

ICANN

Public Comment Enhancements Webinar

January 22, 2015

19:00 UTC

David Olive: Welcome, everyone. We are now about to start our presentation on public comment enhancements. As mentioned to you, this session will be recorded and you'll be able to access the slides and the recording on the Community wiki and that will be made available, as you see in the chat room, at that URL.

Again, I'd like to welcome everyone and wish people a happy New Year. This is David Olive, Vice President for Policy Development Support at ICANN speaking from my office in Istanbul, Turkey.

We, again, appreciate you joining us for this briefing. The purpose of today's call is to familiarize you with changes that are going into effect later this month regarding ICANN's public comment processes.

I expect we'll take about 20 minutes to review these changes and then open things up for your questions. We should be completed well before the end of the hour but we do have the time allocated for the full period so that we can address any questions or comments you have regarding these changes.

I'll be giving you a brief introduction and then I'll turn things over to Rob Hoggarth, our senior policy director, to offer you the details of these changes and how they may impact your future efforts to seek community input into the important work that ICANN.

During the briefing please put any questions directly in the chat box and we will address them in that order, and of course we will a range time at the end of the briefing for you to ask questions by raising your hand, and we'll be happy to recognize that toward the end of the presentation.

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 I suspect they will not be the last. This slide gives you some perspective and context of where these changes fit into the recent evolution of 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. This first ATRT team, back in 2012, made a number of recommendations adopted by the Board and then implemented by the staff.

The second review team assessed the success of those changes and made for the recommendations based on what they saw. 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 is also important to note that due to the ATRT 2 recommendations we hope over the next year or so to look at further improvements on how we solicit, collect, assess and address community input into our ICANN work. And that is because community input can be more than official written comments and that's something we have to explore more closely as ICANN's work continues

to grow in various parts of the world and as technology improves for us to better capture or record or be able to digest the comments that we receive.

With that I'll turn the floor over to Rob Hoggarth to give us the specific changes that we're officially implementing on 26 January, this month, and the latest step of ICANN's public comment evolution.

Thank you very much and the floor is now yours, Rob, please.

Rob Hoggarth: Thank you, David. Good day everybody. Appreciate you joining us for this webinar. As David noted we've had a couple of other webinars, two for staff and one previous one for the community. And we hope you all find this one to be useful. And as David noted we do intend to have the slides and recording of this presentation available on the Community wiki for further information for you.

In the next 20 minutes or so I'm going to focus on two major areas, first I'm going to review with you the four major enhancements that we're introducing this month that we hope will address the ATRT 2 recommendations and improve things from a community commenter standpoint.

And secondly, I'm going to touch on four major process enhancements that are essentially taking place in conjunction with these major other changes to give you a sense as to how staff is managing the process and how we hope that things will prove to be more effective and efficient for all of you as you participate in the work of ICANN going forward.

As David noted, this isn't the first time that the public comment's infrastructure has evolved; this is just the latest step in a number of different iterations. And one of the major iterations that was proposed by the ATRT 1

team was to introduce, in I believe it was there Recommendation Number 16, the concept of introducing a dialogue by creating an opportunity for reply comments as part of ICANN proceedings.

So I'm going to talk a little bit about that and delve into that in more detail. I'll share with you how that has resulted in a minimum 40 day comment period and then talk about sort of how staff wraps those things up as part of the production of staff summary reports and the rest.

But first let's look at the linchpin of this on the reply cycle side. Since the time of the original recommendation by the ATRT 1 and implementation by ICANN staff in early 2012 we've had over 160 public comment forums.

And after we received the recommendations from ATRT 2 and instructions from the Board to begin implementing them, we have staff went back and looked over the last four years or so of ICANN public comments and focused on, you know, whether some of the changes proposed by ATRT 1 had been effective.

It might surprise some of you to note that in four years we had over 286 public comment forums, and in the period which was noted by the introduction of the reply cycle phase we had 160 comments.

Fully 75% of those 160 comment periods didn't include any replies. When we looked closely at it and we examined every comment filed we found that most of the comments that were filed in that reply phase were really original comments submitted by members of the community and other interested participants from the public.

So we removed those, scrubbed them and endeavored to analyze the replies that were submitted and use those statistics. What we found was ultimately a full 2/3 of public comment solicitations had no replies at all. And if you averaged across all of the proceedings it averaged a whopping one reply for each one of the 160 public comment solicitations we had.

So based on the recommendations from the ATRT 2 in terms of improving timing, working to streamline some of the processes and introduce other changes, we made a decision to suspend the reply cycle period for at least the next six months to see what would happen if by removing that period and expanding the comment period we would actually be able to increase participation from various parts of the community by essentially giving people more time to submit their comments, collect their thoughts and get everything together.

So that essentially became the linchpin and sort of the leveraging action, if you will, for the rest of the changes that we're introducing next week.

As a result of being able to eliminate the reply cycle for at least a period of time, what we've been able to do is, in a related way, expand the comment period.

If you accept the premise that many community members shared with us that they simply needed more time and clearly a minimum 21 day comment period was not enough in many cases, what we've chosen to do is to take that reply comment phase, meld it with the former comment phase and come up with a targeted default time period for all public comments at 40 days giving essentially, you know, a month and a half of time for members of the community, members of the public to develop their thoughts, meet, discuss what they want to say and be able to submit their comments.

Now it's important to note that that 40 day period is a default. What we expect is that when staff members now look to start a public comment period that their minimum target for a comment period.

There's nothing to prevent - and, you know, we're going to be keeping track of these figures, nothing to prevent any member of staff to ask for comments for a longer period of time or for any working group or other committee that's provided some draft document that they want community input on to have a longer period of time for getting feedback from the community. Again, we're looking at a targeted minimum time period of 40 days.

We also recognize, however, that for certain contractual obligations that ICANN has, for some emergency or urgent matters that the Board wants to move forward on, there is still the bylaws minimum of 21 days and whatever other contract minimums that might exist for certain proceedings.

So we've created a mechanism for ICANN staff to start periods of less than 40 days if they have the approval of at least two of ICANN senior staff. So there's not just one department that's making this decision but that any decision to shorten the default 40 day minimum period is reviewed by more than one person.

So we hope that that will guarantee at least that a majority of the ICANN comments will be at least 40 days. And for those of you who are paying attention to comments periods over the last couple of weeks, you've seen a number of proceedings come out where the time period in 55 days or 65 days so much longer periods of time.

And this is actually something that we have worked internally with our fellow staff to already begin to implement as part of a transition leading us up to next week. And so literally since Christmas Eve here in the United States we've been working with members of staff so when any new public comments came down the road we made sure that the comment period was going to be at least 40 days, unless there was some other extenuating circumstance.

Now after a comment period is closed, traditionally there's been the expectation that ICANN staff produced a summary and analysis of the comments that are submitted in a proceeding, and that's going to continue.

But based on recommendations from the ATRT 2 team, we have focused on trying to make that a more rigorous process and trying to make sure that it's more transparent for all of you from the community and commenter perspective.

So we are expanding and evolving, if you will, the graphics that have been on the ICANN.org site for probably the last nine or 10 months. But we introduced when the new ICANN.org went online was the concept of a graphic that would show essentially where you were in the proceeding for a public comment forum.

There are the information about the open date, information about the close date and then just sort of this extra bar at the end which talked about the staff summary report being produced.

What we've done now is provided an extra level of detail that you'll all see starting next Monday that indicates when the staff report is expected to be released. And so it will be very clearly shown on the proceeding page that you

will not only know when the close date is to appear that when the staff report is due.

And as you'll note from Slide 6 that I've got up in the Adobe Connect room, when a report is overdue there will be a flag, not only for staff but for members of the community, to note that we have missed our target and that we've got to, you know, get moving and get that staff report posted.

That's an important component of this evolution that we're trying to introduce which is to improve the transparency of the process and something that both ATRT teams noted, which is to allow the community more information so that you can plan your work, know what's coming down the pike and be ready to adjust, you know, your workloads and the types of prioritization that you need to do on an individual or group basis.

Now in addition to just being more transparent about the process, and if any of you have started to see or look at some of the proceedings that are coming down the pike, we have always had a general expectation from a staff perspective that the staff members responsible for a proceeding produced a staff summary report in a fast or an expeditious manner.

Internally we generally have a timeframe of two to three weeks to produce those that what we're doing now through this next stage of the infrastructure evolution, if you will, for public comments is to establish clearly across our staff a two-week deadline for submitting staff summary reports and analysis of the comments that are submitted.

So our goal is that for every proceeding that we produce a report within two weeks of the close date of that proceeding. Now again, this is going to be a target similar to the 40 day default period in that we recognize that there might

be unique circumstances where a particular proceeding report can't be produced within two weeks.

Some good recent examples are where there's been a substantial number of comments or a substantial amount of input that requires a collection of staff feedback. We've seen that, for example, in the five-year operating plan, the five-year strategic plan, where members of those teams have gone out literally to the entire staff, collected feedback on some 100, 150 separate items, coordinated that and produced a report.

In unique circumstances like that, where we have a lot of comments or where the analysis is going to be very deep, we're going to give the manager of a particular public comment forum the opportunity to request an extension of that two-week period. That will be something that the staff member can do when the original proceeding is open.

It can be something that the staff member does as they see the preceding closing and they've gotten an avalanche of comments or it could be a circumstance produced by something unique in terms of somebody's health or some unique personal circumstances, which we hope we'll be able to, you know, catch and then assign the staff summary report to somebody else.

But the bottom line was we wanted to make sure that from a community perspective you all just weren't looking at a blank box on the ICANN.org Website and not have any idea of when something was coming out. So we hope that this process will be helpful in terms of flagging when that staff summary report is going to be produced.

Now there was a very specific request and recommendation made by the second Accountability Transparency Review Team and that was to direct staff

to establish a specific protocol for handling community concerns about the staff summary reports that were produced.

And this is something clearly that staff, since I've been at ICANN for just about seven years now, has always taken very seriously. But it's very important that we create a very clear and transparent process to allow members of the community the opportunity to comment, inquire, note a concern, register a complaint if they're not happy about either how their comments were portrayed in a staff summary report or to, you know, request some additional information, get some clarification about a report or something along those lines.

And so we've created a community inquiry protocol that allows anybody from the community, particularly this is designed for commenters, but the way we've set it up doesn't limit that, to be able to submit a request to the public comment staff within 30 days after a staff summary report is generated that requires staff, in very short order, to respond to that inquiry, we've established a service level agreement here of seven business days, and basically to resolve the inquiry as expeditiously and as effectively as possible.

We've also worked with our Web administration colleagues to set up an opportunity for all of you from the community to see very clearly on the public comment forum page and on the public comment page generally not only when a report has been filed with a link to that report but also to flag whether an inquiry has been submitted.

And when inquiry does get submitted, we hope there will be many - over the last seven years I think my count is one or two that came in through various means. But what we hope is that by seeing that either decision-makers or

members of the community will quickly see that staff is now addressing a concern that has been expressed by the report.

And then the resolution of that inquiry will also be displayed on the public comment page essentially noting whether in the case of this graphic you see on the slide here, a report gets reissued or there's some other staff responds that's provided in response to the inquiry. So again, everybody sees very clearly on the Website what happened, what the issue was and what may have transpired.

We've introduced and brainstormed this concept because in many cases the staff summary report is used as a tool either by the Board or a working group or some other, you know, decision maker or entity that asked for the comments and so we want to make sure that everybody is on notice when there may be some issue with that document because ultimately that's being used as a tool by the folks who are making the decision.

Also, I mean, a number of folks have expressed to me the value of the staff summary report and analysis because it helps summarize what took place and you as an individual don't have to go through and read every comment. Again, the fact that an inquiry has been submitted or a potential correction is in the (offing) is important for you as someone who's reading that review.

So that's something also that we've instituted. And consistent with what I've told you about some of the other changes but we expect to be doing is keeping very close track of the metrics and data for all of the activities that are taking place in the public comment space, we'll be tracking how many public comments are submitted, what percentage of those are being done in 40 days or more, produce statistics about the average number of comments per quarter, the average length of the public comments, how many staff summary reports

were submitted on time, where were some that came in and missed the deadline.

But we want to be able to do at six-month intervals going forward is to assess the health of the system, get a sense as to whether it's being used effectively, and be able to adjust and make further changes.

As David noted in his introduction, Public comments have always been an area of constant and never ending improvement where we hope going forward we'll continue to be able to make adjustments and figure out not only how to make sure that this written process works effectively but ultimately how it plugs into the broader concept of community input and feedback; how we collect it, how we capture it, how we make the discussions that may take place in those fora more productive for everybody.

Finally, I'd like to talk just briefly about some process changes that we are introducing. I've touched on some of them so my review of this slide is going to be relatively brief.

The first point, and you may have seen on some of the previous slides, is we've established a new email address, public-comment@icann.org. It's a one-stop shop, if you will, for staff and members of the community to interact with - right now there's three of us, we'll ultimately have four people on the team, who have a specific focus, accountability, and interest in making sure that the public comment process works cleanly and efficiently.

What we wanted to be able to do was to have a central clearing house where at least the same team of eyes was looking at all the various public comment proceedings and generally getting and having the ability to take temperature checks to address various issues that have come up over the years, you know,

a bottleneck where too many comments come out at the same period of time, and assessment of oh my goodness, you know, we got 20 public comment periods last quarter but only two the quarter after that, is there some way to spread these out or balance things a bit?

We are also continuing to look at, as a team, categorizing comments so it makes it easier for all of you to flag the issues that are important to you. Figuring out whether ultimately certain types of public comment proceedings are better managed through different tools or through different rules and processes.

We can see the future where some public comment periods take place in chat rooms, other public comment periods where we need to have representative feedback, take place through this much more formal comment cycle.

These are all things that we want to look at and what we figure is that by having sort of the central set of eyes looking at things we'll be in a better position to ask the right questions because ultimately the expectation is that staff isn't going to come up with the solutions that continuing the theme of the ATRTs, and other means and methods of community input, we all collectively, staff and community, can continue to work on and develop ways to make this easier, better more effective for everybody.

The second area on the slide, refers to new staff guidelines and templates. Clearly with some of the changes that I've outlined for you as members of the staff come forward either helping a working group, a drafting team or producing some implementation work that staff is doing on its own, we need to have a common template.

And we've had a template for a good period of time for ICANN staff to use. Now when we combine the updated templates with updated guidelines to the staff all being funneled through a central team review, we hope that you will see, particularly for those of you who are involved in many public comment periods, more consistency in terms of how individual forums are operating.

And so that's why we would really value any feedback that you all have to the public-dashcomment@icann.org email address from now going forward because what you see in one proceeding is probably going to be similar to how things are conducted in another proceeding and if you have an issue, a suggestion, a concern or a potential improvement we certainly want to hear about it.

I referred to Item 3 already, the new public comment timeline graphic. Let's be honest, it's hard to create too many graphics from a public comment period that make it really exciting. But our focus has been to try to make it informative and useful.

So if there are other aspects of a public comment process that you think could be graphically displayed, other bits of information that you think would be useful, we would definitely like to hear your suggestions from that perspective.

We toyed with the idea of trying to look at the public comment period as just part of a larger process, if you will, where public comment could just be one feature of a policy development process effort or something like that.

That became sort of a bridge too far right now in terms of what we could do in terms of graphic design and the rest but that's also something we're thinking about.

You know, right now the graphics depict where you are within the public comment process which is part of a much bigger process. I'd love to get feedback from all of you as to how we might capture more the entire issue so that similar to what we've tried to do on the gnso.icann.org page try to reflect where an issue stands in its full life cycle from the time it's introduced by the Board or the Council all the way to a final decision and then ultimately through implementation.

Some of my colleagues have produced some very nicely colored but very complex graphs as to how to depict that. And if you were to tape them on a wall they'd be like four feet long. We're trying to figure out ways to maybe incorporate some of those thoughts into the public comment process without you having to buy a monitor that's four feet wide.

And then finally, a number of people provided feedback to us in Los Angeles about the - I'll use the term ICANN master calendar that appears on the ICANN.org page under the Quick Links section.

What we're doing from a public comment perspective there is working with our Web design and Web administration colleagues to make sure that in addition to the follow-me function in the public comment space, the ability for you to go and look into a forum with better graphics, also providing another channel of information so making sure that on the ICANN master calendar we've got information there that flags when public comment periods are closing.

And we're also trying to make sure that we can put when staff summary reports are due in a way that doesn't make things more cluttered but actually

makes things easier for you to look at and follow. So that's an additional component that we're looking at here.

That concludes my overview of the four enhancements and the four process improvements. I think what we'll do is move to the Q&A live session. I note, although I haven't been able to read them in great detail, a number of bits of back and forth in the chat so I hope that some of the comments or questions have been resolved there.

But would certainly like to offer you all the opportunity to ask questions live here on the phone. I think, Nathalie, your original recommendation was if someone wants to speak on the line please hit star 1 on your phone. I think it'll ask for your name and then it'll take you off mute and you can ask your question.

What I will do right now is pause for that awkward eight or nine seconds to give folks an opportunity to raise their hand in the chat room or come off mute so they can ask a question so let's have a couple moments of silence and see if anyone has anything.

David Olive: Michele will probably be typing some things in the chat it seems.

Rob Hoggarth: I just noticed that, David, thanks. It gave me - the awkward nine seconds of silence gave me a chance to look at least the last several lines. What I'm going to do is turn it over to my colleague, Carlos, who is sitting with me. He's been watching the chat and responding so I'll let him introduce a question or two or address a comment. Carlos.

Carlos Reyes: Thanks, Rob. This is Carlos Reyes. I wanted to elaborate on an answer that I provided in the chat to Dev Anand Teelucksingh regarding the Follow feature. And I think some other comments were exchanged regarding that.

Essentially, I'll go back to that slide, every public comment proceeding has this option, if you look at the screen now, to follow updates. And what that allows a user to do is to follow each proceeding and how each proceeding progresses through the public comment process.

Now, I'm going to briefly stop sharing the slides here and show you what happens when you select that feature to follow. If you have an account on ICANN.org it'll open up this page where you can then select what type of notifications you want to receive regarding public comment; when a period opens, when it closes.

Obviously some of these options will be going away since we're suspending the reply cycle. But you can also track when other comments are made by users, when the report will be published so all of this is available as features that each individual user can customize.

So, Dev, hopefully that gives you a little more insight into the Follow option that Ken Bour and Michele Neylon were referencing.

Rob Hoggarth: Great. Thanks, Carlos. Just looking for any other hands. Still haven't heard anyone speaking which is fine and treat that as a suggestion that we were fairly comprehensive in our briefing.

Didn't mean, by the way, in scheduling this webinar, to scare anybody. I think as you see the changes are evolutionary, not revolutionary. And by setting up an opportunity to look at these things every six months, take a snapshot,

provide an assessment and a report to all of you, I think that that will be very useful.

One last thing I'd like to note before turning the mic back to you, David, is that one of the other things that we looked at here was to be much more transparent even from our internal staff perspective. And so now when you go to the Community wiki you can see the templates that we give the other staff to use, you'll see the instructions and guidelines that we provide to the staff in terms of setting up a public comment period and putting things together.

And all those pages provide the opportunity for users to comment. And so if any time you find yourself reviewing that material and have suggestions or ideas we'd be very open to that. Again, what we're trying to do here is to, you know, reveal how the sausage is made behind the scenes, give you an opportunity to be a full participant in that process and help us out in terms of making it easier, more effective and efficient for you and for the community groups that you represent.

So I'm hopeful this latest series of changes takes us another step in the right direction of constant and never-ending improvement and look forward to working with all of you as we go forward on a variety of additional capabilities that technology allows us whether that be, you know, live going back and forth, Twitter forums, the opportunity to provide more and different forms of community input and more importantly, find ways to capture them in a way that is useful for the Board and other folks who have asked for the feedback so that they get the full useful and utility that they can get out of all the various channels of community input and feedback that we have or will develop here at ICANN.

So with that, David, I'll happily turn the mic back to you for any final thoughts you might have.

David Olive: Thank you, Rob. And thanks to all of you for joining today. And I appreciate the comments in particular by Michele and Dev. We just want to highlight that the public comment process at ICANN is not designed to be a mechanical process to just check the box rather we see, and we've heard from you and others on the community that you need more time for meaningful comments.

And we've seen in that longer time period that indeed the community does provide those thoughtful and useful comments when that time is provided. And so this is the whole point of the enhancements to make sure that there is sufficient time for the groups and the various SOs and ACs to understand the topics and provide inputs into this important - these important public comment processes.

We did have a - and conducted two webinars for the ICANN staff last week to familiarize them with these changes. And there are templates and all to make sure that everything be ready for the launch on the 26 of January. And, again, these slides and the recordings will be available on the Community wiki for your future reference.

But, again, our enhancement this time around will be to make sure that there's sufficient time that the summary of those comments are done and that of course someone asked the question the Board does ask for not only a summary of those comments but the backup documentation as to exactly what was said by each commenter or group and that is all provided to the Board when they make their decisions or review certain actions.

So with that I'd like to again, thank everyone, and for your cooperation and working on this process. And again, it's a step forward and we hope to be able to make other enhancements based on your feedback, based on the experience with these changes to make sure that the public comment process is easy to do, understandable to all and usable by all that are making decisions. So with that I'd like to thank everyone and wish everyone a good evening, good afternoon or good morning wherever you may be. Goodnight from Istanbul. Thank you.

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