
ICANN75 | AGM – GNSO Registration Data Policy IRT
Wednesday, September 21, 2022 – 9:00 to 10:00 KUL

ANDREA GLANDON: Hello, and welcome to the Registration Data Policy IRT session. Please note that this session is being recorded and is governed by the ICANN expected standards of behavior. During this session, questions or comments submitted in chat will be read aloud if put in the proper format, as noted in the chat. If you would like to ask a question or make a comment verbally, please raise your hand. When called upon, kindly unmute your microphone and take the floor. Please state your name for the record and speak clearly at a reasonable pace. Mute your microphone when you are done speaking.

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DENNIS CHANG:

Thank you, Andrea. This is Dennis Chang speaking. I am the program director that's leading the policy implementation for this Registration Data Policy. Next slide, please. Let's advance to the next slide. One more. So today, this is our welcome. And what we'll do is we'll do a quick project overview for the implementation, and we'll look at our policy overview and impacted policies and procedures, followed by public comment instructions, and then at the end, we'll have community Q&A.

So during the presentation, please feel free to ask your questions in the chat and we'll collect at the end, and address all your questions. This session is intended to be presenting to what is the known IRT or the public of the work that we have been doing to tell you about the Registration Data Policy, what it is, what it means, and what would happen.

Next, please. Next. So this policy implementation or this policy began with the policy development in 2018 when GNSO Council initiated the first ever EPDP, Expedited Policy Development Process. And this EPDP was to look at the temp spec that was in effect at that time to see if it needed to be a policy. And it had two Phases, Phase 1 and 2. And Phase 1 was completed by the EPDP team and delivered one year after they initiated. And on 20 February 2019, the GNSO Council approved and May of that year, the Board adopted the recommendations from the EPDP Phase 1

final report. All 27, except two recommendation were heartily adapted, and we'll talk more about that.

Next, please. In August 2010, the EPDP team continued their work. And this time, Phase 2 of EPDP that included four recommendation, what they call EPDP Phase 2 Priority 2. Now these recommendations had to do with the topics that were carried over from the EPDP Phase 1. And as you know, the Phase 2 mostly dealt with DSN. And these four particular recommendations were better suited to be part of the Phase 1. And hence, Council approved and Board adopted EPDP Phase 2 Priority 2 recommendations.

And we had our first scope change into July 2021, where we adopted, included those recommendations to our policy implementation. And following that, there was another scope change in 2022 where Board adopted a Supplemental Recommendation or Recommendation 12 from the Phase 1. That was one of the recommendations that was not fully adapted from Phase 1. And finally, it was resolved. And we had a clear direction and recommendation to implement and added that recommendation to our scope in March 2022. So this year, in March, we had our complete scope for implementation, and we continued our work.

Next, please. So if you look at the total scope of our work, we count 34 recommendations, but within the recommendations, it's not just policy implementation in terms of the policy language development, which of course is what we have to do. That's the policy language drafting, but also the recommendation asked for reports and studies, which we also have done. And then included in the policy implementation was the policies and procedures that are impacted by Registration Data Policy that we had to review and assess the impact and provide an update for the review as part of the public comment, which we will talk about in a minute.

Next slide. Next, please. And here are the deliveries to date, and these slides will be posted for the session so you can read these. But this slide is basically telling you that the implementation team has been doing work, delivering since 2019 and all the way to, most recently, on 24th, of August, 2022, we have opened our public comment with much of our work and documents for you to review.

Next please. This is a pictorial view of today through the end of the projects. So 24th of August, last month, we opened our public comment, and 31 of October is when we intend to close the public comment. And in 30th of November, we will publish our public comment report. And second quarter of next year, we intend to finalize our policy and then issue our legal notice. And fourth

quarter of 2024 is where the policy implementation completes and will be effective.

Now, the exact date for when the policy is published and legal notice is issued will be determine after when we look at what we receive in terms of the public comment. There may be small changes or lot of changes, but we will come together and decide what's possible in terms of those dates, whether to improve them, or we may need more time.

The one particular note that I wanted to make here is after when we issue our final policy in second quarter of 2023, we have designed a policy such that you can begin to implement the new policy as well as you have the option of continuing with the interim Registration Data Policy. So you have the option to do that. And that implementation period is 18 months. So within that period, you may do one or the other, or combination of the two. And that kind of a feature for our policy, we'll try to communicate more clearly when we publish.

Next, please. So this is the part where we will look at our policy overview, and we call it policy overview. And we will talk about at a high level what exactly is the Registration Data Policy, and what it means, and how that will impact what you will be doing in terms of implementation and the inherent adherence to that policy.

And here, I will turn it over to my colleague on the right Amanda Rose. Next please. Go ahead, Amanda.

AMANDA ROSE:

Thank you, Dennis. So apologies, I'm having some connection issues, but I should be okay. But if there's anything just flag me, almost like this side, Dennis. So this first slide, we have essentially with the changes in global privacy regulations, we saw the need to further define the requirements related to specific processing activities for gTLD registration data. So on the left, you see the current landscape, which we're operating under, is the first stage of the Interim Policy. So that requires contract parties to continue implementing measures consistent with the temporary specification, as well as the registry accreditation agreement and applicable registry agreements.

So under that landscape or this current landscape where we do have requirements that exist relating to various processing activities for registration data. They're not defined in the level of detail that the new policy does or necessarily broken down by each of the processing activities. So the right, you see the new landscape, which will be the Registration Data Policy.

To get there essentially, I think Dennis covered this, but once the Registration Data Policy is published and notice is provided to the contracted parties, that's when we enter Stage 2 and can start

implementing the policy or a combination of temp spec, or temporary specification, and the new policy. So finally, once the effective date will enter Stage 3 or essentially replace the Interim Policy, and that is when we get to our new landscape, which breaks down all of these processing activities you see, which is collection, transfer, publication, reduction, and retention.

So we can move to the next slide. Here, we have a layout of essentially, almost the table of contents of the policy on the left here. And then on the right is just an excerpt to provide an example of what the policy looks like. This is from the collection portion. Just to give an idea for those who are not as familiar. I think most of you in the room here, not online, but have seen it, but this is available in full obviously in the public comment. But you'll see that the policy breaks down the data elements by processing activity and addresses all of the nuances with each data element as it pertains to the specific contracted party for the requirement.

So overall, the details of the policy intend to capture those nuances first by establishing the rule and then listing the data elements for which that applies to. So it does appear to almost - a lot of people would see it and ask why this can't be further simplified. And that was, I think, the IPT or implementation team with the help of the IRT. We went through several different attempts to simplify it as much as possible, but because of these

nuances, you'll see the need to break them into several different sections to explain how these rules actually apply. Starting with collection, for example, you'll see that there's data elements that can be mandatory optional, some where they're mandatory, but may not exist, such as, like, where state and province may not be applicable to that region.

So in addition, where they are optional, it'll explain who they're optional for. For example, some data elements may be optional for a registrar to collect or offer and then some may be optional for a registrant to provide and in some cases both. So there's, like I said, a lot of nuances in how this is broken down. And then publication requirements largely follow what the temporary specification provided with some minor deviation. And then in the next slides, we'll go ahead and go over the high levels changes that you'll see from the current landscape to the implementation of the new policy.

So next slide. First here, you'll see WHOIS or registration data contacts. The registrant contact is largely maintained the same as the current requirements. You'll see some added detail with respect, for example, to the registrant name and registrant organization. However, the admin contact will be eliminated, and the technical contact will be optional both for the registrar to offer the option to have a tech contact as well as the registrant to provide that should they want to. If the registrar does choose to

offer the technical contact, there will be obligations, which relate to that as they trickle down the processing chain for escrow transfer, etc. Also to note, for the technical contact, it's been reduced, so the only required elements would be the name, telephone, and email.

Second, we have changes to obligations relating to transfer registration data from registrars, the data that's collected from registrants to the registry operators. This is specific to the registrant and technical contact information that is collected from registrants. So, currently, this is dictated by the applicable agreement, the RAA, and the registry agreements. Most cases, it does currently require transfer of all data, what we call Thick WHOIS. The new policy, you'll see that the registrant and technical contact data is required to transfer where appropriate legal basis exists and data processing agreement in place.

Next slide. This first one is the changes to the registrant organization. So currently, the registrant must collect either first last name of the registrant, or the full legal name of the registrant. So in terms of publication, they can provide either of those or both it's available. To normalize how these fields are treated, including in collection and publication, the new policy establishes requirements relating to how to treat the values of both of these fields, both for preexisting registrations and new registrations going forward. So where there is a registrant

organization, there's required notifications to the registrant, including when the organization value will be published in the directory services, as well as how the registrant organization will be established as the registrant, whereas if the registrant name is provided as well that would be considered the contact of the registrant org.

Next, we have retention requirements. Currently, they must retain certain registration data as defined in the obligations such as the data retention specification for registrars, which requires two-year retention of certain registration data. The current or the new registration policy shortens the retention requirements for registration data elements that are necessary for the purposes of the transfer dispute resolution policy to at least 15 months.

Next is requirements related to the disclosure of nonpublic registration data. Currently, we're operating with the requirement to provide reasonable access based on a legitimate interest for third party requesters of registration data that's not public in the directory services and that's subject to a balancing test where the reasonable access would not be provided if the interests are overridden by the rights and freedoms of the registered, name holder, or data subject.

The new policy will replace reasonable access requirements for considering and responding to requests by providing, I'm sorry,

with requirements to consider and respond to each of these requests by either providing the data or providing the rationale for why it cannot provide the data. In cases of denial, the response must include specific reasons for the denial as well as a clear explanation for the decision. And with that, I will hand off. We've kind of gone over, like I said, a high-level overview of some of the major changes and the full policy can spell out everything else. I'll go ahead and hand off to Isabelle. Correct?

DENNIS CHANG: No. Back to me.

AMANDA ROSE: Oh, back to Dennis. Sorry. Thanks.

DENNIS CHANG: Back to me. Next, please. Now we're going to be looking at the impacted policies and procedures. Next, please. So here are the list of order policies and procedure that were impacted by the Registration Data Policy. As you note, there's over 20 of these policies and procedures. And this is why this policy implementation is such extensive large and complex policy implementation. And it's at this point that I would really like to express my gratitude to all the people who have worked tirelessly along with all of us for over three years now to get here.

And in particular, I like to recognize Rick. Hello there. Rick, I like to maybe talk a little bit about the RDAP profiles. And Rick is the chair of the RDAP profile working group. And he and his team has been working alongside of us supporting and producing two documents. That is the redlined or updated RDAP profile. So maybe you would like to say something, Rick?

RICHARD WILHELM:

Sure. Thanks, Dennis. Rick Wilhelm PIR. So the RDAP profiles are somewhere I think in this list of, it's certainly in the list of documents, but it's hard to see because there's so many. Probably would have been easier for Dennis to put together a list of policies that wasn't impacted by this thing. That probably would have been a shorter slide. But the RDAP profile, it specifies how RDAP is implemented in the context of the policy. And so it takes the policy and then reflects that in a technical specification that is a go between the policies and the ITF RFCs that define RDAP.

So that was originally done in order to implement the policy defined by the temporary specification. And so over the past several months, really I think commencing very aggressively starting in January timeframe as the work on the Registration Data Policy was really coming to a head in implementing the new

Registration Data Policy. And I think that probably most of the work in there was oriented around a new mechanism that we had to invent for redaction, which was done during the prior version of the RDAP profile, but was a little bit clunky and needed to be improved. And so we did some work in there, but all of that work is done and, well, we think it's done enough. And so we'll be looking for feedback and the comments on that. And if any of the folks, technical people have any questions about it, they bring those things to the RDAP working group. Thanks.

DENNIS CHANG:

Thank you, Rick. And I know that there are other members of the RDAP working group in this room. And we really appreciate the community coming together and voluntarily working alongside of us and taking on that most complex and technical work to collaborate with us in this implementation. I would like to ask Mark Anderson, who has been, I don't know, he's like my brother now, he's been with me for years and years, to maybe say something on behalf of the IRT who, of course, has been working for a very long time with us for over three years. Go ahead, Mark.

MARK ANDERSON:

Wow. Thanks, Dennis. Mark Anderson for the transcript. No pressure there, I guess. It has been quite a process getting to this point. And I don't know if Staff has calculated all the meeting

hours that have gone into it, but it's been a considerable lift for many people over a lot of time. I know from talking to Dennis and his team that they have countless meetings throughout the week, that go into producing this document and ensuring that everything in this document that's out for public comment is a fair and accurate representation of the of the Phase 1 recommendations. So I would like to take a moment to thank Dennis and his team, but particularly thank Dennis for all the hard work and effort that he has done over a considerable period of time.

I think I would also be remiss if I didn't thank Gustavo who I don't think he was originally on the IPT team. But when he did join, his addition to the team was very valuable and he provided many, many very positive contributions to the team through his work. So thank you to Dennis and your entire IPT team.

DENNIS CHANG:

Thank you, Mark. As long as we're thanking people, I'd like to invite my boss over there, Russ Weinstein, supporting me behind all the way from behind and making sure that I can do my job in doing this policy implementation. Go ahead, Russ. Do you like to say something?

RUSS WEINSTEIN: Sure, Dennis. Thanks, everyone. So I really do want to thank both the IPT, the IRT, RDAP working group for the incredible work and the stamina. You've displayed it in plugging away at this thing. As the slide on the screen shows, this is quite a policy and it touches a lot of things. When we've been talking about WHOIS over the years and the appropriation of that term to mean the data sometimes, the system sometimes, something in between sometimes, and going through these things line by line and really finding all of those things and making them consistent across these things to bring it together is a ton of work and really do appreciate it.

So thank you to the IPT, to the IRT, to RDAP working group. It takes a village to implement policy, and this is a good example of that. And, hopefully, we can move through the comments, get good feedback from the community, and get this thing to effective date so that we can bring to fruition what the community asked for. Thanks everyone.

DENNIS CHANG: Thank you, Russ. Yeah, I don't mind telling you the IRT has been diligent in reviewing every single word letter and looking over all of our work. So, indeed, they've done a fine job. But the IPT, when I say IPT, I mean, we call IPT implementation project team, and they're the ICANN work Staff who has supported me. They've

actually been very diligent and challenging one another to make sure that we didn't miss anything. So hopefully, the public comment result will demonstrate that.

Let's go to the next slide. Next slide, please. Okay. Hold on. Oh, go one before. So this is, Rick, funny that you mentioned this. We've looked at everything, and then we found three of these documents that we reviewed and the IRT reviewed also that when we agreed that these are the ones that were not impacted and we wanted to make sure that we present this here so that you knew that we have reviewed them. It's not like we forgot them. So that's one thing. And then we'll continue. Roger has a hand up. Roger, would you like to say something?

ROGER CARNEY:

Thanks, Dennis. No. I was just going to jump off of what Russ was talking about a village, and I know that Dennis had a count going for a while. I don't know if he quit the count or not, but I just wanted to congratulate all the new moms and dads that came through this working group with us. So Dennis, I don't know if you ended up with a final count, but there were several, so thank you.

DENNIS CHANG:

Yeah. Actually, yeah, just sitting right next to me these two ladies both--

ANDERSON: I'm Amanda.

DENNIS CHANG: Oh, that's right. That's right. The other Amanda had a baby, Jeanie had a baby, and then [00:31:17 -inaudible] here had a baby, and they take turns. Right? So they didn't have the baby at the same time. It was just incredible. Thank you very much for reminding me of that. So let's see, Steve.

STEVE DELBIANCO: Thanks, Dennis. It's Steve DelBianco with the BC. In this slide and the previous slide, one other process that's not listed is the nascent attempt to do an SSAT light or WHOIS disclosure system. And I guess it's been renamed this week to the WHOIS request system, which is really just supposed to gather data for a year or two.

But if our implementation schedule is successful within a year or two, then Staff's design paper for that WHOIS disclosure system explicitly says that once the Phase 1 policy is implemented, it allows registrars to discretion to determine the required format and the content of requests and that Staff is letting everybody know that at that point registrar's participation and that WHOIS disclosure system really becomes impacted because they may

prefer to get a request in a format that's different from that, which is provided by the WHOIS disclosure system.

So I put that back to you because Staff raised that comment in the draft paper. We didn't really discuss it on Friday. But they've given us a heads up, and so that WHOIS disclosure system probably needs to go onto our list as one of the things that gets impacted. Now it's not policy, right? That WHOIS disclosure system is our policy, but it is impacted system of the implementation of the IRT.

DENNIS CHANG: That is, I think you were referring to the EPDP Phase 2 implementation or not yet an implementation. Correct? So that's when we were doing--

STEVE DELBIANCO: I'm going to quote you. This is in Staff's report. The Staff design paper, I'll put the link in the chat, but, "Once the EPDP Phase 1 Registration Data Policy is implemented, it will explicitly impact the WHOIS disclosure system." So then we're speaking of this.

RUSS WEINSTEIN: Steve, this is Russ Weinstein. It's a good point that you're raising. I think when we're looking at it from the standpoint, we're

thinking about things that actually exist and not things that might exist in the future. But it's a fair point and it's something we can consider, and definitely in your comments when you look at it, let us know.

STEVE DELBIANCO:

Yeah. Because remember that over the last three or four days, the Board has and [00:34:06 -inaudible] have said many times that if the Council takes this up in October, they'd implement in the first half of the year. So they're likely to have it exist in whatever form it is, before we're finished implementing. And then as we implement, it'll impact what it is as they just built. And so we just want to go on the record as pointing that out. We're not ignorant of the overlap and the clash, and Staff is the one who pointed it out. It may not affect what we do, but everybody needs to pay attention. Thank you.

RUSS WEINSTEIN:

Yes, Russ, again. And thanks. And I think as we've been saying, I think both the org and the Board level has been saying there are possible ways to make sure that impact doesn't occur, right through policy processes or other ways. So it's a good thing to flag and for the community to help sort of figure out, is that a problem? Is it not? And should they solve it? So thanks.

ANDREA GLANDON: Dennis, this is Andrea. Steve Crocker has a question in the chat, do you want to do that now or hold that for later?

DENNIS CHANG: Let's do that now.

ANDREA GLANDON: Okay. Question, does the program plan include measurement of how well the policy satisfies the needs of the community? This is not the same as measuring whether the policy has been implemented. That's important, but even more important is how well the new policy meets the needs of the several constituencies and stakeholders.

DENNIS CHANG: Thank you, Steve, for the question. When we are working on policy implementation, one of the difficult thing that as a program manager needs to do is to contain the scope. And policy implementation, our job is limited to implementing the recommendations that the Board has approved. So that's our job. That's what this team does.

So once the policy gets implemented, and it's in effect, and it has been in use, I believe there is another process called the review

process. That's when the policy is the effectiveness, if you will. The benefit of that policy is measured and assessed. And based on the results that they have reviewed, we may take an action to do something about that. But it's outside of our scope to be thinking about what you are suggesting. I see Beth. Go ahead, Beth.

BETH BACON:

I do. Hi. Thanks, Dennis. Before I comment, I just want to add pile onto the manifest and I think we all forgot to say Dennis is amazing and has not murdered one person on this team in three years, which I think is pretty laudable. So thank you, Dennis, and all the team and you guys have been wonderful. We had so many people working on this in Phases and as you've created life and come back on and left. So thank you guys very much for your patience and all your hard work.

First Steve's question, I think that for us, the folks that have been going through the EPDP and the IRT processes, Steve has been part of in Phases as well. The meeting, the need of the community was to make sure we weren't in conflict with law anymore. So I think done. Check. So I think that in addition to what you said with regards to scope, I think this sure does meet our need, so I appreciate it.

DENNIS CHANG: Thank you, Beth. Let's see. Was there any other questions? If not, we'll move on. Next. Next one more. So I'll turn it over to my colleague Isabelle here on my left for some public comment instructions.

ISABELLE COLAS-ADESHINA: Thank you, Dennis. This is Isabelle Colas-Adeshina, for the record. So as we've all discussed, there's a quite complex policy. So as we know, the public comment now is open and has been open or will be open for a period of 69 days, and expected to close on the 31 of October. As we know, we're seeking inputs on the draft policy recommendations and as well as the updates to the policy and procedures that were impacted by this the registration data.

The policy or initially when I believe I shared the public comments formats during ICANN 74, I mentioned that there are going to be two forms, one for the draft Registration Data Policy and the one for the-- sorry, for the draft redlined policies and procedures. This time it's just going to be one form that's going to go over the both of those items.

And you'll have the opportunity to address if the sections that you're reviewing accurately reflect the policy recommendations with no issues, as well as if they accurately reflect the policy recommendations with added clarification that's needed, and

then if they do not accurately reflect the policy recommendations. And you'll also be able to have the opportunity to provide more language clarification in that sense.

We also added the option to raise any additional concerns or issues if they were not identified in the draft registration dialogue policy as well as the redlined policies and procedures. And the format is going to be as sort of a survey format. We did try to make this as simple as try to help you go through the process. So when you review the draft Registration Data Policy, you'll see temporary tags, what we call it, or links that take you directly to the implementation notes as well as the implementation explanations or draft [00:40:27 -inaudible].

Next slide, please. And since the slides will be available, we wanted to add the list of materials that you'll be using while you go through the public comments. The first two are the items that you will need to go through the public comments. So that is the actual draft Registration Data Policy as well as the list of the redlined existing policies and procedures that have been impacted. The following three or following three items they're not required to go through public comments, but they will help you go through it.

So the first item is the drafting errors and implementation explanations and that includes the list of recommendations that

the implementation team determined that they had very varying interpretations in the EPDP Phase 1 implementation report.

And then you'll have the list of relevant registration data scoping supporting documents. And that includes documents or links to, for example, the Board and GNSO Council correspondence, as well as these Board resolutions or rationales that have been drafted by the implementation team. And then lastly, there will be the EPDP Phase 1 and Phase 2 Priority 2 final recommendations implementation tasks. And what we did there is that we listed all of the recommendations that we reviewed, as well as the associate implementation task to each. So if they were included in the policy, draft policy language, or if they were directed to another format implemented differently. Thank you.

DENNIS CHANG:

Thank you, Isabelle. One point that I think could be helpful for the reviewers when you're doing public comment, this team, the IPT and IRT, we ran into several recommendations language where it was clear that that was misstated or it was unintended in the way it was written. So what we decided to do in those cases, we wrote those up as a drafting error and implementations explanation and documented each one of them. So you will be very clear in knowing that even though our implementation is different than the recommendation, you will see why we did that.

And Isabel here did a nice thing by tagging the policy language with those notes so that is readily available to you when you go through them. So thank you again, Isabelle.

Next page. Next slide. Let's see here. One thing that before we close, I wanted to make sure that you knew we are having a contracted party summit, I think you've heard about this from other session, beginning of November. That will be just immediately after we close our public comment in October. And we're coming together. And the contracted parties, of course you know, registry operators and registrar are the ones that would be obligated to implement this policy. So this gathering, I think, will be a good opportunity for us to have a substantive technical discussion among the implementers. So we invite you to join us there and we can continue our dialogue there.

And other than that, I'm going to open it up to everyone here. If there is someone who would like to speak or ask questions, this is your time. So community Q&A. Rick, go ahead.

RICHARD WILHELM:

Thanks, Dennis. I'm Rick Wilhelm, PIR. Just a quick question. Earlier in the discussion, there was a one point where you used some terminology, Stage 1, Stage 2, Stage 3, but that terminology didn't appear on the slides. It sounded helpful. And so I would encourage in some version of slides that could publish that

terminology get, like, written down and documented. Because when it was coming out, it made sense but I couldn't tie it to anything on the timeline. So thank you.

DENNIS CHANG:

Good point. When you look at the policy language in the background section, I think we do describe those Phases. Right? Yeah. So it's there in the policy language, but I'll take your note. We'll add a slide to make that more clear. Anyone else? Owen. Well, if there isn't anything anyone else we can close early. Okay, thumps up. Those of you, IRT members, you are here, come say hi. Immediately after the meeting come here and at least shake your hand because we've been talking in Zoom, and I've forgotten what you look like. Okay. Thank you, everyone. You may close the session now, Andrea.

ANDREA GLANDON:

Thank you, everyone. You may stop the recording. Everyone have a wonderful rest of your day.

[END OF TRANSCRIPTION]