
ICANN70 | Virtual Community Forum - Joint Meeting: ICANN Board and CSG
Tuesday, March 16, 2021 - 14:00 to 15:30 EST

FRANCO CARRASCO: Hello, and welcome to the joint meeting between the Commercial Stakeholder Group and the ICANN Board on the 16th of March, 2021. My name is Franco Carrasco from ICANN staff.

This meeting is being recorded.

FRANCO CARRASCO: And I will be the remote participation manager for this meeting.

Please note that we are holding this meeting as a Zoom Webinar. Be advised that the floor of this session is reserved exclusively for interaction between the Commercial Stakeholder Group and the ICANN Board members. We, therefore, have the members of both groups promoted to panelists today, and they are the only ones able to speak.

Please note that CSG panelists on the call are those whose names were provided by the CSG Chairs themselves. Therefore, the CSG members who were not assigned as panelists will be attendees today.

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For our panelists, please raise your hand in Zoom in order to join the queue to participate. All panelists are muted by default. So you may proceed to unmute yourself when you are given the floor. Before speaking, please ensure that you have all your audible notifications muted.

Clearly state your name and the language you will be speaking, if other than English. Also, please remember to speak slowly for the scribes and the interpreters.

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Having said all this, I will now give the floor to Maarten Botterman, chair of the ICANN Board.

Maarten, the floor is yours.

MAARTEN BOTTERMAN: Thank you, Franco. Thank you, everybody. Thank you, CSG, for joining us for this virtual session in virtual room together wherever you are and very much realizing that the time may be more convenient for some than for others. So thanks for that.

Looking forward to have an interactive session to really discuss together what the issues are and how we can best find the way forward because in the end, we all carry one mission, ICANN's mission.

So this session will be facilitated from the Board side by Matthew Shears.

Matthew, would you take it away, please?

MATTHEW SHEARS: Thank you very much, Maarten. And welcome, everybody, to this session. The Commercial Stakeholder Group has presented the Board with a very substantive list of issues and questions, so we will have to be mindful of time.

Without further ado, to kick things off, I'm going to turn this over to Jenn Hodges Taylor with the ISPCP to lead us through the first question. Jenn?

JENN TAYLOR HODGES: Hi. Jenn Taylor Hodges, vice chair of the ISPCP.

Thank you, Maarten. And thank you, Matthew, so much. We really value this opportunity for engagement with the Board. So we appreciate you taking the time.

As you noted, Matthew, we do have a full agenda, so we'll try to get through our comments and questions as efficiently as

possible to hear from you, being mindful that we are a diverse set of constituencies within the CSG, of course. But we'll do our best.

So with that, I'll just quickly turn -- go ahead and turn to the first topic, to my colleague Heather Forrest, with the IPC to cover the holistic review and implementation of recommendations from ATRT3.

HEATHER FORREST:

Good morning, everyone. And thank you very much, Jenn, for that kind introduction.

I will say thank you to all of our Board colleagues. It seems -- I was thinking this morning -- obviously it is 6:00 a.m. here. I was thinking this morning that it marks our milestone of being exactly where we were this time last year and quite confused as to what all was happening in the world and how we were not all getting on planes to Cancun. And here we are again, not on planes to Cancun.

And I've had the occasion to send a few emails around this week. This these things never go very well by email.

But it's lovely to see faces. We've had some experience in the IPC of some of our members having suffered quite badly with COVID, and I hope that's not the case for anyone on the call.

We miss seeing you despite what you might hear about the CSG - - (laughter) -- and our love for everyone else in the community. We very much miss seeing people, so it's nice to see faces here on Zoom.

Let's dive into the topic at hand. And I will be supported as well, if he's able, by my colleague in the ISPCP, Tony Holmes.

I think very quickly have a bit of a level-set, just what has happened since the last time we met with all of you, which was in the context of ICANN69.

Not long after that public meeting, the AGM, we had the opportunity to meet with our GNSO-appointed Board members, Becky and Matthew. And it came out in that discussion, we noted for them the linkages that we had seen, we had identified between various different community efforts, all of which seemed to be pointing at the same thing, which is some sort of holistic review.

Now, that term, of course, has taken on the meaning, I think, that -- or taken on, I suppose, a bit of a life of its own, given that it was used by the ATRT3 final report.

But this idea that ICANN as a community had come so far, that it was now time to take stock of where we were. And it was an idea that resonated quite deeply with us in these three constituencies that form the CSG. It would be no surprise to any of you really on the Board that we feel -- again, we very much like each other, the IPC, the BC, and the ISPCP, but we're struggling with the sort of artificial structure that we've been put into because it just doesn't -- I mean, yes, we're commercial entities but, I think, that the introduction of new gTLDs has affected our community just as it has other parts of the community and that it's not really the best fit. And we're not entirely sure at all times how we sort of get lumped together.

Much more broadly, I think if we pull away from ourselves, we see this holistic review as an opportunity to reflect upon the changes that new gTLDs have brought to our structure as a whole and how that might impact, let's say, our structures, the things at the very core that we take for granted.

And so with that in mind, and having seen the connections that linked between not just ATRT3 but the independent examiner's

report of the NomCom and efforts like evolving the multistakeholder model, all these things started to come together. And we mentioned this to Becky and Matthew in late November and were encouraged to put those thoughts down, try and capture them, and do so in a timely way before your vote, you, the Board, your vote on ATRT3. So we did that. And thank Becky and Matthew for that suggestion to do so.

And then, of course, you all met and voted on ATRT3. And we were quite keen to understand -- and still are quite keen to understand -- how, if at all, those observations impacted your decision-making in the ATRT3 vote.

We were quite keen initially to sit down and meet with the OEC. I think that was probably the next logical step in our minds in terms of understanding how the ATRT3 vote would then be actualized and how that holistic review would take place.

And I suppose on seeing the scorecard on the ATRT3 vote, it wasn't really clear to us -- actually it was quite unclear to us -- whether our observations had really had an impact at all.

And I will be fairly frank and say we were a bit confused and somewhat deflated by that and thought let's not dive into a meeting with the OEC right away because we're just not sure -- I

think the impression we got, if I can be honest at 6:10 in the morning, was that our comments had been discarded.

And I wonder if that factor of a number of things, I wonder if that has something to do with the sort of strain that these remote meetings are putting on us. The inability to have those sort of trust-building chats in the hallway and informal face-to-face interactions that we've now been missing for more than a year.

So with that in mind, we decided that a bit of a reset would be more appropriate as we moved into 2021 with the likelihood of more of the same of that sort of not optimal communications pattern between us.

And so what we've done is tried to reach out in a much more affirmative way with our GNSO-appointed board members, seats 13 and 14, Becky and Matthew, and as well with Avri and Sarah, given their longstanding history with the GNSO, to try and explain our thoughts on ATRT3 and try and understand a bit better how it is that the -- the things that we pointed out, did they impact the Board's discussion and decision-making at all, and if so, how.

I suppose I'll end this by saying I want to make very clear for everyone, so this doesn't appear to be a case of pouting over why -- why didn't you -- why aren't you doing what we want to you do.

It's not -- it's not the case. I think we're just -- we're struggling to understand, and maybe "struggling" is not be the best word, but in this current environment of not being able to see each other face to face and not having that reassurance of, "Hi, how are you?" "What's going on?" "Oh, I noticed this" or "I saw that." "Thank you very much for this," that sort of communications pattern is lacking, and we are very much struggling to find our feet in this remote ICANN environment.

How do we better communicate with you and the rest of the community. And I'll say just as a start, I really appreciate all the efforts that staff and org have gone to try to smooth out some of the lumps that happened since this time last year since we were all at virtual Cancun. And -- and really appreciate the attempts to try and break down the barriers between us that this remote working environment is raising. But at the same time, let's say the sort of sound tests that happened at the beginning of this call tell me that it's not a case that -- you know, I have colleagues who would like to speak on this topic but they haven't done the sound test, and that makes me wonder, well, how are we going to have a truly interactive discussion here, and so forth, because it certainly isn't just -- just me to cares about these things.

So I suppose it's a -- it's a long rambling introduction to where are we now? Where have we come since we last met with you?

I will turn it over to you, Jenn and Maarten or Matthew, to take this where you like. I'm more than happy to take any questions and follow up.

Thank you.

JENN TAYLOR HODGES: Thanks, Heather. Yes, I think if any of our Board colleagues would like to come in, it would be a good opportunity to go ahead and do that right now.

MATTHEW SHEARS: Sure, let me start. And thanks, Heather, for raising this.

So as Heather noted, we have had a couple of discussions along the lines of some of these issues over the past months.

I think there's a number of factors here. I think that what -- where some of our conversations have led us is, yes, there may be some issues that are coming from the fact that we're all virtual at the moment, and we don't have that ability to, as you say, kind of meet in the hallway and share thoughts over a beer or whatever. So I think there is that dimension to it.

I think also in the particular case of ATRT3, I think in that situation we -- you know, we -- we were -- when we were reviewing the inputs for ATRT3, we were very clear and reviewed all the inputs, including those from different parts of the community, the differing views on the ATRT3 report. But I think as we said in our resolution, we felt that the overall thrust of the -- of the ATRT3 report was, all things considered, in the right direction to allow for a next evolution, if you will, of the review process and of the structures.

So I think that we -- it's -- it's not really so much that, you know, we didn't consider minority reports. We very -- review of positions. We very much did. But when looking at it in its totality, we saw there was a real upside to looking at how we can consider the structures and the reviews and going forward in a way, because we've always felt in the past and we heard it from the community that the current system and the current review processes aren't necessarily working to the best of their ability.

So I think let me just say that, and then open it up. I'm not sure if Becky or Avri want to jump in here, or Leon.

LEON SANCHEZ:

Thanks, Matthew. This is Leon. So just to add to what Matthew said, I can tell you, being the liaison to the ATRT3, not only the

Board did consider all these points and all these views, but also the ATRT3 did so. I mean, I remember during the course of the meetings of ATRT3 of these and many other topics were raised. The team reviewed those topics, and, well, you know the conclusion and the recommendations that are already out there.

So I can assure you that these -- these topics were all evaluated and assessed very thoroughly, not only by the Board but also the ATRT3.

So I -- I think we still need to get this discussion going and try to, as you say, when possible, try to get this fine feeling of where we are at and how this is going to work. And, I mean, I don't know if Avri would like to add something to that, but I -- I can assure you that, yes, we are -- we are hearing and we are assessing everyone's views on this.

AVRI DORIA:

Yeah, this is Avri, although I see Tony has his hand up so I won't say a lot.

And mostly, I very much agree with both Leon and Matthew that we did go through and we did discuss, you know, the views, and then came out to the decision.

I think part of it is, though, when looking at going forward, as opposed to just, yes, approving the holistic as it was written, we went for let's do a pilot. And in doing a pilot, we're now trying to get ready to sort of say, okay, let's see what everyone needs out of that. How are we going to do that? What does it need to cover? We have the ATRT3 writings on holistic which are relatively broad, and they give us a certain amount of guidance, and now it's talking to you -- almost hearing from you what it is a holistic covers, hearing from everyone in the community what a holistic covers, and putting together the pilot so that we write a bylaw after that as opposed to had we accepted the ATRT3 as written, we would have just done the holistic that's on the paper, implement that, and move ahead. And leaving out complexities of changing the bylaws and doing a review on them.

So I think very much it's having taken diversity of views into account that forced us more into the pilot mode than into the "let's just do it the way it's written" kind of model that we're working with.

So -- And, really, I was hoping that we would end up being able to use part of this time to actually get from you where you think you need the holistic to go, you know. And, you know, the last thing I'll say is which it may be sort of separate than what the internal structure of the GNSO looks like because this is a holistic, and the

GNSO is more of the unit as opposed to the thing that's being dug into. And, you know, GNSO and its structure is really something that GNSO can tuck tell pretty much anytime it wants to. I mean, any changes, yes, need to then go through a process, but it's pretty much in the GNSO's power.

Thanks.

JENN TAYLOR HODGES: Thank you.

I do see Tony's hand up, and I'd also note Heather just has a comment in the chat asking about more detail on the pilot.

I'd also just say I think we only have probably a few minutes left if we're going to make it through the agenda.

But, Tony, if you want to come in.

TONY HOLMES: Thank you very much. It's Tony Holmes, ISPCP and a member of the CSG.

It was very reassuring to hear Leon's words, I think, on the approach that we should take moving forward. And certainly I'm

a little bit confused now because Avri referred to just getting on and doing it. Well, I don't think we're quite at that stage because although we had, roughly, a broad term of reference, there was no detail around that at all and it would have taken a lot more focus and a lot more input. We would have needed to have looked at the methodology we were going to use, the approach, and how that would lead to the deliverables that we want to see at the end of it. So there was a lot of scoping to do just to get that effort rolling.

And I think that the same amount of effort should really go into a pilot as well, because how that pilot runs is going to shape the review that follows it. And certainly from the CSG perspective, we've spent quite a lot of time looking at this. It's an incredibly important project for us, as Heather set out at the start. And we are ready and waiting to contribute towards those discussions. We hadn't really been given an opportunity to do with the pilot, and we failed at this stage to understand how the pilot has actually been scoped and how that will relate to the broader discussions that follow. And that's part of the problem, that we are in a position where we would really like as part of the community, and I'm sure we're not the only ones, I'm sure other parts of the community will want to contribute in exactly the same way to make sure that this is scoped in a broad manner,

takes account of all the aspects that a holistic review needs to consider.

And as Avri correctly said, it's far broader than the GNSO. And it's important that we do this in the right way, because then it's going to help shape some of the following reviews that will come after that.

So it's (indiscernible) how we would contribute, and you mentioned you would like to hear input from us. We are ready and waiting to have that dialogue. We just need to understand how we can actually interface to this project in a manner that (indiscernible).

Thanks.

AVRI DORIA: If I could just --

MATTHEW SHEARS: I see Avri's hand. Yep, go ahead.

AVRI DORIA: I probably spoke badly. We are still at the start of that in terms of forming the pilot. We have not modeled the pilot yet. Perhaps

we've modeled the pre-pilot where we're going to have to talk to you all about how the pilot gets structured. The next set of discussions are, I think, the ones you are looking for.

JENN TAYLOR HODGES: Okay. Thank you.

Is -- Heather, anything more on your end? Or...

HEATHER FORREST: Thanks, Jenn. I will. Again, Heather Forrest for the record.

I really appreciate that -- that clarification. I have to say in the last few weeks, I'm not sure if I misunderstood it or if it was just miscommunicated. I had the distinct impression that the pilots were already under way, that org was already commencing them, and it really was no longer timely to provide that sort of input. And I have to say that that reassures me quite considerably. We had been working as a -- or within a small team across our three constituencies to frame some issues that we think should helpfully be in that -- in that pilot insofar as it could help as a bridging exercise to and precede the GNSO3 review.

And so to the extent that we can feed that into the process and understand how best to feed that into the process, and for that,

maybe, Avri, I'll turn to you as -- from the perspective of the OEC. How do we best -- how do we best channel that information in? Will you have a set process for interacting with, engaging with the community or how will that happen?

AVRI DORIA:

Sorry. Took me a while to get my mouse to the unmute. I can be so klutzy at times.

I think we're still figuring exactly how. There will be consultations. There will be discussions. And I really do hope that we have our conversation with the OEC about this and the issues of it, you know, sometime after 70 so that we can dig into it deeper without leaving all the other issues behind. To go into the gory details.

MATTHEW SHEARS:

Jenn?

JENN TAYLOR HODGES:

Yes.

MATTHEW SHEARS:

I think we probably might want to move on. I appreciate the conversation.

JENN TAYLOR HODGES: Okay.

MATTHEW SHEARS: We're really glad that we kind of cleared up some misunderstandings or whatever, and I think we've got a way forward. So that's really good. So...

JENN TAYLOR HODGES: Yes. Thank you so much, Matthew and everyone, for that. Very helpful.

All right. Let's move on to item number 2, legislative proposals out of Europe.

For this I will turn to Mason Cole from the BC to kick off with, I believe, Dean Marks is coming in as well.

MASON COLE: Thank you very much, Jenn and Matthew. Can you hear me okay?

All right. Very good.

So first, just -- Hi, this is Mason Cole. I'm chair of the Business Constituency, and Dean Marks is assisting me on this topic. So,

Dean, if you have anything to add after I'm -- after I pose the question, feel free to jump in.

So I just want to thank our Board colleagues again for the opportunity to ask some questions and consult -- consult with you. We've been watching regulatory developments in Europe quite closely, as I'm sure you have, too, and also the beginnings of some potential legislative action here in the U.S.

It's been pointed out by some that some of these changes are months away, but so, too, we observe, is implementation of EPDP recommendations.

So it seems particularly obvious that the NIS2 proposal in Europe is going to have an impact on the WHOIS data disclosure and, thus, on EPDP output. We have some questions about this. Well, we have many concerns, but the most pressing one is if ICANN forges ahead on an SSAD -- one, I might observe, again doesn't have very strong consensus support even from the GAC -- this community can be wasting time and effort with something that could eventually conflict with regulation. So shouldn't the Board consider pausing work on SSAD recommendations and not immediately initiating ODP?

Thanks, Jenn.

JENN TAYLOR HODGES: Thanks, Mason.

Dean, did you want to come in or turn to the Board first?

DEAN MARKS: Sorry. Dean here. Yeah, I think Mason framed that question. We may have follow-up questions but would rather hear from the Board first. Thank you very much.

JENN TAYLOR HODGES: Great. Thank you, Dean.

Matthew?

MATTHEW SHEARS: Yeah, I think Becky is going to kick this off for us and have a discussion.

Thanks.

BECKY BURR: Yeah. Thanks, everybody, and greetings.

Both ICANN org and the Board have been watching the legislative activities in the EU quite closely, both the Digital Services Act and NIS2 proposals. And we do understand and have been following the fact that they both have implications for contracted parties, although those implications are much clearer in the proposal for NIS2 than they are in the Digital Services Act. And -- you know, and I think it's quite clear to everybody that the Digital Services Act, if it were to be adopted as it is written now and transposed into member state law as it is written now, there would be direct obligations under EU law with respect to accuracy and with respect to the -- the display of -- or the availability of information about legal persons to the extent that that information does not contain personal data.

We don't, of course, know that, you know, that it will be enacted as written, but I think it would probably be unwise to imagine that it won't have some form of those requirements in it. So nobody here is putting their head in the sand and thinking those obligations aren't coming around.

And obviously the -- it could take quite a long while, 18 months plus however long it takes the legislation to get through, for member states' trans vote, and the transposition could result in different implementations.

But, again, I think the place to start is an assumption that the obligations that are in there in some form will come down the road.

With respect to -- with respect to how this impacts the EPDP, the proposal for an SSAD and the ODP, I think, we come out at a slightly different place. But let me walk you through it.

So, first of all, the EPDP Phase 2(a) is focused significantly on the legal versus natural person distinction. And that's a major topic, and the way I read NIS2 is that it -- it does not clearly provide another lawful basis for processing personal information, but it does impose an affirmative obligation with respect to making information about person -- about legal persons available absent personal information in that data.

So the legal team has asked a couple of questions to Bird & Bird about how the precedent or the sort of -- it's a three-part question, how -- the manner in which EURid has interpreted the regulation governing the E.U., that manner in which RIPE NCC has interpreted its obligations with respect to information about resource holders, and the existence of the NIS2 proposal, how that, if at all -- and I have to say that, how that might affect the sort of risks that contracted parties take with respect to publication or release of information about legal persons based

on a self-designation that they're a legal person and an attestation that their registration does not contain personal information.

And the questions are quite nuanced and very detailed, and we are attempting to get into the plenary before the EPDP information about -- about that.

With respect to the SSAD and the operational design phase, the Board feels that it's critically important to get the kind of information that we would get from an operational design phase to understand how this proposal would work in practice, what is involved in terms of costs, what kind of functionality is going to be required, and how that would be brought about.

And, of course, one of the issues that is relevant is not just looking at the SSAD as it exists -- as it would exist today but contemplating the fact that the phase 1 EPDP directly contemplated and designed for evolution and growth of that.

So I don't think -- and other Board members should chime in if they disagree in any way. We don't think that this -- conducting the ODP locks us into anything in the event the legislation passes but rather facilitates our ability to understand and contemplate

the legislation in the context of what's required under the current policy.

So I think we're all on the same page about wanting to -- wanting to understand how the legislation would affect this and wanting to make sure we build a system, if it gets built -- the Board hasn't acted -- that is robust enough to be -- to evolve to meet the requirements of European and any other country's laws as they come down the pike.

MATTHEW SHEARS: Thanks, Becky.

I think Maarten -- I don't see a hand, but I think Maarten wants to jump in here.

MAARTEN BOTTERMAN: Yeah, sorry. Thanks, Becky. Also, thanks for all the work you do with this and the legal team there to have this full understanding of what's going on and moving targets as well.

From my side, I would just like to add that the ODP itself is not an objective, right? The ODP is to help us all to better understand what's going on and very much in place to explore whether

solutions that may be there also would be effective, how they could be implemented, et cetera.

And this will be a process in which the community will be informed, involved.

We're not trying to get anybody in a dead corner. We are trying to find a solid way forward because we can't wait until everything has been solved by the governments of how we should behave. That will never happen. We will need to start moving. And that's why we believe that the ODP will be very useful in all the uncertainties that are still there today.

I hope that helps.

MATTHEW SHEARS: Jenn, I've got Göran and Sarah, if that's okay, if they can just follow up, and then we can open it up.

Sarah.

SARAH DEUTSCH: Yes. I just wanted to just share a slightly different view and a concern that I personally am having, which is I think the ODP as a system, you need to make sure that the users of the system want

it and will use it. And some of them, or all of them, will need to pay for it.

So I think that's a piece of it that, you know, I think the Board probably would benefit from hearing views from different folks who would be the users of this system about will it be used, will it be paid for, that type of thing. Thank you.

MATTHEW SHEARS: Thanks, Sarah.

Göran and then -- sorry, Jenn. I just saw your note.

GÖRAN MARBY: I am going to make two quick comments about it.

The first one it's important to remember that the SSAD itself is not a legal instrument. It doesn't take into account legalities. It doesn't, for instance, make the balancing test. That belongs to the contracted parties according to the law, which is also reinforced in the new legislative proposal from the European Commission.

So as long as the new legislation changes, for instance, our proposal, that ICANN Org -- ICANN, the organization, should be legally responsible for that decision-making, it doesn't change.

It is what someone called -- it's a very advanced ticketing system, which is fair. It's not condescending whatsoever. But it doesn't take legal decisions. So that's important to understand.

The other thing also is just to do marketing of the European Commission, they said that they are -- they do this legislation in support of the SSAD and they are -- of the ICANN's policy work.

But I think it's very important that we remember that SSAD itself as an instrument is not the unified access model. It is not changing some of the underlying -- it is legal. There are other legal implications to it. It has to do with international data transfers, how to identify the end user according to the law. But as itself it doesn't take legal positions, which I know that's one of the things that you were concerned about because it couldn't because of the law. Thank you.

JENN TAYLOR HODGES: Thank you. Are we on to Dean now, unless anyone else from the Board is coming?

MATTHEW SHEARS: Yes.

JENN TAYLOR HODGES: Okay, great.

Dean, please.

DEAN MARKS: Thank you very much. Dean Marks for the record. And I will be speaking in English.

I really appreciate this discussion.

And, Göran, I think the Board received a letter from the IPC about this topic with the SSAD and urging a pause on the work. And the frank responses back from Maarten and Becky about why you feel it's good to proceed with the ODP, you know, I think our view is very similar to Göran's view, that really at the end of the day, the SSAD is more of a ticketing system.

If it is a ticketing system, we should be very -- I think the Board and the community should be concerned is the system going to be constructed that, as Sarah mentioned, are these who it's intended to use decline to use it.

So I would just urge and hope that the Board will take into account minority statements that were filed with the EPDP Phase 2 report by the groups for which the SSAD is intended to be used, the IPC, BC, ISPCP.

They all were concerned about what they found to be the insufficiencies of the SSAD. And, Becky, to your point, the problems with its ability to be evolved, I hope the Board will take a careful look at that because the way the SSAD has been developed in the policy, we do not believe it has a ready -- a pathway for evolution. So I really hope you folks will take a look at that.

The other thing I wanted to JUST ask about is much narrower issue, and it's the issue of accuracy.

And, Becky, if you don't mind, I wanted to ask you this because at a prior meeting, there was a discussion with accuracy with (saying name) about accuracy potentially being just a right of a data subject versus an independent value of itself.

It seems to us that with the Commission proposing the NIS2 language, the same body that proposed the GDPR in the first place, that they take a different view of accuracy. They do believe accuracy is an independent value and that if I want to say as a

registrant my name is Mickey Mouse, that accuracy doesn't begin and end with just my right to say who I am.

I'm wondering, Becky, with NIS2 coming out, if it's changed your view on accuracy, if it's modified it, if the Board still believes accuracy is only a right of the data subject because accuracy is a big part of the whole WHOIS system. Thanks so much.

BECKY BURR:

Let me just respond directly. I don't think that the Board has opined on whether accuracy is just a right of a data subject or not. I mean, we do have some legal memos that came in from Bird & Bird on the EPDP, but I think those were not crystal clear. And we do have the statements of the European Commission representative. And those of us who practice privacy law for a living in our other daytime job have some experience with this.

But I don't think that the Board has a view or has concluded on any basis that GDPR's accuracy requirement is a benefit only to the registrants. So let me just be clear about that.

What my point was is that whatever the conclusion is about that, NIS2 provides a separate legal obligation -- imposes a separate legal obligation with respect to data accuracy.

Now, we don't know and we can't know at this point what that would entail, what kinds of requirements that would -- that would impose, what -- how contracted parties would go about satisfying their obligations under -- those are all things that I think are part of the conversation at this point.

I think that -- so without taking a position on the accuracy assertions and statements that we have from the European Commission -- and I think we have asked the Commission for some clarification on that because it would be helpful to know that.

Without taking a view on that, all I'm saying is that the accuracy obligations in NIS2 are perfectly clear. And while accuracy is not on the table of the Phase 2(a) scope -- we haven't asked the question precisely about that -- we have asked the question about how the existence of how these laws would -- or these -- this proposed legislation should impact the balancing test, if at all.

And I suppose that Bird & Bird's responses could be instructive in a more general way about how we should think about the existence of the proposed legislation in the current context.

DEAN MARKS: Becky, I know we're short of time so I just put a message in the chat. But thank you so much for that explanation. It's really helpful. I wish we were in person and could have a glass of wine and continue talking about accuracy and the use of the word in the GDPR versus the NIS2, but this is very helpful. Thank you so much.

BECKY BURR: Pleasure.

JENN TAYLOR HODGES: Thanks, dean, Becky and all. Sorry, yes, I do think we need to keep running down the list.

Next up is ODP, which we blended into a bit from the last one. But I will turn back to Heather, and I believe Wolf-Ulrich Knoben will come in, too, on this. And maybe we can keep the intros a bit brief, if possible, just to get through the list.

But, Heather, I'll turn it over to you now. Thanks.

HEATHER FORREST: Thanks, Jenn. It's Heather Forrest. I will actually be very quick. You've heard enough from me this morning.

I think our questions around the ODP, as you can see them here on the screen, really just trying to understand the origins of the ODP. I suppose I might even channel our earlier sort of sentiments that are expressed around the ATRT3 pilot. Just trying to get a better understanding in this sort of asynchronous communication environment.

With the ODP, was that Board-generated? Was that Org-generated? I can say the IPC had a very helpful discussion with Göran about this in preparation for ICANN70 and got a better sense.

But I think it would be helpful to have that broader discussion. So, Jenn, really I think the questions on the screen probably stand for themselves, and I will turn it back to you. Thank you.

JENN TAYLOR HODGES: Thanks so much, Heather.

Do we want -- Wolf-Ulrich, did you want to come in now or go straight to the Board for a response?

WOLF-ULRICH KNOBEN: Wolf-Ulrich Knobén speaking. It was good to hear something about how we would do the EPDP.

But with regards to the ODP in general, it seems to me sort of -- this is a kind of implementation in theory. So it kind of -- thinking, well, how implementation could be done. And that is a question that you may be faced with, with questions or with items to duplicate potentially work which is to be done by the PDP itself.

So that is a request that that should be avoided and not be taken as a chance, let me say, to extend time which is already spent by the PDP.

But there was the other questions here, the main questions, on the list. Thanks.

MATTHEW SHEARS: Jenn, I think Maarten was going to lead off on this on the Board side.

Thanks.

MAARTEN BOTTERMAN: Yeah. Thanks. And as she said, much has been said earlier already. The ODP is basically to help us to understand what's really there. And everything that's done within the PDP, the ODP doesn't need to do anymore. So we're not trying to take things out of the PDP that should happen in the PDP. It's not our

responsibility to determine when a PDP is voted for at the GNSO Council. It's our responsibility, then, to say so is this reasonable to implement laws, bylaws, et cetera. That's our role. And it really helps us to inform that.

For sure we don't think this is needed for any community proposal: review team, suggestion, et cetera. But there is clear cases where it does matter how you implement it, how much it costs, and what the effectiveness is. And for those cases, and I think the SSAD is a clear example of that, we need the extra input.

Now, in the old days, of course the Board didn't take the decision fully blind either, but the process of getting informed was less visible than it is now with the ODP. So the ODP really adds to the transparency of the information. Then we ask the organization to commit ODP or to perform ODP, whatever term is correct in English. I'm Dutch. It is to help us understand that, and they'll do it in interaction.

So for instance they do plan to consider during ICANN70 to ask for an ODP on the SSAD, the related recommendations. So we'll get back on that.

But please bear with us, because while SSAD is new, ODP as such is new, too, and we wanted to develop it as an instrument that

serves us as well as possible to help us achieve our common goals at ICANN.

So I hope that helps. It's very much in line with what we said earlier on SSAD. But it's true for any -- And for sure, no, ODP is not going to be the first answer to every question.

MATTHEW SHEARS:

Thanks, Maarten. And maybe I can just jump in here as well.

From the Board's perspective, and I think this -- I can speak for the Board here and say that we see this as an incredibly useful tool to address those areas and those recommendations that are coming forward that are complex and have significant impact or could potentially have significant impact across ICANN. So it's really to help us understand all of those implications and to get a fuller sense as to what they are as we move through the process of looking at and eventually addressing the recommendations, or whatever it may be that we're actually focused on. So we see it as a valuable tool to do so.

Are there any other board members who wanted to -- to jump in here on ODP?

GÖRAN MARBY: May I?

MATTHEW SHEARS: Yes, please.

GÖRAN MARBY: It's important to recognize the scope of some of the things we're having in front of us. The next round is a 3-, \$400 million project. SSAD, potentially, we don't know, 8-, \$10 million. We have auction proceeds, which is also something completely new, we haven't done before. We'd never done an SSAD before either. No one in the world has done an SSAD before either. We have Work Stream 2 implementations. We have a lot of things that have -- there's a lot of impact not only ICANN organization but everybody. And there's a lot of unanswered questions. And what we wanted to do was to use a more strict and form of doing that, also making sure that we are transparent.

But rest assured that 2021, that's going to be the -- When we look back on history of ICANN, we will see that this was the planning year. We need to make sure that we get all the good work out of the community into something we do.

And I want to mention something about implementation. One thing that people often don't realize, or I'm not trying to be

condescending in any way, is that when the Board has made a decision about the implementation, the org is now bound to that specific decision. The implementation -- ICANN org is responsible for the implementation after the Board has made a decision, and if the Board has made a decision, that's what org does. It sort of restarts the clock.

And we have seen examples where that has not always worked out to a hundred percent. For instance, if you take the example of recommendation 70, Phase 1, that we went to decision in the Board, went into the implementation, and through the very good interaction with the community members we realized this didn't work, so we actually worked in principle. We sent it back to GNSO Council for a new decision.

The Board is not there to change policies. It (indiscernible) policies, come up with policies. But it's important to know when the Board writes a resolution instructing the ICANN CEO to do something, that's law for me.

We want to make sure that decision is as good as possible, as transparent as possible, and the questions all have asked is as transparent as possible. And also, when it's needed, to do -- go back, if there are policy questions or implementa- -- questions

before implementation has been done, it's better to fix it before the Board decision.

So it's a practical thing as well as a transparency thing.

Thank you.

MATTHEW SHEARS: Thanks, Göran.

I'm not seeing any other board members who want to jump in at this point, Jenn, so back to you.

JENN TAYLOR HODGES: Thanks, Matthew, et al. I also don't see any hands on our side. Anyone else in the CSG for any final comments before we move on?

No? Three, two, one.

All right. Let's go on, then, to the next topic, the Interisle report. I will turn to Waudo Siganga from the BC to lead on this one.

WAUDO SIGANGA: Thank you, Jenn.

My name is Waudu Siganga. I'm the BC liaison to the CSG.

As you can see, I was to ask a question about the Interisle report, but I thought I will move it around a little bit because I was not so sure whether the -- this report has reached the Board, whether the Board is familiar with the report. I could not quite ascertain that.

So what I thought I'd do is maybe pick some of the things that are spoken about, some of the outcomes from the report and probably ask a question or two, the report from that.

So I'm assuming the Board doesn't have the report. I hope I'm correct in that one.

So basically the -- these questions I'm going to ask are related to the policy that was established by ICANN in response to the requirements of the GDPR, which is what the Interisle study was looking at.

The policy that ICANN established basically allowed registrars and registry operators to comply by redacting personally identifiable data from publication in WHOIS. And it was understood that ICANN's stated goal in adopting this policy was to, in quotes, "ensure compliance with the GDPR while at the

same time resolving the current information contained in WHOIS to the greatest extent possible."

However, the Interisle report shows that registrars and registry operators have redacted much more data than is required by GDPR. As an example, before GDPR, the actual identities of over 75% of gTLD domain registrants were available in WHOIS, and this has since drastically dropped to just around 13%. Having such a large portion of the gTLD namespace controlled by unidentifiable parties does not auger well for trust and security of the DNS.

Additionally, registrars and registry operators appear to have taken advantage of the policy to redact data for domains that do not fall under GDPR jurisdiction. Even once data has been redacted for legal persons, yet these are not covered under GDPR. The Interisle research has shown that while, in general, natural persons account for only 11.5% of domain registrants, registrars and registry operators have redacted contacts' data from over 57% of all domains.

So with those -- Just with those few examples, we as the BC would like to pose two questions to the Board with regard to the GDPR-driven policy.

Firstly, does the Board feel that the goal, which if I recap is to ensure compliance with the GDPR while at the same time preserving the current information contained in WHOIS to the greatest extent possible, has that goal been met? And, secondly, are there any steps or initiatives being taken or contemplated to be taken to objectively determine effects of the GDPR-driven policy?

Thank you on behalf of the BC.

Over to you, Board.

MATTHEW SHEARS: Thanks, Waudu. I think Maarten was going to lead off on this, and then we'll see where we go. Thanks.

MAARTEN BOTTERMAN: Yeah. And thanks for the question, which is slightly different than what I see on paper: What is the Board reaction to the January report from Interisle?

On that one, for sure it's good to see sources and we thank for sharing sources. And it's considered also by those teams at ICANN who are looking into this.

So other than that, I think that we are moving as we do, exploring, and that we have our own responsibility in this that we try to express as well as possible. So for sure the basis of any investigation and any research is what you make it to be, and that's very important to consider.

So with that, we've seen the report, and it's part of what has been considered. And we do our own measurements at the org as well.

MATTHEW SHEARS: Thank you, Maarten.

Anybody else on the board?

I'm not seeing any hands, Jenn, from our side. So I think we can move to the next question.

Thank you.

JENN TAYLOR HODGES: Okay. Thank you.

Waudou, happy -- happy for us to move on to the next.

WAUDO SIGANGA: Hello. I had mentioned that past (indiscernible) is not exactly what was on the agenda, so I just suggested to him if he would like to answer what is on the -- on the agenda, I'll welcome him to. What is your reaction, then? What is your basic general reaction to the -- to the Interisle report?

Unfortunately, I thought -- I was not sure whether you had this report. That's why I said it to move the question around.

MAARTEN BOTTERMAN: Waudu -- Waudu, no problem.

Of course. Yes, the report has been taken, and it raised some eyebrows. And it's been given -- org is considering it and has provided some feedback, and is really trying to understand the basics of where it comes from, how it fits in, and puts next to our own measurements. And with that, yeah, it brought some surprises if we put it back to our own measurements. But the whole item is about getting the input, looking at it, and covering this as well as possible. And the Interisle report is just one data point in this.

Does it help, Waudu?

WAUDO SIGANGA: Yeah. Thank you.

MAARTEN BOTTERMAN: Okay.

JENN TAYLOR HODGES: All right.

MATTHEW SHEARS: Thanks, Maarten.

JENN TAYLOR HODGES: Apologies. I was just going to say thank you, Maarten.

All right. We will move on to the last item, actually, regarding the FY22 draft operation and budget plans.

For this one, I will turn to my BC colleague Jimson Olufuye to lead.

JIMSON OLUFUYE: Thank you very much, Jenn. And greetings to everyone. Board, thank you for your continuous engagement. Again, my name is Jimson Olufuye.

First and foremost, I would like to really appreciate the team for improvement in the documentation. In fact, the highlight we get is really good. The main document is also very comprehensive. So well done.

So I have three interventions, and the first one is regard to the additional budget requests. Really, let me first say that just recently, we have a new officer as -- we have new officer in the BC as finance and operation. So, but before then, I have been in charge of finance and operation for quite a while. And so for the past about three or four years, we have seen that many of our submissions in regard to budget requests were kind of changed and in some cases we don't get to use those change provided for us. So we're really concerned that we are not having the effect. We're not using the budget request as we really desire it should be used by us based on the -- what will be consideration.

We have seen that this trend has been continuing. For example, in FY21, just a meager 1.4% of the submitted 320,000 USD in additional budget requests were just allocated to CSG. So we are submitting again for FY22. We want to really plead with the Board that they really consider our submissions, because a lot of thought has gone into this. So please do take note, because it helps us.

Let me give an instance. Like when we say that we want, say, business leaders to be able to come to attend our event, we really mean it. Not necessarily restricted to a region of ICANN meetings. You can come from whatever region, really. And it also help to really relieve us of burnout. So please consider seriously our requests that we put forward, and we should not be just dismissed or reconfigured, you know, as case has always been now.

Secondly, despite the cancellation of face-to-face meetings caused by the pandemic, it does appear that professional services are not returning to what they were in FY19. What are the current assumptions based on? And what are the current assumptions based in correlation with the ICANN headcount peaking at four or five; that is, FTEs? That's the second point.

Then the third point is, well, we heard a lot about where we're going with S-S-A-D; that is, SSAD. Some say, well, we should actually go ahead and maybe we're having this funding, that we're going to spend about 3- to 4 million USD, or thereabout.

So the question is what is really Board's position? (Indiscernible) the discussion on Digital Services Act will be coming up and NIS2. So what is Board's position? And if it's okay, we are going out to implement, how will it be funded? So firstly on the additional

budget request, submission should be considered. Secondly, with regard to the assumption, want to know the assumption with regard to professional services, (indiscernible) relationship with the full-time employees, speaking of four or five. And, thirdly, on how it will be funded.

Thank you very much.

MATTHEW SHEARS:

Okay. Jimson, thank you very much.

So I think Danko is going to take this. We did get the questions a little late so we're going to do our best to answer them. And I think maybe Xavier might actually jump in as well.

So, Danko, over to you.

DANKO JEVTOVIC:

Thank you, Matthew. Thank you, Jimson, for your question. My name is Danko Jevtovic. I'm the chair of the Board Finance Committee, so I'll try to answer some of your questions, and you may add clarifying subquestions if you like.

First of all, I would very much like to thank the business community for that the very detailed and very thorough public

comment on this year's budget cycle. So we recognize the hard work that went into it, and lots of very, very useful comments into that.

Some of those comments you brought into today's discussion. So I would like to start maybe from the second part. You ask about the professional services and headcount.

So first of all, the amount under professional services was higher previous fiscal year mostly because of the activities regarding GDPR and the support that was needed to get the clarity and to work on those issues. So the amount that is planned for this year is a, of course, realistically planned amount on the amount of work that is expected. And this amount is not directly related to the headcount.

Actually, there was, if I remember correctly, a comment on the headcount in the BC comments, and important point to make is that the projected budget and headcount and the workload is based on the work that has been started by Board's decision. So we all know that a lot of work is income. We mentioned the SSAD, sub pro, auction proceeds. So those things are not in the current budget. And we will need, and of course with the org and Board we were working on the financial structure that will support this work.

So one of the principles of our budget is that we are not spending yearly more than our funding is. So in that sense, the budget is balanced as every time. But we do have some savings from the -- from the meetings that happen virtually, and we know that workload is coming. So we are working on the structures that will support the work that is incoming for the Board and org to be able to execute what's expected by the community.

So some of the questions were regarding directly to the additional budget requests, and I'll try also to comment on that.

So the additional budget request process is executed by the Org. Final decision is done by the full Board on the recommendation of the Board Finance Committee, but there is a process. And the Board's role is to be an oversight of this process. So all the submissions are respective of the group that is submitting, are going through the internal staff team. Then there are further executives that are passing the recommendations to the BFC and then it follows to the Board. So each year the process is the same. So there is no flow from one year to another, and there is no balancing in between stakeholder communities in a sense who is spending what percentage of this amount. The point is there is a criteria. So the criteria is used to evaluate those requests.

And on this other point, there was, I believe, a comment about the travel budget for the GAC for next year's meeting that is planned in The Hague. This is actually related very much to the high-level government meeting, the same thing we had in Barcelona. And this is the reason for this particular meeting, why the number of seats for travel for the GAC is increased.

So I don't know if I skipped part of your comment of -- or if Xavier is on the call, maybe he would like to add some more precision points.

JIMSON OLOFUYE: I think maybe the SSAD.

DANKO JEVTOVIC: The SSAD, we're planning to do the EPDP to understand how much money we actually need and then to go for the decision.

As I said, the Board Finance Committee with the Org is planning on the financial structure that will be needed to support projects that are -- that are multiyear projects with significant amount of money. So SSAD is one of the examples of such projects, and we are preparing to find a way how to do resourcing for such important projects.

Another example, the auction proceeds that were mentioned. Of course, there is segregated funds for that. For example, there is sub pro that we also know is coming but no one exactly knows when, so we'll need a structure for that also.

JIMSON OLOFUYE: Thank you very much.

DANKO JEVTOVIC: Thank you for giving me this opportunity also to thank you about public comments. I was afraid when we started this meeting that we will not be able to have enough time for the fifth point. So maybe some additional questions regarding the money.

MATTHEW SHEARS: Thank you, Danko. Thank you, Jenn.

We have some extra time. Unheard of.

JENN TAYLOR HODGES: I know. Thanks, Matthew. Thanks, Danko and Jimson. Maybe overaggressive time keeping. I don't know, Matthew, if you would be open to this. Given we do have 15 minutes left, I wondered if any of the leads on the previous topics had one other point they

may want to come in on, if you're open to seeing if anyone has one final pressing comment to make.

MATTHEW SHEARS: Absolutely. And if any of the board members would like to ask a question, please raise your hand and let me know, and we can do that as well.

So, yes. Let's use this time. Thank you.

JENN TAYLOR HODGES: Thank you. Any CSG colleagues on any of the previous topics thus far?

Ah, Dean.

DEAN MARKS: Thanks so much, Jenn. Dean Marks here.

I was just wondering if the Board, then, because Göran is here as well, have thoughts now that there has been some progress on the EPDP what the impact is on the privacy/proxy consensus policy? (Indiscernible)I raised that in the chat. And I just thought since we have completion of Phase 1, if there's any -- any thoughts or discussion about when privacy/proxy, the hold may be.

Thank you.

MATTHEW SHEARS: Any Board member want to jump in on this, privacy/proxy?

BECKY BURR: Matthew, my understanding is that there is work going on with the IRT on this. But I confess I don't know exactly where that work is in progress right now. And maybe somebody from Org can fill us in on that. But I've seen evidence, I've seen communications that suggest to me that it's beginning to -- there are ongoing discussions about implementation.

MATTHEW SHEARS: Thanks, Becky. Is there anyone else -- anyone from Org, perhaps, who can provide detail to Dean's question? Otherwise, we can come back to you, Dean.

So, Karen in the chat -- I see Karen has put a comment in as to what next steps are.

BECKY BURR: Actually, I think I do know. My understanding is that the council is going to consider both of the implementation review teams

that have been paused and the council is starting a discussion on this next week.

MATTHEW SHEARS: Does that answer your question, Dean?

DEAN MARKS: Thanks. It does. I'm still -- again, I'm still (indiscernible) when it comes to all the processes. It's just a little confusing to me given that it was policy that had been approved by council and unanimously adopted by the Board, but it's going back to council. I'm not sure I understand that. But I'll try and take a look at the report and maybe that will help. Thanks so much. Maybe Karen can also help educate me.

[Laughter]

If she wouldn't mind.

Thanks, Karen.

MATTHEW SHEARS: Thanks, Karen. Thanks, Dean.

GÖRAN MARBY: May I ask a question?

MATTHEW SHEARS: Please.

GÖRAN MARBY: Are you also providing comments for the legislation to the European Commission when it comes to NIS2, the Digital Services Act? I know there are other parts of the ICANN community who will.

DEAN MARKS: Maybe I can jump in. Göran, I know there are certainly members of the -- of our different constituencies that will be putting in comments. I think it's still under discussion whether the constituencies as a whole will. I don't know if that helps.

GÖRAN MARBY: I don't have an opinion. I was just curious.

DEAN MARKS: No, no, no. I got it. Thanks.

JENN TAYLOR HODGES: Thanks, both. I see Mason has his hand up.

MASON COLE: Thanks, Jenn. We still have some time for some follow-up questions, it looks like.

JENN TAYLOR HODGES: I believe so.

MASON COLE: Okay. So I wanted to --

[Multiple speakers]

I wanted to return back -- I know I sound like a broken record, but I wanted to return back to the NIS2 question and how it applies to the ODP.

I think the BC is concerned here that, let's say, an ODP is done and then the NIS2 evolves into something that's completely different and it impacts the SSAD or the outcomes of the EPDP much more differently than was anticipated.

Would there be an additional ODP conducted at that time to try to reassess where things stand? Or has the Board thought about this?

GÖRAN MARBY:

Mason, it's interesting to think that what you think the legislation can evolve into because so far, it's been fairly confirmed that it's not changing some of the underlying principles. It says actually that it's under GDPR in a sense that GDPR takes precedence over it, which means that GDPR stays in place. It only complements it in certain places.

So I'm curious about what legislation you think might be added to the NIS2 directive that will change the underlying principle that is the contracted party who makes the balancing test according to GDPR. And I'm asking not as a "gotcha," I'm actually quite interested because we don't know that.

MASON COLE:

Right. I appreciate the question, Göran. I'm not sure I know. I'm not sure any of us do know or can anticipate it. This is a new piece of legislation as-is -- which is as new as the proposed EPDP.

And I'm very concerned about wasting time and money and resources on the ICANN front with something that may change before it becomes final.

So I don't --

DEAN MARKS:

If I can just jump in, Mason.

Göran, I think one of the things that we saw in the NIS2 -- and it's definitely -- you're absolutely right in terms of it always staying subject to data protection law.

But it looked like there could be the potential of guidelines being developed to establish legitimate access which may give a lot of clarity on the balancing test which I think all of us, you know, look at that and say: How does that balance work? And there isn't clarity.

And so that's where, I think, a number of us are hopeful that as NIS2 evolves and as it gets implemented, some of those guidelines may be established that give a lot more clarity than is available today.

GÖRAN MARBY:

I mean, this is a lovely discussion. But that -- you know, everybody would like to -- we actually proposed the possibility where we didn't get any answers from the European Commission, was that we take over the balancing test, which we (indiscernible).

But that actually doesn't change the SSAD because it's still -- it's still -- it will make it easier for the contracted parties and minimize their risk.

There were probably some obligations to it as well, but it doesn't actually change the SSAD system itself because the SSAD system doesn't take any legal decisions within it. It's just a place where people can go in and sort of in a queue make sure that they send out to the contracted parties, the colleagues who obviously still make the decision. So that particular thing wouldn't change it.

I'm literally listening to understand where your concerns come from because I always think that your concern has merit.

[Multiple speakers]

MATTHEW SHEARS:

Sorry, Dean, go ahead.

DEAN MARKS:

I was just going to say it's a little bit of a circular thing because the SSAD developed to be simply a ticketing system because of all this legal uncertainty around disclosure and the fact, exactly as you said, Göran, that ICANN Org tried to take steps with the Commission to see if the unified access model could be adopted, never got the responses needed as to whether or not ICANN could take on that responsibility for disclosure.

So really what the community left was coming up with, as you described it, developing a system, Göran. And I think you're absolutely right, if disclosure is all left completely in the hands of the contracted parties with no legal guidance -- or maybe they get a lot of legal guidance as to how to disclose under NIS2, the ticketing system is still just a ticketing system. And is it in and of itself worthwhile and worth spending \$9 million on?

GÖRAN MARBY:

I don't usually do this, but I see a comment in the chat that SSAD is based on assumptions that NIS2 seem to say aren't correct. I want to reiterate what the European Commission has said, that they believe that the additions to NIS2 is supportive of the ICANN multistakeholder model and the SSAD.

So I want to reiterate that because I think that's an important point. I'm not here to market what the European Commission does. God knows I disagree with them often. But it is the intention of the legislators in this case, with that said, to be supportive of the work that's been done on the SSAD. That means they agree with the assumption that it's the contracted parties who makes the balancing test, or the (indiscernible) of the balancing test, and, therefore, they put the legislation in that, my understanding, is aimed to simplify that process.

That doesn't change the underlying assumption of SSAD. So I think that's -- I think that's important to realize.

[Multiple speakers]

DEAN MARKS: Having provided a minority statement that seemed critical of the SSAD with the Commission and all the European member states participating in it, there may be some mixed messages there.

JENN TAYLOR HODGES: Okay, thank you.

MATTHEW SHEARS: Maarten wants to jump in.

MAARTEN BOTTERMAN: Also to thank Dean. As you know, the alternative may be to do nothing until we know everything. And that is just not a viable option. Governments will really come down and take over and do whatever. What we try to do is act on the best information we have. And while we do that, we will continue looking how that evolves. So if legislation in Europe changes, like, with the NIS2 directive, we explore what the impact is on where we're going and it may change.

But in the end, it's clear we need to act. We need to think about how we can do this privacy better. And we need to at least do the steps that bring us at least the protection of showing that we care and take our measures in a reasonable way because that's the other thing.

So we do the best we can, and we're not bound -- it's not like we're going that way and no matter what happens, we're going that way. If things happen, we might change direction. But this is the way we go. And if we change direction, we will not go secretly. But we will make very clear what's happening and why and what the considerations are.

And, lo and behold, if there's time, also very much an interaction with the community to say this is what we do and why we do it.

So I hope that helps. This is not a blind rally to the finish. It's really a field run where we continue to watch the field while we're moving.

MATTHEW SHEARS: Thanks, Maarten.

Jenn, any -- we probably have got time for one more.

JENN TAYLOR HODGES: One more comment? Anyone? I don't see any hands on my -- oh, Mason. Is that a new hand?

MASON COLE: That is, if it's okay for me to jump in again. I don't want to hog the time that somebody else might need. Am I the only hand up?

JENN TAYLOR HODGES: Yes, you are. Go ahead.

MASON COLE: All right. Thank you. So this morning there was a long session on DNS abuse conducted by PIR. And it was well-attended by the community.

I'm wondering how closely the Board is tracking what's happening in the community on DNS abuse and what the Board's current thoughts are on taking action on DNS abuse or helping ICANN Org take subsequent action on DNS abuse.

BECKY BURR:

I'm happy to respond. The Board is tracking -- the Board is tracking the community's work on DNS abuse extremely closely. And it's committed to supporting that work as much as we can. We have focused on the information tools that Org has put together with respect to getting real data about DNS abuse and those statistics. And we've had conversations with every part of the community on it.

This is probably -- comes up in every major topic that we're dealing with. It's a relevant issue with respect to the CCT and SSR2 recommendations. It's relevant with respect to the subsequent procedures. It's obviously an underlying issue in EPDP.

So I think -- I couldn't overstate the extent to which this is top of mind for the Board and the extent to which the Board is committed to supporting the community's work on it.

MATTHEW SHEARS: Thanks, Becky.

Jenn, over to you.

GÖRAN MARBY: From an Org perspective, I just want to add, we have and are investing a lot in tools for you to use when it comes to tracking abuse. And I recommend you have a look at the health indicators, the DAAR reports, plus the DNS ticker.

I hope you will find that information also neutral in a sense that we don't -- we tell all the sources, we tell how we do it, and we have outside academia checking how we do it. We have a good cooperation with many partners when it comes to doing that. So thank you very much.

JENN TAYLOR HODGES: All right. I would just say it looks like we're closing. I would just say thank you so much to the Board for your time. Really grateful. I know we have a lot going on right now. It seems there's a lot to follow up on here, particularly around some of the earlier conversations around holistic review and so on. So I'm sure there will be much conversation to come. But we really are grateful for this engagement and the opportunity. So thank you so much.

MATTHEW SHEARS: Thanks, Jenn. And thanks, everybody. Likewise. Really appreciate this opportunity to have a good discussion. And thanks very much for your time. Looking forward to seeing you virtually over the next week or so.

Maarten, any last comment?

MAARTEN BOTTERMAN: No. You said it well. Thanks. I really appreciated the lively and interactive discussion where we did have the opportunity to go a little bit deeper. So I appreciated this interaction very much. And I'm sure I speak for the entire Board.

And thanks, Matthew, for leading this from our side and you all for good questions and the good suggestions. This is something we're doing together. So looking forward to see you in the other sessions as well.

MATTHEW SHEARS: Thanks, everyone. Meeting is over.

The recording has stopped.

[END OF TRANSCRIPT]