

Identifying Decision Points Subject to Review

DRAFT v1.6

Review Mechanism Working Group

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1 Introduction

- 2 During the meeting of 2020-06-03 Public Technical Identifiers (“PTI”) provided a pre-
3 sentation of the main steps of the Delegation and Transfer Process.
- 4 These two processes contained the following sub-processes:
 - 5 1. Initial Evaluation

- 6 2. Technical Check
- 7 3. Consent / Regulatory Check
- 8 4. Evaluation and Findings
- 9 Using the presentation each step in these subprocesses can be rephrased as a ques-
- 10 tion and hence as potential decision points, which are listed as decisions in tables
- 11 1-4 below.

12 **2 Identify Decisions to be Subject to Review**

13 During the previous call the WG agreed upon the following method to identify deci-

14 sions which should be subject to a Review Mechanism.

15 Step 1 First compile a list of decisions taken by the IANA Function Operator (IFO) and

16 the ICANN Board of Directors. The overview of the delegation and transfer

17 processes includes steps and potential decision points.

18 The presentation was based on and reflected: [https://www.iana.org/help/cctld-](https://www.iana.org/help/cctld-delegation)

19 [delegation](https://www.iana.org/help/cctld-delegation).

20 Step 2 Determine if decisions are within the scope of the Policy on Review Mecha-

21 nism:

- 22 • Which decisions are within scope and which are out of scope of the pro-
23 posed review mechanism?
- 24 - Due to limitations of the scope of the ccNSO Policy Development Pro-
25 cess?
- 26 - Considered out of scope due to other criteria?
- 27 Step 3 The WG is advised to discuss the following questions:
- 28 • Who takes the identified decision?
- 29 • Who provides oversight, if any and how is provided?
- 30 There are several working definitions of oversight:
- 31 • In business, oversight of a system or process is the responsibility for making sure
32 that it works efficiently and correctly.
- 33 • In law, government and management, oversight of systems or actions controls
34 an activity and makes sure that it is done correctly and legally.
- 35 A related question is: which decisions should be subject to a review mechanism?
- 36 The questions raised under step 3 are reflected in the headings of Table 1-4 below.

37 **3 Decisions Related to Revocation to be Subject to** 38 **Review as Identified by the FoI WG**

39 According to the Framework of Interpretation (“FoI”) Working Group the term “Re-
40 vocation” (section 3.5 of RFC1591) refers to the process by which the IANA Operator
41 rescinds responsibility for management of a ccTLD from an incumbent manager¹.

42 Further, section 4.8. of the FoI report notes: *The FOIWG believes it is consistent with*
43 *RFC1591 (section 3.4) and the duty to act fairly to recognize the manager has the right to*
44 *appeal a notice of revocation by the IANA Operator to an independent body.*

45

¹Section 4 FoI https://ccnso.icann.org/sites/default/files/filefield_46435/foi-final-07oct14-en.pdf

	Decision	Taker	Oversight	Complaints	Review	Comment
1	What is requested? Delegation? Transfer?	PTI				
2	Are request and supplied data clear about the requested transaction? Is supplied data consistent and well formed?	PTI				
2	Is string eligible for delegation?	PTI				
3	Is all required documentation provided?	PTI				
4	Additional documents or clarification needed?	PTI				

Table 1: Initial Evaluation

The full list of technical requirements can be found at <http://www.iana.org/help/nameserver-requirements>

	Decision	Taker	Oversight	Complaints	Review	Comment
1	Do all name servers respond?	PTI				
2	Do all name servers return correct data?	PTI				
3	Is DNSSEC set up correctly?	PTI				
4	Do supplied email addresses work?	PTI				
5	Is the Registry URL valid?	PTI				
6	Are supplied WHOIS (and RDAP) servers working?	PTI				

Table 2: Technical Check

	Decision	Taker	Oversight	Complaints	Review	Comment
1	Do existing contacts agree to the change?	PTI				See 3
2	Do new contacts agree to their new responsibilities?	PTI				
3	Did incumbent Manager provide consent that meets criteria?	PTI				See 1
4	Is pro-forma used (non mandatory) or alternative?	PTI				
5	Is all required documentation provided?	PTI				
6	Does request meet legal requirements?	PTI				

Table 3: Consent / Regulatory Check

	Decision	Taker	Oversight	Complaints	Review	Comment
1	Is Delegation/Transfer warranted?	PTI				
2	Is proposed Manager operationally and technically competent?	PTI				
3	What is the legal status of the organization and where is it located?	PTI				
4	What is Chronology of community events?	PTI				
5	What are the SIP statements?	PTI				
6	Is there a registration policy	PTI				
7	Is there an implementation plan?	PTI				
8	Have procedures been followed in evaluating the request?	ICANN Board of Directors				

Table 4: Evaluation and Findings

	Decision	Taker	Oversight	Complaints	Review	Comment
1	If the request for an extension beyond the 5 year period (Default Retirement Date is rejected and the ccTLD Manager believes that the rejection is unreasonable or is inconsistent with the Reasonable Requirements Document it may appeal the decision by the IFO	PTI			X	Section 4.4 proposed Policy

Table 5: Identified Retirement Decision to be Subject to Review