
MONTREAL – GNSO - EPDP Phase 2 Meeting (4 of 4)
Thursday, November 7, 2019 – 13:30 to 15:00 EDT
ICANN66 | Montréal, Canada

RAFIK DAMMAK:

Let's start the meeting. Julie, can we start the recording, please?

Thanks. Thanks, everyone, for joining this last EPDP session during the Montreal meeting. We have 90 minutes. Our basic agenda is to go first through a timeline discussion. I hope that all of you had the chance to review the documents by Marika yesterday. Then we will go through the building blocks, first to see the progress and a high-level idea about the ideas there, and then trying to cover one building block, if possible, in order to prepare for the next calls this month.

If there is no objection, I guess we can move to the first agenda item, and that's about the timeline discussion. As you can see here, we are listing some of the challenges we have. Some are already in the form of questions. As you can see, if it's possibly to produce [inaudible] for the initial report without knowing the response of the EPDP. We had already some discussion at the EPDP team level regarding that.

The second is we also have that uncertainty about if and when the response will be received and how much direction they will include and how they can influence our work. So this is one of the challenges we have here.

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On the other hand, we have the pressure from the community, as you know, to deliver the final report as soon as possible. So we have to balance between that.

There is the case that, if we miss the December deadline, the impact of ICANN67 cannot be used for the public comment review, as the public comment forum will still be open. Even if we have the public comment, we need to take the other parallel activities within the GNSO space of the ICANN space with regard to the SubPro and RPM. They will have their own comment period open at the beginning of 2020, and that could result in the request for more time from the different groups because they will try to cover those quite substantive public consultations.

So here the question is how to ensure that input during the public comment period will be meaningful and how also to avoid restating the opinions and positions that we heard or we considered and deliberated within the EPDP team.

Based on that, the leadership team, with the staff, tried to think about the possible timeline scenario, as you can see in the table. We have three scenarios and the main milestone within EPDP. Our current plan is to have the public comment open on the 4th of December and then to close it on the 20th of January and then to the review and complete the final report by the 21st of April.

Scenario 2. If we miss that first opportunity in December, it's to have the public comment open on the 7th of February. The public comment period will be closed on the 24th of March and then there's the review of

comments. The completion of the final report will be by the 23rd of June, which means during the Kuala Lumpur meeting.

Scenario 3. If we will have a really important delays, then the public comment will be opened on the 13th of March. Then come the different steps. The completion of the final report will be by the 25th of September.

So those are the different scenarios. Here are some other items or elements to consider if the changes from the initial report to the final report are substantial. We might need to have an additional round of public comments. Also, we have still to work on the Priority 2 items and they need to be [dealt with]. The question here is if they need to be [dealt with] in a separate initial and final report because of the dependencies. You can see the note here that we're not reflecting them on the timeline.

You can see that, for example, in Scenario #3, we will go beyond fiscal year 2020. That means that a new budget will need to be requested, as it's not possible to carry over. We have also to remember the last letter from the Board when they approve the latest request.

This also [inaudible] is really on our side when we will finish or deliver our final report and policy recommendations. It doesn't consider the timeline for adoption by the GNSO Council, the ICANN Board, and also the implementation phase.

I think the last note that is important too is that priority items are not considered part of the critical path of those scenario dates, so that

means they should not put a risk. But I think that we still have to work on them.

Next slide, please. This is more for Berry to present – all the details. It's quite a colorful diagram but I think it's quite important because it shows more detail about the possibly timeline. Over to you, Berry.

BERRY COBB:

Thanks you, Rafik. I think Mary Wong actually has the record for the longest council resolution or really all resolutions. If it's not all of them, it's certainly GNSO. I hold the record for creating work products that can't fit on one page. So I do apologize about this.

Really what I'm speaking about is more what blanket stuff or really to reinforce some of the key points that Rafik mentioned. But more importantly it's to just emphasize the risk that we're putting ourselves in. So what I wanted to mention here is that these scenarios and the dates that were put up there are really almost back-of-the-napkin versions. Therefore, I'm not going to claim 100% accuracy on some of these dates, mostly because, with my project management software, I have an outdated version on this machine, so I couldn't dive in and do it the right way, which I'll be doing immediately when I get home to be able to better map out the task and the dependencies here and what the date changes look like.

In summary, the top row is of our current plan. I've tried to mimic the colors that we have on our summary timeline that I produce on a monthly basis in terms of the key phases of the work ahead of us. The

second row is more about what Rafik mentioned in terms of delivering into June. Ultimately, if we're missing December, we automatically add two-and-a-half months, if not more, to our timeline.

Scenario 3 – I think what was critical that I noted back in August is that that particular timeline was already compacted because we were dealing with a constraint of trying to deliver to a calendar date instead of maybe perhaps the actual effort that it would take to complete some of those tasks. Scenario 3 is even more back-of-the-napkin, again, because I don't have my actual software. [It's] trying to lessen that compaction of the duration and the dependencies around those tasks. My instinct tells me it may even for further than September if I were to take a really relaxed approach to this.

The key message about Scenario 3 is ultimately that we run out of money. I'd just like to reiterate that the Board, in their letter back to the GNSO Council, was very adamant that we really don't get any more money. So that's definitely something to consider.

Ultimately, though, the last row is that it just doesn't impact us here on the team. Any delay, first and foremost, does give us more time and breathing room for sure, but it mostly impacts the GNSO Council. If we could deliver somehow a final report in early April, which was our original timeline, as Rafik noted in the slides, there are other working groups as well that plan to come home about that time as well. Our April timeline for final delivery put us first in the queue. Now, with the June delivery timeline, we're likely last in the queue. Again, that's assuming that those groups all come in, but SubPro, RPM, Auction Proceeds,

EPDP Phase 2 – we still got the IRT going on. The Board just approved Work Stream 2. Recommendations. We suspect that the Consumer Trust and Choice Review Team recommendations are going to be coming through. We’re launching a Transfer Working Group. There’s going to be an IDN Working Group. That’s assuming that all of the other in-flight groups don’t have additional policy work.

So the point here is that, ultimately, there’s a very large impact in missing this. That’s something to consider.

The last thing that I’ll just mention is that the e-mail that Marika had distributed out to the team has been forwarded to council leadership to keep them informed. As soon as this group makes its ultimate decision, they will be informed. But because of this, the status in terms of the project is marked as “at risk.” Or we now formally have a yellow condition that we’re dealing with. This first time around, we don’t get our hands slapped a whole lot because we’re communicating up front with council leadership about what’s happening and what our mitigation plan is or how we’re going to respond to a delay in the work. But, if this group does choose to change the dates, any misses beyond that greatly increase the risk.

End of wet blanket. Thank you.

RAFIK DAMMAK:

Thanks, Berry. So that’s the situations and challenges here. We are trying to make a proposal for a possible approach to publish still in December. First is to outline the different scenarios in the initial report

and look at recommendations in line with the responsibilities of each party in each scenario and then highlight what input is being sought from the [EDPB] and how this could influence which scenario is ultimately recommended.

With that, we provide opportunity to get an input, since we don't know when we will get the [EDPB] response, if we will get it, to help us for our work during the review of the comments. For that, we need to identify specific questions that as a team we are looking at as an input in a way to ensure a quite targeted and specific response. So one way is to follow what we did during Phase 1 with having a Google form with questions. That will help a lot for consolidation of all the input, organizing them and reviewing them.

Also, an important thing to have in mind is we need to think carefully of how we avoid a restatement of a position that was already expressed by the group that they are already participating in the EPDP team. We have already discussed them or considered them when we were working through the building blocks to shape and to formulate the initial report.

So, for that, it requires to commitments. First is to agree on all the building blocks to be published for public comment by the end of November, and also that the EPDP team must do the homework and review all the documents. We understand about the workload and the challenges, but we need to really focusing in the coming weeks in order to make it by December.

I think that's it for the slides. Let's see for the questions.

I guess Volker first.

VOLKER GREIMANN: Just a brief question. If we stick to Scenario 1, which is the best case scenario, we will be waiting for people to put in their comment while we have our meeting in L.A. in January. What's our expectation of that meeting? Are we going to continue work even though we are also collecting public feedback? What's the plan for that meeting in that circumstance?

MARIKA KONINGS: Thanks, Volker. Scenario 1 actually has a public comment period closed before the L.A. meeting. The L.A. meeting would be used to review comments. However, if we would go into Scenario 2, I think the idea would be to use the face-to-face meeting to finalize the report and potentially address as well some of the Priority 2 items and publish the report after that.

RAFIK DAMMAK: Thanks, Marika, for the clarification. Let's see if we have anyone in the queue.

MARIKA KONINGS: In Zoom.

RAFIK DAMMAK: Zoom. [inaudible]. We have James and then Alex.

JAMES: Oh, I'm sorry. I thought Alex was first but I'll just go quickly. Two points. It's a question and a comment. The question is, do these scenarios assume the minimum amount of public comment period? Maybe you've explained this and I missed it. Because I think that there's a high likelihood that this particular topic might be pressured to have longer than minimum or even an extended public comment period. I just wonder if our assumption is that we will stick to the minimum public comment timeframe as required by the PDP manual.

MARIKA KONINGS: If I can go maybe first and then Berry can talk about the timeline, I think currently we're not looking at the extensions. But important point that's here is that the fourth bullet point is, how can we as a group do ourselves a favor and not resubmit positions that have already been discussed, considered, and were the result or were factored in how the building blocks look. So I think that's something we struggle with. In Phase 1, most of the comments that were submitted were received from the groups that sit here around the table and provide input. So how can we avoid that? Should comments focus on any new input and new things that the group didn't discuss yet? Because restating the same positions will only result in the group having to re-have that same conversation that we already had beforehand. So I think that's something to consider before immediately saying, "We need more time/" How can we make sure that the group gets out of public comment, where you're looking around your shoulder and seeing what

the expectations of your respective group are and what will be most useful in moving forward towards a final report.

[ALEX]:

I don't know that we can stop people from doing that necessarily, but I take your point. Your second comment about the expectations of the different groups ... I wanted to relay to this group some of the discussions that we had during our constituency meeting on Tuesday as well as some of the conversations we've had one-on-one that I know, from the registrar perspective – I think this is also true for registries – that we would not consider Phase 2 ready to publish an initial report if it did not contain some reasonably thought-out economic model. That's one of the building blocks that we continue to defer. I understand that there's a lot of questions that we just don't know yet, but it's time to start making some educated assumptions about what the economic model would be like because I think that there's a lot of concern that that is being delayed. That's a big, big component of whether or not we can get buy-in from our businesses: how this whole thing is going to be paid for. So we need to get moving on that.

One of the questions that I was going to say was if we could have staff start outlining what they need to put that together by our face-to-face meeting in January. But, looking at the scenarios, it seems like January is too late. So we need to get moving on that immediately so that that can be ready by either Scenario 1 or Scenario 2 because we haven't even started that work yet. Thanks.

BERRY COBB: To be precise, Scenario 1 (no pun intended): all of these are thin comment periods. Badum-tish! No, actually, Scenario 1 is 47 days because that gives you an extra weekend to be able to submit. The other two scenarios are strictly right at 45 days – again, subject to change when I get loaded back into a real project plan. Thanks.

RAFIK DAMMAK: Thanks, Berry. I guess I will ask here maybe Marika to add further comments about that. We also have the plan on how we will cover the rest of the building blocks.

MARIKA KONINGS: Thanks, Rafik. Looking at the building blocks, there are obviously a few that we've initially spoken about but we haven't agreed yet on which approach to take. Staff did already have a look and came up with an order. Obviously, financial stability is one of those, although we've put it a bit more towards the end of reviewing the building blocks with the assumption that, the more clarity we have around the building blocks, the easier it may be to make some assumptions around that.

To James' point, I guess the question is, if you're looking at costings, what will be the expectations, is that something that would be a question to ICANN org to work out? Again, that could also be a question that's maybe put to org in parallel to the public comment period, where, if there is support for the approach that we've outlined here, outlining the three scenarios that have been put on the table as potential avenues for doing this and saying, "If you need to implement

these three, give us a rough estimate,” and that that is then considered together with public comment input in consideration for the final report ... Our thinking is, indeed – again, if you’re aiming to deliver an initial report by December but where you may not yet have the EDPB advice and trying to avoid that, you’ll have to do another round of public comment because you’re suddenly proposing something different – to put all the three options on the table. Or it may be four if there are more, but I think we’ve broadly been speaking about three models. One model is centralized, where contracted parties would take the decision. One model is centralized, where the centralized layer would take the decision and one, I guess, where there’s no centralized request received but where requests directly go to contracted parties. So that’s at least I think what we heard as widely the three options that are on the table. There may be some variations in that. But, again, if we’re able in the initial report to at least outline what’s on the table and are able to explain what will influence or determine the decision on those models – and EDPB advice is obviously an important one in that regard; financial considerations, I guess, is another one – that may then provide a sufficient basis for the community to provide input on that for you to be able to go from your initial report to a final report without any kind of intermediate step.

There is of course a risk because, maybe through public comment or through the EDPB advice, there’s suddenly a magical Option 4 that comes out of the hat that is completely new and may then need to be tested with the community. But, again, that’s a risk I guess we always

have with public comment if something completely new is proposed that suddenly gets the support from the group to be further worked out.

So that's at least the thinking if the aim is to do something by December, but again, there are obviously some question marks around that.

RAFIK DAMMAK:

Thanks, Marika. We have a queue. Alex, Chris, Alan Greenberg, Georgios, Marc Anderson, Thomas, and then James again. But, before that, we have Janis with us joining remotely. He put a comment in. Maybe I can read that. Janis is saying that, for Scenario 3, most likely the January meeting needs to be postponed. "Informally, I asked ICANN org to make some calculation. Maybe we need to formalize this request. One way would be to [ask for] the calculation of the cost of [inaudible]." Oka. Thanks, Janis, for joining us.

Let's go to Alex first.

ALEX DEACON:

Thanks. I think my gut feeling here is that Scenario 2 is the right way to go. I'm concerned about us rushing an initial report in December that ends up lacking information and detail or perhaps ends up in an initial report that is complicated and just describes these three if not more scenarios. "If it's this, then here are the issues. If it's that, then that." I'm just worried that that will cost us some pain if we get responses during a public comment period.

I don't believe the European Data Protection Board will answer our questions in the way we hope, but I'm hoping that we'll at least get direction from them, which we could use to make informed decisions and actually nail down these foundational questions that have us blocked on many of the building blocks and the policy recommendations in the building blocks. It's really, from what I could tell, three, if not more, things. So it's two raised to the third power of different options that we may need to put into this initial report. It's the controllership issue. It's the centralized/decentralized issues, and it's the issue of who decides. I'm not too sure how we would formulate a report that described the combinations and permutations of each of those. It just seems like, at the end, it's going to be very complicated and messy.

So I think my view is that delaying until we get the European Data Protection Board input feels better to me. I would hope we can do that. I'll note that that doesn't mean we can't continue to have discussions in the meantime. There are a subset of policy recommendations that absolutely depend on answers to those what I call foundational questions. We can put those to the slides, call them out, and put them to the side. But there's a set of discussions that we could have now that really don't have anything to do or are not impacted by the answers to those questions. We can prioritize those and work through those, making good use of time, until we get feedback from the European Data Protection Board, make the decision as to what the answers to these foundational questions are, and then move on to the policy recommendations that we delayed until we got that input.

So those are my thoughts.

RAFIK DAMMAK: Thanks, Alex. Chris?

CHRIS LEWIS-EVANS: Thanks, Rafik. My first point is just one for clarity and then I might pass this over to Berry. Financial years are different for everyone. The 30th of June – is that correct, Berry?

BERRY COBB: Thank you, Chris. Yes, the end of the fiscal year is the 30th of June.

CHRIS LEWIS-EVANS: Thank you. I just want to point out there's only two models on there that fit with what we believe is financially sustainable for the group. So, realistically, to think of the other one is not really good for us.

The second point I wanted to make – excuse my lack of knowledge here on policy development processes, as this is my first; I'm going a little bit on Alex's point – is that this is going to be a complex initial report. This is why it's taken a lot of time. There's a lot of things we've covered. There's going to be a lot of information. Is there a way we can do a staged initial report? So far this group has covered some really good topics. We've got a lot of agreement on aspects such as log in, for accreditation of users. There's quite a lot that we have got green marks on on the building blocks, and certainly between now and this initial

December date, I think we can achieve a lot. So is there a way to do a staged approach to get the initial report out? That will have a benefit of also making it easier for public comment as well. Thank you.

MARIKA KONINGS:

Thanks, Chris. This is Marika. I think the challenge with that one is that then you'll still have to do another public comment period, which automatically adds – I'm looking at Berry – I think two months at a minimum to your timeline. So I agree there may be a benefit. Maybe there's another way of doing it, where we can put something together of the building blocks that are closed. Maybe we ask you all to informally already take it back to your groups – any major concerns – and bring those back within the group. So we do wait until we have the more fuller package together and publish that for public comment because we do have a requirement. There's no limitation in how many public comment periods you can do as a group. The one requirement you have is for the initial report, but there's also this notion that the initial report needs to have enough in there for the group to comment on. So, when the final report comes, there are no major surprises between where you went from the initial report to the final report. So that is something to consider.

Indeed, it may be worth for those where elements where there is agreement to already test those because that will potentially then as well reduce the input you get on those in your formal public comment period if comments or concerns have already been addressed in that regard.

But the one thing there is that of course you may then be constantly rereviewing aspects of your work without seeing the full picture. So, again, I'm not sure how that response is, but I think that there are pros and cons to going down that road. But again, the timing is one I think the group needs to take into account. I think Berry said before as well that, on all the scenarios, we're looking at the best-case scenario. There's still substantial work to be done. I think the agreements here at the bottom apply to every scenario because we do really need everyone to review what is there. There is already a lot of good stuff that has been done, but there's still some elements that are remaining where we really need everyone to commit that and provide input from your group's perspective.

RAFIK DAMMAK:

Thanks, Marika. We have Alan, then Georgios.

ALAN GREENBERG:

Thank you very much. I guess I pretty well strongly support what Alex was saying and the implications of Chris. I just can't see any merit in coming up with a report at this point. It's not like the Subsequent Procedures interim report or whatever it was called, where we're saying, "We're thinking of many things. Give us your input," because we're really providing multiple scenarios that we're not going to select based in the input necessarily but based on things we don't know yet. So some of the options we could be providing them just will disappear in a puff of smoke based on answers and we're inevitably going to have

to go out to another report afterwards when we actually know what we might be doing.

In terms of the scenarios, you listed the first scenario as being the ICANN-decides model, the one that was sent to the data protection board. I've never heard a viable way of how that could be possibly implemented. So to send out for public comment, "This is what we're thinking of but we don't know how to build it"?

I think a hybrid model is the most likely one where, even if we get permission to make some decisions, we're not going to be able to make them all. There's just so much vagueness. We don't have the data protection board. We don't have any of the other phase things. I don't see a lot of merit in going out for a public comment now. I could see definite merit in going back to our own groups with the building blocks that we have sort of come to closure on and get a level of comfort that we don't have a problem with them. But for a formal public comment, I just don't see the merit of doing it in terms of how it's going to help us.

Just a question. I'm assuming that, if we issue a final report that doesn't include the Phase 1 carryovers – that we're really going to have to go into a third phase – do we need a charter update for that that has to go onto GNSO approval? Just a question. I don't know.

MARIKA KONINGS:

I think the group has indicated from the start to the GNSO that it may not be possible to deliver everything in the same initial and final report. So my assumption is that there could be indeed a second initial report

that just addresses those Phase 2 items that we weren't able to cover in that first initial report. But it's definitely something we can double-check on.

RAFIK DAMMAK:

Thanks, Alan. Thanks, Marika. Georgios?

GEORGIOS TSELENTIS:

I tried to understand here what we are trying to solve regarding the critical path of implementation. That's how I see the problem. You're suggestion for the three scenarios here I think needs a little bit more analysis on the critical path. So I think we have some inputs the critical path. The first one is the input from the European Data Protection Board. But the other – this I would like to have more clarity on – is, what level of agreement and for which specific building blocks? For example, I've heard that now the contracted parties are very interested in having a level of maturity for the financial part.

So I think, in order to clarify the scenario that we are going to have a better understanding of where we are heading to, we need to now – I think we should not delay this – say which are the critical building blocks (decide among ourselves) and what level of maturity we can have because what Chris suggested about having a staged approach we already did with Phase 1 and Phase 1. Already we had some building blocks from Phase 1 that are still pending. So we do more or less this type of exercise, but we have to get here in agreement on what

elements from the building blocks are absolutely necessary and we have to them in green color in our exercise.

I heard one. Maybe we can go further down the line. For the ones that we have a very good agreement level so far, I think we shouldn't worry. We should concentrate our work in the coming week in those building blocks and try to achieve as much consensus as policy. Thanks.

RAFIK DAMMAK:

Thanks, Georgios. First, having in mind the time left for the meeting, I will cut the queue here. I think, with regards to those building blocks, we'll have an idea about the status. But regarding the dependency, probably we need some discussion here.

Then we have Marc, Thomas, and the Berry. You will have the last word. Marc?

MARC ANDERSON:

Thanks, Rafik. First let me just thank staff for putting this together. I think you gave us a lot of really good information outlining where we are, what the different options are, and the ramifications of those options. So I found that very useful and helpful, so thank you for that.

I find myself nodding and agreeing with what my colleagues were saying in reaction to it. I think probably, if you went around the room, we would all agree that we are an expedited EPDP and we need to complete our work as quickly as possible but that we can't sacrifice

quality for speed. So we still need to produce a good work product that's implementable.

I think what I'm hearing from everybody else is there's concern that, if we rush out an initial report before we've received what we've identified as key pieces of input, we'll probably end up creating more work for ourselves and actually delaying our work in the long run. So I think that's the sentiment I'm hearing from everyone in the room, and I agree with that.

I do want to plus-one what James is saying about the financial building block piece. I think this is something we need to really prioritize on our work. Taking a look at the financial building block, there's some language in there that asks for input from ICANN org. That's input I think we need to get as soon as possible. So we really should prioritize looking at that building block, taking a look at what questions we can and should ask ICANN org, and get a sense of them as soon as possible so their response can inform our deliberations. Thank you.

RAFIK DAMMAK:

Thanks, Marc. Yeah, it's a [critical] issue. Thomas is next.

THOMAS RICKERT:

Thanks very much. Hi, everybody. Now, first I'd like to report for full transparency about I discuss I had with Chris and Georgios. We'd like to name the EPDP to Endless Policy Development Process. Joking aside, I think we should not count on a response at all from the European Data Protection Board. Hoping we will have a response that will inform our

deliberations or will inform our deliberations in time I think is dangerous. So I think we should plow forward and assume we're by ourselves.

I think it was you, Alex, who mentioned that we might need to put different scenarios into our report based on where the decisions are made and other things.

ALEX DEACON: I was objecting to that.

THOMAS RICKERT: Okay. If you were objecting to that, I would object again to that, too. I think we as a group need to settle on one solution that we think is the best solution and only put one solution out to the community for comment. I think you can't create consensus – we're actually creating consensus policy – on various alternatives with their respective pros and cons.

Having said that, I think one important thing for us to get feedback from ICANN org on is a position from ICANN in terms of what steps are needed and what time is required for the org to actually make a statement on their roll in this. We haven't had that so far. I think we're now at a point where we should just plow forward, even in the absence of a position by ICANN org. But I would prefer to be inclusive of ICANN org and take their views on board, and therefore a projection from on what steps are required so that ICANN can speak to its role and by when we can expect an answer would be most appreciated because that will

ultimately inform the financial projections. Depending on where the decisions are made, we might need to budget for identifying decision makers or panelists and training them (the personnel costs for them), which we wouldn't necessarily have in a decentralized system or would look differently in a decentralized system. So that's one point on the financial projections.

The other point is that I think we need to find a way to get input from the respective community parts as to what they think the potential volume of requests is going to be. We do have facts about the current number of requests to contracted parties, which I think we should try to collect. But then we hear from requesters that they might file more when such a system is in place. So I think it would be good to ask the community for projections so that we can take the different views and come up with a solid projection to base the financial requirements on. Thank you.

RAFIK DAMMAK:

Thanks, Thomas. I already closed the queue and it was supposed to be Berry having the last word, but I see, Stephanie, you rose your nameplate. So you can speak, but really I want to close the queue since we are already in the second half of our meeting and I think we should wrap up this discussion. So Berry and then Stephanie.

BERRY COBB:

Thank you, Rafik. I can't be a wet blanket without being a bean counter as well. In Scenario 2, as Janis mentioned in the chat about possible

face-to-face meetings, from a budget perspective – again, back-of-the-napkin calculations because I don't have all the actuals yet – I do think we have enough budget available for a possible additional face-to-face that he had mentioned. But it would be tight. It could easily partially maybe cut into our legal advice budget or facilitation budget. Also, on top of that, we don't know, from a planning perspective, if an ICANN office would be available, thus maybe forcing us to go elsewhere, which also would be more expensive. So I just wanted to let you know. Thank you.

RAFIK DAMMAK:

Thanks, Berry. Stephanie?

STEPHANIE PERRIN:

Thanks very much. I was just going to echo what Thomas was saying about the possible futility of waiting for an answer from the data protection authorities. It might be a useful expenditure to actually do a privacy impact assessment on the model that we come out with.

Now, I must say that the suggestion of having one with variant models put me into flashbacks to the release of the EWG report and twitching, but you might want to do that. It might be a useful thing to do if you're going to do a public comment on it because that would assist us in figuring out whether it'd work. Thanks.

RAFIK DAMMAK:

Okay. Thanks, everyone, for the input and comment. I think we understand the concerns here. I think we can propose maybe an approach in a way that we can make some progress, at least.

Marika, do you want to maybe elaborate here?

MARIKA KONINGS:

Yeah. Thanks, Rafik. Having heard everyone, on the one hand there's this notion that having something that is maybe not put out for public comment but can already be shared with the respective groups and the uncertainty around the EDPB responses, if when they are received. Maybe we could agree to not take a decision today here on whether to delay or not but continue working. Staff will start pulling everything in that has been agreed to into an initial report so that, by the December timeframe, you already have a better idea of what is part of the initial report, what is ready, what maybe is not ready yet. Maybe by that time you'll have a bit better insight as to if and when responses are going to be received. That may then help inform further planning because I think one concern we have on the staff side is that we're now assuming that responses may come in December or early January, so that will then help inform discussions in the L.A. face-to-face meeting. But obviously there's no guarantee for that, so what does that mean if no responses are received or if a response is received of "We'll look at this next June." Does that mean everything comes to a halt? So maybe a way of keep on moving forward and allowing work to progress allows us then as well to very quickly decide, "We have indications that this is going to happen, so we can wait for them and then finalize things. Or let's use the work

that we have produced and at least already share that with our groups because that may also be a way of reducing the input received during public comment. So maybe that's something we can propose based on the conversation here. So no hard decision yet. Keep working very hard and getting thing done and then, hopefully by the end of November/beginning of December, we're in a better place to determine whether there's something that can be put out or at least shared or indeed whether we need to push it over and take more time in January for it.

Is that something that people can live with?

RAFIK DAMMAK:

Thanks, Marika. I think we are not making any decision yet here. We will continue the work. Then we can make an assessment at that time to see how we will proceed.

I guess with that we can maybe – Chris, I closed the queue, my friend.

CHRIS LEWIS-EVANS:

[inaudible]

RAFIK DAMMAK:

Really short.

CHRIS LEWIS-EVANS: Marika, thank you for that. Can you just confirm that we're looking to make a decision by the end of November? Was that what I heard there? Sorry.

MARIKA KONINGS: Yeah. Thanks, Chris. I think, by that timeframe, we would need to be able to see if we have a sufficient amount to either go for public comment, share with the groups. Maybe there's already some indication where the EDPB isn't considering this. So at the end of November/beginning of December I think is the point where the group will have to make a decision because obviously if we go for public comment that requires some preparation and some work ...

RAFIK DAMMAK: Thanks. So that will that will be milestone for us to make a decision: go or no go.

I guess we can move to the next part of our agenda. Marika, I think you will first give an update about the status of the different building blocks and some highlights. Then we can go to one building block that we can cover today hopefully.

MARIKA KONINGS: We're just sharing with you the wiki page that has all the building blocks on there. Is there a way to zoom so we can see them all on the screen?

UNIDENTIFIED MALE: [inaudible]

MARIKA KONINGS: As you know, we already actually completed some. So the greens are indicating where we had language agreed for inclusion in the initial report. Then there are a number that we've currently highlighted as yellow as items where we finalized probably most of the language but either there are some parts that are still under review or where we've indicated we may need further input. I think there's some legal questions that we've identified that may help solve the issue. There's some where we actually haven't done a whole lot of work yet, although, if you go back to the document that staff shared prior to this meeting that highlighted the issues that have been identified, I think, for most of these, we've suggested a potential path forward or even suggested language that could be considered.

I just wanted to flag here, for after this meeting – this is something we will share with you at the end – the order we propose to go through in the upcoming meetings after ICANN 66 and the order of topics.

I just want to report as well that, as you know, there was a small group that met on – was that Monday? Yes, on Monday, to look at logging and audits. So some good discussion took place there. Updates were made. I think everyone did have homework to review that for today but I'm not really sure if everyone managed to get to that. Looking around the table, I see everybody hiding behind their screens, so I'm guessing not. So staff's suggestion is to flag those as the homework for the next meeting, next Thursday. So everyone is basically tasked and I think we

have as a deadline the 12th of November for everyone to review those two building blocks and note your group's comments/concerns with those so that hopefully we can have them a kind of almost final reading already during next week's session and complete those.

Maybe today we could have a look at response requirements. I think that's one we haven't really touched upon yet. It's a pretty important one. So it may be worth having a look at that and getting some initial report on that. That may allow staff to further elaborate on what we currently have in there and, again, get that ready for next Thursday's meeting for a potential second or even final reading of that topic.

RAFIK DAMMAK:

Thanks, Marika. Marc?

MARC ANDERSON:

Thanks, Rafik and Marika. I just want to make a quick comment about the logging and audit building blocks. For those of you that weren't in that small group, we took a principle-based look at how we would assemble requirements for those two building blocks and started laying out some additional foundation there. It's still a little rough, but I think at least those of us in the room were pretty comfortable that we got off to a good start. If you take a look at that, I think you can see the direction we're thinking. So I guess I just want to give that as background as those of you that'll be taking a look at that and providing additional commentary.

RAFIK DAMMAK: Thanks, Marc. Let's see if there is anyone in the queue or any further comments.

Okay. I guess we can go with the review of the response requirement building block. Marika?

MARIKA KONINGS: Thanks, Rafik. Maybe I can give a high-level overview of what you see here and then maybe want to go one by one and collect people's reactions.

What we had initially done here is copied and pasted the Phase 1 recommendation into this building block. But, having a closer look at that, we realized that that recommendation was a bit of a mix of the request requirements, implementation guidance, and issues for further discussion. So we tried to distill what was in there down to really focusing on the response requirements and bringing those as well in line with what we may have already discussed in other building blocks, as well as benefiting from work that may have been done in other environments to bring that in here.

So, again, we're really focusing here on the response requirements. As I said, it may be worth just going through it one by one. Again, I know that many of you may not have had a chance to look at this in detail, so we may not want to start wordsmithing anything here. That may be better-suited for responses after the meeting. But I think really more in the overall, is this something that seems to align with what the group has discussed? Is there any significant missing? Are there concerns about

what is put in here? As I said, some of this group may want at some point want to check in as well as to how the Phase 1 implementation is looking because one of the things that has been flagged in here as well is this notion of, I think, emergency requests, which I think are also under discussion in the Phase 1 implementation. So presumably there would need to be some alignment between what is decided here and the other part. But, as I said, the rest is largely derived from the Phase 1 recommendation. The one green item was one that was agreed to be moved from I think a query building block, if I'm not mistaken, to this one.

I hope that I've spoken long enough to give you all a chance to quickly look at this and give your first impressions.

RAFIK DAMMAK:

Thanks, Marika. I see Alex first in the queue. Alex, please go ahead.

ALEX DEACON:

If you remember an e-mail thread we had when we were talking about automation of processing these requests and the response we were talking about, Phase 2 is focused on building a system for automated access and disclosure and not a process. The manual process was defined in Phase 1, and this is a system now that we're focused on in Phase 2.

I still see Phase 1 – I know this was copied from Phase 1 – text that says, “A response must be acknowledged without undue delay but no more than two business days.” It just doesn't make any sense to me because,

again, assuming a modern Internet protocol, which is request and response, it assumes and it requires a response to all requests. So I think this needs to be modernized, if you will, and it needs to reflect the fact that we're building a system using Internet protocols and that this response will come back basically right away. The responses, as I think I alluded to in e-mail, will be things like, "This is malformed," "This is not complete," "This authentication failed." Lots of different things. But either way, a response will be returned essentially immediately after a request is sent. Again, when I say "response" here, I mean a response that says, "We've received the message," not a response of, "Here's some data," or anything else. That's something completely different.

So I just wanted to flag that. I think we need to update this text. If you want, I could try to take a shot at it. That's my two cents.

MARIKA KONINGS:

Thanks. If I can just quickly respond to Alex, yeah, great point. Definitely, if you want to take a stab at that, my suggestion would otherwise be just to look at what we have in the automation building block and use that language where we're conveying that there may be exceptional cases where automation ... But, again, if we're looking here at an acknowledgement of receipt, I think, unless information is missing, that may be automated always. I don't know.

ALEX DEACON: Well, even if information is missing, the response will say, “Thank you for your request. Here’s my response. You have information that is missing. Please deal with it.”

RAFIK DAMMAK: Thanks, Alex. It seems you got some homework here. We have Margie and then Alan. Margie?

MARGIE MILAM: Hi. I was going to say the same thing that Alex was saying, that I don’t think it makes sense to use the timelines from Phase 1 because those timelines were for the more manual process. Essentially what you’ve done here is you’ve actually increased the time because of the two days kick off from when there is a confirmation that all required information has been provided. That to me makes no sense.

So I would encourage us to have shorter timeframes for the SSAD. Again, this is probably one of those areas where the input that we receive from the data protection board might help because it’ll at least help us identify which things can be automated and which can’t.

I also have a concern with the definition of what constitutes an urgent reasonable disclosure request. I think it’s far too narrow. It needs to pick up the kinds of things we’ve been talking about in the DNS abuse forum, like malware and phishing. We could take a look at whatever recommendations that came from that joint registry paper. 30 days for a phishing event is just not acceptable, or for malware. The system won’t be really useful in the mitigation if the timelines are that long.

RAFIK DAMMAK: Thanks, Margie. Alan?

ALAN GREENBERG: Thank you very much. Marika actually answered my question before I answered it because I was going to point out that I was absolutely sure we had the discussion on response time and said it will be instantaneous and wrote it down somewhere. You made reference to the automation block. I think we have to be really careful that we don't repeat the same things in multiple blocks if we can avoid it. We can reference them but not repeat them because inevitably we'll end up with things that don't match each other. So, as we go through these blocks, we should try to decide whether the factual statement belongs in one or the other and point to it but not try to replicate words. So maybe that makes your homework easier. Thank you.

RAFIK DAMMAK: Thanks, Alan. I don't think we have anyone in the queue because I guess those are old hands.

Okay.

MARIKA KONINGS: [inaudible]

RAFIK DAMMAK: Yeah. You want to go through—

MARIKA KONINGS: Yeah. On the point that Margie made on the definition of urgent requests. That is something we took from privacy/proxy as an area where something has already been defined. So I notice this is also being discussed in Phase 1, so I think one question here is, what is the best venue to come to agreement on what that means and what the definition is? Is it something that this group should work out because it's likely different from what may be decided in Phase 1? Is it something that the Phase 1 IRT is expected to figure out and, whatever they decide on, we'll just copy-paste in here? It may be helpful because I know that his is a pretty contentious issue. So I just want to make sure that it's being discussed where it belongs and we don't necessarily complicate our lives if we're going to assume that the implementation team will define this and come to agreement on a timeline for that that is considered reasonable and in line with the urgency of the request. So I don't know if that's something we can discuss or whether people have views on that, but we're just trying to avoid duplicating work.

RAFIK DAMMAK: Thanks, Marika. Marc?

MARC ANDERSON: Thanks, Rafik. I want to just plus-one what Marika said. Within the IRT, that's basically this very same scenario. It's something we've got coming up on our docket to consider. I think it makes a lot of sense to table this here and wait and see what they come up with to see if there's

anything we can borrow rather than reinventing the wheel or doing the same thing twice. So good idea. Thank you.

RAFIK DAMMAK: Thanks, Marc. Chris?

CHRIS LEWIS-EVANS: Thanks. For once, I'm going to disagree with Marc – boo! – and agree with what Alex just said earlier. We're talking about a completely different system. We have accredited law enforcement people. You know they're law enforcement. They've been accredited, authenticated. It's for an urgent case which is normally threat to life. That's normally how we classify that. So therefore releasing that in a quicker time scale should be technically possible in a system like this. Misuse of the system will be able to be identified because everything will be logged. You can request justification some time after release of the data. This is an urgent case and an automated system for an authenticated user. There should be really no problem getting that done. Thank you.

RAFIK DAMMAK: Thanks, Chris. We have Alex and then Mark Sv. Alex?

ALEX DEACON: I agree, Chris. I think these are very different things. Using or leveraging or duplicating the timelines that we agreed to in Phase 1 for this just doesn't make a lot of sense to me for all the reasons Chris mentioned.

So I think we need to revisit that based on the new reality of a system that has authentication and all the credentials that come with it and the accreditation of the entities and what that means in terms of removal of some of the manual processing that happens today. Thanks.

RAFIK DAMMAK: Thanks, Alex. Mark Sv?

MARK SVANCAREK: Thanks. At this point, I'm just piling on. I have to agree. I don't see any reason to tie this to what we talked about in Phase 1 because they're completely different systems. And I would not want to put the responsibility of resolving this on the Phase 1 IRT. I think they have plenty to do right now. Making them think about this other system while they implement Phase 1 I think would be distracting and they wouldn't really be able to do it. So keeping these things separately separate for all these reasons that were said I think is pretty much essential.

RAFIK DAMMAK: Okay. You want to say something, [inaudible]? No? Okay, sorry. I'm thinking of how we should proceed from here now. Sorry.

Okay. We heard now the initial comments and some of the input, but to use the rest of the time we have in the meeting, maybe we can start going through the bullet points and get some feedback regarding them. So we can start with Bullet Point A, leaving time for everyone just to review quickly.

I see, Chris, you want to give the first comment.

CHRIS LEWIS-EVANS: Thank you. Alex made a really good point earlier, and I don't want to lose that now by going through these. They are Point C and – I can't see straight, so I won't go on the other ones. There are a number of items in this list that need updating to fit with Alex's comments. Alex has volunteered to suggest new language, so, please, can we not try and repeat work that someone has already volunteered to do? Thank you.

RAFIK DAMMAK: Thanks, Chris. I guess it's also an opportunity for the whole group maybe to give some input today. It will help Alex on the homework.

CHRIS LEWIS-EVANS: I think we'd be better served maybe going to another building block. I don't know. [inaudible] group, everyone has given their comments. I think we can probably go item by item, but just suggesting we miss out the ones that Alex has kindly volunteered to do some language for. Thank you.

RAFIK DAMMAK: Okay. I guess we can do that. Maybe we can go to the next reading block.

MARIKA KONINGS: Some flagged this as an important item. Maybe we want to have a look at what is currently in there, again, to stimulate some thinking and input and so we can take that back.

Just as a reminder, the group started discussing this at the L.A. face-to-face meeting. I think, as you recall, we had a bit of an exercise, I think, with everyone writing on papers there their thoughts from each group's perspective. I think staff then tried to translate that into potential principles or recommendation in relation to this building block. So I don't know if we want to give everyone a few minutes' time to just read through this and then again collect initial reactions: does this align with what your group stated in L.A.? Did we miss anything here? What more is needed at this stage? So that's it.

RAFIK DAMMAK: Thanks, Marika. Let's see if there is any comments here.

We have Marc and then James.

MARC ANDERSON: Thanks, Rafik. I suspect James and I are going to home in on the same thing here. Towards the bottom of that is the language in here that we referred to early. In here, it talks about that the ICANN Board must request ICANN org to carry out a cost analysis of all expected costs associated with development and operations of the system. I think this is the language that we were suggesting really should be pulled out of the building block and turned into a question for ICANN org. This isn't language for creating a building block. This is a question for ICANN org

to inform the creation of a building block. I think this is very important, something we should focus on as soon as possible so that we can have that valuable input. This language in here I think provides a good starting point, at least for formulating that question.

MARIKA KONINGS: Thanks, Marc. Just to ask a counter-question because I would expect the ICANN Board or ICANN org to say, “So which model are we costing out?” because, if we’re not providing them yet with the details of which model we’re pursuing, how can they provide costings?

MARC ANDERSON: Well, we don’t ... sorry.

RAFIK DAMMAK: Okay. I guess, James, you used your slot here to speak. Or you want to comment further?

JAMES: Just to note that we don’t know the answer to that question. But we can’t wait for an answer to that question. So we’re going to have to cost out of all of the models, all three: centralized contracted parties, centralized SSAD operator, and decentralized. I know that makes everything three times harder, but this is the crossroad we’re in front of and we don’t know which path we’ll end up on. My question was very similar to Mark’s. I’m looking at my registrar colleagues now, especially the smart ones.

UNIDENTIFIED MALE: Oh, out there.

JAMES: Those two. It notes here that – the really smart. We’re all smart. I’m sorry. It notes that we agreed that data subjects would not bear the cost of maintenance of the system. I guess I missed the call where we agreed that data subjects via contracted parties via potentially ICANN would bear the costs associated with developing and deploying the system because it seems to be that that’s in the first bit and then it talks about perhaps getting some sort of residual benefits once the system is up and running. But I want to be 100% crystal clear that there are no benefits to data subjects to launching and operating this system. There are no benefits to contracted parties to having this system. There may be political benefits to ICANN, and there is clearly benefits to third parties who need access to the data. So let’s make sure that the costs, both development and maintenance, land where they’re supposed to land because, otherwise, my concern is that we’re building a Rolls Royce from scratch and nobody has seen the development costs yet. So it could be just gas money to keep it up and running. We don’t know that yet. But it could be \$10 million to develop and deploy.

So I think we just need to be very, very clear on the allocation of costs. This is why I’m concerned that we are – I don’t want to say brushing this under the rug, but we’re not giving this the full attention that it’s absolutely due because it’s critically important.

RAFIK DAMMAK: Thanks, James. Margie?

MARGIE MILAM: I actually have a different point of view on this. Some of the text that's here just doesn't make sense to me. This is a system that's needed for the security and stability of the Internet. So it is something that needs to get funded and properly. But the notion of reduction of costs to contracted parties just seems odd to me because we're building a new system. So what costs are we referring to?

I agree with James that this is a really important conversation. We need to have it. We need to get clarity on how this is expected to be funded. But data subjects do have benefits. There are data subjects whose data is inaccurate who will go into the system to find that data and get it cleaned up. Registrants whose systems have been compromised are being contacted because this is the example of the DPAs that we heard early in the week to resolve issues. So the system benefits more than just the third parties, and I do think that we need to not assume that there are going to be no costs to contracted parties. I think there'd be cost to everybody, including data subjects.

RAFIK DAMMAK: Thanks, Margie. I think, James, you want to respond to her?

JAMES:

Just briefly. If it would make folks feel more comfortable for me to say something like 90% of the benefits would not be from data subjects or contracted parties, I'm happy to concede that. My point is just that, unlike the consumers of the data, contracted parties and data subjects don't have a choice about bearing these costs. They simply are exposed to them. That's why it's critically important that we understand how much is this going to cost. Are we talking about a Toyota? Are we talking about a Mercedes? Are we talking about a Rolls Royce? Because, if we're talking about a Rolls Royce, maybe everyone throws up their hands and says, "We can live with a decentralized system if it's going to be that much. If it's going to \$100,000 dollars a year for three requests, I'd rather just send a nasty e-mail," or something like that. I feel like we need to understand this because it's going to help decide which of the three paths we take to some extent, if there are wildly material differences, orders of magnitude differences, in the price tag associated with going left, right, or straight. Thanks.

RAFIK DAMMAK:

Thanks, James. We have Alan Greenberg and then Mark Sv.

ALAN GREENBERG:

Thank you. I'm not quite sure how ICANN would cost our Option 3 of just continuing with people going directly to contracted parties. As far as I know, there's no centralized cost there at all. Whatever costs there are are going to be borne by whoever gets the requests, one way or another.

But I disagree that there are no benefits to Party X. This is yet another part of implementing GDPR support. GDPR requires access to third parties and it's part of the overall infrastructure. Now, I'm not saying the third parties aren't going to pay something to get the data, but overall this is yet another component of a very expensive implementation of GDPR all the way along. That's unfortunate, but we are going to have to build something to do it, whether it's that all work goes to the contracted parties and we have no centralized system or we have a centralized system.

Now, we have decisions to make, and I strongly agree with James that the cost estimates associated with any of these options will be a major consideration in how we decide to go. But to start pointing fingers and saying, "You're the only ones who benefit"? This is simply a cost of building something that maybe none of us asked for. But it's there and we have to do it. Thank you.

RAFIK DAMMAK:

Thanks, Alan. We have Mark Sv and then Marc Anderson.

MARK SVANCAREK:

Thanks. I agree with James on almost every point. The only comment I wanted to make is that I don't we are going to accidentally discover that we're building a Rolls Royce. That would be a deliberate decision on our part. I think that, as we go through this, we are going to be cost reducing, cost reducing, cost reducing. Just by the nature of the thing, we'll wind up with some sort of a Toyota. I don't think we'll accidentally

stumble into some Rolls Royce-shaped hole. So it's a mixing of metaphors again. Just a leap of faith. I think we'll wind up in a sane place because we're sane people. So I completely acknowledge is concern, but I'm less worried that we're going to wind up in such a bad place. Thank you.

RAFIK DAMMAK:

Thanks, Mark Sv. We have Marc Anderson, and I see that, Stephanie, you put your nameplate up. It'd be more convenient if you joined Zoom. Marc?

MARC ANDERSON:

Thanks, Rafik. Just throwing out an idea here that we might consider. It might be helpful to look to CZDS as a possible starting point for considering costing. That's an existing centralized system for requesting data. It's not exactly an apples-to-apple comparison, but there are a lot of similarities with the SSAD system that we're contemplating today. So that may be something. If we ask for costing of that – how much it costs – to build and maintain and operate that system, it may at least be a starting point for us to consider, rather than working off of hypotheticals and theoreticals.

RAFIK DAMMAK:

Thanks, Marc. Stephanie?

STEPHANIE PERRIN: Thank you. I do apologize for not being online. I have a giant barcode in the middle of my screen that's preventing me from getting online. That's why I'm doing the flag.

I just wanted to point out that, while the GDPR does have a requirement for controllers and processors to give access to third parties, it does not follow that registrants or data subjects would have to bear significant costs in order to do that. We are building a system that may be a Cadillac or Mercedes or whatever it is that is not necessarily.

In terms of users accessing their own data, they're going to go to the party which they have a relationship to, not this system. So it benefits them very, very little, and I think that people have to recognize we're all trying to avoid liability and complaints. Undue costs loaded onto users as a result of a system that discloses data is a great complaint. Thank you.

RAFIK DAMMAK: Thanks, Stephanie. I don't see anyone in the queue. I'm checking if there is any further comment here. I'm not sure how we can reflect all this input in this reading block, but turning to Marika, any suggestions here?

MARIKA KONINGS: Thanks, Rafik. I think this is another one where we're looking for everyone's input. There has been a specific suggestion made, I think from Mar[c] and James, to lift out that language and see if that could already be in the form of a request to the Board and/or ICANN. So

maybe they want to take an action item to look at that and write it up as a request so the group can look at it and see if there's an agreement on submitting that and of course look as well at the other parts here and provide your input. Is there anything further missing? Any other principles should be called out? I think some comments were made in that direction, but it would be really helpful if people can then suggest a specific language in the building block.

RAFIK DAMMAK: Thanks, Marika. I'm not sure. Marc, you were in the queue and – ah. You are back, so please go ahead.

MARC ANDERSON: Thanks, Rafik, and thanks for the suggestion, Marika. I'd be happy to work with James on pulling that out and suggesting language for the full working group to consider.

RAFIK DAMMAK: Thanks, Marc, for volunteering. We have eight minutes left.

MARIKA KONINGS: [inaudible] the schedule. [inaudible]

RAFIK DAMMAK: Yeah. I don't think we have time to go to another building block, but we can see our schedule for the next call to have an idea of what's coming in terms of building blocks. That will help you to prepare for those calls.

Marika?

MARIKA KONINGS:

Thanks, Rafik. This indeed assumes that, for now, we're continuing at the same space as we have been. This was of course originally developed within, in mind, a December delivery date. So I think, for now, we're continuing on these assumptions. But, of course, if more time is needed on building blocks or other aspects, that can obviously be built in. So no rest for the wicked.

The first deadline is the 12th of November, which I think is Tuesday. You're requested to provide your group's input on logging, audit, and response requirements. We already briefly touched upon response requirements. A small group already worked on logging and audits, and Mar[c] gave a bit of a high-level overview of the approach the group has taken. So please provide your input. Those will be the building blocks we'll look at during the meeting on the 14th of November.

The Legal Committee is reconvening. I actually think I have an outdated version now because I think Caitlin has already filled this out as well with the Legal Committee schedule and topics. So we'll actually send you then updated version after this meeting so you'll also know what they'll be discussing because they're still wrapping up on a number of SSAD questions. But they also have homework in relation to Priority 2 items which they will already start trying to make progress on.

The we move forward on other building blocks. Terms of use is one where I think there have been a couple of different approaches

suggested. I think Alex had a – no, it was Brian – homework item there, where I think he had suggested to write up some of the terms of use. But I think there was some comments or feedback of, “Is that a good use of our time, or is that not necessary at this stage but is something that should follow in implementation?” So I think it’s something where we may follow up with Brian to see if he has already undertaken any work or whether he’s convinced by the point that was made that maybe this is not something that needs to be done here. We’ll come back then as well to automation. Please have a look at that one as well. And substantial stability is there as well.

Then the two items – again, of course all of these are already available as Google Docs, so you don’t have to wait for these deadlines to review these items. There is an updated language that was circulated by Matt in relation to the balancing test. The Google Doc is also out. So have a look. Make comments on it because, again, I think it’s something the group may want to include as a kind of illustrative way of how the balancing test could be done or potentially or possibly – I don’t know if there’s any recommendations that the group wants to derive from that work.

Of course, we also have the policy principles that we included in the zero draft, where we may want to have a look and see if they’re still up to date. Are they still relevant? Do those need to go into the initial report or were those really more for are work on the zero draft and they’re no longer necessary? Here we had originally foreseen that we had an initial report for your review in early December. But maybe that is an early draft. I think, from a staff side, what we hope to do is to already start

working on the draft initial report and at least already start inserting all the building blocks that have been agreed so that, in parallel, you can already start looking at what the draft initial report is looking like. In that context, we'll also look at the flow charts that we had in the zero draft and make sure that they are updated and aligned with the conversations to date.

So that's it.

RAFIK DAMMAK: Thanks, Marika. Yes, Berry?

BERRY COBB: Thank you. Just to add to that, for sure, reference in the near term – this particular document. But I am loading this into our Google Doc work plan. Note that it is still an aggressive agenda, given everything else we discussed today. And it's probably somewhat dynamic. I'll be sending out probably weekly reminders of the like towards that Google Doc. You should reference that there because that will be this list updated as it dynamically changes, as well as it also includes action items in there and it should have your name assignments in those things. So I hope to have all of that refreshed by early next week. Thank you.

RAFIK DAMMAK: Thanks, Berry. I guess that document will be something everyone should check every morning.

I think that's it. I don't see – oh.

UNIDENTIFIED MALE: [inaudible]

RAFIK DAMMAK: Okay, Alan. Please go ahead.

ALAN WOODS: Thank you. Just one thing as we note the time change that has gone through. Maybe the group contemplates perhaps for our poor friends on the west coast of the U.S.A. maybe an hour later, just purely to help people on the west coast because 6:00 A.M. calls are a bit evil. But I'm just putting it on the record, putting out there. I'm so sorry because it might affect at the other end as well, I understand. But just putting it out there.

UNIDENTIFIED MALE: Yes, they will unfortunately cause trouble for us at the other end.

RAFIK DAMMAK: Thanks, Alan. Trust me, you in Europe got it well. We are on the edge.

Any further comments? Questions?

Yes, Margie?

MARGIE MILAM: Yeah, it would be nice to have that extra hour, if at all possible.

UNIDENTIFIED MALE: Agreed.

UNIDENTIFIED MALE: Rafik, at what time do you have to get again to do this?

RAFIK DAMMAK: It will be midnight. I wake up every day at 6:00 A.M.

UNIDENTIFIED MALE: [inaudible]

RAFIK DAMMAK: [inaudible]. I mean, I understand but it's just the situation.

Mark, you want to say something?

MARK SVANCAREK: Yeah. Just whining as usual. Right now, the RDAP meeting is back-to-back with the EPDP. So I have time to run, get one more coffee, and then come back for RDAP. So, if we move this an hour, it would make me miss RDAP. So I guess it's better for everybody else but me, but that's how it always is, right?

UNIDENTIFIED MALE: And me, too.

UNIDENTIFIED MALE: Yeah.

MARK SVACAREK: So I've just screwed up my own schedule. So just letting you know.
Thanks.

RAFIK DAMMAK: Okay. I guess we can solve this by having a foosball tournament. The
winner will decide.

Okay, I guess that's it. I don't see – that's an old flag, I guess. If there is
no further comments or questions, I guess we are doing well in terms of
time and we can adjourn the meeting for today. Thanks, everyone, for
participating in the whole EPDP session during this meeting. There is
still a lot of work ahead. Thanks again, and see you soon.

[END OF TRANSCRIPTION]