

ICANN

Public Comment Enhancements Webinar

January 22, 2015

10:00 UTC

David Olive: Okay, let's begin. Welcome to everyone and let me also say Happy New Year. This is David Olive, Vice President of Policy Developments Support conducting a - the beginning of this webinar. I'm here in our regional hub in Istanbul, Turkey. Again, thanks for joining this briefing. The purpose of today's call is to familiarize you with changes that are going to go into effect in January -- late January -- regarding ICANN's public comment processes.

I expect it will take about 20 minutes to review the changes and then open things up for questions. We should be out of here well before the end of the hour, but we have time to go the full period if necessary to address any of the questions you may have. I'll be giving a brief introduction and then I'll turn things over to Rob Hoggarth -- our Senior Policy Director -- who will offer further details of the changes and how they may impact your future efforts to seek community input into the work of ICANN. During the briefing, please put any questions directly in the chat box and we'll address them and of course we'll have time to answer some questions later.

Turning to the first slide, I'll note that these are not the first changes that have been made to ICANN's public comment process and they won't be the last.

This slide gives you some perspective and content on where these changes fit into the recent evolution of the public comment processes at ICANN. In recent years, public comment changes have been driven by a group of community advisors serving on the Accountability and Transparency Review Team. The first ATRT team -- back in 2012 -- made a number of recommendations adopted by the board and implemented by staff. The second review team assessed the success of those initial changes and made even further recommendations. Those efforts were finalized by the ICANN board last year and represent the catalyst for the changes we're about to describe to you today.

It's also important to note that due to the ATRT 2 recommendations, we hope over the next year or so to look at further improvements as to how we solicit, collect, assess, and address community input into our work at ICANN. Community input can be more than official written comments and that is something we have to explore more closely as ICANN's work continues to grow and as technology improves so that we can use that to capture more public comments and your inputs.

With that, I'll now turn it over to Rob Hoggarth to give you some of the specific changes that we are officially implementing on the 26th of January in this latest step of ICANN's public comment evolution. Rob, the floor is yours. Thank you.

Rob Hoggarth: Thank you very much David and good day everybody. Thanks for joining us. In the next 15, 20 minutes or so I'm going to talk to you about two major areas. One, I'm going to summarize the four major enhancements that are being introduced into the public comment infrastructure at ICANN and I'll also spend a couple of minutes talking to you about four process changes that we're instituting as staff to make the process more effective and efficient from

a staff management standpoint and what we hope will be improvements for you as members of the community as well.

One final housekeeping thing in terms of the questions and answers that David mentioned; we invite you please to take advantage of the Adobe Connect room chat function throughout my summary to give an opportunity to react to any statements that I make, ask any general questions you have about public comments, and my colleagues will be happy to answer them. And in terms of actually speaking on the conference bridge, if you do have a question as we move to Q & A at the end of the session, I'll remind you to press star one on your phone when you try to join the queue. That'll give us an opportunity to have you state your name clearly for the record and that you'll be placed into the Q & A queue for any questions that you want to ask live verbally rather than just by typing into the chat room. So thank you for that.

Now, let's turn to the four major enhancements that are being introduced next week to the public comment infrastructure ICANN. They're summarized on the slide in front of you. The first is a change to the comment and reply comment cycles. For the next six months, the reply cycle is going to be suspended. And in conformance or in direct correlation with that, the comment period -- formerly of 21 days -- is going to be maximized to a minimum of 40 days.

Subsequently when staff summary reports are prepared by staff, we've instituted some enhancements in terms of the timeliness and tracking of those staff summary reports and we're also going to be introducing a community inquiry protocol for the staff summary reports to help members of the community who have questions or concerns about some of those staff summary reports. Let me go through each one of those in turn for you to give you a little bit more detail.

As David mentioned, the public comments within the ICANN infrastructure and the context of community and input and feedback to ICANN's work has never been a static thing. The public comment opportunities that ICANN creates for the public and members of the community to comment on our work have evolved over the last decade at ICANN. The most recent evolution that David mentioned was the result of recommendations for - from the first Accountability and Transparency Review Team, ATRT 1.

And one of the major innovations that that review team introduced was the concept of reply cycles. The intent was to try to create more of a dialogue within the public comment infrastructure to allow members of the public and the community to engage in more back and forth discussions about their points of view that they had about the work of ICANN.

After about the first year and a half of the reply cycle concept and its implementation, staff conducted an analysis of whether that system was working. And we found some rather stark and interesting statistics as we did our analysis. Only 75% of all the replies that were actually submitted in the reply cycle periods were actually just original comments. They happened to be submitted after the deadline.

And as we looked into that more closely -- based on feedback from many of you from the community perspective -- we learned that in bifurcating or splitting the comments and reply comment period; we were actually shortening the opportunity for comment. And many members of the community had to use the reply comment phase for the time period that they were using to submit their original comment. So a number of the reply comments that came in were, you know -- upon close reading -- really just the original comments that many people were submitting.

Even after we, you know, did the analysis and sort of peeled off those comments that came in during the reply phase, we found that 64% -- almost two thirds of all the public comment forums had not legitimate replies that were submitted. Granted, there were comments submitted during that period, but they weren't active, you know, dialogue or feedback or reactions to original comments. And if you looked at all of the comments submitted since January 12th in the various solicitations -- and in the last four years there have been 286 public comment forums -- the average was literally one reply throughout all of those comment periods per proceeding.

So based upon the overall recommendations provided by the second Accountability, Transparency and Review Team and after David sort of raised the trial balloon back last summer suggesting that staff was looking at suspending the reply cycles, we made the decision to move forward and -- at least over the next six months -- take away the reply cycle and in turn expand the reply -- I'm sorry -- suspend the reply period and expand the regular comment period itself.

And that leads to our second change, and that's the - a new 40 day default minimum comment cycle. The thought behind the concept of adding more time to the comment period at ICANN is in direct response to the feedback we got on the reply cycle and the analysis of the statistics that we came through on that. And that is that the community has consistently said that you all need more time in terms of preparing your comments. Many communities within ICANN have very active workloads, particularly during the current cycle here at ICANN with many major strategic changes in the offing. And so we thought it was important to create more opportunities -- more time -- for individual communities to consult, discuss what they want to say in their comments, and be able to produce them.

And thus we've produced and gotten nods of positive feedback -- both from senior staff and from members of the board -- to go with a new target minimum, which is almost twice as long as the present 21 day comment period. And -- again -- that would be a default minimum period of time. Our expectation is that -- and we're already seeing that many comment cycles are - - being requested for a longer than 40 day period.

But we also wanted to put in the capability where if there were important timing matters, if there were quick turnarounds that the board of directors needed for shorter periods of time, or where there is specific ICANN contractual or bylaw requirements that take precedence there could be a shorter comment period. But for staff to institute a shorter than 40 day comment period, they'd need prior approval from two of ICANN's senior staff, at least two of the vice president level or above to permit a shorter cycle.

So again, moving forward over the next six months, the focus is going to be on a default minimum of 40 days to give members of the community an opportunity to comment on ICANN's work. For those of you who are paying attention to the various public comments that have been coming up since the end of last year as part of our staff transition, we've asked staff responsible for public comments to already begin instituting that approach so that the public comment cycles that you're seeing come out over the past couple of weeks -- and of course going forward next week -- are all going to be with that focus of a minimum 40 day period for providing comments.

An additional change that we've instituted really focuses more on the expectations from you and the community in terms of when you'll be seeing staff summary reports. You know, the comments are a critical aspect of ICANN's work and then substantial role that staff plays in the public comment

process is to provide summary and analysis of the comments that have been submitted. This staff summary report and analysis tool is a very useful part of the process, because it gives those of you who are commenting an opportunity to see a summary and get a sense of what other commenter's have said in the proceeding.

And the staff summary report is also a useful tool for the decision makers or the - for the individuals who are helping to flesh out a particular work product on the part of ICANN to fully understand what the general lay of the land is for the various community comments and feedback and to use that feedback and that information to either make a final decision or modify a draft document or help them move forward on some preliminary findings that they've made with respect to some of the work of ICANN, be that a working group, some staff implementation work, or other decisions that maybe the board or one of the supporting organization councils need to make.

And so it's a very important part of the process to know when the staff summary report is coming out, what's in it, and everything else. So we've introduced some new graphics into the process that will provide a better vision as to when a staff summary report is due with some provisions graphically to indicate when there are circumstances that the staff report is overdue and otherwise just give you a general sense when you want to follow a proceeding as to what the status of that proceeding might be at any point in time.

For a number of you who are familiar with using the public comment tool on the icann.org Web site, you may be aware of this, but we've learned that not everybody is. On the slide that I've got in front of you, when you -- in the future -- look toward -- and even now -- when you look toward commenting, participating, or just following a proceeding, there's a small little blue box that says follow updates at the top of each public comment forum page.

And if you're interested in following when people are submitting comments, when they're looking and see updates about the forum -- maybe an extension of the comment period itself or some comment or guidance that staff wants to provide regarding that proceeding -- you can click the follow updates. And that gives you as an interested follower an opportunity to see when comments are filed, to see when the deadline for the comment period is coming up. And now with this extra graphic innovation, you'll get to see when the staff report is due, when it has been filed, and with links to that reported public comments as well. So we hope that that's going to provide a little bit better graphic portrayal of what's going on in terms of the proceeding generally.

In addition to the graphic improvements, we've also instituted internally within staff a number of specific goals regarding the timeliness and accountability for producing those staff summary reports. When we went back and looked through our analysis of the more than 200 public comments over the last three, four years, we were very comforted to note that for the most part staff summary reports are - have been produced within two or three weeks of the closing of a public comment period. And so for the staff perspective, it appears to be a very good track record in terms of producing those reports.

But -- from time to time -- that hasn't worked out and for various reasons a proceeding that has recently closed will go for a considerable period of time without a staff summary report being posted. And up until now we really haven't had a mechanism for advising members of the community, other interested people -- maybe the decision makers or others -- as to when that staff summary report would be coming out. So we've established within staff a target deadline -- an (unintelligible) if you will -- of two weeks after the close

of a comment period, the expectation that a staff summary report will be produced.

Similar to the 40 day comment period, that's a default. And we've set up a venting mechanism -- if you will -- within staff to give staff an opportunity to create or announce that there will be some additional time needed to complete a staff summary report. So when we look back over the last several years, we saw that there were, you know, a number of circumstances where legitimately a report could take longer than two weeks.

It might be a situation where a huge number of comments came into a proceeding where, you know, for the most part comments tend to come in toward the end of a comment cycle, you know, where staff would have 60, 100 or more comments all sort of submitted at the same time. So in circumstances like that, we want to be able to give staff some additional time to produce the report, but -- and here's the key -- to make sure that the comment forum page on the icann.org Web site reflects what that date will be.

Similarly, when staff are putting together public comment periods, we don't often have the luxury of scheduling them at a particular time of the year or a point in time. And so when staff prepares their documentation for opening a public comment period, if they see that the comment period may be ending at the beginning of an ICANN public meeting or just before a general holiday period in a particular region or a place where they're working, we also want them to be able to identify that -- once again -- managing the expectations of everybody so that folks have an idea as to when the public comment period's expected to not only end but when the staff summary report will be produced.

And then finally, you know, there are circumstances where there might be an illness or other difficulties that comes up at the last minute and again, we

wanted to give staff an opportunity to flag that and be able to alert all of you in the community that there may be a period of time where it's going to take longer than two weeks. But again, the goal is -- and what we've continued to see is -- that the majority of staff summary reports are being produced within a two week timeframe.

Finally, in terms of innovations -- and this was a particular specific request from the second Accountability, Transparency Review Team -- and that was for staff to create a protocol to address community inquiries -- comments, concerns, complaints, whatever you want to call them -- about the staff summary reports. And so we sat down -- working with our colleagues in Web development -- to create some new pages that are going to be available on the public comment space on icann.org that will give more information in those rare instances where there might be a question or an inquiry about the staff summary report.

I've been at ICANN for almost seven years now. In that period of time, I think there have been one, maybe two situations where members of the community expressed concerns about the staff summary reports. And since the staff summary report is such a critical element in terms of the public comment infrastructure that the ATRT 2 thought it was important for us to create that process or protocol, if you will. So we have done that.

And the general guidelines for that new protocol are that you as a member of the community if -- after looking at the staff summary report -- are concerned about how your comments were described or generally in terms of how the staff summary report was provided, you'll have an opportunity within 30 days of the publication of that report to raise the issue with staff. Based on the protocol that we set up, an e-mail will be directed to our staff public

comments e-mail address and staff has an obligation within seven business days to resolve that issue or resolve those concerns.

In other words, the community has a good period of time to get - to look at the staff summary report, but that staff is then expected very quickly to come back with an answer and a resolution of the inquiry or the question that the community member raised - that the commenter raised about how their comments were submitted.

In those instance where a report is submitted, we have that -- as you'll see on the example on this slide -- the capability now to graphically indicate on the public comment page underneath the report that an inquiry has been submitted and then ultimately that inquiry result in a change to the report we'll also have a flag for the reissued report. So at the end of a forum, anyone looking back at this historically will be able to see all the comments submitted, the staff summary report that had been filed, any inquiries that may have come into the report, and anything that's been reissued for full transparency in terms of what was created and what the final result was.

We hope that that will give all of you in the community an opportunity to understand what went on and give any decision makers who were involved in the proceeding an opportunity to see the full range of what took place during that proceeding.

What we haven't instituted yet would be a formal appeal process. Granted -- given the very rare instances in which reports have been filed in the past -- we hope that that's not going to be necessary. Clearly the ICANN ombudsman process still exists and there will be records of any inquiries that are submitted. So we hope that that will address and satisfy the ATRT 2

recommendation. But as with the other major enhancements that we've introduced here, we're going to be looking at this after six months.

So the middle of this year we'll be looking at all the data and the statistics that we're going to be collecting and we'll be able to make an assessment, produce a report, and you'll all be able to see any recommendations we have for future evolutions of these comments. Metrics and data are going to be an important element for all of us to see what's working and what's not working as we continue to look to evolve and improve community input and feedback in the work of ICANN.

So that is an overview of the four major enhancements that are being formally launched next week. But there are four process improvements that we've also shared with staff -- even partnered with our colleagues -- to make sure that we continue to improve this important tool within ICANN's quiver for public input and feedback. And I've got those outlined on slide nine here for you.

The first is -- as we've already discussed -- the team review -- if you will -- of all solicitations and reports. I mentioned on a couple of the previous slides this public-comment@icann.org e-mail address. That's going to be the central means of communication for both staff and the community for our work in managing the public comment process needs. We've instituted a process where all public comments and all the original requests for public comments are going to go through our staff public comment team.

What we hope this will do is provide for some assurances in terms of consistency, in terms of just general ability to regularly observe, manage, and, you know, adjust based upon what we're seeing taking place in terms of workload, in terms of bottlenecks in the process. You know, the concerns that many of you expressed in the past about, "My goodness, there are five or six

public comment periods opening at the same time." So this is an internal process that we're going to be using as staff to try to get more information, get a little bit better understanding of what's happening with respect to the public comment process so that we can adjust that dynamically over time.

We've also introduced -- as you would expect with some of these general enhancements -- some new staff guidelines and templates to reflect these new changes that staff is now going to be using to help them when they're planning public comment periods, when they're initiating a public comment period, and providing an ongoing resource for staff so that they can manage each public comment forum in an effective way.

As many of you know from a staff perspective, some teams regularly use the public comment process. You know, a policy development support team is very familiar with public comments, but there are other departments within ICANN -- other staff -- who may only do one public comment per year or every two years. And particularly as the ICANN staff has grown, we wanted to make sure that we have an internal support system so that we can provide that help and systems to staff who may be new to the process or who just don't use it as frequently.

What we have chosen to do is that all of that staff guidance -- all the templates and other information about establishing a public comment process and moving forward with it -- are posted on the community wiki. So that all of you as members of the community can have a behind the scenes view -- if you will -- but a much more transparent view of how staff is expected to set up forums, what considerations we take in terms of setting them up, what the processes are for doing that. And we hope that that'll provide another measure of comfort from a community perspective that we're doing what we need to do to make the infrastructure as effective and efficient as possible.

I already mentioned, too, the public comment timeline graphic. That's something that has already evolved since the new icann.org was launched last year. We're very interested in getting feedback on how we describe the display graphically what's going on with the public comment process. There's not a lot one can do to make it really visually interesting, but we're trying to, you know, make it as informative as possible. And so we appreciate any staff or community feedback regarding what needs to happen or what could improve how we display things. So we welcome your input on that to public-comment@icann.org.

And then finally -- coming soon -- we've gotten feedback from people that the more information in multiple places they have, the better they are prepared to understand the public comment process and participate in it. And so we're working with our community applications team at ICANN to improve the ICANN master public comment calendar that's already available on icann.org. And we'll be making sure that as public comments are introduced, that on the public community calendar we've got the deadlines for public comments so that as people consult the calendar they have an opportunity to get an additional sort of channel -- if you will -- to find out about when a comment period is closing. So we hope that that's an innovation that will help people as well.

David, before I turn the floor back over to you, I want to reinforce one of your introductory comments. And that is that community input and feedback mechanisms are something that the ICANN staff -- and I think just generally the community in this age of transitions and closer scrutiny of ICANN's work -- are looking at very closely. And the public comment process is just one of those elements. There are many different channels for members of the community to provide comments on ICANN's work, whether they be face to

face at ICANN meetings, through e-mail correspondence or letters to the board, the staff, or just other general comments that people make on social media.

And over the next year we're going to be a staff trying to identify additional ways to pull all of this together. Finding ways not just through the formal long term public comment process, but through other innovations to revisit perhaps how we conduct community dialogues that are recorded and transcribed or that are otherwise captured so that the decision makers at ICANN see the full picture of potential input. And we'll be looking out to you as members of the community to provide us with input and feedback on that process and how we look at it, how we consider it.

So please when we do make requests for that feedback or ask for volunteers, please consider that seriously, because we think that while these most recent innovations and enhancements will improve the process, it's not the end of the road and there are always opportunities for improvement. We want to take advantage of new technologies, new ideas, and new thoughts. And so I'm hopeful that this evolution will continue.

I'm going to stop there, remind any of you on the line that you're able to use the star one feature on your phones if you'd like to ask a question. I note that the chat room -- as I now turn to it -- didn't appear to be too active during my remarks, so let's give you an opportunity if you'd like to ask any additional questions or any comments that you'd like to make about the changes. And I'll pause for about seven or eight seconds here to give folks an opportunity to come off mute, type something in the chat, or otherwise raise a hand. Thank you. David, I don't see any additional questions in the chat and no one has opted for a verbal comment, so let me turn the microphone back to you.

David Olive: Thank you very much, Rob, for outlining the changes that will soon take place on the 26th of January for our community members. And I thank all of you from the community who attended today. I just wanted to let you know that we held a similar briefing for the ICANN staff so that they have been fully aware of and prepared for the changes taking place next week. And for you -- as all our webinars -- this will be recorded and transcribed for you so you can familiarize other community members with these changes and share the slides or the transcript with them, should they have any questions.

In addition, we will have another session on this public comment process later in the time zones so that other people from other parts of the world can also link in. And so we thank you for that. With that, I wish everyone a good evening, good afternoon, or good morning wherever you may be.

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