graeme Bunton and James Bladel to comment on the acceptability of a self-certification program with other registrars.

Benny Samuelsen / Nordreg AB: (07:40) .be

Theo Geurts RrSG: (07:40) <question> does this not entail a lot of work getting certified with all these regisrtries and registrars?</question>

Maxim Alzoba (FAITID): (07:41) Will DPA's take into account leaks caused by such persons as fault of Registrars/Registries?

Luc Seufer: (07:41) And all that work for a period of time starting in May and ending in December?

claudio: (07:42) also self-certification doesn't have to be on a domain by domain basis, e.g. once you self-certify you should be able to obtain bulk access

James Galvin (Afilias): (07:42) what is it about self-certification that gives you bulk access?

Theo Geurts RrSG: (07:43) @claudio, still 2000+ registrars and many registries.

Graeme Bunton: (07:43) Statton - my impression is that risk in self-cert is likely too high. Aslo, what Becky just said.

Maxim Alzoba (FAITID): (07:43) CZDS was a failed example of self certification

claudio: (07:43) @James, you affirm are seeking access for legitimate purposes under penalty of law

Brian Beckham - WIPO: (07:43) @Theo, the certification process could be "singular" (using an agreed set of criteria) and "centralized" such that a RY or Rr could comfortably accept the certification.

Maxim Alzoba (FAITID): (07:44) where lots of bad actors take zone files under self certification

Theo Geurts RrSG: (07:44) @Brian, thanks for the clarification

Dean Marks: (07:44) <QUESTIONS> Can perhaps Christian or Cathrin weigh on Becky's question?

James Galvin (Afilias): (07:45) @claudio - nonetheless, i would prefer to separate those two services. i think the risk is much greater if you give bulk access to a potential bad actor.

James Bladel: (07:46) Agree with Graeme & Becky. Self-Certification is essentially the honor system, and creates exposure. But if DPAs sign off on it as an interim approach, it might buy time to develop a more fulsome accreditation model

Statton Hammock: (07:47) Thanks @James and @Graeme. Very helpful and consistent to what I have heard from other registrars.

Maxim Alzoba (FAITID): (07:47) Data Controllers and not community is under risks of fines

Stephanie Perrin: (07:47) I don't see how anyone can make a determination on the acceptability of self certification without a full risk assessment. As several have commented in chat, there are plenty of bad actors out there, and mechanisms to determine appropriate trust levels are not clear. What is required is full professional standards under an ISO of CEN/ISSS standard, with audit potential

Ayden Férdeline: (07:47) +1 Stephanie

Stephanie Perrin: (07:47) Yes it is late to start that work but if you dont start you never get there.

Luc Seufer: (07:48) @James what do you mean by sign off? An actual written confirmation that we will not be liable right?

Maxim Alzoba (FAITID): (07:48) Letter of Credit to cover damages?

Steve DeBianco: (07:49) in ICANN's 12-Jan memo on Interim models, ICANN acknowledges that the Interim would be replaced by community-driven outcomes in: RDS PDP; PPSAI; and procedure for Whois conflicts with privacy law

James Bladel: (07:50) @Luc - something that acknowledges self-certification is an acceptable interim approach while we work on RDAP+RDS. It would not address abuse of WHOIS data, but it would eliminate the risk of exposure to fines.

Alex Deacon: (07:51) @james - regarding your honor system comment we can look at how ccTLDs to get an indication if self-certification could pass muster.

Luc Seufer: (07:51) @James, ok but something in writing not just ICANN say-so.

christian: (07:51) @dean marks - legitimate interest involving balancing your interests with the rights with the interests of the day subject - working party 29 has a big guidance document on this . bear in mind the EU court tends to favour the individual rights from Costeja / Google Spain 'right to be forgotten ' judgment 2014

Carlton SAMUELS: (07:52) @Susan: We worked hard at the EWG because we were led to believe that output would have been the baseline for the PDP. I personally was not expecting the rehash of the old arguments!

Brian Cimboric: (07:52) Without clear and specific guidance from DPAs on Self- Certification, I don't see it as particularly defensible

Dean Marks: (07:53) Thank you Christian. Appreciate the response.

Maxim Alzoba (FAITID): (07:53) if a leak comes out of a person who was granted by a registrar/registry ...it is only up to DPA on whom to punish

Maxim Alzoba (FAITID): (07:53) granted bulk access to personal data

Theo Geurts RrSG: (07:54) I wish we had send the EWG to the WP 29, as it is now refferenced as the old testament in certain discussions.

Justine Chew: (07:54) @Maxim: excellent question. I was wondering the same.

Stephanie Perrin: (07:54) Members of the DPA community came to the civil society workshop held in London in 2014. So yes, I think some have looked at it.

Fred Felman: (07:54) Self certification, harder, with full cert model, bonds or deposits could be part of the certification process

Flip Petillion: (07:55) Brussels is disconnected - can you put us back on please?

Fred Felman: (07:55) (referring to penalties)

Alexander Heirwegh: (07:55) this is Cathrin

Alexander Heirwegh: (07:55) i accidentally disconnected us but there was no official conveyance to the art 29

Luc Seufer: (07:55) @Fred to be viable it should delegated to a unique entity acting as gatekeeper

Fred Felman: (07:56) Yes agreed luc, perhaps using the tmch model of an external validation entity, like digicert as recommended

Tim Chen: (07:56) @ChrisPelling - sorry, I was not on Adobe Connect as I am in the room here in DC. Whois data is freely availble through thousands of websites worldwide. Our customers pay us for value-add tools that help them with purposes consistent with the ones I spook about in our sessions today. Happy to speak further offline if you have specific questions.

Justine Chew: (07:57) Have to extend confidentiality obligation onto all accredited persons granted protected data

Fred Felman: (07:58) This would be a scalable solution, the issuance of a cert that could be used for access for all registrars/registries for access to non-;ublic data for legitimate purposes

Tim Chen: (07:58) @JimGalvin - network administrators and the tools they use are making millions of decisions every minute as to whether to trust DNS connections. This also happens individually as I point out. your definition is technically correct however that was not my point.

Chris Pelling: (07:59) @Tim - DomainTools harvest WHOIS data, taking no notice of the terms and conditions of the whois service when their "bot" collects said data

Chris Pelling: (07:59) so will you in that case turn off the 200 lookups per day for the service you provide and sell @Tim

Griffin Barnett: (08:00) Hi all, we will be taking a short break of a few minutes and then we will regroup a few minutes after 11 am Eastern and be joined by Akram Atallah and John Jeffrey

Griffin Barnett: (08:00) *and John Jeffrey

Marilyn Cade: (08:00) Is the ICANN STAFF gathering the names of those who are participating by phone, so that the full report will have all participants?

Ayden Férdeline: (08:01) I'm not sure Marilyn. Last time, I don't know if a transcript was produced of the call? Or at least I could never find one

Fred Felman: (08:01) bulk access to cross-referenced data across all registries and registrars is necessary for some security and other public safety mitigations as covered in Domain Tools excellent whitepaper on the use of whois data to assure public safety

Griffin Barnett: (08:02) Hi Ayden, a transcript and other documents from the January 24 event is available on the IPC website: https://urldefense.proofpoint.com/v2/url?u=http-3A_www.ipconstituency.org_gdpr-2Dinfo&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=xjNMRR-fjlgBx7tqUEv8IzV2O9RjyMyqWkymcecegCUuwDxFVsW6VBuvkqKnS_lk&m=orUdtwPEjVke95vQshb8lleCUcBovBKGbiyF6I43Oy8&s=-DTHOGv_JQe_2WYCeVy3Kiw1DBw0GjulZvgNwJkZvhQ&e=

Ayden Férdeline: (08:03) Thank you @Griffin

Griffin Barnett: (08:03) We expect to update this page with the materials from today's event

Carlton SAMUELS: (08:03) Is this a scheduled break? No audio

Akram Atallah: (08:03) Hi everyone, John Jeffrey, Theresa Swineheart and I are online

Griffin Barnett: (08:03) Yes Carlton, scheduled break

Carlton SAMUELS: (08:03) @Griffin Much thanks.

Chris Pelling: (08:03) DomainTools have no written consent from us (they might but doubtful from other registrars) for the harvesting of data for compilation, repackaging or dissemination - period

Griffin Barnett: (08:04) We will be restarting in about 1 minute

Ayden Férdeline: (08:04) Out of curiosity, who is paying for the use of the Adobe Connect room and the transcription service for this call? ICANN org, am I right to presume?

Marilyn Cade: (08:06) All community members have the right to ask for support for such services from ICANN, so, I hope so!

Ayden Férdeline: (08:06) I am not objecting to the spend, just wondering.

Luc Seufer: (08:06) am I the only one hearing that high pitched noise?

James Galvin (Afilias): (08:07) @TimChen - You speak about "trusting DNS connections". I'm sorry to be nitpicky but 95% of all DNS traffic is connection-less. If you mean deciding whether or not to "trust" DNS data, that is what DNSSEC is for. Perhaps I'm just not understanding your point. Could you please elaborate? Thanks.

Chris Pelling: (08:07) high pitched noise

Chris Pelling: (08:07) similar to Luc

Chris Pelling: (08:08) *sorry, Similar to what Luc is hearing (not Luc is a high pitched noise) :)

Chris Pelling: (08:08) noise*

Chris Pelling: (08:08) cant hear now

shirley: (08:08) oops akram 's voice is fading

Luc Seufer: (08:08) less Akhram more noise, not good

James Bladel: (08:09) ICANN folks are very faint, with a very loud buzz

Maxim Alzoba (FAITID): (08:09) QUESTION, how WHOAS comes along with right to be forgotten?

Stephanie Perrin: (08:09) cue the violin concerto...

Griffin Barnett: (08:09) It seems like the high pitched noise is an issue with Akram's line...I believe ICANN staff and IT support are working to fix

Griffin Barnett: (08:10) Should be OK now

Ayden Férdeline: (08:10) <QUESTION> With whom was this convergence model shared for feedback, and was it shared with the Board, contracted parties, and all of the non-contracted parties? It was mentioned earlier in this call that it was shared with community leaders but the NCSG leadership has advised they were not sent a copy of this proposed model. This should not be privileged information and should be shared with the entire community please.

</QUESTION>

Chris Pelling: (08:10) thats better :)

Yvette Guigneaux: (08:10) Sorry everyone, thank you so much for yoru patience

Yvette Guigneaux: (08:10) *your

Marilyn Cade: (08:10) Yvette, thanks so much for fixing the high pitched sound!

Maxim Alzoba (FAITID): (08:11) we hear you

Andrew Mack: (08:11) we're here

Alan Woods (Donuts): (08:11) we can hear you

Fred Felman: (08:11) we are here

Statton Hammock: (08:11) We can hear you

Margie Milam: (08:11) we hear you

Christian Dawson: (08:11) We hear you

Chris Pelling: (08:11) I can hear you :)

Marilyn Cade: (08:11) It is best to have a high level overviewm I think,

Jim Prendergast: (08:12) were speaking in DC

Scott Austin: (08:12) We can hear you

Margie Milam: (08:12) but you cant hear the DC room

Fred Felman: (08:12) we can hear you

Fred Felman: (08:12) yes

Alex Deacon: (08:12) sounds great here.

Andrew Mack: (08:12) we can hear you Steve

avri doria: (08:12) i hear just fine

avri doria: (08:12) Whee these discussion with CP and IPc or negotiations?

Ayden Férdeline: (08:13) First I have heard about it...

avri doria: (08:13) me too

Statton Hammock: (08:13) Steve D, that was a very good "tee up"

Statton Hammock: (08:13) thanks you

Stephanie Perrin: (08:14) Here is my email in case you need it:

Stephanie.perrin@mail.utoronto.ca I promise to share with all concerned NCSG stakeholders

Statton Hammock: (08:14) <QUESTION> How would ICANN like to receive input and feedback on this if its not "public"?

Jim Prendergast: (08:14) <question> Maybe as part of Akram or JJs talk they could elaborate on timelines form here until its final/impemented. thanks

James Galvin (Afilias): (08:14) @stephanie - but is it shown in WHOIS?

Stephanie Perrin: (08:15) actually another one is, Jim.

Dean Marks: (08:15) <QUESTION TO AKRAM>: The convergence mode appears to exclude all personal data from public WHOIS, as most agree that just province and country of registrant in and of itself do not constitute personal data. You have heard from many parties, both private and government how important it is for the registrant's real e-mail address to remain in public WHOIS. We have heard today from the EU government representatives, including the EU Data Protection Supervisor, that the GDPR does not prohibit the processing and making publicly available any and all personal data. Rather there needs to be a balancing of privacy interest, public and legitimate interests, transparency, accountability and proportionality. Therefore, will ICANN please consider having its model require that real registrant e-mail address remain in public WHOIS? <QUESTION>

Stephanie Perrin: (08:15) I am on so many WHOIS related groups, I am sure folks at ICANN could find it.

Steve DelBianco: (08:16) Yvette -- please put up slide 5

Marilyn Cade: (08:16) Personally, James, I publish my email often, always, and sometimes to my regret.

Yvette Guigneaux: (08:16) on that now Steve

steve metalitz: (08:17) QUESTION: JJ, if you have not spoken to DPAs about this model, what is the justification for suppressing public access to registrant e-mail address? Do you believe it

would violate GDPR to continue to make this available? If not, what is your basis for that conclusion? QUESTION

Alexander Heirwegh: (08:17) +1 Dean

Fabricio Vayra: (08:17) +1 Steve

Maxim Alzoba (FAITID): (08:18) Community dialog will not protect from GDPR fines

Luc Seufer: (08:18) I agree with Steve.

Bradley Silver: (08:19) +1 Steve

Marilyn Cade: (08:19) When we did the first WHOIS Study [long ago] we did note the need for multiple years for retention,

Maxim Alzoba (FAITID): (08:19) Can the parties forcing these provisions be seen as joint controllers?

Brian Beckham - WIPO: (08:19) Agree with Steve - this also fits in with the notion of balance and proportionality.

Alexander Heirwegh: (08:21) <QUESTION> further on Dean and Steve's question above: What is ICANN's stance on the use of ersatz or pseudonymized email addresses

steve metalitz: (08:21) QUESTION: JJ, can you give any examples of "additional implementation parameters" that would be specified in a "controller agreement" allowing a global approach to territorial scope? QUESTION

Luc Seufer: (08:21) No distinction between natural and legal person? Did ICANN read the Regulation at all?

Ayden Férdeline: (08:21) This page on the European Commission's website indicates that an email address such as name.surname@company.com constitutes personal data, whereas an email address such as info@company.com would not. As it would be challenging to differentiate between the two I think ICANN is right to presume all constitute personal data. -

https://urldefense.proofpoint.com/v2/url?u=https-3A_ec.europa.eu_info_law_law-2Dtopic_data-2Dprotection_reform_what-2Dpersonal-2Ddata-5Fen&d=DwIFaQ&c=FmY1u3PjP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=xjNMRR-filgBx7tqUEv8IzV2O9RjyMyqWkymcecegCUuwDxFVsW6VBuvkqKnS_lk&m=orUdtwPEjVke95vQshb8lleCUcBovBKGbiyF6I43Oy8&s=8uBW4JyhFq00FgDHrKCp56DorLt1PCZixGhBdM4Yc1E&e=

Luc Seufer: (08:23) @Ayden it depends whose address is published. If it's the one of the legal representative of the entity then it can't be considered PII for as long as the person is a legal rep.

Dean Marks: (08:23) Ayden--just because a data element is a personal data element does not mean it can never be made publicly available. Look at EU Trademark Register; look at EU company registers.

Maxim Alzoba (FAITID): (08:23) hiding Tech contacts will make resolution of tech issues really hard

Marilyn Cade: (08:24) I am dismayed, /as a business, this information is in a public space.

R. Mallet: (08:24) +1 Dean

James Galvin (Afilias): (08:25) @maxim - the circulating "rumor" is that 90% of all contact objects are duplicates across the 4 types. so, there is no practical loss of information. however, if we want to make a distinction so we can justify exposure then perhaps it is important.

Maxim Alzoba (FAITID): (08:26) @James - 90% might be low estimate

James Bladel: (08:26) over 90% for GoDaddy. Wholesale registrars (TuCows) are lower.

James Bladel: (08:26) industry probably averages out around 80%

Maxim Alzoba (FAITID): (08:27) GAC = Telecom ministries, and not always Law Enforcement Agencies

Theo Geurts RrSG: (08:27) 80% sounds right

Steve Levy: (08:27) QUESTION - What assurances could be offered that anonymized email addresses would actually reach the registrant? Current privacy and proxy services are routinely blocked by spam filters and I've been told, by many registrants, that my initial correspondence was not received until a UDRP complaint was filed

Tim Chen: (08:28) @JimGalvin sorry, in and out of chat here. You are correct about DNS being mostly connectionless. I could have been more precise by re-emphasizing that I was making meta points. in this case, i was indirectly referring to trust in the form of things like 1. do I want to resolve this link that someone just sent me or 2. I use a spam filter and do not accept all email bc I may not trust it 3. Paul Vixie blocks all traffic from the .TK zone on his home router bc , at least at one point, .TK was free and anonymous. does that help?

Maxim Alzoba (FAITID): (08:29) @Tim, personally controlled nodes on the border of the Internet are not the same as large networks, constituting Internet

Lori Schulman: (08:29) <QUESTION> I am curious at to what ICANN is using the word "exploring" when discussing accredited access for non law enforcement access. I would like to see the world "committed" to provided options. Why not commit?"

Lori Schulman: (08:30) <Question> Clarifying that I meant "why" ICANN is using the term "exploring" not "what"

James Galvin (Afiliias): (08:31) As a practical matter, email is a best effort service. The burden to provide this service against any kind of SLA (especially one like "delivered in a few seconds", is simply not an appropriate solution. Short-term maybe but not with an SLA.

R. Mallet: (08:31) Should not treat diffeQUESTION Can we make the parallel with EU TM register and EU company register where "personal" data" is public? Should avoid to treat differently Pure players and Brick & Mortar business

Claudia Martinuzzi: (08:32) +1 Lori

Luc Seufer: (08:33) More than that, the EU directive on e-commerce imposes merchants and more generally website publisher to publish their details on their website

Ayden Férdeline: (08:33) what an odd definition of 'community input', when you do not even seek input from all the stakeholder groups...

James Galvin (Afiliias): (08:34) @timChen - I'm not in favor of the argument that says I need registration data because the DNS is important. I'm drawing a distinction between registration data is important because I need to know about the domain name and registration data is important because the DNS is important.

Marilyn Cade: (08:34) And Marilyn has raised my hand

Griffin Barnett: (08:34) We have noted your hand Marilyn

Alexander Heirwegh: (08:35) <QUESTION> what is ICANN's plan of action when different DPA's have converging opinions on the proposed interim model? Will the most restrictive approach be adopted?

Susan Payne: (08:35) @Brian agree re city - nothing personal about that

Alexander Heirwegh: (08:35) I mean diverging opinions of course**

Luc Seufer: (08:36) THANK YOU!

Steve DelBianco: (08:36) we will cut the question Queue after Alexander, so that JJ can move on to the certification issue

claudio: (08:36) has article 29 indicated when they are going to provide their views?

Maxim Alzoba (FAITID): (08:37) Will self-certification any different from the current CZDS?

Kiran Malancharuvil: (08:37) Agree Laureen.

Ayden Férdeline: (08:37) how does one roll this out to existing domain names?

Luc Seufer: (08:37) @Person speaking that's what AFNIC the .FR registry has been doing with the express approval of the French DPA since 2002

Benny Samuelson / Nordreg AB: (08:37) Its not that simple

Luc Seufer: (08:38) @Benny that's how .cat and .tel functions

steve metalitz: (08:38) +1 Laureen's suggestion. an additional benefit is that legal persons that want their info to be made public would have a ready way to do so.

Maxim Alzoba (FAITID): (08:39) but names of persons in companies are better to be replaced with "company domain manager"

Marilyn Cade: (08:40) I will type my question in, then:

Marilyn Cade: (08:40) as a business, I am required to post address, city, postal code, and now even email so that tax forms can be sent. Why are businesses being exempted from publishing information that we all have to publish anyway? Makes no sense,

Lori Schulman: (08:40) @Ayden - good question.

James Bladel: (08:41) Problem with applicability: We are limited by technical constraints. Having users check a box is extremely unreliable, even after accounting for registrants who provide false responses. Aside from the folks on this call the distinction between legal vs. natural person is not broadly understood.

Maxim Alzoba (FAITID): (08:41) RDS PDP is currently trying to evaluate it (reasons)

Ayden Férdeline: (08:41) when is the 'cook book' going to be published, and the cake put into the oven? in other words, what is the timeline here? we are getting very close to May... when is a model going to be finalised, and the implementation going to begin?

James Bladel: (08:42) Currently some registrars pivot on "Registrant Organization" as an indicator that the Registrant is a legal person. But so often this data is provided for aspirational (rather than actual) legal persons.

steve metalitz: (08:42) Just to correct the record, JJ misspoke when he said that COA supports anonymized e-mail in lieu of continuing to make registrant e-mail publicly available. COA has NOT proposed this and in fact our letter of 2/16/18 (which ICANN has told us it will publish though we do not see it yet on the ICANN website) specifically OPPOSED this and gave several reasons for that opposition.

Luc Seufer: (08:42) @James how are you managing .TEL anonymisation at GD?

James Bladel: (08:42) We do not offer .TEL

Luc Seufer: (08:42) your loss :-p

claudio: (08:43) if a natural person wants to provide their personal data in their email address (let's say their social security number) they have the option to do so, or they can choose to use a generic address with no personal data, the main purpose of this field is contactability

Marilyn Cade: (08:43) If one is operating a networkm adm/technical contexts are essential ,, why is that not reflected as essential, if you indeed fully respect the SSR mission of ICANN.

Luc Seufer: (08:44) for this TLD and others we have implemented a dropdown menu with entity/individual and depending on what is selected you have access to the org name field and you will be marked as a natural or legal person by the registry

Maxim Alzoba (FAITID): (08:45) we might end up with RDS/DNS where checkbox is for each field (protected as a personal data/ not)

R. Mallet: (08:45) +1 Claudio

Kathy Kleiman: (08:45) The abuse of email is well known. Spam is the leading problem, but harassment and misuse are others. Further, personal data can be in email address, as in mine. and many others.

Becky Burr: (08:46) i don't understand how you would apply a legitimate interest test to publicly available data, as you have no ability to control use

Greg Shatan: (08:46) The use and usefulness of email is also well known, and is often used to resolve many types of problems.

Brian Cimboric: (08:47) sure, but why does that have to happen in the public whois? the information is there, it just needs to be properly safeguarded

Stephanie Perrin: (08:47) +1 Becky

claudio: (08:48) @Kathy, we can leave it up to the registrant to make that choice, no? if they don't want to include personal data in their email they don't have to - its not a requirement

Becky Burr: (08:48) we are all arguing with each other about what we think GDPR requires, but only the DPAs actually know

Stephanie Perrin: (08:48) And only the Court knows for sure....

Elisa Cooper: (08:49) Where would the full data reside?

Maxim Alzoba (FAITID): (08:49) it should be more that 2 tiers (not all parties need all fields)

Ayden Férdeline: (08:49) +1 Maxim

Maxim Alzoba (FAITID): (08:49) with exception of LEA and Courts

James Bladel: (08:49) @Brian W. in fact we noted that supporting that would be operationally challenging

steve metalitz: (08:49) From Laureen Kapin, FTC on issue of whether consumers use WHOIS, as the FTC noted in the PSWG submission about user cases, our FTC system which collects user complaints has shown that thousands of consumers consult the WHOIS system to conduct due dilligence and investigate and follow up on deceptive activities.

Yvette Guigneaux: (08:50) yes

Becky Burr: (08:51) i assume that there are circumstances where consumer access to whois data is legitimate.

Maxim Alzoba (FAITID): (08:51) @Becky , in cases where domain involved in commercial activities , for example

claudio: (08:51) for the EWG folks: is any TLD currently using an accreditation program?

Maxim Alzoba (FAITID): (08:52) .amsterdam?

Stephanie Perrin: (08:52) A professional standard could direct its attention to the single user access problem.

claudio: (08:52) @maxim, is it accreditation or self-certification?

Maxim Alzoba (FAITID): (08:52) @Claudio , more application like

Statton Hammock: (08:52) Good to hear that, JJ.

claudio: (08:53) ok, thanks Maxim

Becky Burr: (08:53) the legitimate interest balance surely changes depending on the nature of the access, e.g., one time access for x searches has fewer privacy implications than being whitelisted for any number of searches across entire database

Lori Schulman: (08:54) Becky: if the whitelisting is for the same purpose of the one time use, why is that different? Because of the amount of data?

Tim Chen: (08:55) "the entire database" does not exist. Unless it gets willfully created. Something that this group will need to address, or decide to ignore, at some point. more than it has so far.

Lori Schulman: (08:55) In theory we could pose 10,000 1 time queries...but we are looking for expedited solutions

Elisa Cooper: (08:55) +1 Tim

Statton Hammock: (08:56) goog

Statton Hammock: (08:56) good

Lori Schulman: (08:56) Some well known brands have as many as 30,000 unauthorized/counterfeit sites at a time

Maxim Alzoba (FAITID): (08:56) Can ICANN be a holder of the gates?

Becky Burr: (08:57) @Lori, only suggesting that volume is one aspect of the balance, but certainly not the only issue to be considered

steve metalitz: (08:57) https://urldefense.proofpoint.com/v2/url?u=https-3A_www.icann.org_en_system_files_files_gdpr-2Dcomments-2Dcoa-2Dicann-2Dproposed-2Dcompliance-2Dmodels-2D16feb18-2Den.pdf&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=xjNMRR-fjlgBx7tqUEv8Izv2O9RJyMyqWkymcecegCUuwDxFVsW6VBuvkqKnS_lk&m=orUdtwPEjVke95vQshb8lleCUcBovBKGbiyF6I43Oy8&s=UTiWiuW2UB6TdJi6C42Lcf30VXP_skJng7WFw-vftjs&e=iis is the link to COA letter I referred to which OPPOSES anonymized e-mail.

claudio: (08:57) if your purpose in obtaining the data is legitimate , I don't see how the number of queries changes anything.

Maxim Alzoba (FAITID): (08:57) coding is not possible without clear targets

R. Mallet: (08:58) +1 Lori

Griffin Barnett: (08:58) Hi Steve Levy, we have noted your hand up in the AC room but due to time constraints can you kindly type your question or comment in the chat?

Steve Levy: (09:00) QUESTION: Following on to Fab's comment, would an accredited party have access to ALL whois information or only on a domain-by-domain basis? This could significantly impact the ability to conduct reverse whois searches.

Elisa Cooper: (09:01) The only way I can see a credentialing system could work would be for ICANN to centrally store all WHOIS data

Tim Chen: (09:02) @Steve - there has been little to no discussion about this, that I know of. any 'scalable' whois search functions may only work within the single given registrar. But, I don't know. Because I have seen almost no discussion on your point.

Maxim Alzoba (FAITID): (09:02) I am not sure this approach can be referred to as a proper contact with CPH

Becky Burr: (09:02) @Elisa - couldn't ICANN just centrally store credentials?

Elisa Cooper: (09:02) Sure

Marilyn Cade: (09:02) Are Board members with conflicts declaring conflicts in their comments? That would be so useful.

Luc Seufer: (09:02) @ Elisa you mean ICANN hiring a third party to do it or ICANN the company with whatmany leaks?

Ayden Férdeline: (09:02) note that no feedback is being sought from Non-Commercial Stakeholders

Elisa Cooper: (09:02) ICANN store the data and manage the credentials

Ayden Férdeline: (09:04) the GDPR does not give the DPAs any mechanism through which to delay enforcement of the law. however, it does give data subjects whose DPAs are negligent the ability to sue the DPAs themselves for damages. source, third bullet point:

https://urldefense.proofpoint.com/v2/url?u=https-3A__ec.europa.eu_info_law_law-2Dtopic_data-2Dprotection_reform_rights-2Dcitizens_redress_what-2Dshould-2Di-2Ddo-2Dif-2Di-2Dthink-2Dmy-2Dpersonal-2Ddata-2Dprotection-2Drights-2Dhavent-2Dbeen-2Drespected-

[5Fen&d=DwIFaQ&c=FmY1u3PJp6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=xjNMRR-fjlgBx7tqUEv8Izv2O9RJyMyqWkymcecegCUuwDxFVsW6VBuvkqKnS lk&m=orUdtwPEjVke95vQs](https://www.ietf.org/proceedings/94/1/11)
[hb8lleCUcBovBKGbiyF6I43Oy8&s=9PEiPT6wByv1Vfax9_oYNC-mEbKOad1CFrOHWQ5R318&e=](https://www.ietf.org/proceedings/94/1/11)

Marilyn Cade: (09:04) In my view, still, ICANN should look at itself as the entity to story and manage the credentials.

Maxim Alzoba (FAITID): (09:05) foreign centralized storage of personal data might violate other Pravity laws (non GDPR)

claudio: (09:05) someone should make I survived GDRP fake tattoos for icann61

Lori Schulman: (09:06) Yay Yvette!

Yvette Guigneaux: (09:06) Thanks Lori =)

shirley: (09:06) thank you all

Karel Douglas: (09:06) HAHAHAH good idea Claudio

Sara Bockey: (09:06) thanks all

Kiran Malancharuvil: (09:06) Thank you!

Steve Levy: (09:06) Thanks all

Ayden Férdeline: (09:06) thanks all

Andrew Mack: (09:06) thnks all

Statton Hammock: (09:06) Thank you all

Fred Felman 2: (09:06) thanks all

Griffin Barnett: (09:06) Thanks every one for attending

Paul Luehr: (09:06) Thank you

Greg Shatan: (09:06) Thank you all.

Maxim Alzoba (FAITID): (09:06) bye all

Scott Austin: (09:06) thanks All

Griffin Barnett: (09:06) We will be making today's materials available to all in the coming days

Carlton SAMUELS: (09:07) Bye all