

Inventory of ICANN's Accountability Efforts

To help inform the community dialogue, the following is an inventory of all of the work within ICANN that is directed towards its accountability efforts. ICANN has many mechanisms through which it remains accountable. In addition, a fundamental part of accountability is transparency and providing the community with information on how ICANN is meeting its accountability goals. To that end, below is an inventory of some of ICANN's accountability and transparency efforts.

- **The Affirmation of Commitments** [PDF, 355 KB] – An affirmation of how ICANN will perform its DNScoordination role, including commitments to the multi-stakeholder model, to operate in a transparent manner and in the global public interest, and, among other things, to undertake community-led, regular reviews relating to accountability and transparency and three other fundamental organizational objectives (outlined below).
- **AoC Reviews** – Pursuant to the AoC, ICANN undertakes periodic assessment by community review teams of ICANN's progress toward: 1) ensuring accountability, transparency and the interests of global Internet users; 2) preserving security, stability and resiliency of the DNS; 3) promoting competition, consumer trust and consumer choice; and 4) WHOIS policy. To date, two community review teams have assessed ICANN's commitment "to maintain and improve robust mechanisms for public input, accountability, and transparency" since the AoC was instituted in 2009.

The **first Accountability & Transparency review** [PDF, 876 KB] completed under the AoC contained 27 recommendations to enhance activities throughout ICANN, including the governance and performance of the Board, the role and effectiveness of the Governmental Advisory Committee, public Input and public policy processes, and review mechanisms for Board decisions. All recommendations were accepted by the ICANN Board and implemented, and the subsequent improvements inspired additional work, supporting a continuous improvement cycle. The **second Accountability & Transparency review (ATRT2) report** [PDF, 3.46 MB] was received by the ICANN Board, posted for public comment in January 2014, and is being considered by ICANN's Board.

The ATRT2 reviewed: 1) ICANN's execution of its accountability and transparency commitments; 2) ICANN's implementation of recommendations issued by the first Accountability & Transparency

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Review Team, the former WHOIS Policy Review Team (WHOIS) and the former Security, Stability and Resiliency of the DNS Review Team (SSR); and 3) the GNSO's policy development process. The ATRT2 proposed twelve recommendations with detailed subparts to improve operations in various areas of ICANN. These include: Board performance and work practices; policy/implementation/executive function distinction; decision making transparency and appeals processes; GAC operations and interactions; multilingualism; cross-community deliberations; AoC review process effectiveness; and financial accountability and transparency. In March 2014, in consideration of the ATRT2 report, the ICANNBoard **requested** that it be provided with materials to support further action, including proposed work plans and budgets for the implementing the recommendations. The Board committed to acting on the recommendations by 30 June 2014, in compliance with the AoC requirements.

The community **review team** charged with reviewing WHOIS policy and implementation provided its **report and recommendations** in 2012. The ICANN Board took **action** on the recommendations six months later, providing ICANN's President and CEO with detailed guidance on how to proceed with implementation of the sixteen recommendations and their subparts. Implementation is ongoing and tracked through periodic **status reports** [PDF, 629 KB].

The community Security, Stability and Resiliency of the DNS **review team** also completed its work in 2012. The ICANN Board accepted its the **report and recommendations** [PDF, 1.16 MB] six months later and instructed ICANN's President and CEO to proceed with implementation of the 28 recommendations. Implementation is ongoing and tracked through periodic **status reports** [PDF, 505 KB].

The fourth community review to which ICANN committed under the AoC will address "Competition, Consumer Trust and Consumer Choice" after new gTLDs have been in operation for one year. This review, which has not yet commenced, will assess the extent to which "the introduction or expansion of gTLDs has promoted competition, consumer trust and consumer choice, as well as effectiveness of the application and evaluation process, and safeguards put in place to mitigate issues involved in the introduction or expansion."

- **Bylaws-mandated Redress Mechanisms** – ICANN offers three formal mechanisms for addressing complaints. The **Office of the Ombudsman** reviews claims of unfairness by ICANN or its constituent entities. The Reconsideration Process is a mechanism to challenge staff action taken against ICANN policies, or Board actions taken

without consideration of material information or based upon false or inaccurate information. The Independent Review Process allows for claims that the ICANN Board acted in a manner inconsistent with its Bylaws or Articles of Incorporation to be considered by an independent panel of neutrals. More information on these mechanisms is available [here](#) and a chart describing the mechanisms is available [here](#) [PNG, 983 KB]. Following from the first accountability and transparency review, ICANN convened the [Accountability Structures Expert Panel](#) (ASEP) to review the Reconsideration Process and the Independent Review Process, and the ICANN Board approved the resulting revisions in April 2013. The ATRT2 has recommended a community review of these mechanisms.

- **Organizational Reviews** – As required by the Bylaws, periodic reviews of the performance and operation of each Supporting Organization, each Advisory Committee (other than the Governmental Advisory Committee), and the Nominating Committee are organized to determine 1) whether that organization has a continuing purpose in the ICANN structure, and 2) if so, whether any change in structure or operations is desirable to improve its effectiveness. These regular reviews allow an examination of the continuing efficacy of ICANN's component entities. Detailed information on each organizational review and its subsequent improvement efforts is available [online](#). The ICANN Board's Structural Improvements Committee, which is responsible for overseeing Bylaws-mandated reviews, is assessing these and related review mechanisms to identify potential improvements.
- **Bylaws and Documented Relationships** – ICANN's Bylaws set out its commitment transparency and ICANN's mission and core values. In addition, the Bylaws define ICANN's relationships to its component entities, including its Supporting Organizations and Advisory Committees. The Bylaws include detailed requirements for how the Board considers community-developed policies and receives advice. Some of these relationships are further defined through more detailed documentation, such as the Memorandum of Understanding with the Address Supporting Organization, or ICANN's Accountability Framework program through which it has formal, documented relationships with a number of country-code top level domain operators.
- **Board of Directors Documentation** – ICANN makes available a significant amount of documents relating to the [Board of Directors](#), including briefing material, resolutions and minutes. Since 2010, the ICANN Board has provided detailed rationale for its decisions, which

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are published in both Resolutions and Minutes. All resolutions of the Board are tracked in a [searchable tool](#), with information on how the mandate within each resolution was achieved. The Board is also starting to make public how it addresses the advice it receives from the Advisory Committees, with both the GAC Register of Advice as well as the new [Advice tracking tool](#) on myicann.org. The Board also makes public a wealth of information relating to its governance, including the publication of Board Members' [Statements of Interest](#), and adherence to the publicly available Board Code of Conduct, Conflicts of Interest Policy and Governance Guidelines.

- **General ICANN Operational Information** – ICANN makes available a wealth of [information relating to finances](#), including an annual budgeting process developed with community input, the posting of quarterly financial reports, as well as the annual posting of ICANN's Audited Financial Statements (after the completion of an independent, third party audit) and the annual Form 990 tax filing. ICANN also posts information on the remuneration of staff and Board compensation. For tracking of ICANN's operational activities, ICANN posts information about [current projects](#) across the organization on myicann.org. For an overall view of performance, ICANN publishes an [annual report](#) each year. ICANN also maintains the [Documentary Information Disclosure Policy](#) (DIDP) for members of the public to request the release of information within ICANN that is not already publicly available.
- **ICANN Board Selection process** – The [ICANN Board selection](#) process is also an important accountability tool. The selection of voting Board Directors occurs through different community processes. The [Nominating Committee](#) appoints eight Directors, ICANN's Supporting Organizations appoint six Directors (specifically, the Address Supporting Organization the Country-Code Names Supporting Organization (CCNSO) and the Generic Names Supporting Organization (GNSO) each appoint two Directors), and the At-Large Community appoints one Director. With the selection of Directors driven by the community, each of these groups has the opportunity to make their selections based on an assessment of who will act in the best interests of ICANN.
- **External Laws** – ICANN, as a California Not-for-Profit Public Benefit Corporation, is obligated to follow the laws of the State of California. For example, all of the ICANN Directors hold a fiduciary duty to act in the best interests of ICANN, and not for their own personal (or business) benefit. ICANN has the ability to sue and be sued for its actions and to be held responsible in a court of proper jurisdiction for its dealings with

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the global community. ICANN is also subject to both California's and the U.S.'s laws and regulations regarding ICANN's tax-exempt, public benefit status, which each require ICANN to act in furtherance of its stated public benefit purposes.