

POLICY ADVISORY BOARD REPORT
PORTMAN SQUARE, LONDON, W1
4 August 2004
MEETING 33

Those present:

Denesh Bhabuta	Elected Member
Alex Bligh	Appointed Member - Council of Management
Iain Bourne	Appointed Member - Office of Information Commissioner
James Conaghan	Elected Member
James Cronin	Elected Member
Sue Daley	Appointed Member - CBI
Michael Duggan	Appointed Member - DTI
Clive Feather	Elected Member
Peter Gradwell	Elected Member
Sebastien Lahtinen	Elected Member
Alex Kells	Elected Member

From Nominet by invitation of the PAB:

Sharon Barwood, HR Manager
Gareth Cook, Communications Executive

1. Apologies

Apologies were received from Mark Lewis, Tom Adams, and Hazel Pegg.

Sebastien Lahtinen reported that following Steve Dyer's departure from the Council of Management, he will no longer be attending the PAB as one of the CoM representatives. The PAB has benefited from Steve's lengthy services both as an elected member, and then on behalf of the CoM as an appointed member.

He also added that Kathy Riley had decided to retire from the PAB due to time constraints. She has offered to find out whether the British Chambers of Commerce can provide another representative in her place.

The PAB commends both Steve Dyer and Kathy Riley for their valuable contributions and feels particular credit is due to Steve for his extended service to both PAB and CoM.

2. Approval of June meeting report

The June meeting report was approved unanimously.

3. Feedback from CoM on PAB recommendations

Gareth Cook went through the paper provided by the CoM.

He also presented the latest copy of the "Status report on PAB & CoM issues and actions" document. The PAB agreed that the revised version of the document was better than the original version, as all the points were numbered and it was easier to follow.

4. Working Groups Update

The leaders of the working groups gave some brief feedback from the sessions they had run at Nominet's AGM.

Peter Gradwell reported that the Internationalised Domain Names working group was now up and running. Clive Feather explained that the group was behind schedule as the group's mailing list had been delayed.

Peter Gradwell explained that the Lock State working group had interim approval and James Cronin gave a brief introduction to the topic for the benefit of the appointed PAB members. The mailing list for this working group was now up and running.

Peter Gradwell reported that the working group on Registration Periods that he is chairing has been given interim approval by the WGSC until the October PAB meeting and that the mailing list is now in operation.

Resolution

The PAB resolved to confirm the WGSC's interim approval of the Lock State Working Group and James Cronin's replacement of Steve Dyer as the chair, and designate the working group as having full approval.

5. Proposal for informing the registrant in respect of data access

Clive Feather and Alex Bligh presented their paper concerning how Nominet should inform registrants in cases where they have been asked to pass data about the registrant to a third party. The point of the proposal was that if registrants have opted out of data being displayed through the WHOIS or PRSS service, then they should be informed if their personal data has been passed on to a third party due to exceptional circumstances.

Alex Bligh explained that Nominet receives several hundred such requests for data about registrants (e.g. as part of Police investigations) per year.

Iain Bourne suggested a number of slight amendments to the proposal, including the fact that if the registrant has not provided Nominet with an email address, they should still attempt to contact the registrant by other means to inform them. He also suggested that should this proposal be accepted by the Board it would be useful to have a plain English explanation of how the procedure works with examples of the circumstances in which such data may be passed to a third party.

Resolution

The PAB resolved to recommend to the Council of Management that where data about a registration, in excess of that available by inspection of WHOIS and/or PRSS, is passed by Nominet to a third party, then Nominet shall inform the registrant by email at the registrant's email contact address if any (or if no such address exists, Nominet shall use reasonable endeavours to use an alternative contact mechanism) of the identity of the third party and the information passed to that third party, and such information shall be sent by Nominet no less than 2 working days prior to the disclosure of such information to the third party. This shall not apply:

- (a) where the passing of such information is prohibited by law
- (b) where it has been, prior to the passing of such information, shown by the third party, to Nominet's reasonable satisfaction, that there is a very substantial likelihood that the rights of others will be damaged by disclosing the fact that such information has been passed, or that law enforcement would be prejudiced.

The PAB further resolved to recommend to the Council of Management that it should take further legal advice in terms of the detailed framing of the policy.

6. Proposal for changing PAB meeting dates

Sebastien Lahtinen presented Hazel Pegg's paper that proposed that the dates of the PAB meetings be changed from 2005. This would avoid problems with half of the meetings clashing with school holidays and also reduce the problem of the lack of synchronisation between the PAB and Board calendars.

Resolution

The PAB resolved to accept the proposal for changing PAB meeting dates, and that PAB meeting dates be changed to the second Wednesday of odd numbered months as of January 2005, and that the December meeting would still take place. The PAB requested the secretariat to produce a calendar of events for the remainder of the year and for 2005.

7. Recruitment for SLD Policy/Procedure panel

Sharon Barwood presented her paper on the recruitment for the chair, secretariat and members of the new SLD panel. She explained that Nominet needs to keep its involvement in the process to a minimum, and be seen to be independent through the process. Sharon outlined the action that had been taken so far to recruit a secretariat and to obtain quotes from recruitment agencies to assist with the recruitment process for the chair and panel members.

She explained the role of the PAB as a nominations committee and how they would validate the short lists for recruiting the panel chair and the panel members. Although the panel chair would be responsible for recruiting the other members it was important that the PAB was involved in the process as it provided another check and balance and ensured that the members were chosen independently.

In answer to a question from James Cronin, Sharon Barwood explained that PAB members, Board members and Nominet staff were excluded from being recruited as panel members, but that Nominet members were not excluded. She also clarified that there was no reason why members of the Dispute Resolution Service (DRS) panel of experts would not be able to join the SLD panel.

It was suggested that the PAB form a sub-committee to discuss the candidates and Denesh Bhabuta, James Conaghan, Sebastien Lahtinen, Iain Bourne, Peter Gradwell, Alex Kells and James Cronin volunteered to join the sub-committee. Sebastien Lahtinen also said that PAB members not present at the meeting should be asked if they wish to join the committee.

As it was felt that the input of appointed representatives would be particularly useful, it was suggested that if Eric Ramage is able to join the committee, he should be asked if he is willing to chair it.

Resolution:

The PAB resolved to accept the recommendations of the Council of Management with regard to the preparation of a shortlist for potential candidates for the SLD panel, and further resolved to form a subcommittee to discuss in September the list of candidates to be provided by the executive recruitment agency for the post of panel chair.

8. Matters arising from nom-steer and pab-suggest

There were no matters arising.

9. Urgent business

Michael Duggan asked if the Secretariat could send a message to the PAB mailing list when the PAB agenda and papers were published on the Nominet website. Gareth Cook agreed to do this from now on.

10. Date of next meeting

The next meeting will be held on Wednesday 6 October 2004.