
RECORDED VOICE: This meeting is now being recorded.

JAMIE HEDLUND: All right. This is Jamie again. Probably makes sense to get started now, and hope others join the call. So first of all, I sent around red lines based on our last meeting, and I want to apologize again for the lateness of the document that's going around. If we need, or if people want more time to review and provide feedback, obviously that's there.

And we can decide how to go forward at the next meeting, if we can't, if people don't feel comfortable figuring that out at this meeting. So, last night, I sent around, as I said, the revised draft based on the last meeting. I red lined the document, circulated at the last meeting, and what I would propose to do is to go through the red lines, which aren't extensive, and get feedback on them in terms of whether they're appropriate, and in fact, reflect what was discussed on the last call.

Does that seem okay to everyone?

STEVE METALITZ: Sounds okay.

JAMIE HEDLUND: Okay. Thanks Steve. So, the first red line begins on, at the bottom of page five, or what I have as page five, these are the questions that would be included in the public comment solicitation, and these are red

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lines, I believe, that were suggested by Bradley, and based on discussion of his comments.

So it says, should the procedure include a trigger consisting solely of a nationally recognized law firm? And do you think that a nationally recognized law firm opinion can, by itself, credible demonstrate the party is legally prevented. And also delete an original question that was there, which is, is it reasonable to require contracted parties to be subject to government action, etc.?

And then finally, it includes a new question, again, based on discussion at the last meeting. Short of requiring contracted parties to be subject to legal governmental regulatory action, what other trigger would amount to a credible demonstration that the party is legally prevented?

So any comments on those changes?

Okay, moving on. Next, or...

The next major one is on page, what I have as page 14. And this is just putting words around a concept we discussed on the last call, for an additional alternative trigger. And it would, what it lays out is a procedure under which a contracted party would make a request of ICANN, based on certain facts, or claims, and then ICANN would take it upon itself to evaluate, and the request as well as run it through the gauntlet of public comment, and getting GAC input as well, specifically.

So, they would, so just to go through the redlines quickly, the request would have to describe a legal conflict, and why it's a real legal conflict and then therefore impossible to find a legal alternative, to comply with

local law including obtaining registrant consent, or through the use of privacy proxy services.

It would require support from all other contracted parties, or they would have to show why they are the only affected party, and this is to avoid the situation of someone gaining a competitive advantage as a result of getting a WHOIS exemption.

It highly, it would value highly a written support from a relevant governmental privacy agency, DPA if one exists. And it would require written support or non-objection from either local law enforcement and/or the GAC. The government [inaudible] will turn the questions. The government would... ICANN would then investigate the grounds for the request, including seeking input from the GAC, law enforcement, other interested parties, and it would post the request for 45 days to allow parties to file objections.

And would require, if there are any objections, would require the requesting party and the objector to resolve the objection in order for the request to go through. And then finally, as discussed by [inaudible] ICANN might also seek outside counsel to provide expert advice on the law regulation question. Michele.

MICHELE NEYLON:

It's Michele for the record. Sorry, I missed the last call where you apparently discussed this. So sorry if I'm coming a bit late to the party. I have an issue with the bit, or privacy proxy services here. I don't have an issue with the rest of the concept, but equating the usage of privacy proxy services with some kind of legal opt-out, or some way of getting

[inaudible], I think isn't really correct, because if a registrar or an affiliate is a party to the registrar offers privacy proxy services, that is actually putting more liability on the registrar.

And essentially, if that's because ICANN is forcing the registrar to do something which then conflicts with national law, I don't see why the registrar or any affiliate or party with the registrar should put up more burden than they already have. Thanks.

JAMIE HEDLUND:

Sure. So, I can take a stab at that and others can weigh in as well. But the issue is whether or not it's possible to comply with local privacy law. And the point of this part of the proposal is that, the requestor has to demonstrate that it is impossible to comply with it.

And so, possible ways around a conflict include consent from the registrar as well as, in our view, the use of privacy proxy services. So I'm having a hard time understanding that sort of qualitative difference in terms of burden and compliance with, between consent and privacy proxy.

This wouldn't, for example, there is no implicit requirement that they use the registrars privacy proxy services, but for, you know, the [inaudible] step of an exemption to be granted, it seems appropriate to require a demonstration that really is, there really is an impossibility of complying with the law. And especially in places where, as I understand it, you know, where the law and regulations are not that clear.

Maybe they are becoming clear, but right now, it's less so that way. And so I just, I would imagine if this request were put out for, or you know, we notice the request, that some would say would provide a solution for remaining in compliance if one exists. I guess I'm having a hard time understanding...

MICHELE NEYLON:

Do you mind if I interrupt you here and just explain to you the issue? Okay. There are two things here, [inaudible] was asking the same question, related question on the chat. There is a couple of things here which you seem to be kind of mixing together and completing, which I think is causing an add in to confusion.

Privacy legislation applies to both service providers and, more importantly, to the customers, the individuals. So, the thing is this, that ICANN is obliging registrars and registrants to do certain things, but ultimately the obligation lies on the registrars.

Essentially, as far as a lot of us would be concerned, ICANN is obliging registrars to break local law, by forcing us to publish all of the registration details, publically, with no option for the registrants to have any level of protection of their private details, which we would see as being in conflict with local law, which is why we want to have the exception.

Saying then, that we should then take on the extra burden of running a privacy service, which is essentially what you're saying there, in order to quote/unquote fix the issue, doesn't actually fix the issue. Because if, for example, in the case of, let's say, if I take a ccTLD for which we are

the registrar, the ccTLD may not be publishing a huge amount of information in publically available WHOIS, but we'll have a process whereby law enforcement, whoever, can get access to it, but that isn't putting any extra burden on me as a service provider.

Running a privacy proxy service does put an extra burden on me, and does end up causing extra liability issues for me. I mean, this is why we're having the entire debacle around the proxy privacy accreditation. I mean, it's not simply a question of putting somebody's details in placing somebody else' details in publically accessible record. There is a whole range of responsibilities that come with that.

And it's ICANN that is forcing us to end up with that. Saying that that choice, that it's even choice, and that you can put that on the same level as registrant consent, isn't acceptable as far as I'm concerned. I mean, it's one thing that one can argue that getting registrants consent around the publication of the data gets you around certain things. There is an entire argument around informed consent, which I don't want to go into now, but saying the privacy proxy services, to kind of solve that, it's two totally different things.

I don't see them, it's a totally different thing, and the burden on the registrar, the third contracted party, is very heavy.

JAMIE HEDLUND:

Okay. Anybody have anything they would like to say on this issue?

Steve?

STEVE METALITZ: Yes, Steve Metalitz. Obviously it seems to me that the proxy issue is relevant here. It may or may not resolve the problem, and it may, I guess, I'm not really going to respond directly to Michele, because he's drawn in some other things to what he refers to the debacle of the privacy proxy accreditation discussion that's ongoing.

I had a couple of other questions or issues to raise about this alternative triggers. So, is this right time?

JAMIE HEDLUND: Yeah, please, please.

STEVE METALITZ: Well first of all, I know that Stephanie had a number of comments on this, and I don't know if she's on the call. But she raised some points that are worth discussing. I wanted to ask you about the third bullet here, written support approval for a relevant governmental privacy agency, if one exists, highly recommended.

There are really two problems there. One is, when I think that Stephanie raised in her word comment on this document, which is, are we talking about the agency that enforces the privacy law? Or are we talking about an agency that maybe gives an opinion on privacy law? She was [inaudible] that in Canada, those are two different agencies, so that would need to be clarified.

But when you say highly recommended, that obviously raises the question of, what happens if there isn't such written support or approval? Is the trigger satisfied or not? So it's a bit squishy there, I

think. Clearly in a case where you have written support from the agency that enforces the law that the registrar or registry, has identified as creating the legal prevention, that is quite significant. But if you don't have that, or if it's from a different agency, it may be much less significant. So I guess I would raise that...

JAMIE HEDLUND: So...

UNKNOWN SPEAKER: Can everyone mute their phones?

JAMIE HEDLUND: There seems to be a feedback loop. I'll try again. So Steve...

All right. We're still trying to diagnose it.

Again, if you're not speaking, if you could mute your line, that would be great.

Everyone is muted?

UNKNOWN SPEAKER: Yeah, but it still has a feedback loop.

JAMIE HEDLUND: We're going to try to dial back in, but everyone else please stay on the line.

All right. It's Jamie again. See if this is any better. It's a little better but not great, so I'm just going to power through this and hopefully we'll...

So, Steve, your point about the swishy language is well taken. This is not to allow, was not intended to allow or recognize the use of agencies other than one that is responsible for enforcing its privacy laws. What this try to do is acknowledge implicitly that there is a separate trigger that you helped draft with the, that involves getting an opinion of the enforcement agency.

Under this trigger, it's not an absolutely requirement, but if you can get that, that would help ICANN a lot in evaluating the request and investigating the facts based on it.

The facts the complaint, the request is based on.

Does that make sense?

STEVE METALITZ:

Yeah, this is Steve. It does, but I guess I'm still unclear what would happen if someone submitted something that meets the other points but not this one. So I guess you're saying that it would go ahead, it would be a trigger.

JAMIE HEDLUND:

Yes, it would. So this is not an absolute requirement, because we have another trigger that has that as the main requirement, but you know, this is different in that it starts with a request from a contracted party,

and ends with ICANN pursuing an investigation and assessment of the request. So if...

So for example, this is just a complete hypothetical. If we get a request that does not include anything from the DPA, we would be more likely to engage outside counsel to get their expert view on the merits of the request. On the other hand, if there is an expert opinion, an opinion from the DPA with enforcement abilities, then there would be, and it's corroborated by the GAC member, then there would be less of a need to hire outside counsel, theoretically.

You know, and assuming that the request meets all of the other requirements.

STEVE METALITZ:

Yeah, this is Steve. I understand that. Let me just make two points. One is without something like that, without something from the DPA, then you have the problem of whether this complies with the policy of demonstrating, credibly demonstrating legal prevention. The second point is, if there is, and I think this is consistent with the other alternative trigger, but it stands it somewhat.

I'm comfortable with the idea, you know, the alternative trigger that we proposed has some points in it, what needs to be in this opinion from the DPA in order to qualify. I'm comfortable with the idea that those points can be in separate, a document that doesn't originate with the DPA, that instead originates with the contracted parties, so as long as the DPA endorses it and says yes, we agree with this analysis. We agree

that this law is legally preventing, you know, compliance with the contractual obligation and these other means won't solve the problem.

So I guess if the words highly recommended were taken out of there, then I think this would be quite compatible with what we've, with the alternative trigger that we've reached consensus on. Again, we're just seeing this for the first time last night, but that creates a question for us, for me anyway.

JAMIE HEDLUND: Okay. Steve, you also mentioned Stephanie's points, and what I should have said at the top was that once we get through this red line, that we would like at her document.

So [CROSSTALK]. Okay, Stephanie?

STEPHANIE PERRIN: Thanks. Can you hear me?

JAMIE HEDLUND: Yes, multiple times.

STEPHANIE PERRIN: Apparently you have an echo as well.

JAMIE HEDLUND: Yeah, we're still trying to fix that.

STEPHANIE PERRIN:

Okay. I've already made these points multiple times before. But number one, the DPAs can't usually give an opinion. Number two, as I pointed out in my comments on the document last night, very often the GAC members show up at ICANN are actually in contest, I won't use the word conflict, with the DPAs, because they're very often complaining about their rulings. We have to remember that the DPAs have oversight over government, and it's government folks that generally come to the GAC.

So I know in my own country, there is often rousing conflicts going to the Supreme Court going on. So you can't ask a Justice Department official, or an industry department official to rule on somebody else's mandate, you know? You just can't do that, it's wrong. So, I've got basic problems with this, and my suggestion would be, why don't you try bouncing this text by the article 29 group and see what they say about it? Before we actually put it out for public consultation.

Because, you know, you're tired of me telling you this, go consult the DPAs and see if it makes any sense to them.

JAMIE HEDLUND:

So Stephanie, I think I understand your point. We talked about this a little bit before and there seems to be some disagreement about whether DPAs could respond, or would never respond, and so it's a separate option. It's a separate trigger. There is one focused solely on, you know, the DPA opinion, but then there is this one, which doesn't

have as a requirement, but says if you can get it, that's great. Or if you can get as you mentioned, some sort of endorsement of it.

STEPHANIE PERRIN: But, I mean, why not consult them? Can we do that? They have written.

JAMIE HEDLUND: Well, you know, my understanding is that so far, the article 29 group has written, but unfortunately the individual DPAs have not. So... In any event. But that's why there are two... There are... I mean, the hope was to create two alternative paths. One with the DPA opinion, and one without one, maybe something, but still acknowledging the value of one if it can be obtained.

STEPHANIE PERRIN: Okay. So can you just answer this question? Has ICANN responded to the last letter from the article 29 group?

JAMIE HEDLUND: I'm sorry, say that again?

STEPHANIE PERRIN: Has ICANN responded to the last letter from the article 29 group? I believe it was [inaudible] who wrote it. I haven't been able to find a response.

JAMIE HEDLUND: Yeah I know it was the GAC... The article 29 group opinions were discussed significantly within the GAC and at an ICANN public meeting. And the article... So, I don't know if there is a formal response by ICANN or the Board. I can certainly find that out. I'd be curious how that is relevant to this exercise.

STEPHANIE PERRIN: Thank you.

JAMIE HEDLUND: Okay. Michele, is that a current hand?

MICHELE NEYLON: Yes. Just very, very, very quickly. Michele for the record. Now just on the point of individual DPAs, I can't speak for the other DPAs, but I know the Irish DPA will only communicate with ICANN via article 29. Thanks.

COMPUTER VOICE: The host has left the meeting to speak with meeting support, and will rejoin soon.

MARY WONG: Hello everybody. This is Mary Wong from staff. We're trying to figure out what the problem here is. So just hang on for a couple of seconds, I think we'll have Jamie back very shortly.

STEVE METALITZ: Probably gone to visit the article 29 working party.

JAMIE HEDLUND: Apologies. We got customer support help and they pulled us out of the call and now we're back in. They're going to try to diagnose the [inaudible].

Okay. So, trying to think where we... So we have two triggers, one that, two new possible triggers. One that requires DAP opinion, letter of support, the second one which doesn't have as a requirement, but recognizes that it would be extremely helpful. So the echo seems to have gone.

So the question then is, whether with this, whether we want to keep this new alternative trigger, whether we want to go back and forth in terms of suggesting edits to it, to address some of the concerns that have been raised, or you know, we can put together a red line based on what our view of it is and send that out for feedback. But if people think that this proposal is not helpful, we can also just eliminate it. Michele.

MICHELE NEYLON: Yeah, Michele for the record. No echo. Excellent. And I think we can go back and forward about this forever, we're probably not going to end up reaching consensus on things where we haven't reached consensus to date. So I would personally like to see ICANN moving to put it aside

for public comment, let people give their feedback, rip into it, and whatever, and then just deal with whatever the feedback is.

I don't think we're going to make any substantive progress within this group at this juncture. Thanks.

JAMIE HEDLUND: Sorry all. I was pulled out again by customer service. But they did identify the phone that's creating the echo. And we'll send a note to that person.

In any event, Steve you have your hand up.

STEVE METALITZ: Yeah. This is Steve Metalitz. I think this is a useful proposal to look at, and again, we just got it last night. So we would, I would like to have a little time to discuss this with my colleagues and see if we had some additional edits to suggest. You know.

JAMIE HEDLUND: Okay. Okay. Anyone else want to do that? If not, what I will do is I can take a stab... Bradley.

BRADLEY SILVER: Thanks. I just wanted to clarify, see if you would clarify, both bullets, both square bullets are part of the trigger, right? One is not the trigger and then the process.

JAMIE HEDLUND: Well the second one... So the, I guess it depends, it's a definitional issue, right? So that the trigger is what the requester would have to do in order to get an exemption. That doesn't mean... So once they've submitted the request, they have these criteria, then there is an analysis, you know, soliciting of input, etc.

And if it finds at the end of that analysis, the criteria for the trigger has been met, then they would go through the rest of the process already laid out for obtaining an exemption. Does that make sense?

BRADLEY SILVER: Yeah. So the WHOIS proceeding would only come off to these triggers, off of these bullets have been actioned, not... The second main bullet is not the substitute for the WHOIS proceeding.

JAMIE HEDLUND: Correct.

Thanks.

Stephanie.

STEPHANIE PERRIN: Thanks very much. Stephanie Perrin for the record. I'm just curious, I believe I raised this in my comments last night. Your second bullet there, in terms of the process... Can somebody defend consulting

potential litigates with the information and privacy commissioners as process?

If the commissioners have the authority, why would you consult the parties over whom they have oversight authority? So, let me give you an example. Our information commissioner is taking the RCMP, which is our police force, to court, probably all the way to the Supreme Court, on criminal charges of the destruction of documents. It's not her that has the authority, it's the privacy commissioner, but they're parallel twin offices.

Why on earth, if the privacy commissioner gave you an opinion, would you consult with the parties that come before them? They have the status, it's a quasi-judicial status.

Okay. Deathly silence.

JAMIE HEDLUND:

I guess, there is... I'm having a hard time saying the distinction between that and consulting the relevant GAC member, who is just perhaps one step removed from this body, and to whom, you know, the GAC member can refer the matter. We have to, I mean, I'm open, where we are all open to ideas on how to meet the test of credible, a credible prevention of legal compliance.

And so, the sort of the [inaudible] of that would be the body that's entrusted with enforces the laws or rules. Regulations.

STEPHANIE PERRIN: So Stephanie Perrin again. So does that mean you're suggesting we drop that second bullet? Because, quite frankly, if a data protection authority says, this is my finding, you don't go back and ask the parties to that dispute how they feel about the finding.

It's the finding, as Michele is saying in the chat and Luc.

JAMIE HEDLUND: Yeah, but I would think that there would be an expectation that ICANN is doing due diligence on the elements of the request.

STEPHANIE PERRIN: Okay, but I don't get it. You're proposing a procedure where you are doing due diligence on elements of a specific case request, but you're not consulting the DPAs on whether this makes any sense at all. I would humbly suggest that if I'm at all right, they're going to fire back at you, hey...

JAMIE HEDLUND: I never said... I'm confused. We don't say we would not consult the DPA. Where do you see that?

STEPHANIE PERRIN: Well, you're going to make them consult... No, no. I mean, I'm talking about the two-step process. You need to take this text and show it to the DPAs right now, so that we don't waste our time putting a piece of text out for public comment that doesn't make any sense.

And you're going to force people...

JAMIE HEDLUND: Okay. Steve? Force people to do what?

STEPHANIE PERRIN: Well, I mean people like me, I would feel very embarrassed to put this out because I know better, right? So I'm going to have to do some kind of dissent that says, this is crazy. And you know, I think that's unfortunate, you know? Just doesn't make any sense. Talk to the DPAs, see whether it makes any sense to them.

I'm quite prepared to say, oh gee, I was wrong. But I doubt it.

JAMIE HEDLUND: Okay. Steve?

STEVE METALITZ: Yeah, this is Steve Metalitz. I was just going to say, if we do move forward with this, and as I say, we want to take a longer look at it, we probably do need to sharpen, clarify which agencies we talk about here. The issue of law enforcement, obviously there is an entity that enforces the law that is creating the legal prevention, that may be a data protection authority or it may, as Stephanie pointed out in her written comment on this, it may be a different agency.

But then the views of agencies that enforce laws more generally or criminal enforcement seems relevant here. I know that this issue has

come up in the past, in the registry cases where they sought partial waivers or exceptions. That was outside this particular process, and maybe shouldn't have been, but it was.

All I'm saying is it has been a relevant issue in the past, and it made sense that ICANN would ask about this, in its due diligence. That was my only point. Thanks.

JAMIE HEDLUND: All right. Thank you. Ashley?

ASHLEY HEINEMAN: I'm getting a bit confused with the discussion. I mean, in one conversation we're saying that it's impossible to get any kind of input or feedback from DPAs, but in the next discussion, we can't consult the GAC. Also, I mean, in the instance that we're all pleasantly surprised and DPAs do provide opinions, I don't think consulting with the GAC is going to rise to the level of concern that Stephanie is articulating.

I mean, the GAC is the group of governments, it is not a single government, and typically the government agencies that participate in this group are, you know, come from the foreign diplomatic representation. They're not, you know, I don't know... I'm just confused by this debate.

And I just don't see why, you know, if GAC is the body within ICANN that provides guidance to ICANN, why they would be left out of this process.

JAMIE HEDLUND: So there is no... That's an excellent point. There is no intention of leaving them out, and I also, I think I understand the implicit point that it's also not, there is no justification for going around the GAC. So I guess, you know, divided into the two separate stages. One is the request itself and what needs to be in it, and then the second is the due diligence on the request.

So it may be appropriate for in the first stage, to include, to the extent that it's obtainable, opinion from the relevant privacy agency. And then in the second point, we would first look to the GAC member, if there is one, to corroborate and validate the DPA opinion.

Did I get that right? Is that responsive to your question?

ASHLEY HEINEMAN: I think so. It's not so much a question, I just, you know, I'm [inaudible] of the conversation. But thank you very much.

JAMIE HEDLUND: Okay. Michele?

MICHELE NEYLON: Hi, Michele for the record again. It's just, from this conversation going round and round and round, you know, again, this is a wonderful example of a systemic problem within ICANN as an organization. Why doesn't ICANN have a privacy officer? Somebody who is actually qualified and expert in matters of privacy?

Because a lot of these discussions and debates, seem to go round and round and round because the people dealing with this don't really have the subject matter expertise. For an organization such as ICANN which is a data controller, and the amount of data which is actually forcing control is huge.

The fact that you don't have a privacy officer is becoming more and more of an issue. Thanks.

JAMIE HEDLUND:

Thanks Michele. That may be true, but it's also outside of the scope of this IAG. But you know, there may be a way to figure out how to raise that issue.

Okay. So how about this as a way forward? I'm almost, based on the twists and turns of this conversation, a little weary of making any changes to it myself, for fear of not capturing what people want. So what we could do is, you know, circulate the existing language in a separate document, and ask folks to red line it and then we can try to put together a consensus document, and identify the areas where there is conflict and see if we can't, over the phone, resolve those.

Would that be an acceptable way forward?

Seeing no objection, that's the way we'll go. So now, if we could, we'll turn to Stephanie's red line, which we'll load into... Oh actually, go back please. Steve, you had asked for your full proposal to be included, rather than just the summary. We've done that in this call now, appendix one.

So, I think I just cut and paste your text, but if I got anything wrong, or missed anything, or add anything extraneous, please let us know. We'll put it back to the way it's supposed to be.

STEVE METALITZ: No, that looks fine. It was just either to put it there or to put it in the text.

JAMIE HEDLUND: There is a footnote referring to it, but if you have a strong preference for putting it into the text, we can do that as well.

STEVE METALITZ: I guess [CROSSTALK] there is something else that is going to be in here. They should be readily accessible. [CROSSTALK] ...may not need to be an appendix, so.

JAMIE HEDLUND: Stephanie, do you want to walk us through your changes or comments? The first one is on page five.

Stephanie?

Stephanie can you...? Are you on mute?

STEPHANIE PERRIN: Okay. Can you hear me now?

JAMIE HEDLUND: Yes.

STEPHANIE PERRIN: Good. Thank you. Stephanie Perrin for the record. I can barely read this and do my controls. So I think my point here was on the matter of the word agency. From a government agency, indicating that a particular WHOIS obligation conflicts with national law, and then submit that statement to ICANN.

I think it's explained further down, but if you're asking a question up here, you better clarify what you mean by another government agency. As I described earlier, if you asked the Department of Justice right now, because they have the job of defending the government in Federal and Supreme Court, when they're taken to court by the oversight commissioner, they might have an entirely different view than the data protection authority.

So...

JAMIE HEDLUND: Yeah, so that's... This is in the summary. I think it's fleshed out a couple of times below where there is the longer discussion of what the trigger is, as well as in the appendix, laying out very clearly what the appropriate governing agency is. So we can say a qualified government agency, and then...

STEPHANIE PERRIN: Or a government agency tasked with enforcing data protection law.

JAMIE HEDLUND: Yes. Yup.

STEPHANIE PERRIN: That would have to be read rather loosely to include outfits like the Federal Trade Commission, who aren't enforcing data protection law, but that's another matter. Okay. So then the next comment, I think that that's easily fixed, I can't scroll down. Can you scroll down?

JAMIE HEDLUND: Yeah, the next comment is, let's see. That looks like you just deleted an extra space. And then the next, we go to the new proposal, which we were discussing. So.

STEPHANIE PERRIN: Right. I think I've already explained my objections here. It is a question that you need to clarify. Do you need all of these? Or just one?

JAMIE HEDLUND: You would need all of them, except for the bit from the DPA. That's highly recommended, but it's not a requirement.

STEPHANIE PERRIN: Then I think you need to clarify that. I don't think it's clear in the text. You know? Put brackets, put recommended in brackets and required, required, required for the other ones.

JAMIE HEDLUND: Okay.

STEPHANIE PERRIN: Now I can't control the screen, so I can't read my next comment.

JAMIE HEDLUND: That's you said you have... The next one... Here I'm trying to... Let's see. If I am a registrant, and you were about to deprive me of my legal right to data protection offering to me to consent to my own loss of that right, or pay for a privacy proxy service that accords me no legal rights, is hardly a fair bargain.

Was actually the proposed trigger on the table? Needs tweaking. If so, see further comments. And then you say, hardly like the registrar will be able to come up with an agreement from all registrars. You also say, I cannot imagine a scenario where the registrar is the only effected party, even some transfer sectional cases. Explain that already.

And then the next full comment is, given the fact that the independent oversight authorities are often in conflict with and imposing sanction on their own governments, and occasionally their own law enforcement groups, it seems unrealistic and fundamentally in conflict, authority for

determining the applicability of data protection law, that's with the DPA and the courts.

And then finally, with great respect, it seems to be nonsensical, see above comments. Law enforcement does not get to throw out the opinion of a DPA, simply by objecting. So Stephanie, what again, what I would suggest, as I mentioned earlier, is you know, changing, we'll send around a clean version of this trigger.

And the extent that it is possible, you know, would urge you to make edits, that is to it, but if your view is that this whole thing is misguided, but then we can take that into account as well.

And that's it. So, any other feedback? Either on this trigger or the document as a whole? Or any other part of the document?

Go ahead Michele.

MICHELE NEYLON:

This is Michele for the record. Just very, very briefly. What are we doing in terms of timing of putting this out for public comment? I mean, what's, where are we at with that? I'm kind of getting confused over timing and everything else.

JAMIE HEDLUND:

Sure, fair point. I mean, we are behind the originally proposed schedule. We can put out a document once there is agreement on a document to be put out. I don't think we have that right now. It would be great for us to be able to put this to bed at the next meeting. And so,

in addition to red lining this section that, the new proposal, what I could do is send out a clean version of the existing document, and have a last call for suggested changes in the next meeting, in the hope for being able to put it out for public comment afterwards.

Bradley.

BRADLEY SILVER:

Thanks Jamie. I just wanted to note that in appendix one, I think you included what was originally submitted by Steve before had a discussion about dropping the requirement number four. So I think that that number four can come out. It's not referenced earlier in the document either.

JAMIE HEDLUND:

Okay. And this is in the actual, the full proposal. All right. I will take that out.

Thanks, good catch.

Any one, any other questions? Any other suggestions for moving forward? If not, we will go ahead and send around the documents, and schedule the next call, which we hope we'll be able to finalize the document that would get put out for public comment.

All right. Thank you all.

[END OF TRANSCRIPTION]