

Preliminary Recommendation #12 - Financial Sustainability

The EPDP Team recommends that, in considering the costs and financial sustainability of SSAD, one needs to distinguish between the development and operationalization of the system and the subsequent running of the system.

The EPDP Team expects that the costs for developing, deployment and operationalizing the system, similar to the implementation of other adopted policy recommendations, to be initially borne by ICANN org, Contracted Parties and other parties that may be involved. It is the EPDP Team's expectation that the SSAD will ultimately result in equal or lesser costs to Contracted Parties compared to manual receipt and review of requests.

The subsequent running of the system is expected to happen on a cost recovery basis whereby historic costs may be considered. For example, if the SSAD includes an accreditation framework under which users of the SSAD could become accredited, the costs associated with becoming accredited would be borne by those seeking accreditation. Similarly, some of the cost of running the SSAD may be offset by charging fees to the users of the SSAD.

When implementing [and operating] the SSAD, a [disproportionately high] burden on smaller operators should be avoided.

The EPDP Team recognizes that the fees associated with using the SSAD may differ for users based on cost causation.

[Under no circumstances should data subjects be expected to foot the bill for having their data disclosed to third parties; beneficiaries and users of the SSAD should bear the costs of maintaining this system.]

The SSAD should not be considered a business opportunity or profit-generating platform for ICANN; neither should operational costs be shifted onto ICANN (which then flows to the Contracted Party and thus to Registrants) or directly to Registrants or Contracted Parties. [Funding for the SSAD should be sufficient to cover costs, including for subcontractors at market cost and to establish a legal risk fund.] It is crucial to ensure that any payments in the SSAD are related to operational costs and are not simply an exchange of money for non-public registration data.

In relation to the accreditation framework:

- a) Accreditation applicants may be charged a to-be-determined non-refundable fee proportional to the cost of validating an application.
- b) Rejected applicants may re-apply, but the new application(s) may be subject to the application fee.
- c) Fees are to be established by the accreditation authority.
- d) Accredited users and organizations must renew their accreditation periodically.

[The fee structure as well as the renewal period is to be determined in the implementation phase, following the principles outlined above. The EPDP Team recognizes that it may not be possible to set the exact fees until the actual costs are known. The EPDP Team also recognizes that the accreditation fee structure may need to be reviewed over time.

The EPDP Team will further consider whether the resubmission of a request will be treated as a new request from a cost/fee perspective.

Implementation guidance:

The EPDP Team has requested input from ICANN Org concerning the expected costs of developing, operationalizing and maintaining the three different models. Based on the feedback received, the EPDP Team may develop further guidance in relation to the financial sustainability of SSAD.]