

From: atrt2-bounces@icann.org on behalf of [Larisa B. Gurnick](#)
To: [ATRT2 \(atrt2@icann.org\)](mailto:ATRT2 (atrt2@icann.org))
Cc: [Samantha Eisner](#); [Amy Stathos](#)
Subject: [atrt2] Staff clarification and request for additional information - Inventory Item #15 and #35
Date: Monday, September 09, 2013 4:46:04 PM
Attachments: [ATRT2_Inventory of Observations & Potential Recommendations \(Update 9 Sept\).xlsx](#)
[ATT00001.txt](#)

Dear Avri,

Staff has been reviewing the proposed observations and recommendations considered by the ATRT 2 and would like to offer several clarifications. Additionally, it would be very helpful to get further clarification from the Review Team on several points raised. As you are the ATRT 2 member assigned to complete the analysis and the documentation on these particular item, staff would appreciate your consideration of the information summarized here and your response of clarification.

Inventory Item #15 - Assess Ombudsman relationship and confirm framework is consistent with international standards

DRAFT Observation or Recommendation:

- ICANN should review ombudsman bylaw to ensure adherence to international standards in an effort to build confidence amongst stakeholders.
- ICANN needs to reconsider the role of the Ombudsman office as a symbol of good governance and incorporate the office in transparency processes.
- ICANN should consider the use of the Ombudsman in internal mediation processes.

Staff Clarification and Request for Additional Information:

Staff would appreciate a clarification from ATRT 2 regarding what is meant by "internal mediation processes" and "incorporate the office in transparency processes."

Inventory Item #35 - Review actions of the Board and staff in ensuring public interest: Publication of yearly statistical reports on transparency

Draft recommendation:

ICANN should include a yearly transparency report as part of its yearly report. ICANN Transparency report needs to include a section on Employee whistleblowing activity including metric on:

- i. Reports submitted
- ii. Reports that resulted in change to ICANN practices

This report should be created under the supervision of the ICANN Ombudsman. This requires a change to By-laws on the Ombudsman scope.

Staff Clarification and Request for Additional Information:

Staff would appreciate a clarification of "yearly transparency report." ICANN already issues an [annual report](#) on implementation and progress on ATRT1 recommendations. Do you mean "Annual Report of Whistleblower Activities"? If that is the case, it would be helpful to clarify this with a more descriptive term in your recommendation. Staff would suggest the term "Anonymous Hotline" based on research of best practices. Additionally, while staff does not anticipate any issues with being able to report how the Anonymous Hotline is being used, ICANN's ability to report publically on results from Anonymous Hotline may be limited in certain cases due to legal implications. ICANN may be limited to providing a generic disposition due to such legal limitations.

Staff appreciates the significant work effort that you and the Review Team have committed to making ongoing improvements in ICANN's accountability and transparency.

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