

# ATRT2 Recommendation 9 Implementation

Decision-Making, Transparency and Appeals Processes

31 December 2016

## 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	Nov 2016	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No longer applicable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Community consultation to develop Bylaws amendments, including issues of workflow and definitions	ICANN Organization	No Longer Applicable	June 2015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

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.

# ATRT2 Recommendation 9.4 Implementation

## Develop Transparency Metrics and Reporting

31 December 2016

### 9.4 Implementation Timeline



### 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	November 2016

### 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

31 December 2016

**Recent Update:** Metrics supporting transparency are published in various places on icann.org. ICANN Organization to develop Annual Transparency Report to collect metrics in one centralized location. This work is aligned with the Performance Metrics and Key Performance Indicators in the process of being refined across ICANN (see [Dashboard](#)). The strategic objective that is closely aligned with transparency reporting is 5.2, which states that “ICANN will promote ethics, transparency and accountability across ICANN.” Cross-functional effort is currently underway to refine reporting of activities and measures supporting this goal - for ICANN Organization, Board and Community.

A working session was held at ICANN57 in Nov 2016 to gather feedback on this work.

The Transparency Report is targeted for publication by first quarter 2017. Work is currently underway.

### Project Status

As the ATRT2 Final Report was approved at the end of FY14, the full component of statistics recommended for tracking within the recommendation was not operationalized for that year. ICANN published an initial set of transparency statistics in its 2014 Annual Report, available at <https://www.icann.org/en/system/files/files/annual-report-2014-en.pdf>. Work is already underway to track statistics on a broader basis for future annual reports that will be more specifically focused on transparency efforts.

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](https://www.icann.org/resources/pages/annual-reports-2012-02-25-en?routing_type=path#reconsideration-requests).

Once this full set of data is identified and cross functionally reviewed it will be published. Given planned changes to the ICANN annual report, we are in the process of developing a report dedicated more fully to accountability and transparency benchmarks and tracking, and plan to have an annual transparency report available by first quarter 2017, to be developed and established as a standard operating procedure.

### Implementation Notes

In response to community Recommendation, ICANN will publish an Annual Transparency Report in the first quarter of 2017. The objective of this report is to bring additional clarity and understanding of how ICANN fulfills its transparency commitments. The report will provide 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. The report will be opened for public comment to gain input from the community on additional information to be considered for reporting in order to improve community's understanding of ICANN's transparency-related activities.

# 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 1<sup>st</sup> 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.