ICANN75 | AGM – GNSO EPDP Phase 2 (SSAD) - Presentation of Whois Disclosure System Design Paper
Saturday, September 17, 2022 – 16:30 to 17:30 KUL

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SEBASTIEN DUCOS: Thank you, Devan, and I hope that everybody can hear me. So we had two sessions planned on this topic today. The first one, there's a presentation and the second one for the small team to review what they had been presented. Given the number of questions that we had in the first session, I propose to do the following.

We will spend the first half hour fielding those questions that were asked and potentially new ones, and then on the hour, I will stop that queue and reserve it for the small team to go through a number of items that we need to go through. Then, should there be time at the end, I'm happy to reopen the queue. I believe that

in the 30 minutes between the two sessions, the questions that were in chat were collected and given to Yuko, who will field them.

I'll give you the mic in a minute, Yuko, if you're ready. There was one question asked early about CZDS and if I may, I'd like respond to that one because it's an interesting and multilevel one and I'd like to able to respond. If you're ready, Yuko, please go ahead.

I see your hands, Thomas and Steve, and now Laureen, too. And in the attendees, I see also two hands from Lori and Mason. I'll give mic first to Yuko to clear the questions that she was given.

YUKO YOKOYAMA: Thank you, Sebastien. This is Yuko Yokoyama again. I would like to go through the question submitted through the chat window from the previous session first before taking new questions through the hands and in the chat again, so that I'm going to ask my colleagues to read out the question and who submitted it and your response. I would like to first make a statement about this project that I neglected to do so at the onset of last session.

I want to remind everybody that this design paper came to be during the summer, and it was meant to be a six weeks project to draft a system design for simpler and cost-effective solutions that may not be an asset, but simpler and more cost effective.

So implementation and how we may go about was not in scope of this design project, so I want to make sure that it is understood and that some of the questions such as how do you intend to do a check-in later or how we made your awareness campaign? All those were out of scope for this very short, intense project.

So, I just wanted to remind everybody that not everything is figured out within that six weeks and there's a lot to figure out still working with the small team and the ICANN team. Thank you. So now I would like to ask Andre to read off the first question from yang Dunson and your answer, please.

ANDRE ABED: Hi, my name is Andre Abed, I'm with ICANN IT. The first question is, "Is the ICANN accreditation process user friendly enough for the public at large MFA will scare away many users." I would say that if the question is in reference with ICANN account process, the signup is currently a simple two-step process with email validation. Currently MFA is not available, but is that we have discussed and will continue to do so under advisement. Thank you.

YUKO YOKOYAMA: Thank you, Andre. Next question is from Lori Schulman. "Agree with Stephanie Perrin's observations, removing controls does not meet goals of SSAD in terms of reliability, legitimacy, et cetera.

Board did not vote to accept or reject SSAD. How can the report be overridden without a board vote?" So thank you for your question, Lori.

I would like to stress that board has not made any determination on SSAD or the WHOIS disclosure system. So this report is not overriding anything as of yet. So, this design paperwork is meant to highlight what can be done in a simpler and more cost-effective ways, and that this is supposed to inform further discussions between the council and the ICANN board, therefore no decision has been made on either systems. Thank you.

ELEEZA AGOPIAN: Hi, this is Eleeza Agopian. The next question's also from Lori and of a similar vein, she says, "Following up my question, I understand that this is not policy per se, but an operational function, and I'm concerned about how the policy recommendations will be handled. How will they be handled?"

So, as Yuko noted, this is a design paper, this is in an attempt to help both the board and the council continue their conversation about what should happen with those policy recommendations. There's a couple of ways this can play out. Obviously, this is up to the board and the council, certainly not up to us, but the board could make a decision on the recommendations now, they could ask us to do this for a test period of say one to two years as we

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discuss in the paper, and then come back and look at the data and results and consult with the council on the policy recommendations themselves.

The council could certainly amend their policy recommendations either now or later on, depending on what the results are. So there's a couple of flavors of how this could go. The intention here should we implement the system is to produce some data that would help both the board and the council, and of course, the larger community talk about and figure out where to go from here with policy recommendations. Thank you.

SEBASTIEN DUCOS: Eleeza, can I answer, also?

ELEEZA AGOPIAN: Yes, of course.

SEBASTIEN DUCOS: To give my answer. This is Sebastien Ducos, and on behalf of the small team in my quality of the leader, here. Obviously, so the policy recommendations, I assume we haven't gone through all the details, but let's say that this is a tool that works and a tool that is satisfactory and et cetera, we will have to review those. So my assumption is that at some point between the small team on the GNSO side and the board side, we will agree to go back to

some form of PDP to review the present recommendations and align them with what we find operable.

It's policy that emanates from a PDP, I don't see any other way than amending and recovering them or changing them in any way but through a PDP again, albeit shorter, hopefully, and easier to conduct, but still the same type of method. We won't conduct this though until the proof of concept or the tool is developed and brought to a level that is satisfactory, and we know that that's our aim. Thank you.

YUKO YOKOYAMA: Odeline, can I ask for you to address the next question?

ODELINE MACDONALD: Sure. Odeline MacDonald, legal team. "Is there not a risk to register that the system will be over relied and to facilitate potentially legal disclosure?   Since there is no verification of requesters identity and stated reasons, there is no quality control in the system and registrar may rely on request coming through the system as being legitimate."

This is a risk to the RNH and the contracted parties. So, although indeed there is no identity verification as such, so no verification of ID card, passport, et cetera, the requester will need to provide

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their name and email address to create an ICANN account, and this will be verified.

They will also in the intake form need to provide additional information as to their capacity to request this information to be disclosed and also the reasons why, of course, they need to have this information disclosed.

I would recommend that you look at the NX of the presentation, where all the questions are listed in details. The [00:11:24 - inaudible], I think there are 19 questions in the annex. I'd like to emphasis as well that although the system would direct the request from the requester to the registrars.

The registrars are and remain responsible for assessing the validity and legitimacy of the request. If they would need further information, as mentioned earlier, they can always request additional information outside of the system by email or other means.

I will take the next one, which I believe is related. "It was saying to be clear, in the risks, you have not evaluated risk to the RNH, obviously, in proper disclosure of personal data may also bring risk fines to the CPS, but the immediate risk is to the RNH. You need to list those risk in my view, and to that, we will look at this indeed, and we thank you for the suggestions to list these risks.

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AMY BIVINS: Okay, I'll take the next question. This is Amy Bivins from ICANN Org again. The question is from Brian King, "Given the importance of the WHOIS to many in the community, can you speak to the assumption that registries would not participate?" So thank you for your question, Brian, I don't know if you're still here, I think you were.

Obviously, the WHOIS important to many in the community. Given that this system was intended to be something that was simpler than the full recommended SSAD, a design assumption was made to limit the request path to the registrars. The Org is very open obviously to the small team and broader community's feedback on this. So this is something that is a significant issue, we'll certainly take that into account.

YUKO YOKOYAMA: Next question is from Mason Cole, "What is the plan methodology for evaluating results of this test after one year?" Thank you, Mason, for the question. This is Yuko Yokoyama. Again, this design paper is only meant to highlight the system design, and implementation planning has not been done. So there's a lot of work to do, including this methodology, which we will figure out together with the GNSO small team if the implementation were to take place. Thank you.

SEBASTIEN DUCOS:	This is Sebastian Ducos quickly, if I can -- I fully agree, Yuko. The small team is not expanding; if this is going forward, there is remaining work for us to do and in particular -- I've read your question, Mason -- in particular, how we measure and qualify success.
ANDRE ABED:	Hey, this Andre Abed with ICANN Org. The next question is from Susan Payne. The question is, "If a registrar has not adopted the system, then what happens to the request where disclosure of data from that registrar is submitted in the system?" So we would not allow submissions for registrars that are not participating that will be a look-up validation during the form entry, specifically in subject field to allow early notification to the user for a non-participating registrar to provide a better user experience with real-time feedback. Thank you.
YUKO YOKOYAMA:	I believe that was the end of the question submitted in the chat from the first session. So Sebastien, I would like to hand it over to you for hands.
SEBASTIEN DUCOS:	Thank you very much, and thank you very much for taking 15 minutes on this, which leaves us 15 minutes and whatever time

we have at the end for the queue. I would like to go back to the queue as was left before, and Thomas I've seen your hand very early, and I believe that John McElwaine was there on the previous queue. If you're still around for a question, John please have the mic, and then I'll pass it on to Thomas.

JOHN MCELWAINE: Thanks, John McElwaine for the record. One of the slides or well, something that was spoken during the presentation said that the data will be secure and provided on a need-to-know basis, and I think that was referring to section 3.9. One of the real important aspects to this WHOIS disclosure system is being able to have access in reporting on aggregate data, and I just wanted to make sure that that was still a plan and whether there was going to be an opportunity to maybe even add additional data fields that we might, as a GNSO council, want to take a look at, or as a community, take a look at. Thanks.

YUKO YOKOYAMA: Thank you for your question. This is Yuko Yokyama. So yes, the data will be collected for the purpose of studying later, and in terms of how the data will be shared or if it's going to be published or in what way we're going to be studying, this is again, up to discussion with the community at the time that when we can do such a study after one-year mark. In terms of adding the

data field, again, that is something that we can discuss at the time of one-year mark. Obviously, adding system feature means that there's a development time at it and cost as well. So that's something to flag. Thank you.

SEBASTIEN DUCOS: Thank you. Thomas, I think it's your turn.

THOMAS RICKERT: Thanks very much, Sebastien. Hi everyone. I have questions for the ICANN team and one comment to make. The questions are with respect to abusive requests. In the EPDP recommendations, we put a lot of thought in ensuring that the system is not being abused by those who want to harvest data from the various contracted parties.

Is it foreseen for this system to also at least allow for reporting of illegitimate requests and then potentially blocking requestors temporarily or permanently. That's question number one. Question number two is with respect to costs.

I'm not an engineer, so I can't say whether the cost estimate that you provided is sound or not, but my question is more whether you got word from the financial folks inside ICANN, whether what you've offered is within the budget that they're willing to spend on, because I think our discussion would be nude if ICANN were

not willing to accept an expense, even though it's internal costs to the effect that you've displayed in the report.

The comment that I have to offer is on the acceptance of the system, and those that have been in Hague, I've made a comparable comment at the time when we discussed the SSAD ODA. When it comes to disclosure requests, I think we can create two buckets of disclosure requests.

One, where the contracted party has no choice because they are under legal obligation to disclose data. For those requests, we can't prevent anyone from going to the contracted party in question and asking for the data directly, although we can certainly encourage the use of this disclosure system.

The second bucket is where talking in GDPR terms where the disclosure can be made by the contracted party, but where there's no right or no claim of the request, or to obtain that data, those would typically be 61F request where the contracted party has a right to disclose based on a legitimate interest.

In those cases, the contracted parties could make it make a choice in their respective groups and say, okay, we are going to point request to us to the central system and not disclose based on direct requests. I think that such encouragement is required in order to actually see how much volume there will be and whether we can go beyond such pilot phase.

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Therefore, I think it's particularly for us as a small team or for the GNSO council to talk to the contracted parties and ask them for their willingness to maybe have such approach agreed upon in their membership so that we can ensure that the highest possible number of requests is actually being directed to the central system, which as I've mentioned, would be possible for the second type of requests that are outlined.

I'm happy to discuss this more, but I think before green lighting this, it would be good to get agreement or not with the contracted parties, whether they're willing to endorse the system to that effect. Thank you.

SEBASTIEN DUCOS: This is Sebastian Ducos. Sorry, may I answer this, and please answer the funding question. I think that you answered it in your slides anyway, but just very quickly, and I'll put here my picture about CZDS. CZDS is actually very much in its similar position in the sense that actually contractually ROs are invited to use it and ICANN proposes the system and it works well, and et cetera, but we don't have to.

As ROs, we can decide to disclose the zone data files separately on our own. It just happens to be so much more convenient to do it for CZDS on an RO side, and also on the requested side. Now, there was a comment from Jan Jansen earlier about the fact that

it wasn't perfect and yes, indeed nothing is, and in particular, because in CZDS, when we request a zone far from an RO, we don't get at all -- and unless the RO responds and until the RO responds positively or negatively, we don't get to see where it's at, and some requests can stay there livid for years.

There is nothing to stop it, and worse, there's nothing for the requester to stop the request and reissuing a new one, which is not entirely the case here again, because people will be able to submit the same request. That also will be part of the data to try to see how insisting the requester may be and, and how quick they're ready to jump the gun and ask again, for example.

For other intents and purposes, again, because ICANN is supply a tool that was designed also back in its days with the community input, it turned out to be the default use, and actually, I had to go and check in the contract again, because it still says it's optionally for ROs to use, but we'll use it because it's the easiest and most convenient way to pass these requests and to process them.

I see very much this tool as being that for the request. So yes, there will be efforts to make sure that the community plays ball and uses the tool and et cetera, but when a tool is provided, that happens to be the most efficient way for everybody to go and converse, it will be used. Thank you.

YUKO YOKOYAMA: Hi, this Yuko. I will be addressing your first question, Thomas, which I understood as whether there's an avenue or registrars to report abusive user's requesters to ICANN. Currently the system does not have such a feature envisioned. Again, this is meant to be simplified system.

That said, as you saw from the system mockups that when registrar processed the request, you could always mark it denied, and there's a denial reasons that you can specify, and such a data could be useful at the time that we may rediscuss the system feature. I'm going to pass it on to Shani, our colleague for your second question about finance.

SHANI QUIDWAI: Hi, this is Shani Quidwai from ICANN Finance. As indicated in the presentation, we plan to utilize our supplemental fund for implementation of community recommendations as the funding source for this project.

That fund is something that we developed a little over a year ago and has a balance of about $20 million. So there are sufficient funds in that to handle this work. We are recommending the usage of that because this was not included in the budget and this fund was created for this type of work. So hopefully that answers. Thank you.

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THOMAS RICKERT: Yes, I've read that you wanted to take the money out of that fund, but you also got green light from finance that this could be deployed from there. So it's not only that I can has money, but it's also willing to spend the money for this.

SHANI QUIDWAI: Correct, we would be willing to spend the money.

SEBASTIEN DUCOS: So this is best because again, from the original queue, and I'm sorry for those that have their hands up, but we might not be able to get to you in the five minutes that we have now. So Mason's question was answered and he lowered his hand, and so apparently did Lori, so I have Werner Staub.

WERNER STAUB: Werner Staub from CORE Association. When I saw the list of the differences between SSAD and the disclosure request system that we have and discussing now, it struck me that many of the things that are not going to be done could possibly be introduced as optional things, such as verification if it's a government, could optionally be added if somebody wishes to identify themselves as such a verification of being, having certain claims could be added optionally, or even on the other hand, if it's like automation on the side of the registrar, would that also optionally be or

interested? It would not be obliged to use this, but it could be very useful if the option was available.

Now, soon as such an option is available in for instance, about verification of identity, such as to see if the requester was from a .gov email address in the US, or from admin.ch in Switzerland, which is also the government.

That is a claim that could, of course, be transmitted and possibly would enable a registrar to respond in an informed way, knowing that they have a reason to provide information because of the claims that have been verified about the requester without saying that all the requesters need to have such verified claims.

YUKO YOKOYAMA: Thank you for your question. Certainly those optional features would be very much useful to determine whether to disclose the data for registrars that said any optional features that we did not talk about, or that's not part of this design means that it will be added time and cost to add those features.

I would like to mention that again, there's an avenue for requesters to provide whatever information that they want to relate to the registrars to make their case stronger. So there's an avenue to have that document exchange to make registrar's decision easier, but as of right now those added optional feature.

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As nice as it may be, it is not part of the scope for this simplified and cost-effective system. Thank you.

SEBASTIEN DUCOS: Thank you. So, I'll take one last turn now and we'll see if we have time afterwards. I'll give the header to Steve Crocker.

STEVE CROCKER: Thank you very much. Acknowledging that this focus is on the system design and not on the larger project of how all those fits the community, let me just offer three very specific comments. One is, there will be agreements imposed on both the requesters and the registrars.

It would be very helpful to have copies of those agreements early, rather than late in the process, that is, as you design the system and implement it at some point, you're going to have to commit to the text that is given to the requesters when they register to use the system and the text that is given to the registrars when they sign up to use the system. So, the sooner that we can all see that text the better. That's one.

Second, account holder data separate and apart from registered name holder is very helpful and important in a number of circumstances. It will be desirable to be able to request to see that data. Registrars have that data, obviously, that is their

customer, and of course, it's sensitive information and should be disclosed only under certain circumstances, but the ability to request account holder information should be part of the design.

The third comment, which has been covered before is about APIs. I understand that the decision has been made firmly not to have APIs for either the requesters or the registrars, but quite a few of us think that this is an unnecessary weakness and ask that that be reconsidered. Thank you.

SEBASTIEN DUCOS: Thank you, Steve. I'll let Yuko answer those questions and then we'll, yes, go ahead.

YUKO YOKOYAMA: Thank you. I was just going to say thank you for the suggestions, we'll take note of that. Thank you.

SEBASTIEN DUCOS: Okay, thank you. Short and sweet. So, what I will do now, I have a queue of Lori, Kevin, Steve DelBianco, and Paul McGrady. I have noted that, I have that on a post-it right here. I will ask you to lower your hands for now because we might need a queue for the next session, but then I'll call back on you if we have time and I hope that we do. I would like now to go back to the agenda of the small team.

I note that Chantelle wants to be in queue, and I'll add her right now. So, we have an agenda, we need to [00:32:14 - inaudible] basically urgently. I understand from ICANN management, well from you, not to name him, and I hope that you'll be able during the week to confirm that in our bilaterals, but I understand that if we want this to start in earnest and start in the first half of 2023, we need for the council at least to have made a decision and have made the decision public by or during the October meeting, end of October meeting, which means that as a small team, we need to have prepared our response to the, whatever, to the council, positive or negative.

If it's negative, because we need more time, then we understand that things will not be scheduled in the first half of 2023 and might need to be scheduled a bit later in the second half. Just in terms of ICANN processes and the way they schedule their things, they do that in half year tranches, and if we have to go forward or if we are willing to go forward, they would want our answer in the next month or in the following council meeting.

I understand that should we agree to that, the board will still have to validate, but that, I'm not saying that it's a full conclusion, but let's say that if the council, agrees the board is very likely to follow suit. Again, to Thomas's question, I understand that funding has been earmarked for it. Obviously, the board has also to validate

that, but it exists and it's been earmarked and it's been pretty assistant approved. I don't want to jump the gun again.

We have a council to convince either way, and then we have a board to take decisions that are hard, but there is a window there, window of opportunity for us to go if we want to have this moving fast to have it approved in the next month. We, and by we, I mean Marika, sent you a week ago, a template of what the small team's response should be with a number of questions. I wanted to make sure that we were able to cover, or at least see those questions in order to be able to work on it.

We will have a number of sessions after ICANN, and until we do to go back to the council. I wanted to be able to talk with the small team and making sure that we are looking at that, having initial understanding if it's something that we are, and we will have to rush of it because we have little time, it's something that we want to rush, or if there's something that we need to work on a lot more. The positive responses that I heard in the two meetings that we had as this paper was being drafted were encouraging, but I want to make sure that is [00:36:01 - inaudible].

Yes, Susan, it is a very challenging timeline, but again, it's the one window of opportunity that we have, and please understand that the team has been working on this for months. So maybe they have a bit of a heads up on the public. It's the one window of opportunity that we have to have this developed earlier, rather

than later. So, small team, and please keep it through the small team. Can I have reactions or comments on what we shared and how you see things moving forward? Steve, I see your hand.

STEVE DELBLANCO: Thanks, Sebastien, Steve DelBlanco with the BC, and with respect to the two questions in the agenda, I believe that that staff's proposal potentially misses one of the key incentives for requesters to use the system and in turn for registrars to use the system. That would be the expectation we had that if a requester does a proper invalid response regarding a domain name that is in fact a gTLD domain name, that that would be logged, and it's entirely voluntary for the registrar to examine and respond, I realize that, but requesters won't bother to put them in.

If registrars can simply decline to enroll, decline to participate, and therefore cause requests of their domains to simply be dumped, because page 15 in the staff's draft design paper says that if the registrar doesn't participate, and I need to ask you what they mean by participate, that if they don't participate, the request would not be processed. So that if a registrar chose not to log in and look at the requests, then nothing would even be logged.

The value of logging, is that's what will draw requesters to use the system, especially requesters who didn't even know it exists until

they get some good marketing, and they'll say, this is a fabulous way to get a centralized place to put in my requests. Then if they use it and the requests don't even get logged because the registrar they're inquiring about has chosen not to log in, I believe this will contribute to certain failure for the system.

It's a relatively easy thing to fix, and that is to say, let's log requests and retain if they're properly formed requests. That doesn't mean that they're legally sufficient to motivate a reasonable response or a disclosure, I'm not speaking of that. I'm just speaking about the idea that requesters, who put in a request for a domain name, they ought to be logged for purposes of analyzing the data about responses later on. Thank you.

SEBASTIEN DUCOS: Thank you. Staff, if you're still present, do you want to respond or do you want us to collect the questions and gather them for you to answer?

YUKO YOKOYAMA: I can try. Thank you. This Yuko Yokoyama. So in terms of logging, you're correct that it will not be logged if request, you request a domain name information which is under the management of registrars who did not opt in to use the system, they will not be able to submit a request because as soon as they put, for example, whatever domain name, that may be icann.org, and if

the registrar of that domain is not participating in the system, there will be an error message to say, you cannot proceed further because this registrar of record is not a system user.

So that error message has not been crafted obviously, but that could obviously lead them to directly contact the registrar outside the system, but because the requesters are not able to proceed to populate the whole request form and submit because the registrar's not participating, so there will be no logs available. So that's something that I guess we'll have to discuss.

STEVE DELBLANCO: Sebastien, may I do a quick follow up?

SEBASTIEN DUCOS: Please, because if you don't know, I have one. Go ahead.

STEVE DELBLANCO: Thank you very much. So that if under the way you've described it, the registrars could opt in at any point, a registrar could decide after seeing that there have been lots of requests and that they're legitimate requests, they may choose to log in or opt-in, as you said, but if you dump the requests instantly, if you deny the entry of them, we'll never be able to create the evidence of demand for a registrar who has held out on the sidelines and not wanting to get in. So, I can say that the BC and I know there'll be other

members of the small team and even on council would say that it's essential to log all requests if they're legitimate. Thank you.

YUKO YOKOYAMA: Thank you for your point. We'll take that suggestion and discuss internally.

SEBASTIEN DUCOS: Thank you. Just a short, yes, I don't quite understand why it wouldn't be logged, if in particular there's legal reasons, please tell us, but otherwise I would be indeed very much in favor of logging that, at least it's a vital point of data. I see Alan Greenberg's hand.

ALAN GREENBERG: Yes, thank you. Very quickly on that last point, I agree with what you just said, the fact that the request is truncated not going to be acted on doesn't mean it can't result in a log entry, including the name of the registrar, if nothing else. The reason I put my hand up is we've used most of this meeting and haven't gotten to questions from the small group.

I just don't think it's practical to assume that whatever happens today is going to guide us. I would suggest that we ask for in writing from all small group members, items that they believe are absolutely critical to this preceding, and then we can discuss

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them as a group and decide which ones we communally put forward to ICANN to say these are critical, and if you can't meet them, then maybe the implementation first half next year goes.

Without these things, we have a significant problem, and doing it in present here, we're simply not going to go through enough people with enough questions. Each answer takes too long. Thank you.

SEBASTIEN DUCOS: Thank you very much. What you were sent is a Google doc, please go back to Marika's email and put your response directly in it. That's exactly what it is for. Thank you for the reminder. Paul McGrady.

PAUL MCGRADY: Thanks. Paul McGrady. So I'm one step further than Steve went on this issue. I guess I don't understand why we are continuing to take the position that registrars don't have to participate in this. The temporary specification makes it pretty clear that if registrars get a request for information, they have an obligation to respond to that, and it seems to me that it's fairly ridiculous to build a system that registrars can simply choose not to log into in order to avoid responding under the temporary specification.

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So why not just build a system instead of not allowing the end user to go forward? if a registrar has not signed up, why not simply build a system to spit an email out to the registrar saying, hey, something came in for you through the system. And so, you know, attached as the file with all the information.

That triggers a response requirement under the temporary specification, and we can dispense with the confusion around whether or not registrars have to participate, that's just a, non-issue under the time spec.

So I think that's for me, the major takeaway, which is let's just dispense with not logging things, and let's just dispense with not registrars not being obligated to participate, and let's just create a system that collects the information and spits out an email saying the information's in there, here's a file hatched, and if the registrar chooses not to use the system to respond to the requesting party, I mean, that's fine, [00:45:07 - inaudible] obligation responded requesting party, and the requesting party, if they don't hear back from the registrar after a certain period of time can log in and say, I didn't hear back, or they can log in and say, I heard back, but they didn't disclose, or they can log in and say I heard back and they did disclose or whatever, and we can keep collecting the data.

So, I feel like we've sort of unwittingly built a blockade into the system that doesn't really accomplish what we want to do, and

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it's fairly simple fix and emails are fairly simple things. So hopefully that helps a little bit. Thanks so much.

SEBASTIEN DUCOS: Thank you, Paul. Steven, Paul, I guess your hands are down now. Marc Anderson has the mic.

MARC ANDERSON: Thanks, Sebastien. Marc Anderson for the transcript. First, thank you to staff for the presentation, the opportunity to ask questions. Going back to the early days of this discussion, we were talking the idea of an SSAD, at some point we came up against the conclusion that, hey, we really need to understand what is actually possible. So we asked staff if they could come up with this design paper and tell us what could be built cheaply easily and quickly, and this very much does that, so thank you for that.

One of the things that jumps out at me as I was looking through the document is that reporting is a pretty key piece for us, the community, the small team, for the GNSO council, for everybody involved in this really to determine whether or not this is a success. We haven't really talked about what is a success? How are we going to evaluate whether or not we've achieved what we want to achieve?

I was looking through the document and there isn't really anything on reporting. There's a section at the end of the table reporting requirements, and it says that'll be made available to review the proof of concept. I really think it's on us, the small team, to talk about what, what are our reporting requirements what is, what are the metrics that we need? I don't think this is a task for staff to go back and figure out what they're going to report on the system.

I think this is a job for us, the small team, to put our heads together and decide, okay, what are the metrics that we need? What's the data that we need to evaluate the success or failure of this concept. So, as we're proceeding with this decision to proceed or not proceed, or go back to staff and ask for changes, I think it's worth us spending some time to consider what we need out of reporting. I think we heard some of that just now from Steve.

We need to know who's submitting requests to registrars that might not be participating, that's a metric we need. So maybe this this is a comment for Sebastien. I think it's worth us spending some time talking about what are reporting requirements and have that conversation at the same time we talk about how do we evaluate success or failure? What are our success and failure criteria if we decide to proceed with this system? Thank you.

SEBASTIEN DUCOS: Thank you, Marc. So again, what I expressed earlier is if we want this to move fast, there's a go-no-go to have now, it doesn't mean that the small team is disband beyond. I think there is plenty of work to be done afterwards, that is just not a requirement for the next-- unless you, you see it differently.

To me, the metric for success is not an immediate requirement for this, next month, we can work on it later. Chantelle, I understand you have a question for Marc Trachtenberg, which I'm sure is absolutely valid, but I'd like to make sure that I've captured what we wanted to work with the small team. So I'll add, or you can add that to the queue afterwards if we find time.

So I'll pass that, and sorry, Marc, I'll pass that and pass the mic to Marika. Please, if you could walk us back a bit through the agenda and the template that you prepared to make sure that we fully explain what we are expecting and how we want to move forward.

MARIKA KONINGS: Yes, thanks, Sebastien. This is Marika. So what you see on the screen, and as Sebastian noted, this has already been shared with the small team as well in the form of a Google doc, and this is just the first page, there a second page to this as well, is a number of questions that we've kind of developed based on what we think the small team should be thinking about or responding to, to help

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inform that further conversation and decision by the council on this.

I said this is something that we worked on with Sebastian, and if the small team believes that further questions that need to be thought through, please feel free to add those, but this is a really important first step to get that conversation going as I think Alan just mentioned, and I think Marc referred to as well, some of the things the group will need to think through.

So the first question here is really does the proposed WHOIS Disclosure System Design align with the expectations as a small team set out in its preliminary report? Maybe good as well for everyone to refresh themselves on how you explain it there and what you intended to achieve with that, and if it doesn't, why not, and what would need to be modified for these expectations to be met.

I think some people here have already made specific suggestions to that, so, please add that to the document. Again, it allows others as well to react and respond to that, to indicate if you agree that that is something that should be considered or not, and why not. So then the second question and the thing that goes a bit to what Marc was talking about as well, the reporting or the information that that would be learned from the system.

Will implementation of the WHOIS Disclosure System deliver the information to help inform the council and board consultation on the cost benefit of SSAD recommendations because as explained as well, this is to help inform that conversation and eventually help the board make a determination on whether or not to proceed with the SSAD recommendations or for the council to make a decision on what it wants to modify the SSAD recommendations based on the experience and data it has learned from the design or the implementation of design.

Again, if it's, yes, which information will be essential to determine how to proceed, and if not, what information is missing and how could this information be obtained. Go to the next slide, please. So then basically based on the responses to the questions one and two, the ultimate question here for the small team will be, what would you want to recommend to the GNSO council that it request the ICANN board to do, proceed with the implementation of the WHOIS Disclosure System, yes or no, or in a modified format.

If the answer is yes, what are the expectations with regards to the timing of implementation, your factoring in the information that was already included as well in the report with regards to the time it takes to implement the system, as well as the ramp up time, what role, if any, is the council or small team expected to play during the implementation phase, I think Sebastien already

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highlighted as well, that there is work that the small team could or should be doing from a GNSO perspective, but these are also an expectation with regards to an engagement during the implementation phase with the Org team, how and by whom should the review of data obtain be conducted, is this something that should be joined jointly with the ICANN board?

The preliminary report did include some information with regards to the timing by which data was expected to be received, but it doesn't really go into detail how that review process would then expect to be take. Does the original timing of checkpoint still apply? I think the preliminary reports is every six months up to a maximum of two years. How can the GNSO council and small team contribute to the success of the WHOIS Disclosure System?

I think Thomas already made some suggestions there on outreach of conversations that could happen to promote the system and engage registrars in this, but maybe the other aspects where the community can contribute to the success of the use of the system to obtain that data, if there's agreement that the council should proceed, or there should be a recommendation to proceed with this. If the answer is no, what is the rationale for not proceeding?

Obviously, the small team initially recommended the development of this design, why is there now done a decision that to not proceed, and what does that mean with regards to the

SSAD recommendation? So this was intended to help inform the consideration of those recommendations. So if there's a decision not to proceed or a recommendation to not proceed, what's then next to conclude that consultation that the council and board are basically in with regards to the SSAD recommendations.

So that's currently up for as a Google doc. So I think a question for the group is here. I think first of all, of course, does this capture all the questions that you think the small team needs to be answering, if not, feel free to suggest? I think the next question is what is a reasonable timeframe to ask everyone to provide your input.

Then of course, for the small team, then as well to review that, and basically, come finally to the small team responds on all these questions. Just as a data point, the next council meeting in October is on the 20th of October, the document deadline is on the 10th of October. So if there would be a desire from the small team to work towards that and have a council decision, or at least council consideration of the small team's recommendation by that date, that will be a date you would be working towards.

Of course, if there's no urgency, we can also look at the next council meetings and the timelines associated with that, but that's probably something for the small team to consider again, loading as well, timeframe that is needed for ramp up and

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implementation. What is the ideal scenario here with regards to, if there is a yes answer?

By what deadline would you would like to convey that to council noting that council will need to consider the side as well, and of course, it also needs to go to the board and they will also need to make a decision in the same way. So I think that's all I have at this stage. So I'll hand it back to you, Sebastien.

SEBASTIEN DUCOS: Thank you, Marika. [00:56:36 - inaudible] answering to Jeff's question, but I'll answer your question once that is off. If the small team has no further, oh, maybe I see Alan's hand, but I was going to say, last minute for the small team to -- and well, sadly we won't have time to jump to the queue.

So let's collect the questions that we're going to be asked in the queue again by, and I'm taking my notes by Lori, by Steve, by Paul, by Chantelle who had a few, collect all those questions and will respond in writing. This gives you three minutes, Alan.

ALAN GREENBERG: I don't need three minutes, I need 10 seconds. I just want to point out the 10th of October is two calendar weeks from when we return from this meeting. Is that really going to be possible for us to meet and write anything? Thank you.

SEBASTIEN DUCOS: So, Alan, again, let me reiterate, I'm not trying to ram down anything down anybody's throat. I just understand that we have this window of opportunity. I have no personal position on us taking it or not, I just wanted to flag it to the group that this opportunity existed should you want proceed with the product as was described? That's it.

ALAN GREENBERG: Just to be clear, I'm not saying we can't or shouldn't do, but if we're do it, we better schedule the meetings real soon, there's not a lot of days between now and October 10th.

SEBASTIEN DUCOS: Agreed. Absolutely. It's all in your hands as a group. So, please use the template, please communicate on the list. I'm happy to contemplate everything, but let's be active then immediately, because indeed we have little time. If we decide collectively that it's too short and we need more time, then we know what the consoles are, it's not the end of the world. It just postpones the development of this tool. Marika.

MARIKA KONINGS: Yes. Thanks, Sebastien. As I know, we're running out of time and there are quite a few people that still have questions maybe can

just encourage everyone or at least the small team members to send those to the list and we can collect them and get those to our colleagues for a response.

Of course, they're still here in the room as well, so feel free as well to go up to them, I'm hoping I'm not speaking out to line here, to ask your question, but hopefully, in that way we can get those remaining questions that we couldn't cover during this session addressed.

SEBASTIEN DUCOS: Okay. Well, then I guess this closes this session. I'm sorry. I can't say I have a call immediately after. It's been very good to hear all this. Please, please, please, those on site, do collect all the questions that we weren't able to address. I'm interested and we will answer in writing, absolutely. Talk to you all very, very soon. Thank you very much.

DEVAN REED: Thank you everyone for joining. This does conclude this session. Please stop the recording.

[END OF TRANSCRIPTION]

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