

KOBE - GAC: Communique Drafting (3 of 4)
Wednesday, March 13, 2019 – 3:15 pm to 4:45 pm JST
ICANN64 | Kobe, Japan

SPEAKER: ICANN64 GAC communique drafting 3 of 4.

MANAL ISMAIL, GAC CHAIR: So, can you please take your seats?

Standing by...

MANAL ISMAIL, GAC CHAIR: So we now have the text on the CCT review on the screen. We had a minor proposed edit here. Doesn't change the meaning, but it now read the GAC advises the Board to possibly reconsider certain decisions on recommendations if appropriate. Any comments? Okay then can we please approve this? And on follow up on previous GAC advice we have cleared that it is more or less the same GAC advice, so we modified this to the GAC advised the Board, and there was suggestion from Lance that we delete contained, so it and there's a COMMA added after communique. So it's the GAC recalls its advice in the ICANN 56 Helsinki communique. Other than that everything yeah, I mentioned this. So on and so forth any other new text?

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Yeah, so one last thing on the communique. We now have the attendance, so we have 67 GAC members, and 6 observers attended the meeting, so I had on discussion with Rob regarding the remote participation, so is it now included in this figure? Does this figure no? So, so just that we are all on the same page, so Rob was asking whether remote participation should count in, in our figures or not? So I'm just posing the question to everyone, I have my personal I mean, I think it should, but just that we know what we're talking about I mean when we say a figure, we know whether there includes remote participation. Doesn't include remote participation, and I tried to think what we did before. I think we mentioned the remote participation, but we mentioned them separately. So which makes sense, and then we can now Fabien also highlighted something else that in remote participation you cannot really tell whose GAC member and who is not, but at least for this meeting we had Nigel remotely, and we know it was him and he did a presentation on the customer standing committee because we nominated him on this committee, so we don't have this problem for this meeting, but I'm just flagging the discussion, and the issues. I was comparing this to the Board meetings, for example, because they have Board meetings in remote and they count they are counted, and they vote but again, this is a different situation because obviously our links are public, and anyone can join the meetings remotely, so but again, at least we are good for this communique. I'm just

flagging the issues, so if we can add and one observer in remote, or yeah.

ROBERT HOGGARTH: And one observer. I don't think you need it to be a separate sentence, so you're going to say one observer attended remotely. Okay.

MANAL ISMAIL, GAC CHAIR: Okay. So, anything else on the communique? We have the GAC ALAC statement. It's just one page, and it has been reviewed by the small group on EPDP, so it should align with our already agreed views, so nothing controversial. And it's not a communique text. We're just adopting it separately, so I mean, if we can make a quick read, and then we're done. I think let's read it because GAC members didn't have the chance to read it, so the GAC and the ALAC take this opportunity to congratulate the EPDP and the GNSO council on the development and approval of the Phase 1 report.

The Phase 1 report provides a base line for ensuring GDPR compliance as it pertains to the processing of registration data. The GAC and the ALAC are aligned overall as it pertains to our outstanding concerns, as articulated in our respective statements to the report. The GAC and the ALAC would like to

underline the importance of compliance with the GDPR which protects the privacy of natural persons, and allows for the processing of, and access to data for legitimate purposes. The EPDP final report of Phase 1 provides a sufficient, provides a sufficient basis for the work to progress to the subsequent Phase 2. The GDPR does not cover the processing of data, which concerns legal persons. While the report makes no distinction between natural and legal persons' data. The GAC and the ALAC note that there is agreement between them on the need to distinguish between natural and legal persons, and that there are remaining concerns related to the practical implementation of this principle, which should be addressed as a matter of priority. The GAC and the ALAC highlight the importance of data accuracy. In accordance with article 5 of the GDPR, every reasonable step must be taken to ensure the accuracy of the data in view of the purposes for which it is processed. The report does not require explicit measures that guarantee the accuracy of the data in order to serve the purposes for which they are proposed. I'm sorry, for which they are processed.

The GAC and the ALAC note the importance of the technical contact field which allows contact with network operators in case of website associated, and other technical related problems. Given the fact that the admin field has been eliminated, the technical contact field should be required to be offered by the

registrars and not optional. This elimination hinders the ability for the registrant to be contacted for resolving technical issues, which was the initial reason for the creation of the WHOIS.

The GAC and the ALAC note the importance of exploring the need of having an ICANN purpose that addresses related DNS research requirements pertaining to the security and stability of the Internet. The GAC and ALAC would like to remind the community of the importance of protecting the public interest. GDPR registration data is used by law enforcement, cyber security professionals, CERTS and those enforcing intellectual property rights on line including brand protection as well as businesses, organizations and users assisting in combating on line fraud.

Moving forward, the GAC and the ALAC are committed to continued participation in the EPDP, and the expeditious development and implementation of a model that permits lawful disclosure of nonpublic registration data for legitimate purposes. It is the view of our two advisory committees that a model for disclosure is equally as important to address expeditiously as the Phase 1 activity. We urge the EPDP to develop practical yet expeditious timelines, including a deadline in which to conclude the Phase 2 work. The GAC and the ALAC note that their position is generally aligned with the positions of the SSAC, as expressed in particular in SAC101 and 104. That's it. So any comments? Germany.

GERMANY: Thank you for. Just one proposal, seems a little bit strange to me. I'm not a native speaker. If we congratulate the process and not the team. And we should also urge the team and not the process. So I'd prefer to phrase it the EPDP team be we congratulate them, and we urge them to develop speedy procedure for completion of Phase 2. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you Germany. Spain, yeah. I'm sorry, Spain, please go ahead.

SPAIN: Yes, I'm sorry. Javier Cancio for Spain for the record. If you can go lower in the text, there is a list of public authorities that make use of this, of this data, and formerly we have insisted on separating civil from... and sports yes, there, and date... this is not a comprehensive list, nor does it intend to be I suppose. Because within a single country many public authorities apart from law enforcement may have access to gTLD registration data. Perhaps the expression among others, could be added.

MANAL ISMAIL, GAC CHAIR: So yeah, Cathrin, please. I'm sorry, I thought you were seeking the floor. So thank you Spain. So both edits are noted. Right? So

here we need to add, among others, and at the very top, to congratulate the team and not the process. [Inaudible].

ROBERT HOGGARTH: I would put among others after used –

MANAL ISMAIL, GAC CHAIR: So I think they are both friendly amendments that we can bring to the attention of the ALAC. They don't change the meaning. I have the U.S. as well. U.S., please.

UNITED STATES: Thank you this is Ashley with the U.S. and I'm not taking any issues with the edits, I think they are perfectly reasonable I just have another very grammatical edit that shouldn't be a problem. If you look at the paragraph that starts with the GAC and the ALAC note the importance of the technical contact field? Okay yes. If you go to the sentence okay, so it's the first sentence it says the GAC and the ALAC note the importance of the technical contact field which allows contact with network operators in case of website strike associated. And other technical related problems. So there we go. That's good.

MANAL ISMAIL, GAC CHAIR: Thank you, U.S. Any other comments? Yes. Guyana, please.

GUYANA: Very minor change. If you go back to the top to the first paragraph. In the last sentence it might be cleaner to say either the views of the GAC and the ALAC are aligned, or the GAC and the ALAC are in agreement. Your choice?

MANAL ISMAIL, GAC CHAIR: This is the first sentence? Last sentence the GAC and ALAC are okay. So, a proposal is either this, or that, so either the views of the GAC and the ALAC are aligned, or the GAC and the ALAC are in agreement over all as it pertains I think I prefer the first formulation, but I wait force others, so if there are no other views then maybe we can delete in agreement, and remove the square brackets. So the views of the GAC and ALAC are aligned over all, as it pertains to okay, yes. Cathrin.

CATHRIN BAUER BULST: Yes, Cathrin for the European Commission. Just another suggestion building on Ashley's, when it comes to the technical contact field. Maybe to be clear we should just say which allows contact with network operators in case of technical problems. Because I think that's what we are trying to say and if we say in case of website and it's left dangling what the problem refers to. So if we simplify and just say in case of technical problems that's what we want to provide a contact for, right?

MANAL ISMAIL, GAC CHAIR: Thank you Cathrin. So, can you repeat please so that we can –

CATHRIN BAUER BULST: So I would just delete from when you read which allows contact with network operators, in case of and then you delete from website to the end of other, so you keep the technical and then you also delete the word related.

MANAL ISMAIL, GAC CHAIR: Okay. So the sentence now reads the GAC and ALAC know the importance of the technical contact field which allows contact with network operators in case of technical problems. I see the U.S. nodding as well. So any other comments? Okay, if not, then I think we will have this approved, and Charlotte if we can communicate it with the ALAC so that they know its adopted and they also know the amendments that were made, which doesn't really change the substance, but at least they have the final version that was adopted Charlotte please.

CHARLOTTE: Yes, Charlotte from Portugal. Yes, I will communicate it do.

MANAL ISMAIL, GAC CHAIR: Can you speak closer to the microphone.

PORTUGAL: I will communicate it to them. I would like to make on the meeting with the ALAC probably I was not here on the room, GAC and ALAC agreed to have a small focus group to on capacity building to work inter-sessionally, can we make this reference on the communique? Yes on the communique?

MANAL ISMAIL, GAC CHAIR: So, can we have the communique again please? So the ALAC meeting.

ROBERT HOGGARTH: So that would be an extra sentence.

MANAL ISMAIL, GAC CHAIR: So, so Charlotte is proposing a new sentence highlighting that we have agreed on efforts on capacity building inter-sessionally, and I am proposing now that we delete drafting, so it reads the GAC and ALAC members agreed to proceed with a joint statement, because I can see that we have already finished drafting, so can we have the sentence so that everyone so Charlotte, any specific formulation.

PORTUGAL: GAC and ALAC agreed to form a small focus group of representatives.

MANAL ISMAIL, GAC CHAIR: Can you please read slowly, dictation speed?

PORTUGAL: GAC and ALAC agreed to form a small focus group, of representatives from both GAC and ALAC and relevant stakeholders to progress the joint initiative on capacity building.

MANAL ISMAIL, GAC CHAIR: So it's GAC and ALAC agreed to form a small focus group of representatives from both I think we can say both constituencies instead of or maybe we can delete, but representatives I think representatives from both constituencies' relevant stakeholders. Or committees, yeah, I'm sorry. Is this okay, Pua and Charlotte, both committees and relevant stakeholder others to progress again I suggest a joint initiative on capacity building. Any comments or suggestions?

PORTUGAL: Manal GAC and ALAC agreed jointly.

UNIDENTIFIED SPEAKER: I think the suggestion is after putting in jointly take out from both committees the relevant stakeholders.

MANAL ISMAIL, GAC CHAIR: GAC and ALAC agree jointly to form a small focus group of representatives, or.

UNIDENTIFIED SPEAKER: Right, that's fine. From both committees and what you can take out from both committees and relevant stakeholders. Not representatives. Yeah, can take all that out. You can take it out.

MANAL ISMAIL, GAC CHAIR: So GAC and ALAC agree jointly to form a small progress group to pro.

UNIDENTIFIED SPEAKER: I can take out the second joint as well.

MANAL ISMAIL, GAC CHAIR: Good short text. One sentence. GAC and ALAC jointly agree jointly to form a small focus group to progress an initiative on capacity building. Yes, please, Trinidad and Tobago.

TRINIDAD AND TOBAGO: If you agree it's jointly so I don't think you need the first jointly either. If there's –

MANAL ISMAIL, GAC CHAIR: Can you speak closer?

TRINIDAD AND TOBAGO: There you agree there's no need to say jointly after agreed.

MANAL ISMAIL, GAC CHAIR: Okay any comments? Perfect. Anything else? So we have concluded our communique really early. I thank you very much for your cooperation, and for the fruitful discussions, and I really appreciate the hard work, and the leadership roles and the responsibilities, and the co shares of the working groups, and liaisons and all those who have helped us to have a really fruitful meeting. Thank you very much. And thanks to support staff, and thanks to the IT team, and the interpreters. Yeah, we are meeting tomorrow, at 8:30, so yeah, this is the bad news. Of so we are meeting tomorrow, same room at 8:30, but thank you again for the communique. Thank you.

[Applause]

[END OF TRNSCRIPT]