
ICANN67 | Virtual Community Forum – Joint Meeting: ICANN Board and NCSG
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UNKNOWN SPEAKER: This meeting is being recorded.

MATTHEW SHEARS: Hello, everybody. This is Matthew Shears, with the ICANN board.

And I want to welcome you to the joint meeting of the ICANN board with the Noncommercial Stakeholder Group.

We have an hour, not a huge amount of time. So just to ensure that we have enough time to cover all the questions from both the NCSG and the board, just a couple of quick comments, and then I'll turn it over to you, Stephanie.

Just if you could remember, please, to state your name and affiliation when you're speaking, for the transcript, that would be greatly appreciated, and to speak slowly and clearly.

And with that, I'll turn it over to you, Stephanie.

Thank you.

STEPHANIE PERRIN: Thanks very much. Stephanie Perrin, for the record.

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

And I just wanted to apologize for sending you last-minute changes in our questions and comments to you. It's been a little crazy. I am to blame for not starting the process earlier. But we got a lot of last-minute interactions. So thank you for accepting those modifications at the last minute.

Before we start, I just wanted to publicly thank Maryam Bakoshi for all her help. I know I speak for the other two chairs when I say we would be lost without her, me in particular. She has done noble duty looking after us all and helping us to manage. And it is her birthday today.

Now, I would love to sing happy birthday to her, but I think my singing voice falls outside the acceptable standards of behavior, so I won't.

But happy birthday, Maryam, and thank you for everything you do.

MATTHEW SHEARS: Happy birthday.

STEPHANIE PERRIN: With that, unfortunately, our first item was a statement on the .ORG sale. And Kathy Kleiman was going to read it. But Kathy had to rush off to American University, which is closing because of the coronavirus. So she has asked me to read it for her.

I believe we have passed it on to you, but I'm just reading it into the record. So this is the draft statement for the ICANN board.

And I'll read it verbatim with the odd grammatical change thrown in.

The Internet is the greatest stream of communication ever created. The .ORG top-level domain is the greatest collection of noncommercial speech ever assembled. The purpose of the Noncommercial Stakeholder Group is to represent, through its elected representatives and its constituencies, the interests and concerns of noncommercial registrants and noncommercial Internet users of generic top-level domains, gTLDs.

Weaver a special interest and concern for .ORG.

In 2002, the ICANN board ensured that protections were provided for .ORG registrants and users, collectively, the .ORG community, in the transition of .ORG to the Internet Society and its nonprofit corporation, the Public Interest Registry.

We seek to ensure that the requests of the NCSG in our letter to the board of the 9th of December 2019 are fulfilled by the strongest legal means.

First bullet, a revised notification procedure in which wholesale price increases of any amount give .ORG registrants six months to renew their domains for periods of up to 20 years at the preexisting annual rate. Implementation of this revised notification procedure must be obligatory to both PIR as well as any registrar through which .ORG domain names are registered and/or renewed.

A strong commitment that the administration of the .ORG domain will remain content-neutral, that is, the registry will not suspend or take away domains based on their publication of political, cultural, social,

ethnic, religious, and personal content, even untrue, offensive, indecent, or unethical material like that protected under the U.S. First Amendment.

And third bullet, an elimination of the URS procedure within the .ORG domain as the rights protection mechanism specific to the URS where appropriate only for new domains.

Further, we seek to ensure that the ICANN board is directly involved in this decision-making process. Can the board confirm its direct involvement in the decision-making process?

And that is the only question contained in this statement.

So there you have it, folks.

MATTHEW SHEARS: Stephanie, I think Maarten is going to make a comment.

MAARTEN BOTTERMAN: Thank you for this.

As you know, we always work closely with org on important issues. The statement, as such, will be included in the public record. And we continue to engage from this history, if not from the very beginning. And I think our counter today was on 12 briefings and discussions with the full board. So we really appreciate all the input received from the community, including (garbled audio) and also from the panel on Monday. And we will take that with us in our steps forward.

So everything we do is in lockstep with org, being well informed, but the decision power is with us. And we use that when necessary -- when necessary. And this is one of the key processes on our table.

I hope this helps.

MATTHEW SHEARS: Thank you, Maarten.

STEPHANIE PERRIN: Thanks very much.

Okay. For our second item, I'm going to hand the microphone over to Tatiana Tropina to lead this discussion.

Thank you.

TATIANA TROPINA: Thank you very much.

Sorry. I'm muting now.

NEILS TEN OEVER: So this is actually Neils Ten Oever, for the record. So I am channeling both Tatiana and myself here as a kind of empowered constituency.

It's great to have this opportunity to talk to you all, and it is concerning -- this might not come as a surprise to you -- Work Stream 2, 'cause it has almost been two years since there was community consensus on the Work Stream 2 report. And that -- that consensus in

that report did not fall from the sky. Actually, it was -- it was the culmination of quite a lot of work. And there had been quite a lot of skepticism about Work Stream 2. Some people had even called it the dangerous graveyard of ideas left over from Work Stream 1.

We were therefore very happy that the board had accepted the report in November, including an implementation report it had prepared.

Since then, however, there has been no further communication about implementation from the board, which is spiking some of our earlier fears.

We would therefore like to ask you about your next steps and possible reasons for a small hesitation in the progress.

So what are upcoming milestones that you as a board consider for implementation. We would be very interested to hear and, of course, we're all very happy to engage with you in the implementation.

MATTHEW SHEARS:

Thanks, Neils. It's good to hear your voice. It's been a while.

I believe Avri will jump in on this one.

Avri.

AVRI DORIA:

Yes, this is Avri speaking.

I just wanted to make sure before I started answering that Tatiana hadn't had some questions on this that she had wanted to pose as part of the question. But if not, I'm ready to go on.

TATIANA TROPINA:

Thank you, Avri. Tatiana Tropina, for the record.

No, it's all good. Neils and I are complementing another. So he, basically, outlined everything I could have said here.

AVRI DORIA:

Fantastic.

Thank you, Neils, for your question. And I'll basically start off on it, and then we can see where the discussion goes.

So as you know, it did just get approved at ICANN66. So what's -- two things were being worked on. One was making sure that we had an implementation team that was ready to work with the org during the implementation and as you know, you know, that took a little bit to get done it has been done now. I am the liaison on this. And, in fact, I think you posed the same question within the implementation team. So it's good to hear it again.

In terms of what's going on now, the org MMSI has basically taken the hundred or so -- I guess it's a little fewer -- but the hundred or so recommendations, is basically working through them, is looking at the ones that already have some implementation ongoing, is looking at those that can just be done without, you know, further budget

allocations, is looking at the budgeting process as it's ongoing now to see what fits in. And, basically, they're working on that. It hasn't been that long now. And, basically, we'll have an update report on what's going on probably during the month of April. That's when it is anticipated.

So there's a lot to be done many some is already being done. Some has yet to start. But it is at the top of a work list. It is high in priority. We have not gone through prioritization processes yet but recognize that WS2 has sort of a special status in that prioritization process.

That's sort of where that's at now.

So I think the answer to your question is basically forthcoming, that it is being worked on, it is being paid a lot of attention to, and we should have more information on that in April.

MATTHEW SHEARS: Thanks, Avri. Neils or Tatiana, any follow-up?

NEILS TEN OEVER: If I may, thanks very much.

Because there has been ample time between the moment that the community achieved consensus on the report and before the board adopted the report. And then the board also reiterated it needed time to do exactly the things that you're naming now. And now the board has accepted it and needs to go through this process again.

So then I ask myself, what was -- why did you need the implementation report and why did that take such a long time? I'm just having a bit of problems understanding the structure in which the decisions are made and the planning. I fully believe that you're working on it with priority. But could you perhaps provide a bit more detail on that process?

AVRI DORIA: Should I go again? This is Avri.

MATTHEW SHEARS: Sure.

AVRI DORIA: Okay. Well, -- and as I'm sure that you saw, because it was discussed by the WS2 I.T. there was an implementation assessment report that had to be done first. And that was the first step that was the input to the board. It was what enabled the board to look at the whole scope of the implementation that would be before us and basically give an assessment so the board could take a decision on how we would go about this.

I think what we're doing now should be seen as sort of the next level down in terms of, okay, we had the assessment. We understand the size of the job. And the job has been sort of approved. But now we need to get down into the details, what exactly needs to be done in each part, in each place, by whom, how, and how exactly we're going

to fund it. How do we get it into the budget now? What is the specific budget request, et cetera?

So I think when you look at a task that has basically approximately 100 items in it, as you know, how hard it was putting together those, how long it took to -- in fact, a year longer or more than it had been planned. How long it took to get them all together, to make sure they were internally consistent.

Now, basically that same process has to go on with the actual implementation plan. Perhaps there's someone from MSSSI that would, you know, like to take my answer further.

But it really is a further iterizing -- no. I'm getting bad at my words now. I better worry -- it is a further study, it is a further plan, it is specific details on how to actually get it done.

Thanks.

MATTHEW SHEARS:

Thanks, Avri.

I don't know if somebody from MSSSI wants to jump in, but there is a note from Goran in the chat. Neils just -- and Tatiana just -- it says David Olive will also work with the community to make the community aware about the recommendation that affects them -- that affect them.

Tatiana?

TATIANA TROPINA: Thank you very much, Matthew.

Hi, everyone.

I think that a bit of the frustration about the implementation of the Work Stream 2 actually comes from the fact that there is not much communication, so we are not really aware what kind of steps board and org have actually taken to implement it. And, basically, for us, this is one of the few opportunities to ask these questions.

And I wanted to ask two more follow-up questions.

First of all, do you plan any community input and maybe improvement of communication on the Work Stream 2 implementation with the community?

I see from Goran on the chat that David Olive is going to work with the community to make it aware about the recommendation that affects them. But I also thought that as some of the recommendations are going to affect a certain part of the community maybe there is a need for us to work on this together, you know, on certain ones, so we're not, like, separate parts of the community.

So the first question, I just sort of make a lot of focus here again: Are you going to seek any input from the community? And also sort of provide some channel of communication on this?

And secondly, and I hope there will be no arrows, because I have constantly been talking about Work Stream 2 in relation to the

multistakeholder evolution exercise. Are you working on the implementation of Work Stream 2 separately? And if yes, how are you going to ensure that nothing that is going on with multistakeholder evolution -- multistakeholder model evolution exercise is going to hamper or contradict Work Stream 2? So if there is anything that is being done in this regard.

Thank you very much.

MATTHEW SHEARS:

Avri, do you wish to comment on the first part of that? I can address the second part about the multistakeholder --

AVRI DORIA:

Certainly.

One of the parts of the plan that is being worked on now by MSSI is, indeed, a whole communication plan for how to track the work as it's being done, how to display it, how to communicate it. So that's definitely part of what is being worked on at the moment I don't have an estimate for when that will be up and available. But the discussion of that will be in the April response.

And before passing it off to Matthew, I'd just like to point out that, yes, the board is basically looking at all of these things that need to be done, whether it's the WS2 recommendations, the recommendations that come out of other reviews, the -- any other work that's being done

on multistakeholder model, and trying to make sure that we don't step on, you know, different parts of the solution with one part.

And that is part of the work that MSSI is doing in preparing to go forward with the implementation.

Pass it back to you, Matthew.

MATTHEW SHEARS:

Thanks, Avri. You kind of said what I was going to say, actually, about the importance of seeing all these various initiatives as a whole rather than individual to avoid the very concern you raised, Tatiana.

So as a part of the -- as a part of looking at the multistakeholder evolution, we have, and MMSI and org, have mapped out all the various initiatives, so ranging from Work Stream 2 to ATRT3 to PDP 3.0, to understand how they all interrelate and how they all can satisfy different parts of that multistakeholder evolution process. So we're very aware of the possibility of overlap and hampering, as you say, on a -- being very cautious about how we look at this as a whole.

But it's a very good point. Thank you.

I don't see any more inputs on the board side, Stephanie.

STEPHANIE PERRIN:

Great. Well, let's move on to the next question, then.

I think, just in passing, I would note that, obviously, we consider this a priority. So that answers one of your questions about priorities.

We also consider the EPDP a priority. And many of us that are on this call are engaged in it.

I'm going to hand the microphone over to Amr Elsadr to lead the discussion on this new topic that replaces the other one that we had sent to you previously.

AMR ELSADR:

Thanks, Stephanie.

And hello, Matthew and ICANN board. This is Amr, calling in from Cairo. Thanks for agreeing to speak to this with the Noncommercial Stakeholder Group.

Oh, sorry. We were asked to state our names and affiliations. This is Amr Elsadr from the Noncommercial Stakeholder Group.

So I put this sort of introductory text together very quickly earlier today. And thanks for agreeing to speak to it on such short notice.

But, basically, you know -- and I think we have discussed this before, the Noncommercial Stakeholder Group has discussed with the ICANN board the Strawberry team before and the work it's doing.

We've generally seen the work of the Strawberry team to not be very in sync with the work that the EPDP Team has been doing since phase 2 began. You know, the EPDP Team sort of had a bunch of charter questions we had to answer, and, you know, in the process of answering those questions, it's come up with a model which it's

calling the hybrid model, for a standardized system for access and disclosure.

What ICANN Org has been doing is kind of the opposite of that, is that it came up with a unified access model, which is a sort of a centralized system, and then sought to see -- sought to find out what the -- you know, what issues there could be with this in terms of compliance with European Union's general data protection regulation, and then did so by engaging with European Data Protection Board, the Belgian Data Protection Authority, and others in the E.U.

So when I say that those efforts haven't been greatly in sync, put -- sort of like part of the justification for why ICANN's been doing this was to seek input from those authorities who, you know -- it's their business, you know, enforcing privacy and data protection regulation in the E.U. is what they do, and trying to get the input that they might have and convey it to the EPDP Team in order to help the EPDP Team complete its task.

But over the months, it seems that this hasn't been the case. The input we've received hasn't necessarily been helpful. As you must all be aware, there are very clear divides between different groups represented on the EPDP, you know, on how to effectively develop policy recommendations that comply with the general data protection regulation and also answer, you know, some of the difficult policy questions that we're trying to answer.

The input we've received so far from the Strawberry team, through the various blogs and, you know, notifications we've been getting, is

they've -- instead of helping us answer a lot of the questions that we're trying to answer, it's kind of broadened or widened the gaps that there are exist between us. And it's been a bit frustrating.

So now that we're getting very close to finalizing Phase 2 work, you know, right now, there's, obviously, the open public comment period on the initial report. And once that period is over, the EPDP Team is expected to review those public -- the public comments received and then -- excuse me -- and then start working on drafting its final report. So we have very little time right now to, you know, get more inputs. And to be honest, we're very curious on what ICANN Org's plans are moving forward on this. We're curious if you know -- you know, it would take a great deal of time to, basically, change any model. So is that something that we're looking at a possibility -- is that something that ICANN Org is seeking input on, whether still this centralized, unified access model is something that might be viable from a GDPR compliance perspective or not, because we're not working on that model on the EPDP Team. We're working on something else. And to what extent this engagement, if it continues now, you know, that we're at a very late stage of the EPDP's work, will this work affect how we should expect the ICANN board to adopt whatever recommendations are coming from the GNSO? These are things, I think, we need to be aware of and to plan ahead for. But my personal hope is that, you know, whatever is going on with ICANN Org and the Strawberry team, that it's not too disruptive to the work that we're doing on the EPDP, because that's already quite difficult. It's not an easy task. And like I said earlier, there are very sharp divides between

the different groups represented and trying to reach consensus on all the issues, which we probably won't do. But, you know, just trying to get there is already an uphill battle.

So anything we can hear from ICANN board on this right now and from Goran perhaps and anyone from ICANN, it would be very helpful.

Thank you very much.

MATTHEW SHEARS:

Thanks, Amr.

I think Becky's going to start off. But I'm sure a couple of other board members will probably want to jump in as well.

BECKY BURR:

Yes. Thank you. This is Becky Burr speaking. And thank you for the question, Amr.

I think that there are several things that need to be teased apart here. For one, and one very important, reason, the board is really seeking to understand the application of GDPR in the context of registrant data. That is relevant to but it is not determinative of policy with respect to the policy being developed by the EPDP.

So we recognize and absolutely respect the EPDP's, the GNSO's authority to develop policy with respect to access to WHOIS -- access to registrant, unpublished registrant data. And nothing that the

Strawberry team is doing is intended to interfere with that, nor does it appear that it has interfered with it.

So I just want to be clear. The point -- the work of the Strawberry team is not to dictate policy, it is to make sure that we have -- we, the board -- have all of the facts available to us with respect to the operation of GDPR and other relevant data protection laws -- but clearly, primary, GDPR here -- with respect to use of access of processing that data.

The board has also, of course, as part of the budget for the EPDP, both Phase 1 and Phase 2, has provided funding for legal questions. And to the extent that you feel that there are legal questions that have not been answered, you're a part of the legal committee, and you know that questions can be raised there and that funds are available to ask and answer those questions.

I don't think that -- you know, I don't see -- the board obviously continues to discuss this. But at this point, the board wants to understand the legal implications with respect to this, wants to understand them in order to do our due diligence. Obviously, when policy is developed by the EPDP -- and I do understand that the EPDP has -- has at this point appears quite settled on, is moving towards building out the hybrid model, as is entirely within the authority of the EPDP. But I'm actually -- I don't think I understand why it -- I don't understand the perception that somehow the conversations between org and the European Commission and data protection authorities designed to help us understand the implications of GDPR interfere

with the policy development process. And I don't know -- I don't mean to be aggressive or antagonistic. It may be that the -- it may be -- it is entirely conceivable that the results of the exploration will be that there is, you know, resounding indications that only something like a hybrid model could work. It's also possible that at, ultimately, the end of this process, we will learn that there's greater flexibility that is still not going to be -- that is still not going to determine the policy. But it is important information for the community and for the board to understand in fulfilling its responsibilities with respect to acting on the policy development.

And as you know, the bylaws very much dictate the role of the board with respect to policy development, which is to say there are very limited circumstances in which the board is permitted to disagree with the policy outcomes developed through the GNSO bottom-up, multistakeholder process.

MATTHEW SHEARS:

Thanks, Becky.

Amr, do you want to follow up or is there anyone else from the Board who wants to jump in?

Amr.

AMR ELSADR:

Thanks, Matthew. This is Amr. I will wait. If anybody else from the Board wants to jump in, then I will follow. Thanks.

GORAN MARBY: This is Goran. Can I make a comment?

MATTHEW SHEARS: Sure, Goran. Thanks.

GORAN MARBY: Interesting enough, just to point out that the proposed ticketing system, which is the discussion in phase 2, has never been discussed from a GDPR perspective. And from the look of it, some of those questions that we are asking to be able to be -- see if we can figure out a way to move the contracted parties' legal responsibilities to ICANN, which we've sort of refer to as the unified access model, are the same for a potential ticketing system, especially since you add a data-processing activity.

And at one point, we need to have those kind of questions covered also for, for instance, the contracted parties so we don't increase risks that are unnecessary.

So I think that you -- if you think that the ticketing system is sort of a way to go forward, still remains the GDPR-related questions.

MATTHEW SHEARS: Thanks, Goran.

Amr.

AMR ELSADR:

Thanks, Matthew. This is Amr again.

Thanks, Goran, for that. And thank you, Becky, very much. I would remiss to not only thank Becky and Chris Disspain for the continuous work they're doing liaising between the ICANN Board and the EPDP team as well as Becky's great work on the legal team assisting the EPDP team. And a shout-out Leon as well who we successfully somehow, I guess, chased away from the EPDP team. He prefers to take on more tasks with the ICANN Board than he does with us.

But, Becky, thank you very much. Your answers were very helpful.

Might I ask -- maybe this might be a question for Goran. Again, what are your plans moving forward, though, in terms of engagement with the European data protection authorities, with the EDPB? And, also, I'm also curious on how you might be framing some of the questions or your approach dealing with them, especially that we are finalizing the work that we're supposed to be doing in phase 2 of the EPDP and how this might sort of play into the next process steps in terms of the GNSO Council adopting recommendations as well as the ICANN Board adopting the GNSO Council's recommendations. Thank you.

MATTHEW SHEARS:

Thanks, Amr. Becky or Chris or Goran.

GORAN MARBY:

The question was related to me. I can.

So since the beginning of phase 2, we have engaged with the community and also with the EPDP itself because there is a single question that we've been trying to get an answer to, which is -- which we haven't received the question -- we haven't received the answer. And that is -- I'm shortcutting it now for all the lawyers.

If there's any potential to take away some of the legal responsibilities for the contracted parties when it comes to the activity of answering a question, in shortcut.

And we have now reached a point -- and to first be able to do was that we together with the community constructed -- the Technical Study Group constructed a potentially sort of framework to be able to do that because with the help of the European Commission, they now -- they said that we need to have that kind of input to be able to ask the questions. And that came up with this sort of -- call it Strawberry paper.

And in that, we constructed certain questions -- and those questions which we sent over to the Data Protection Board the end of last year.

Why I'm telling you this is because this is a process issue. And this process issue -- the data protection authority in Belgium had a meeting with us. We invited the chair of the EPDP so it could be part of that meeting as well. You have sometimes requested that we would do things like that, and we took that as good input.

The end result of that meeting was that they agreed that this potentially is a solution that could work and they also thought it was a good solution.

The next formal phase of that is that the Data Protection Board should have this on their table. So that is from a process standpoint what we're working on to see if that happens.

But I'm saying what I've said for the last two years now, I think, is when we started engaging with the Data Protection Board, when -- before -- which led up to their having the -- what became the temp spec from the Board, they said, yes, you can collect the data. That it's sort of -- and you might not approve of it but we sort of saved the WHOIS in the first place.

And we are -- I always said this is going to be a harder one. But as we -- I've said and we've said and the Board said when we went into phase 2, we said that we think the system that this group actually can do is a sort of ticketing system which doesn't change the legal underlying -- it doesn't change the fact that the contracted parties are legal responsibility and they have to make the decisions. But it could simplify the requests and simplify the answerings for it, which I congratulate the phase 2 for coming this far.

The potential UAM is based on the legal answer of if this is possible. So we will continue to ask that question until we get a no or a yes. We don't know if it's going to be a yes or a no. We are happy about the help we are receiving from the European Commission to be able to get this question out to the Data Protection Board. So that process is

fairly -- it just continues. Maybe we would have loved to have had the answer earlier, but that's where we are.

The second part of this, which I will told you a couple of times by, there seems to be some political -- political discussions about this as well. In different foras right now, the member states of the E.U. has been starting to ask questions about the access to the WHOIS data.

Also, there are questions from the members of parliament who has tabled the question. And "table" in the European perspective means you put it on the table, you don't take it away. So there is some political discussions about the effects of the WHOIS data. And I want you to be aware of that.

We are going to come up with a report about that when -- fairly soon as well, so you will be knowing more about what's happening. I hope that answers your question. Sorry for the lengthy answer.

AMR ELSADR: Thanks, Goran. This is Amr. That was very helpful and informative. I look forward to reading the report when it's published.

MATTHEW SHEARS: Stephanie.

STEPHANIE PERRIN: Thanks very much. Stephanie Perrin. Apologies for being slow on the mic there.

I can't resist jumping in. I just typed it in the chat. We are aware of that political discussion about the importance of the WHOIS data. Sadly, the collective governments represented in the GAC don't seem to be representing the data protection interests as strongly as one might hope, at least as much as the NCSG hopes. It's about registrants' rights, and we're continually finding that to be absent in the discussions.

We're well aware that certain countries have been pushing availability of WHOIS data in their trade agreements for really decades now. So that is part of that political discussion.

Anyway, we have a hand up from a gentleman in the queue.

MATTHEW SHEARS: Stephanie, sorry.

STEPHANIE PERRIN: Yes?

MATTHEW SHEARS: I think -- if you don't mind, I think Goran would just like to make one final follow-up comment, if that's okay, before we go to questions.

STEPHANIE PERRIN: Sure.

GORAN MARBY:

So thank you, Stephanie. Yes. And as you know, we are now more and more trying to get a format for informing the community about what we learn from political parties. You saw the first one we sent out a couple of weeks about -- from the U.N. interactions. And we will continue to work on that format and hope you will appreciate it.

More specifically on the political side, actually, there are also many DPAs in Europe who are now starting to discuss the law itself, its efficiency, how they can use it, and especially how the interaction with the Data Protection Board.

So I would just say that it's a slight -- it's not -- it's not sort of the GAC who's doing this. These are the ones who write the actual legislation who are using it. That's a little bit of a new thing.

I will actually ask our team in Brussels to see what we can say about that as well.

STEPHANIE PERRIN:

Thanks very much for that, Goran.

Certainly the data protection authorities are under the gun for not being able to manage the mandate that they've been handed under the GDPR, and I can understand that some of their comments on this are a little defensive because, of course, they're overwhelmed and they don't have the resources to actually enforce.

Okay. We do have a question from a NCSG member now. Hello? Skcyber.

SKCYBER: Yes, speaking here.

I would like to ask a question to Board in regard of two of the concerns. The concern is in regard to the governance perspective, you can say how we are dealing with the kind of things because in the earlier part, we do mention about the GDPR and the application of it.

I would like to have the comments in regard of the governance side and also considering the forensic, especially the digital forensic part of the case.

STEPHANIE PERRIN: Could you please list your name and your affiliation.

SKCYBER: Yes, I can do that. I'm (saying name). I represent Internet Society.

MATTHEW SHEARS: Thank you for that question. Let me see if anybody on the Board would like to take that.

Was there a specific part -- I'm sorry just to come back on the question. Was there a specific part of the governance that you want to elaborate on?

SKCYBER: Especially on the digital forensic part, how you are looking on these issues.

MATTHEW SHEARS: On digital forensics?

SKCYBER: Yes.

MATTHEW SHEARS: Yeah, okay. Would anybody like to address the issue of digital forensics under GDPR?

Becky, I think your hand is up.

BECKY BARR: Yeah, I think there are all kinds of digital forensics. And I believe that there is guidance on sort of big data, if that is the sort of digital forensics that were engaged in. But I believe that you would have to undertake 6(1)(f) balancing test to understand what the legitimate interest in the digital forensic work was and whose interest it was and how that impacted the data subject whose data was being processed in the interest of digital forensics.

I think -- I think it's pretty clear that the DPAs, the Article 29 working party on the European Data Protection Board and individual DPAs have made it pretty clear that when the result of processing is going to have legal consequences for individual data subjects, that that

balancing test has to be applied in a particularly rigorous -- rigorous way.

Now, obviously there are, of course, other things that might be done to mitigate the impact to the individual, so hashing everything. I mean, it would still be personal information but there are certainly ways that you might think about processing the data in a way that is less threatening or less costly to the fundamental rights and freedoms of the individual data subjects.

But I think essentially it's the same test that you would apply in any other circumstances. And, of course, Stephanie probably knows the answer to this question better than I.

MATTHEW SHEARS:

Thanks, Becky.

I don't think we have any more comments on our side, Stephanie. So back to you.

STEPHANIE PERRIN:

Okay. Thank you very much. I think that was a great job answering that, Becky. I'm not going to pounce on it.

My next question I'm handing over Bruna, our chair of NCUC, to handle. And I would just like to say, grabbing the mic as I pass it, I really want to thank you for canceling the face-to-face meeting. As somebody who gets sick every single time we have a face-to-face

meeting, those who know me well know that. I'm usually there with my hanky honking my horn. So you have all been saved. Thank you.

BRUNA SANTOS:

Good afternoon, everyone. This is Bruna Santos, the NCUC chair. And following the line on Stephanie's note on the cancellation of onsite meetings, this was a discussion we wanted to promote here because at the same time we are both grateful for this cancellation, we also think that the decision was announced, like, roughly two weeks before the ICANN meeting and resulted in the community eventually giving up on sessions and interactions that were important to us.

However, we do have some concerns around this process. Like, this whole planning -- the two weeks that led us to this virtual meeting, so timelines for planning guidelines from the Org with regards to virtual participation, our members having issues with the mobile app as well as not knowing when and how to register for sessions and at the very least time zone situation as well.

These problems end up resulting in a rather awkward situation for our members but sometimes also prevented them from being present in participating in this virtual meeting.

Besides that, we removed the opening ceremony, something that we used to do, rely on (indiscernible) to the conference, and also the planning session for the upcoming ICANN meeting and the program that was, in fact, four days instead of the usual six.

In our assessments, some of our initial variants in this process were regarding the need for newer maybe and proper governance mechanisms with consultations for such occurrences.

Some parts of this community found that their opinion was not taken into much consideration or somehow disregarded. And considering the pandemic and in the event we are to cancel the next onsite meeting because of unforeseen challenges, we think it's better to reschedule it until some proper planning is in place.

So maybe the discussion here and any questions from us is that how we can get ready for upcoming virtual meetings and what were the lessons learned from the Board so far and how do you see us improving this interaction between the community and the Org.

We also listen to the RySG meeting before, and we just heard that you plan to conduct CPH with regards to GDD. So we want to know the next steps on this and further considerations.

I hope I didn't sound too confusing. Thanks.

MATTHEW SHEARS:

Not in the least, Bruna. And just before Maarten I think wants to comment, just a couple of quick comments from my side.

It was a -- I think as you well know, it was a difficult decision and a long thought-through decision on the Board to cancel the meeting. We were very cognizant at the time of the limited time before the event itself when we took that decision. But I think in -- in an ideal

world, we would have had longer to prepare and longer to identify the sessions.

But I think looking at it from the perspective of what was achieved over the two weeks or three weeks, it's -- it is, I think, quite a remarkable achievement that it has, despite a number of the points that you've raised, that it has been as smooth as it is. And hats off to Org for that.

But I think you do raise some very interesting points as we seem to be faced with a situation where going forward we've moved from one level of crisis to another with going to a pandemic now according to the World Health Organization.

So I think this is going to shape our thinking and decision-taking in terms of how we proceed on this front, which comes to your point, of course, which is about how -- how do we take the learnings from this and how do we improve upon them and prepare more fully for these kind of meetings going forward.

So I think your questions and suggestions are absolutely right.

But, anyway, Maarten, over to you.

MAARTEN BOTTERMAN:

Thanks for an excellent introduction.

I mean, what you notice is that we do discuss this on the Board and it keeps us very busy in a way that we had to take the decision to cancel this a couple of weeks before Cancun would have happened was due

to the fact that a couple of weeks before that it wasn't the case. It's been really very short note. But we're very much aware that that also affects the ability to be flexible and adapt.

So we're very, very grateful for all the flexibility that has been displayed and interaction with the organization that manages to at least get this remote meeting up and running.

And for a remote meeting, our first one, so far we're carefully happy about what has been achieved seeing the preparation time.

We're very much aware that we can learn from this, and we will do so with the community as well.

It doesn't change our meeting strategy because that is with the community. But for sure, lessons learned will be collected and taken forward.

So with that, we're also aware that if future meetings cannot happen that the earlier we can announce that, the better but at the same time not too early, of course. So I hope -- I hope that helps.

MATTHEW SHEARS: Thanks, Maarten.

MAARTEN BOTTERMAN: Any additions?

MATTHEW SHEARS: Anybody else want to jump in from the Board? Not seeing any -- yes, please.

GORAN MARBY: Sorry. I promise -- I want to thank -- as we've done with some other constituencies, we want to thank this part of the community as well for the support setting up this meeting.

Yes, it was late. You all came together. You helped everybody and you helped us and you helped the whole community to set up the best we could. There's a lot of lessons learned from this.

As Maarten said, the discussion belongs to the community. And we will work out ways to continue this discussion with the community, also all the other meetings we have coming up.

And thank you, Bruna, for your support in this and Stephanie and everybody else.

MATTHEW SHEARS: Thanks, Goran.

Bruna, I guess one of the most important things from this particular point is that we somehow find a way of collecting all the various inputs and very much appreciate the ones that you've suggested here and in your introductory comments.

So we'll find a way of collecting and learning from all the inputs from the various parts of the community so that we can -- in case we have to put these processes in place going forward.

Any other comments or -- yep?

BRUNA SANTOS:

Apologies. This is Bruna again for the record.

Just one comment or question. Just to make it clear this is no criticism of the approach taken to this challenge. We do know that both the staff and community leaders were all very committed from the very beginning with this meeting. But in the end, we also are questioning ourselves how sustainable it is to change from a meeting that had over, like, 300 meetings to less than 70. And this also brings some reflections to us with regards to what was really necessary and needed amongst all the various meetings were suggested to -- what we were supposed to be the Cancun meeting.

My follow-up question would be: Do we have a date for a decision or a cancellation of the Kuala Lumpur meeting, just so we know how to follow up with regards to plans? And also as I commented, we don't have a planning meeting for ICANN68 during this meeting. So just so we have a little notion of time lines. It's also okay if we don't have any settled so far. Thanks again.

MATTHEW SHEARS: Goran, do you want to just briefly comment on the process moving forward?

GORAN MARBY: Yes. Thank you. And thank you, Bruna.

And, by the way, I didn't take anything of your question as any criticism whatsoever. You were asking exactly the right questions at the right time.

So I don't know if you know this, but just an hour ago the World Health Organization declared this as a pandemic as well, which means that to some extent we now see things happening that we didn't know a week before.

But on Tuesday, we've said this -- on Tuesday, the Board will have a follow-up meeting where we look into how we're going to interact with the community, how -- and about the Kuala Lumpur but also about all the other meetings that is planned for the next quarter. It is a little bit of a floating situation.

And we want to make sure that we take this -- there is something that we said before and maybe it's good to reiterate that. To have physical meetings is a part of the ICANN DNA. We don't see -- I don't see this as an opportunity to sort of restarting all other discussions. First of all, I don't have the mandate for doing that. And as Maarten said, this clearly belongs to the community.

We are facing a situation which we are not the only one who see the effects of. And we tried to adapt to this particular situation as much as we can. All other discussions belongs in the community, I think.

But -- so going back to your question, Bruna, I think that the Board -- we will start engaging with the Board on Tuesday, really lessons learned and how to go on and how to communicate and how to talk with the community.

So, on the other hand, we want to wait as late as possible without making a mess. And that boiling point is probably coming very close now. Thank you.

MATTHEW SHEARS:

Thanks, Goran.

Back to you, Bruna, Stephanie. I note we've only got two minutes left. We didn't get to the Board's questions, but we had a very useful and very interesting discussion.

Stephanie, pass it back to you.

STEPHANIE PERRIN:

Thanks very much.

I think maybe what we can do is have a little scrum and send you our priorities on paper. I think we can sort that out and possibly discuss further.

I would just like to add to this discussion on the virtual meetings, it's very hard for volunteers who can't get the time off work to manage their worklife and a whole week of telephone meetings. Sometimes they can get the week off to go somewhere but to sit on the phone, much more difficult.

And so I would like to introduce the idea that we don't have to do it all in one week, that we may be able to have a month of ICANN Fridays. I suggested that the other day, and I think it got boo'd. But I think we have to really look at all kinds of options for this.

The second thing I wanted to add was our group in particular was looking forward to face-to-face meetings to get some of our young people more engaged. Not saying you can't do it virtually but it's a lot harder when people haven't met us, when they don't get to see what's going on like they do in a face-to-face meeting.

So if anybody has any suggestions for that -- and I'm sure we are trying to figure out what to do with the fellowship program. So if anybody has any ideas, we really need -- we really need help figuring this out. Thank you.

MATTHEW SHEARS:

Thanks, Stephanie. And very much appreciate your suggestion to come back to -- to come back to us on our questions to you. It's important for us to understand your priorities. And it's also important for us to know your perspectives and views on the strategic planning process going forward, so thank you for that.

And with that, I think we're going to have to wrap this up. Big thanks to everybody for your participation for the organization. And see you in the next chatroom. Thanks a lot.

[END OF TRANSCRIPTION]