

At-Large Workspace: Recommendations to Improve ICANN's Transparency

Public Comment Close	Statement Name	Status	Assignee (s)	Call for Comments Open	Call for Comments Close	Vote Open	Vote Close	Date of Submission	Staff Contact and Email	Statement Number
10 April 2017	Recommendations to Improve ICANN's Transparency	ADOPTED 12Y, 0N, 0A	Alan Greenberg Cheryl Langdon-Orr	20 April 2017	22 April 2017	25 April 2017	01 May 2017	25 April 2017	Karen Mulberry karen.mulberry@icann.org	AL-ALAC-ST-0417-01-01-EN

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Brief Overview

Purpose: This Public Comment seeks community input on the CCWG-Accountability Work Stream 2 draft recommendations to improve ICANN's transparency. These draft recommendations were developed by the CCWG-Accountability as required by Annex 12 of the final report of the Cross Community Working Group on Enhancing ICANN Accountability (CCWG-Accountability, Work Stream 1).

Current Status: The CCWG-Accountability reviewed these draft recommendations at its 8 February 2017 plenary meeting and approved their publication to gather public comments.

Next Steps: Following the public comment period the inputs will be analyzed by the CCWG-Accountability WS2 who will consider amending its recommendations in light of the comments received and will publish a report on the results of the public consultation. If significant changes are required as a result of the public consultation the CCWG-Accountability WS2 may opt to have a second public consultation on the amended recommendations. If there are no significant changes required, the CCWG-Accountability WS2 will forward the final recommendations on improving ICANN's Transparency to its Chartering Organizations for approval and then to the ICANN Board for consideration and adoption.

Section I: Description, Explanation, and Purpose

The CCWG-Accountability's final report for Work Stream 1 (WS1), Recommendation 12 proposed that a number of topics which were not essential for the transition to take place and that could not be completed in WS1 (due to time constraints of the transition) be undertaken in a Work Stream 2 (WS2) effort by the CCWG-Accountability. This recommendation was approved by the CCWG-Accountability's Chartering Organizations as well as the ICANN Board at its 10 March 2016 meeting. Annex 12 of the final report list the areas of focus for improving ICANN's transparency:

- Enhancements to ICANN's existing Documentary Information Disclosure Policy (DIDP).
- Transparency of ICANN's interactions with governments.
- Improvements to the existing whistleblower policy.
- Transparency of Board deliberations.

As part of its standard processes the CCWG-Accountability will seek public input on all its proposed recommendations.

Section II: Background

Improvements to ICANN's transparency were part of the CCWG-Accountability's initial recommendations published for public consultation in May 2015:

"9.2 Items for consideration within Work Stream 2

- Limiting ICANN's ability to deny transparency / disclosure requests;
- Institute a culture of default transparency at ICANN, including guidelines for when it is acceptable to classify information, requirements for logging decisions to classify information and procedure for de-classifying information;
- Enhancements to ICANN's whistleblower policy."

The CCWG-Accountability began its work on WS2 in June 2016. As it pursued its work on this topic it added the requirement to improve the transparency of ICANN's interactions with governments. The sub-group responsible for developing transparency recommendations produced its draft in December 2016 which was approved by the CCWG-Accountability for Public Consultation in February 2017.

The draft [PDF, 904 KB] contains 21 draft recommendations on improving ICANN's Documentary Information Disclosure Policy (DIDP), an overarching recommendation on improving the transparency of ICANN's Interactions with Governments, 3 recommendations on improving the transparency of Board Deliberations and 8 recommendation on improving Whistleblower Protection.

Section III: Relevant Resources

- CCWG-Accountability Work Stream 2 - Draft Recommendations to improve ICANN's Transparency – <https://community.icann.org/x/mBWOAw>
- CCWG-Accountability Charter - <https://community.icann.org/display/acctcrosscomm/Charter>
- CCWG-Accountability Work Stream 1 – Final recommendations Annex 12 - <https://community.icann.org/pages/viewpage.action?pageId=58723827>
- CCWG-Accountability Work Stream 1 – May 2015 Public Consultation - <https://community.icann.org/pages/viewpage.action?pageId=52897394>

Section IV: Additional Information

[CCWG-Accountability Transparency Subgroup wiki](#)

Section V: Reports

Staff Contact

Karen Mulberry
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FINAL VERSION TO BE SUBMITTED IF RATIFIED

The final version to be submitted, if the draft is ratified, will be placed here by upon completion of the vote.



AL-ALAC-ST-0417-01-01-EN.pdf

FINAL DRAFT VERSION TO BE VOTED UPON BY THE ALAC

The final draft version to be voted upon by the ALAC will be placed here before the vote is to begin.

ALAC and At-Large Members participated in the CCWG-Accountability Work Stream 2 Subgroup on ICANN Transparency and the ALAC supports the recommendations in their entirety.

The ALAC does have three additional comments though.

1. The Second Accountability and Transparency Review Team (ATRT2) report included: "Importantly, the assessments and recommendations made in this document presume the default condition of transparency as a basis for all ICANN activities." In formally within the ATRT2, the expression that was used was that "transparency should be in the DNA of ICANN". The relevancy here is that if this is the case, the use of tools such as the Documentary Information Disclosure Policy (DIDP) would be significantly reduced. As part of the DIDP process, ICANN must assess and publish why the information being produced had not been initially released, and this should form part of the ongoing monitoring and reporting on the DIDP. The intended result is that ICANN should move towards not needing the DIDP in the vast number of instances.
2. During the Subgroup discussions, there was a concern raised on the possible cost of implementing the recommendations, and in particular the DIDP. The ALAC agrees with the subgroup that at a policy level, cost should not be an issue. However, the cost of the DIDP must be reported and tracked. This will ensure that the community and the ICANN Board and management understand the cost of the DIDP, and implicitly the cost of being less transparent than it might have been.

The ALAC notes that if ICANN were to adopt a stance where transparency IS the default as recommended above, the cost of the DIDP would likely not be an issue.

3. The ALAC questions to what extent ICANN's discussions, meetings, and draft documents with its contracted parties (Registrars, Registries and their representatives) will be deemed to be commercial interactions and therefore not be subject to routine disclosure or the DIDP. At the moment, such discussions are often held behind closed doors without other parties even knowing that the discussions are ongoing. An example is the proposed amendments to the registry agreement which was discussed in private for nearly two years before any announcement was made (<https://www.icann.org/public-comments/proposed-amend-new-gtld-agreement-2016-05-31-en>).

FIRST DRAFT SUBMITTED

The first draft submitted will be placed here before the call for comments begins.

This statement was written by Alan Greenberg with the support of Ricardo Holmquist and Cheryl Langdon-Orr.

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