

ATRT2 Recommendation 9 Implementation

Decision-Making, Transparency and Appeals Processes

25 October 2018

Implementation Timeline



Recommendation Operationalized

Status of Deliverables

Recommendation 9 Implementation Description

Recommendation 9 includes recommendations of commitments of how ICANN will consider Advisory Committee advice, a requirement that ICANN initiates another review of its Accountability Mechanisms, that ICANN convene a review of the role of the Office of the Ombudsman, as well as commissioning a review of the Anonymous Hotline to assure that it meets with best practices. The Recommendation also specifies areas that ICANN should regularly report on regarding transparency.

	Responsible	Re-plan Date	Original Due Date
9.1 Bylaws Amendment Regarding Advisory Committee Advice	ICANN Organization	✓	October 2015
9.2 Review Accountability Mechanisms	Community (CCWG)	Not applicable (n/a)	March 2016
9.3 Review Ombudsman Role	ICANN Organization	✓	March 2016
9.4 Develop Transparency Metrics and Reporting	ICANN Organization	✓	December 2015
9.5 Review Anonymous Hotline	ICANN Organization	✓	November 2015



Complete
 Planned/In Process
 Behind schedule, expected to recover within original plan
 Behind schedule, original plan to be adjusted

ATRT2 Recommendation 9.1 Implementation

Bylaws Amendment Regarding Advisory Committee Advice

Recommendation fully implemented as of 30 June 2016

9.1 Implementation Timeline



July 2016
No longer applicable

Status of Deliverables

	Responsible	Re-plan Date	Original Due Date
Community consultation to develop Bylaws amendments, including issues of workflow and definitions	ICANN Organization	No Longer Applicable	June 2015
Bylaws amendments provided to Board to approve public comment posting	ICANN Organization	✓	July 2015
Open public comment on Bylaws amendments	ICANN Organization	✓	August 2015
Board approval of Bylaws amendments	Board	✓	October 2015

9.1 Subproject Description

The 9.1 subproject implementation focus is on the proposed Bylaws change recommended by the ATRT2 to impose a requirement on the ICANN Board to acknowledge advice arising from any of ICANN's Advisory Committees.



Complete
Planned/In Process
Behind schedule, expected to recover within original plan
Behind schedule, original plan to be adjusted

ATRT2 Recommendation 9.1 Implementation

Bylaws Amendment Regarding Advisory Committee Advice

Recommendation fully implemented as of 30 June 2016

Recent Update: The ICANN Bylaws approved by the ICANN Board on 27 May 2016 include this requirement.

Project Status

The proposed Bylaws text has been incorporated into the Draft New ICANN Bylaws that were approved by the Board on 27 May 2016 (<https://www.icann.org/en/system/files/files/adopted-bylaws-27may16-en.pdf>).

The Cross Community Working Group on Enhancing ICANN Accountability identified the language recommended for inclusion in the Bylaws through this Recommendation 9.1 as language that should be adopted as part of the Bylaws necessary to be in place for the transition of the stewardship of the IANA functions. The CCWG-Accountability proposal was provided to Chartering Organizations for consideration on 23 February 2016. <https://community.icann.org/x/8w2AAw>, and the Board submitted the proposal to NTIA on 10 March 2016.

Implementation Notes

This Recommendation is now complete, through the embedding of the language in the approved Bylaws. The Bylaws will go into effect upon the expiration of NTIA's IANA Functions Contract with ICANN.

ATRT2 Recommendation 9.2 Implementation

Review Accountability Mechanisms

Recommendation fully implemented as of 31 March 2016

9.2 Implementation Timeline



March 2016
Operationalized

Status of Deliverables

	Responsible	Due Date
Confirm that CCWG-Accountability is reviewing the Independent Review and Reconsideration Processes as part of their work.	Community (CCWG)	✓
Continue regular monitoring of CCWG-Accountability work to confirm that 9.2 is still addressed within their work	ICANN Organization	✓
Assess outcomes of CCWG-Accountability work to confirm if further work is needed to meet 9.2	ICANN Organization/ Community	✓

9.2 Subproject Description

The 9.2 subproject implementation focus is to review ICANN's existing accountability mechanisms through a community-comprised group.



Complete
Planned/In Process
Behind schedule, expected to recover within original plan
Behind schedule, original plan to be adjusted

ATRT2 Recommendation 9.2 Implementation

Review Accountability Mechanisms

Recommendation fully implemented as of 31 March 2016

Recent Update: This recommendation was fully implemented as of 31 March 2016.

Project Status

The Cross Community Working Group (CCWG) Accountability work is addressing reviews of the Independent Review and Reconsideration Processes. Prior to moving forward with the composition of a separate community group, it is important to allow the CCWG work to move forward. If it is determined – through consultation with the CCWG – that the work called for in Rec. 9.2 is not being fulfilled by the CCWG, then ICANN will need to move forward with a separate implementation plan. ICANN will maintain regular dialogue with the CCWG to confirm that work is progressing toward this recommendation.

Implementation Notes

This work will be closely coordinated with the CCWG work. The CCWG work can be followed at <https://community.icann.org/display/acctcrosscomm/CCWG+on+Enhancing+ICANN+Accountability>

ATRT2 Recommendation 9.3 Implementation

Review Ombudsman Role

Recommendation fully implemented as of 30 June 2016

9.3 Implementation Timeline



June 2016
Removed from Workplan

Status of Deliverables

	Responsible	Re-plan Date	Original Due Date
Identify expert to review current Office of Ombudsman structure and consider modification of role	ICANN Organization	Removed from Workplan*	October 2015
Expert review completed, and results socialized with the Board and Community	ICANN Organization	Removed from Workplan*	October 2015
Bylaw changes (if needed) posted for public comment	ICANN Organization (dependent on Board approval)	Removed from Workplan*	January 2015
If extensive modifications identified, allow for further community discussions at an ICANN public meeting after sufficient time to consider recommendations.	Community	Removed from Workplan*	March 2016
Board Approval of Bylaws changes	ICANN Organization	Removed from Workplan*	June 2016

*See Implementation Notes



Complete
Planned/In Process
Behind schedule, expected to recover within original plan
Behind schedule, original plan to be adjusted

9.3 Subproject Description

The 9.3 subproject is for the implementation of a review of the Office of the Ombudsman, the role within ICANN, and whether the duties/scope of the Ombudsman should be expanded or changed in line with suggestions from the ATRT2.

ATRT2 Recommendation 9.3 Implementation

Review Ombudsman Role

Recommendation fully implemented as of 30 June 2016

Recent Update: Removed from workplan to avoid duplication with the CCWG-Accountability's Work Stream 2 effort on the Ombudsman.

Project Status

An expert was expected to be retained and to perform a review of the Office of the Ombudsman by June 2015, with work expected to be completed by October 2015. Because of the unique nature of the Ombudsman role within ICANN, there were challenges in identifying a proper independent expert to undertake this review.

As ICANN was conducting a search for this review, work continued in the Cross Community Working Group on Enhancing ICANN Accountability on modifying the role of the Ombudsman. In addition to the changes to the Ombudsman role that are already reflected in the new ICANN Bylaws (particularly within the Reconsideration Process, where the Ombudsman has a new role), the CCWG-Accountability also noted that it will do a broader review of the Ombudsman role in its Work Stream 2 efforts that are under development now and anticipated to conclude mid-year in 2017. The CCWG-Accountability's Work Stream 2 efforts on the Ombudsman can be followed at <https://community.icann.org/display/WEIA/Ombudsman>. ICANN committed to this work in the Bylaws as approved by the Board on 27 May 2016 (<https://www.icann.org/en/system/files/files/adopted-bylaws-27may16-en.pdf>).

To avoid a duplication of effort, the review of the Ombudsman role was removed from the ATRT2 implementation workplan, and ICANN will support the community's Work Stream 2 efforts to align with the spirit of this ATRT2 recommendation.

Implementation Notes

The review of the Ombudsman role is removed from the ATRT2 workplan in favor of the broader community effort underway within the CCWG-Accountability. Work related to the Ombudsman initiative can be found on the wiki: <https://community.icann.org/display/WEIA/Ombudsman>.

ATRT2 Recommendation 9.4 Implementation

Develop Transparency Metrics and Reporting

Recommendation fully implemented as of 25 October 2018

9.4 Implementation Timeline



October 2018
Operationalized

Status of Deliverables

	Responsible	Due Date
Publish initial transparency statistics in FY14 Annual Report	ICANN Organization	✓
Develop more fulsome set of statistics for FY15 and operationalize full set of statistics for annual reporting	ICANN Organization	✓

9.4 Subproject Description

The 9.4 subproject implementation focuses on developing a full set of statistical data that will be published annually with each Fiscal Year Annual Report.



Complete
Planned/In Process
Behind schedule, expected to recover within original plan
Behind schedule, original plan to be adjusted

ATRT2 Recommendation 9.4 Implementation

Develop Transparency Metrics and Reporting

Recommendation fully implemented as of 25 October 2018

Recent Update: This recommendation was fully implemented as of 25 October 2018.

Project Status

Recognizing that transparency is a broad and evolving subject, it features as a continued topic of discussions and work amongst the Board, community, and org.

The full component of statistics recommended for tracking within the recommendation and set of transparency efforts was published by ICANN org in its 2018 Annual Report, available at <https://www.icann.org/en/system/files/files/annual-report-2018-en.pdf>.

ICANN org provides updated transparency metrics in Section 5.2 of the Accountability Indicators Dashboard. These describe and track the key areas of transparency work in ICANN's operations. Transparency metrics include:

- Requests of the Documentary Information Disclosure Policy (DIDP) process and the disposition of requests.
- Percentage of redacted-to-unredacted Board briefing materials released to the general public.
- Number and nature of issues that the Board determined should be treated confidentially.
- Other ICANN usage of redaction and other methods to not disclose information to the community and statistics on reasons given for usage of such methods.
- Employee "Anonymous Hotline" and/or other whistleblowing activity, including: i. reports submitted; ii. reports verified as containing issues requiring action; and iii. reports that resulted in change to ICANN practices.
- Continued relevance and usefulness of existing transparency metrics, including considerations on whether activities are being geared toward the metrics (i.e. "teaching to the test") without contributing toward the goal of genuine transparency.

There are also other reports already in existence that help meet the recommendation, such as the annual report on the usage of ICANN's accountability mechanisms that is published every year on the Board Governance Committee page following ICANN's Annual General Meeting. https://www.icann.org/resources/pages/annual-reports-2012-02-25-en?routing_type=path#reconsideration-requests.

Implementation Notes

In response to Recommendation 9.4, ICANN published its [Annual Report](#) in October 2018 which includes a new section for the Transparency Report. The objective of this report is to bring additional clarity and understanding of how ICANN fulfills its transparency commitments. The report provides an overview of ICANN's existing transparency activities, share new initiatives planned for the upcoming year, and provide measurable data of ICANN's progress toward greater transparency.

ATRT2 Recommendation 9.5 Implementation

Review Anonymous Hotline

Recommendation fully implemented as of 30 September 2016

9.5 Implementation Timeline



October 2016
Operationalized

Status of Deliverables

	Responsible	Re-plan Date	Original Due Date
Identify expert to review existing policy and processes	ICANN Organization	✓	✓
Expert report completed	ICANN Organization	✓	✓
Complete implementation of modifications to policy	ICANN Organization	✓	December 2015
Publish report to community	ICANN Organization	✓	December 2015

9.5 Subproject Description

The 9.5 subproject implementation will conduct a review of the Anonymous Hotline policy and processes, implement any proposed modifications to policy and publish a report on results to the community.



Complete
Planned/In Process
Behind schedule, expected to recover within original plan
Behind schedule, original plan to be adjusted

ATRT2 Recommendation 9.5 Implementation

Review Anonymous Hotline

Recommendation fully implemented as of 30 September 2016

Recent Update: An expert conducted and completed a review of the Anonymous Hotline Policy and Procedures in January 2016. The expert analyzed the Anonymous Hotline Policy and Procedures to accepted global framework, identified gaps and provided recommendations for possible improvements that would elevate the Anonymous Hotline to a best practice reporting mechanism.

ICANN published the results of the review at <https://www.icann.org/en/system/files/files/icann-hotline-policy-review-21mar16-en.pdf>.

ICANN also commissioned a report reviewing the feasibility of expanding the use of the hotline more broadly to the ICANN community. That report is available at <https://www.icann.org/en/system/files/files/icann-hotline-policy-review-21mar16-en.pdf>.

Project Status

As at September 2016, ICANN has identified the specific implementation steps to address the recommendations furnished by the expert in its report. ICANN has completed the 1st tranche of the modifications in the updated the Anonymous Hotline Policy and Procedures, and we are in the final stages of further updating and modifying the Anonymous Hotline Policy and Procedures.

Some of the modifications that have been implemented include:

- The Anonymous Hotline Policy has been revised to allow reporting of all issues and concerns associated with misconduct related to laws, organizational policies and standards of conduct.
- The Anonymous Hotline Policy has been updated to include a description of good faith reporting and to define “non-retaliation” policy in more detail.
- A method has been adopted to ensure that the policy and procedures are both readily available to ICANN Organization to ensure that those who use the Anonymous Hotline have the benefit of the information in both documents.
- The Anonymous Hotline Policy has been updated to reflect that a reporter will receive an acknowledgement of receipt of report from the hotline service provider within 24-48 hours of making a report.

Implementation Notes

None.