
KOBE – Joint At-Large and NPOC Session
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JOHN LAPRISE:

Alright, so I think the last comment, I'm actually going to segue a little bit more about ALAC and our functioning for the understanding of the NPOC members. So, At-Large, [at its head] when we get to ICANN, on top of sort of the At-Large Advisory Committee, which I'm a member of, that committee is comprised of 15, with three each from 5 ICANN regions. Of those three in each region, two of them are elected by those regions and one of them is appoint by the NomCom. And they're all on two-year terms with one renewal and one potential for being re-elected. So, you can be reelected once, in sequence.

Then we interact ... So, I'm from NARALO, and so I interact with my North American colleagues at the secretariat level and also the meetings for NARALO, listening in, along with Marita. We listen, and in fact most of our work is listening when we get to the RALO level because we're trying to understand the needs and interests of end users and distill that into something and how it affects the policy that we're seeing coming at the ICANN level.

A day in the life of an ALAC member includes probably a conference call of one to two hours. We have regular conference

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calls for policy and regular conference calls for outreach and engagement that we get ALAC members and people who are involved in policy, and people who are not ALAC members, but are just members of At-Large who are involved in policy discussions, whether that be on the mailing list, or they're sitting in3 on conference calls specific to particular policy development processes that are ongoing. They relate what they've been discussing and what comes out, and there's some discussion, and in some cases, we express our feelings towards what's going on, and they take that back to those discussions and reflect that in the work they're doing.

And then, of course, we also periodically take votes on issues. The two main things that we see coming down for votes for ALAC is the ratification of statements. Our statements are sometimes directly related to policy, but other times they are not. So, sometimes we will ... Like we've issued joint statements with the GAC. We've issued statements on the elements of ICANN policy like their Middle East strategy. We've issued policy comments on the KSK rollover. So, we are able to issue commentary outside the normal bandwidth of the policy development process.

Personally, on a personal note, when I'm not volunteering at ICANN, I actually work for a non-profit, so I see sort of both sides of the coin here, and I'm very sympathetic with the concerns with NPOC because we have issues with our domain. But for me as a

volunteer at ICANN, I think of it as having a stack of poker chips, if you will. I'm also a member of NCUC and NCSG, right, but I choose to allocate most of my time to ALAC. It's a personal preference.

I could be involved in the other groups, just as easily. I have just as much sort of right and remit to be active in those groups. However, I choose to go with At-Large because, personally speaking, that's where I can make a bigger difference, and so that's where I commit the bulk of my time, and I think every volunteer probably makes some kind of a decision along those lines.

I think what we're doing here today is sort of opening up the opportunity to say, okay, well, what if we want to intervene in a way that isn't necessarily policy-related and then maybe spend some time with At-Large. Or, if you really want to get into the nitty-gritty of policy, perhaps spending more time with NPOC where you can get in on the ground floor of policy, and that's probably a better use of my time.

So, I think I've said enough at this point. Juan, do you want to add something?

JUAN MANUEL ROJAS: No, I was just saying that, okay, in my point it's the opposite. I'm a member, of course, from LACRALO, but I spend most of my time

in NPOC, of course. I think that it's time to maybe John can explain a little bit more deeply about what is NPOC. We have our presentation there, and there is a graphic with the houses and that thing where we were talking just a minute before. So, John, the floor is yours. I'm sorry, Daniel, excuse me.

DANIEL BALDIZON-CHAVERRI: It's alright. John, you mentioned something about ALAC, but also I think it would be very good to know what is ALAC discussing right now and what is NPOC discussing right now because, from there, we'll be able to see how we'll be able to have the [agents] come up together, as we go into the [inaudible]. I think probably in Joan's presentation we should be about to hear all of that. Thank you, Joan.

JOAN KERR: Yeah, so one of the things when you were talking, John, one of the goals of today's session is we can obviously have an understanding that here is what one group does and what another group does and point members to those duties.

But, more importantly, is this whole idea of capacity building and education that we're not all just – I mean, originally, when Maureen and I sat down and talked about this, this is actually what we talked about was how can we share resources and stop

reinventing at each level? Because the volunteer time is so precious. That's one of the major goals that we talked about to come out of this session is the capacity building and education and working together to do that.

So, I'm just going to talk a little bit about NPOC. I have eight slides. We do have the one that is about 35 slides, if anyone wants to sit and listen to that one, but nonetheless if we could show the first slide, if that's okay. That's not the first one, but the first one, yeah, that one. The only reason is because that was one of the things that we had identified. Just a little background on how I got involved. Quickly, we had to reinvent and rejuvenate NPOC into 2016, from scratch, and so the issue was, what do we do?

So, we said, well, if we are doing it from scratch it's an open book. So, one of the things that we did was to actually do the whole branding exercise, the logo, what resources did we have to do, and we started out, actually to the members, and asked them for input and to choose it. So, that's why I wanted to show it. So, it was one of the first membership engagements that we did. Anyway, next one

. So, NPOC is the Not-for-Profit Operations Constituency Committee. It's supposed to have two Cs, but it only has one. We are organizational-based. Our members are from organizations. So, we're their voice in Internet Governance at ICANN. Like I tried

to mention before, we're part of the stakeholder group which is the NCSG which is a non-commercial stakeholder group, and we're one of their constituency. For those of you who were here earlier, you heard about the NCUC, and they're a sister organization, and we're part of the GNSO of which Carlos is a counselor.

So, this, the next one is a quick look. As you can see, we're part of the GNSO and we're the babies of the GNSO. We're only less than seven years old. So, I think before I came on there was a lot of like what do we do, who do we represent? Lots of those kinds of questions. We've done tremendous work in synthesizing and crystalizing what our charter says that we have to do. So, that's a quick picture of the GNSO, if anybody wanted to know where we stand. So, there it is.

So, we also had to identify what is it that the operational concerns meant, and how are we going to service those and have membership engagement? And these were the ones that, for an organization to operate, and we also had to be distinct from NCUC and not duplicate the work. Obviously, we'd get into trouble for that, but these were the ones that we identified.

And just a quick thing, in 2004, I actually had a pretty high-level domain name stolen from me by the registrar, and I didn't know anything about ICANN at the time and I did not know what to do,

and I got the name back seven years later, which was nothing, but the organization actually suffered, and it was 60 countries that participated in it. We won a UN award, and all of that just went away.

And so I think that organizations, we need to tell them be aware that – typically, what a lot of nonprofits may do, and you may do it, and John you may know this. But a volunteer will register the name and that volunteer can go away, and all of a sudden that ownership is not by the organization, it's by an individual, and so that's a big thing that we tried to educate people about. So, the next one, please. Anybody can ask me questions as we go.

So, why would you join NPOC? These are the three things that we give out for joining NPOC, and one of the biggest ones is that you must own a website. That's a distinct difference from NCUC, as well. And you have to be a registered organization in your country so that your following your countries laws, and of course we do our education programs.

Next slide, please. I could talk about NPOC forever, but I'm trying to be as synthesized as possible. Do you have a question already? Go ahead.

DANIEL BALDIZON-CHAVERRI: Thank you very much, Joan, you mentioned about losing your domain and your organization probably struggled for another several years to get it back. Currently, when you look at the requirements when you are registering a domain, the requirements are typically directed towards individuals and so forth. How did you go about resolving that? And, currently, we're discussing the EPDP and so forth, and I know Hadia is here. She could have discussed something about registration requirements and authentication, and the legal issues and data privacy concerns. What is the NPOC position.?

UNIDENTIFIED FEMALE: [off mic].

DANIEL BALDIZON-CHAVERRI: No, this is the final question now. What is the NPOC position towards the current policies for the WHOIS records regarding [dual] organization registrations? [Inaudible] protect the records. Thank you.

JOAN KERR: Okay, Daniel, I'm going to ask one question and then later we can discuss all the other ones. In terms of the registration for domain names, what we do is try to tell the not-for-profits to have the registration on their annual plan so that they don't forget about

it and lose it because it's the continued use of the domain name that is also important because someone can take it away. In our discussion, all the other questions that you have may get answered.

Next one, please. Is that it? Oh, so you can, the participation one, we just want to show them how they can, oh, and so this is ... Even though we were sort of rejuvenating NPOC, we also had a number of things that we had to accomplish because we wanted to be able to accomplish things as an entity. Those numbers are down a little bit. I mean, we have more numbers now. So, when we came on in 2016, I was the membership chair and we only had 39 members, but today we have 102.

UNIDENTIFIED MALE: No, we have 94. I already checked, 94, and we have that duplication, so we cleared that.

JOAN KERR: Right, so we wanted to increase our membership. We created a beginners' guide which has been very helpful, and I have a copy for anybody that wants one, so please take them because we have to update them. We created a fabulous policy committee that will initiate and to answer Marita's question earlier, identifying if we have separate issues or not from NCUC and

having our own commentary, and we redesigned all of our marketing material.

So, there are three ways that you can participate in NPOC. Next slide, please. One is that you can become a member and join a committee and actually what we want to know is ... This was designed before, but we are going to be actually developing a regional leadership strategy similar to what NCUC does so that we can be getting information from different regions.

Okay, and I'm done. I spoke more than five minutes, didn't I?

JOHN LAPRISE:

By way of comparison, At-Large is comprised of 233 ALSes which are organizations and, let's see, currently 102 individual members because we also have individual members across the world, which is one of the differences between our two organizations. I'm looking at the time right now and I think that we would like to move on to Raul's point on protecting your data, if that would be okay.

RAUL ESCHEBERRIA:

Okay. So, this presentation isn't strictly about DNS, but really about GDPR. Some of you have heard the acronym today already, and maybe not in the best of lights, but I actually really like the GDPR. I think it's a powerful tool for citizens to protect their data,

and like the criticism I heard today was that it's only the lawyers that like it, and that it hasn't been implemented properly.

And that is partially true, but I think the course that I've made which is directed or focused at citizens really gives people – citizens – the power to exercise their rights that were given by the GDPR. And if those rights aren't exercised, no precedence can be made. So, it's important to exercise the rights given by the GDPR so that we will get those precedents and actually get those judgments from the high courts on what to do in the particular situations of like when companies are infringing on your privacy.

So, the first slide is a picture of the Internet Society's Beyond the Net Funding Program. So, the course I made was partly funded by Beyond the Net and partly by the Finnish Foreign Ministry. Next slide, please.

So, the course itself has an entry page or a landing page at digirights.info and there's also a Finnish version of the course which is [inaudible].info and it means the same thing. So, it's really an online learning course and now its emphasis for using the course and accessing it is mobile, and so it's quite convenient to do, going through it while you're commuting to work, for example. Next slide, please.

So, the DIGIRIGHTS project, it was really sort of an answer to the problem that GDPR was—and is—a big deal, but it was really only

government employees and company employees that were given any training on exercising the rights or more from the angle of complying with the rights that citizens were given. So, this course is really trying to answer that void by giving you tools and templates to make data requests, and so on. Next slide, please.

This is the timeline. So, we had, I think seven content workshops altogether. We also had, like on the day after the GDPR gate came into effect, a big personal data request workshop where some 23 people were making data requests through different companies, and it was quite revealing.

A lot of companies were not up to scratch with the GDPR and quite a few of them still are not, but it's getting better, I have to say, and I think that partially the reason has been because people have been making these data requests and asking or, well, exercising their rights and if that was not done, there would be no cases for the data protection authorities in different countries.

And we also presented this and at the same time collecting some data in the MyData Conference. MyData is really about a philosophy around personal data that people should really control their own data, and there are a few different ways of doing it, but it's that MyData is really known. It's been going on for five years, and it's finally getting to the level where they are actually implementing these principles in applications and other ways.

Then we also had a few online lectures and a few training workshops where I actually went to present the course to some people. One of them was a student group, and another one was made of pensioners who actually train other pensioners to use IT. Especially from the latter one we got a really positive response and they were a little mind blown about how much data is giving away without them really realizing it. Next slide, please.

So, this is the MyData symbol. It's giving you all of these different sectors of where your data resides, and if you think about it, like most people, when you think, oh, where is your data, you'll instantly think of like Facebook and Google, but it's really like everywhere, and it would be great if, really, the person in the middle would be controlling all that data and could be, like GDPR for example gave data portability rights so that you can actually take your data from your current service provider. You can erase it from there, and you can move it to another place, and it should, or the law also stipulates that it has to be in a readable format so that you can actually use it.

Next slide, please. Yeah, so these are the main rights that the course goes through. They also happen to be in the rights that, for example, the Finnish Data Protection Authority highlights.

So, I think that one of the most important ones is to obtain information on the processing of your personal data and to

access your data because you can't really exercise all the other rights before you know what the company has, or an organization, and it's really quite interesting to also that they actually have to tell you how they process this data.

Then, there's the rectification of your data. The law also demands that the data is accurate, and for that you need to be able to check if the data is accurate and, if it isn't, you can send a data request to correct that information and they have to follow up.

You can also erase your data which is great. One of the key things that we sort of used in tempting people to go through this course was sort of making it clear how to get rid of telemarketers, and that might appeal to quite a lot of people. Then there's also like there are ways to restrict the processing of your data. You can restrict just partial processing of it. You might be happy with them processing some parts of your data, but not all of it, so you can actually restrict the ones that you don't want to be processed.

Data portability, like I said, you can move your data to another service that is maybe, for example, more respectful with your privacy. You can also object to the processing of your data. For example, in one of the templates, we do that when we request our data from the organization. I've also added in the template that while you get the MyData to me, you also must stop processing MyData as of right now.

And the last one is really quite interesting and fairly new as a principle. I mean, most of these have really been principles for even decades, but the last one is interesting because that really goes closer to like AI, an algorithmic processing of your data, and the GDPR says that you don't have to submit your data to be processed solely by automated processing.

So, for example, if an insurance company is making a profile of you, you can actually tell them that you cannot do this, only by machine, and you can also ask how significant decisions are, the ones that are made by machines, and you can also ask for like specific profiles that these decisions are putting you into. I think that's kind of useful information that we'd want to get from several companies Next slide, please.

So, the subject access request is really the key tool in exercising the powers given by GDPR. It's really quite difficult to find the contact details of data protection officers. It's like surprisingly difficult and that is really the key. You can't make a data request if you can't even know where to send it.

We've got an example. The few next slides are an example of Pinterest and it just shows how appalling a state that was because you couldn't find any information and you couldn't know where to send the request and so on, but to save them from some embarrassment they have not actually improved and you can find

the data there, properly, but this was made in May and I think that still in July it was in the same state, but like I said now it's improved.

There are also like different procedures like making the subject action request is not that easy. For example, it wasn't easy to make, like one sort of data request defeats them all, or like the organizations and companies have very different procedures on dealing with these request, and so you can't just make one and make sure that it works every time. Sometimes you have to adjust it a little and do something different.

For example, there are different ways to identify the data subject so that your data isn't actually going to somebody else who just happens to be asking for it, and there were some really bad practices like them asking for a passport copy over cleartext emails. That's obviously a bad idea. Next slide, please.

So, here's just like a showcase of Pinterest. This is the page. You went to the page that said privacy policy and this is the page that they showed you. It has some text and just two links that say, "contact us". Next slide. So, I clicked there "contact us" and then it gives you this. What do you need help with?

Next slide. So, there are the dropdown choices. None of them are really, you don't really relate them to privacy. So, I had to use the choice of reporting something.

So, next slide, and this is what comes after. Again, none of it is really or ... Well the privacy is combined with harassment and those are really quite different things that shouldn't be combined at all. And next slide.

And then so I chose this, and it basically still doesn't take you anywhere. It doesn't give you a form to fill or anything. So, I have to click the button on the bottom. Next slide. I still need help. Next slide.

So, it finally brings a forum that says, it gives the title for a message and the description and so on, but this is really bad, like you couldn't find a physical address of the data protection officer of the company. Pinterest, by the way, is a big company. They have over 200 million customers. Yeah, so next slide.

One does not simply make a data request. It's more difficult than you'd think, but we've really tried to make templates that you can only replace the info. It has, and we've already made the ready clauses for the data request. So, you basically just have to put your name there and what you want, what you exactly want to do. So, we've really tried to make it as simple as possible, and we're explaining all of the crucial rights of the GDPR in sort of a nutshell format. Next slide.

That's the instructions on joining the course, but you can just go to digirights.info and on the top right there's a link to "Invitation

to LifeLearn." LifeLearn is the platform we are using. It's a relatively new platform, made in Finland, mostly, but it's getting better. It's still, it's only that you are able to sign on, only through mobile, but that will change before the summer. So, then you'll be able to do the whole thing through your laptop or a desktop computer. Next slide.

That's the team who are making this course happen. So, basically, why I wanted to give this presentation here was that, like most of us, we're working for some NGO or an activist network, and so I'd really, this was more or less a promotion for you to give this course to anyone that is interested in the GDPR and it's a Creative Commons license. So, everything is for free use. For example, you can learn the course yourself and go and educate other people, and get paid for it, without asking our permission, just as an example, but if you have any questions, I'd be happy to answer.

JOHN LAPRISE:

So, I'm first of all going to make a comment before I call on Hadia and thank you Hadia being [inaudible] sitting. This is fantastic. Tijani is not here, but I'm sure he would echo that and porting this over and disseminating it among or to At-Large, broadly, I'm strongly supportive of because we need more knowledge about GDPR and I know privacy practices vary widely, globally, and even

if people are not directly affected about GDPR start thinking about privacy in a new way, I think that's a good thing.

So, I'm all in favor of disseminating this. Also, I'd ask, have you talked with Betsy about potentially porting it over to ICANN Learn as well and make it available to the ICANN community via that platform? So, that's something you can consider. And on that note, I will call on Hadia.

HADIA ELMINIAWI:

So, first I would like to applaud you and thank you for this online learning too and definitely it's very beneficial and I had just a simple comment. It's with regard to the title GDPR for Citizens, and actually I'm not sure why you called it for citizens.

RAUL ESCHEBERRIA:

So, in the beginning I said that how they've done it is that pretty much 99% of all education about GDPR has been directed from the compliance perspective and so it's basically those courses and like learning. Yeah, any documents going through GDPR have really been only about companies and organizations to be able to comply with the exercises that this course teaches.

HADIA ELMINIAWI: It's just the reason for my comment is GDPR, as you know, is not concerned with citizenship, but it's actually concerned with people residing in the European economic area, whether they are citizens, or not. And that was the reason for my question. It's that GDPR does not actually apply to citizens; it applies to people residing in the European economic area. Thank you.

JOHN LAPRISE: Hadia is sort of a ringer. She's our EPDP representative.

RAUL ESCHEBERRIA: Yeah, I used the word citizen because I think that's a descriptive word for people like individual people under the power of governments. That's really why I used it.

JUAN MANUEL ROJAS: Thank you, Raul. We have another question here. Please state your name before your question, please.

FRANCO GLANDANA: I'm Franco Glandana. I'm a second-time fellow here. And my question is that I think that this project is amazing, and I was wondering whether you have the intention of cooperating with other NGOs operating in other regions, especially when GDPR classes are a trend right now, at national levels, in different

regions? And so, I think, in the near future, we will be having different data protection laws that are very close or similar to the GDPR and so that's pretty much it.

RAUL ESCHEBERRIA: Yeah, so I'd like to see this project go as far as possible to everyone, but we have all of the information available in Google Docs, as well as in the LifeLearn platform, so it's relatively easy to copy and translate, as well, and I'd be happy to help with any of that. And just yesterday I was glad to learn that the project, or the course, was given a session in RightsCon, so I get to present it there and disseminate it further.

JOHN LAPRISE: Bartlett, I see your—

BARTLETT MORGAN: So, thank you very much for your excellent presentation. Just generally, I'd really like to just kind of comment the NPOC and the great work that you guys have been doing over the past few years. I certainly felt your presence a lot more as clearly that something is going right. On that note, though – and this kind of circles back to where we started when we were like comparing and contrasting the ALAC and this that. I'm wondering if already you guys on your side have started thinking of more ways beyond perhaps just meetings like this that we could perhaps

meaningfully collaborate? I don't know if there is a right answer to that question. I'm just throwing it out there.

RAUL ESCHEBERRIA: Okay. So, one of the things that we've been wanting to do, and you will get your turn, Glen, so we really want to, for example, we've just done some web development on the NPOC webpage and we're really trying to make it as good as possible, as cheaply as possible and we'd like to educate non-for-profit organizations on how to make their webpage, for example, and how to make it functional for their members.

And another thing, we're also considering making a legal organization for us so that we can educate organizations on how to go about that as well, as well as setting up a bank account in Estonia which would actually allow for diversity and that people wouldn't have to travel to Estonia, and they can fly for e-citizenship to be able to be identified by the Estonian government and to therefore become a signature on a bank account, for example. So, this is the kind of stuff that we really want to teach organizations on how to improve themselves.

JUAN MANUEL ROJAS: Thank you, we have [inaudible] here to, Glenn?

UNIDENTIFIED FEMALE: I thought we were out of time?

GLENN MCKNIGHT: No, no, I have to hold up my toilet paper, I'm not sure – that's, I don't have a card. Oh, here comes my card. A couple of things, so thank you. The organization NTEN has 1.2 million not-for-profits that they represent in the states, and they have an annual conference to educate not-for-profits, so I think this is something that they'd be quite interested in. Too late, this year. Next year. But they do have online courses that you may want to consider. Can I do a proposal to you? No, not to him.

RAUL ESCHEBERRIA: There is a conflict of interest here. You better disclose it, Glenn.

GLENN MCKNIGHT: We're going to be doing NASIG, the North American School of Internet Governance, on October 31st and 1st. Would you guys be interested in doing this course on the 2nd? We have that day, the day before we get into the ICANN World, so maybe we can do it with the University of Quebec. Would that be something? Maybe there is interest in the community to do this as a face-to-face course and it would be November 2nd, okay, that's my proposal, okay?

RAUL ESCHEBERRIA: The simple answer is yes.

JOAN KERR: That was quicker than me.

JOHN LAPRISE: I am reminded that time is of the essence and we have 25 minutes left in this session, so I'm going to turn it over to Steve at this point, moving on.

UNIDENTIFIED FEMALE: Questions.

JOHH LAPRISE: Sorry? I know, I'm sort of, I'm managing between our moment of silence coming up and the final Q&A. So, people who have questions now, please hold to the end, and we'll have some time at the end for the closing Q&A, and so Steve, please go ahead. I will be interrupting you at some point. Thank you.

STEVE CHAN: Thanks, John. Yeah, I expected the interruption that will probably take place right in the middle, so it is what it is. I'm part of the GNSO support team, or the Generic Name Supporting

Organization, here to hopefully help you learn a little bit about the policy development process. So, there's one thing on the agenda, and it's just that.

So, as you guys have seen, NPOC is indeed a part of the GNSO and that red circle is intended to depict the one organization within the ICANN structure that is responsible for developing policy as it relates to generic top-level domains.

That said, in general, the policy development process within the GNSO is generally open to whoever wants to participate, so to the extent that someone from NPOC or someone from the At-Large wants to participate, they're generally entitled do so.

There's one exception, so far, really, and that's the EPDP where it's more of a representative structure, but generally speaking, besides this Red circle around the GNSO, while it is their remit to develop policy, it's an open process, generally, where just about anyone can participate.

You'll see the quote from the bylaws here. It just notes, as I just said, that the GNSO is the only body within ICANN that can develop policy as it relates to generic top-level domains.

So, this is the long and winding process to develop policy within the GNSO. I think that there are a couple of things that stand out here, or I guess I'd like to point out. They're depicted with the

people there and then also the documents within this Z here. So, those depict the points where the community can provide input. So, at a very high level the policy development process involves identifying an issue and then scoping it. That takes place within the structure of an initial issue report.

So, that issue report, it gets published for public comment, and that's one of the first points for public input. Assuming that the council agrees that the issue should be turned into a policy development process, that would then launch the policy development process. There would be a call for volunteers and, as I stated, generally that means that whoever wants to participate in that process would be able to do so and become a participating member.

So, once the policy development process is initiated, the next real milestone for the group is to try and work toward developing an initial report. That generally is what will contain the preliminary recommendations of the group and so when that report gets published for public content, that's the report icon on this graphic, but that's also another point for public input.

So, that's published for public comment and it's the responsibility of the working group then to take all that public comment into account and make changes as appropriate to the report and the recommendations.

So, the next step after that is that next report to ICANN which is the final report which is then delivered to the GNSO council for its consideration.

So, underneath the GNSO operating procedures, there's only the requirement for that single public comment proceeding while the working group is in effect. That doesn't preclude the group from doing multiple public comment periods. So, for instance the subsequent procedures PDP has done four public comment proceedings.

So, there are a number of opportunities for input, and beyond those more formal opportunities for public input, there are also chances for engagement at meetings like this. Chairs will often meet with different groups, like again with the subsequent procedures one, Jeff Neuman and Cheryl Langdon-Orr have engaged with ALAC, they've engaged with the GAC on numerous occasions to try and make sure that they're a part of the process before it ends up with the board.

Actually, to make just one statement back, there is the point where ... So, I've not that the ALAC and NPOC, and others of course, are able to take place within the PDP. It's important to note that the advisory committees, that doesn't preclude them from also submitting formal advice to the board. So, it's not an either/or, but within that, the idea is to indeed try to bring people

into the policy-building process so that if there are concerns and interests, those are taken into account in the process and not identified only at the end where it's much harder to make the changes.

So, again, moving through the Z here – and sorry to make this sort of disjointed –but let's say that the final report of the working group has been delivered to the GNSO Council, it's their responsibility to look at that and determine if they are going to accept the recommendations, and let's assume that they do accept the final report.

There is another opportunity for public input. There's a recommendations report that is developed and then there is a public comment proceeding on the final report before that actually goes to the ICANN board for their consideration.

So, once the report and the recommendations are with the ICANN board it's, of course, their responsibility to determine whether they accept the recommendations and if they do then they forward those recommendations to ICANN Org for implementation efforts.

So, there's a lot going on in there. Hopefully, you have a high-level understanding of where the points are for public input. I just took a look at the clock. We have a couple more minutes, it looks like.

JOHN LAPRISE: Yeah, we're really close.

STEVE CHAN: Okay, it's 46.

JOHN LAPRISE: 46, yeah. So, we'll take a Point of Order here. So, on 11 March 2011, at 2:46 local time, a 9.1 magnitude earthquake struck in the Pacific Ocean off the Northeast Coast of Japan's Honshu Island. The earthquake, known as the Great East Japan Earthquake triggered a massive tsunami with waves that rose to heights of up to 40 meters and traveled up to 10 kilometers inland. This was the most powerful earthquake ever recorded in Japan, and the fourth-most powerful earthquake in the world. An estimated 20,000 people were lost and close to 500,000 people were forced to evacuate. In remembrance of the lives lost and affected by the Great East Japan Earthquake, we will now observe a moment of silence. So, we've got a minute or so before we'll [inaudible].

Steve, you have the floor again.

STEVE CHAN: Thanks, John. Going back to something like this seems unimportant after that, but to continue. So, when we talk about

policy development within the GNSO I guess to put it at a very high level, it's related to governing the contracts that the contracted parties have with ICANN, and so those contracts are related directly to registry operators and registrars.

So, in those contracts, there's essentially a provision that calls out consensus policies. The policy development process is to develop consensus policies and those essentially allow ICANN to enforce new requirements on those contracted parties, essentially, and so it's a bit of an odd situation where two private parties have a contract, but there's an inability to have new requirements imposed on those contracted parties.

So, those are essentially what the consensus policies are, but they are captured in something that is pretty narrow and focused so as not to be an unreasonable imposition on the contracted parties. So, what's that's called is actually – I'm going to move forward a little bit. So, it's called the picket fence, essentially, and so it talks about what is within the ability of the GNSO and to create new requirements for those contracted parties, and what's not possible to do.

So, something like requiring contracted parties to restrict content, for instance, is outside that picket fence. Looking at something like increasing the security and stability is clearly within the picket fence.

So, because of the ability to create those additional requirements on the contracted parties, it needs to be narrowly tailored to allow that to happen.

So, this consensus policy slide is really just sort of what I'd talked to, and it just talks about what is and what is sort of not in that picket fence.

So, just in terms of how a PDP operates, it has a number of things at its disposal. Generally, it operates as I mentioned on an open working group model, where anyone who is interested in the topic is able to engage and participate. As I noted, the exception recently is consistent about this, we do develop regular publications and newsletters, so to the extent that you are not a member, you can still actually keep current with what's going on.

I've said this numerous times. This slide is just about participation and the key part is the top one, that anyone can participate, but in that you can participate as a member or observer. Member mean that you are able to join the calls and participate on the email list. Observer means that you are just observing the traffic on the mailing list.

It's great, of course, if you're able to participate from the beginning to the end of the lifecycle, but there are opportunities to be able to join whenever you want, and it's obviously harder to get up to speed on what the PDP has worked on, but there are

always helpful people within the PDP including staff who are here to help you try to get up to speed on where the work is.

So, the last thing I just want to touch on is just what is live, what are basically live policy development processes in the GNSO right now. So, one of the ones that I mentioned is of course the new gTLD subsequent procedures. Another one is the review of all rights protection mechanisms and all new gTLDs – or all gTLDs, sorry. There's the Expedited PDP. It's Phase 2 which is on the access model, and then there is the curative rights protection mechanisms for IGOs and INGOs.

There's a separate bucket that is essentially the output of policy development which is the IRT or the Implementation Review Team. That's the acronym on the bottom left. So, there are several policies that are in the midst of being implemented, although they are in various states of pause at the moment because of our friend GDPR.

So, privacy and proxy services are actually paused at the moment. Translation and transliteration are also paused at the moment. Protection of IGO and INGO identifiers in all gTLDs, there was a reconvened PDP that had a very narrow focus on looking at Red cross and Red Crescent names. That was recently adopted by the board and that's just about to get underway with implementation.

And then, finally, there is thick WHOIS, as well, which is actually also paused at the moment.

And that's it. I just wanted to try and keep it brief. Thanks.

JOHN LAPRISE: Thank you, Steve. We have some time now for some quick Q&A and some wrap-up and next steps.

UNIDENTIFIED FEMALE: Thank you, all, for this nice presentation and also giving me the chance to speak. Actually, I would like to talk to the chair. She made a presentation and she talked about NPOC and all, but I am not an expert and so I'm going to speak as a lay person who wants to understand.

So, my question is, what is the difference between NPOC and NCUC? Because if my understanding is clear, they have one grandfather, who is GNSO. The GNSO gave birth to our NCSG who has two sons, or maybe two daughters, the NCUC and NPOC, and then I don't know what is the difference between NPOC and NCUC. If I want to join, what is the one thing that makes it different from NCUC and NPOC for me to join? Thanks.

JOAN KERR:

So, welcome to the world of NPOC. I think we spend 90% of our time just answering that question and somehow it just never gets through, and I think part of the problem was how NPOC was formed. Before the stakeholder group was formed, there was only NCUC and NCUC represented the non-commercial arm of the GNSO.

So, when there historically were some issues around that not-for-profit had specific requirements, which were how would they operate for their DNS, which NCUC was dealing with human rights, the broader social issues, the privacy issues, but not the direct domain name system issues, such as maintaining your name because remember when it was formed, all this stuff was a huge issue and there was no support in it.

So, one big difference between NCUC, other than the name, and NPOC is that NPOC only has members that are a formal legal entity in their country and NCUC can have unaffiliated groups. They can have academia, civil society, and individual members. We cannot. So, that's one huge difference. An individual member can comment on a policy statement, for example, but we have to go out and engage members and get their feedback and then comment. So, we can't just comment as a group. Does that kind of help you?

UNIDENTIFIED FEMALE: It's okay now.

JOAN KERR: Yeah, it's a huge issue because we also have to not just deal with the operational issues but we end up having to deal with the broader issues which we're not supposed to do, so that's I think why it gets confusing. So, we've been trying to identify the areas that just deal with operations, but of course not-for-profit being not-for-profit, they also disagree on what those are. So, that's part of the difficulty that we're dealing with. So, does that make it better?

DANIEL BALDIZON CHAVERRI: Steve, can you go back to the previous slide? And I think we will see a very interesting example there. If you look in the upper part, there is the question, in the last point, the fourth point, the IGOs and the INGOs. Those are some of the target customers that NPOC is trying to work with. In the earlier days of the DNS, there was the dot-com and dot-org, and if you were an IGO or an INGO they would take dot-org. That was easy.

And now we have 1200 top level domains and things got mixed up. So, some IGOs or INGOs don't use the full name, but they use a short version of the name like IMF, for example – very well

known in Latin America because we don't know how to deal with our money.

Or if you look in the second group in the implementation part there is another very interesting example about a group of users that is organized around the Red Cross/Red Crescent organizations. Those are country organizations that are mainly volunteer-based and when there is a disaster, they collect money and some people use the opportunity of a disaster to register a name that sounds similar to these organizations and start collecting money, as well.

So, these issues are issues that relate to NPOC because these are not individual users, not people worrying about the privacy issues or so on, but their lives have become more difficult, okay, these types of organizations that you see there. And the best proof that there is a problem is that we have them in the list. I mean, we expanded the DNS and there are issues with this type of organization that are difficult to solve with the tools we had before.

Before, we had right protection mechanism, period, because it was a treaty in Paris, I don't know, 100 years ago, I don't know, 120 years ago and everything was solved only with intellectual property, more or less. Now we are dealing with a more complex system. Sometimes the right protection mechanism aren't

enough, so we have to create special policy cases for these types of organizations, and right now we are stuck. We are stuck because of this number four. We will have a decision in the GNSO in April about a proposal to solve the issue of the IGOs and INGOs and we have different options that we're discussing during this week.

It has been already presented and one of the possibilities is that a proposal on the table might not be enough, and we have to start all over again. Hopefully not, but it might happen. So, I think this is difficult to grasp maybe in the first time, but this is the best example that I bring every time NPOC meets, and tomorrow we have a meeting only on NPOC, so every ICANN meeting I come and say the same, Red Cross INGOs, those are issues that have not been solved after the world became more complex and the DNS got expanded. Thank you very much.

JOHN LAPRISE:

So, we are going to take one question from the gentleman over here and we're going to close the queue. I have one idea for a future path forward and I'm willing to take a few more at that and then we'll close the session.

UNIDENTIFIED MALE: Thank you. I'm going to ask the question in French if you can be ready of that. My name is [inaudible]. For the time being I come from Canada. I'm living in Montreal, and I saw on the calendar that there will be a newcomer session in Montreal, and so if you need me, I will be very much involved and I'm ready to help you since I'm already there. But that's not my question, actually.

I have a comment to make on the laws and the policies that are being developed here because I think there is a certain deviation when we discuss the different cases.

I mean, the laws that are being drafted protect democratic countries, such as the U.S., Canada, Europe, but if you consider the African context, I would say the case is not as generous, so to speak, because when the policies and the laws are drafted, those who work on it come from democratic countries, and so they think with that mindset and it works very well in their countries, but those of us who are represented and come from dictatorships, for instance, and those people who come here to these meetings and to other sessions, they are sent by their governments and they are supposed to say that those laws and those policies do not represent the interests of consumers at all, [but that they say are] representing their dictatorships and those systems. So, that is an issue for us.

I have a specific example to share with you. Personally, there was a meeting in 2016 in Marrakesh and I was en route to the airport because I was supposed to take part at that ICANN meeting, and on my way, I was kidnapped. I disappeared. I am happily alive today, but I was tortured physically and psychologically for 10 days. Someone had to pay ransom and I could be released, but during that time they took my cell phone and my laptop, and when they released me and I recovered my cell phone and my laptop I thought, “Okay, this must be some kind of trap.” So, I checked and I reformatted my cell phone and my laptop because I was not sure what they put in those. But what impressed me and what I still feel is that on my Yahoo account, for instance, I cannot see emails. Some email addresses I can still not block because I'm not sure who manages that. So, if I want to find someone to contact to change that, I have no way of finding that because some kind of control has been imposed on that. So, I had to change my email address. I have a new email address.

But that goes to show how your data and the protection of data are important. But emails are data as well, and they are not protected. My platforms are not protected as you can see, so there is still an issue there. When we speak of digital data, you cannot always protect your end users. Today, if the local police in any country is in agreement with the regulator in a country and they send content regulators and they want to access someone's

account there is no verification. They will access someone's information immediately. So, they could, as law enforcement agencies, have access to your data with a purpose that is not legitimate. They could be people in my same situation.

The [inaudible] government through the police, for instance, and the regulators, sends someone who sends Microsoft a request, and Microsoft had to give them someone's information. So, today, that person's email account, it's that someone who fights against the disappearance of people in [inaudible] and he's an International Court of Justice Representative and I'm going to finish with this. This person has had his email broken into, so how can we still say – there is still a gap in what you are doing? Thank you.

JOHN LAPRISE:

This is a concern of At-Large, especially when we talk about privacy at At-Large and what is legitimate law enforcement and legitimate use, and this is an issue that we discuss. We have limited remit because national law is its own thing, and we are bound the scope of ICANN, so we don't have control or an affect over many of those aspects. To the degree that we can, and we are cognizant of the stresses and ... For At-Large we have global representation and we hear about what we do – I'm sorry, I'm being cut off on time. So, we're aware of these problems. We do

what we can to address them, but we are not all-powerful. We can't do it all.

As a final note, before we close, I would just say that as a future action, or as a going forward, I would really like for NPOC to work with the RALOs. Raul's project is fantastic. I'm sure there are other NPOC members who have similar projects. Maybe they're regional, maybe they're global, but interacting and disseminating those projects is something that At-Large can buy into wholeheartedly. And that will close this session. Thank you very much. Thank you to the interpreters and to the technical staff.

UNIDENTIFIED FEMALE: I just want to say thank you for ALAC for hosting NPOC and for having this joint session and thank you to staff.

[END OF TRANSCRIPTION]