

## Summary description

We recommend that the SOW review be done as part of a Periodic IANA Function review. The first Periodic Review of the IANA Function can be done 2 years after the transition. After that the the Periodic Reviews can occur every 5 years. The Periodic review would not only take into account performance against the SOW, but would be responsible for taking multiple input sources into account including community comments, CSC evaluations, reports submitted by IANA, and recommendations for technical or process improvements. The review would be defined in a Fundamental Bylaw and would operate in a manner analogous to an AOC review. Its members would be selected by the Supporting Organizations and Advisory Committees and would include several liaisons. While the Periodic Review Team is intended to be a smaller group, it will be open to participants in much the same way as the Nme community transition cross community working group.

Additionally a number of reports, similar to the reports required by NTIA, will be produced by IANA and be reviewed. For the most part these will reviewed by the CSC, though some will be open to comment by the ICANN community and other interested parties. The comments would directed to IANA. The long term outcomes from these report, reviews and comments will be included as input to the Periodic IANA function review.

## Full Description

### Statement of Work Duration and Review Periodicity

#### What period (duration) should be covered by the first SOW post-transition?

It is critical that any proposal provide opportunities to improve the performance of the IANA Naming Functions as well as to review the proposed oversight structure against the needs of its customers and the ICANN community. This is especially important in the initial period following the transition of the NTIA's stewardship over the IANA Functions, in order to account for lessons learned as a result of the transition, to review the effectiveness of new structures created pursuant to the IANA Stewardship Transition, and to address any implications for IANA's performance. As a result, we recommend that the initial IANA SOW for the naming functions be reviewed no more than **two years** from the date of the IANA Stewardship Transition. This review would be led by a multi-stakeholder body drawn from the ICANN community.

Following the initial review period of two years from the date of the IANA Stewardship Transition, a longer period in between reviews would be advisable to avoid the constant trash of reviews, while still accounting for emerging or evolving needs of IANA Customers and the ICANN community. We recommend that subsequent reviews be initiated on a calendar basis<sup>1</sup> with a recommended standard period of **once every five years**.

Reviews would be focussed on identifying necessary changes or amendments to the existing statement of work.

Opinion in the DT regarding whether this review could precipitate a yet to be defined RFP process regarding the IANA contract is divided.

What should be the process for reviewing or amending SOWs (including approval by the community and acceptance by ICANN)?

The review could identify recommended amendments to the IANA Statement of Work to address any performance deficiencies, or to the Charter of the Customer Standing Committee to address any issues or deficiencies. The process of developing and approving amendments would take place through a defined process that included, at minimum, the following steps, in advance of an amendment to either document being proposed:

- Consultation with the IANA Functions Operator;
- Consultation with the Customer Standing Committee;

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<sup>1</sup> There was a question as to whether this could be convened in an emergency, If so, how and by whom? If escalation leads to a recommendation to convene a review of the IANA operations, should this model be used to convene the reviewing body?

- Public input session for ccTLD and gTLD operators; and
- Public comment period.

Drafted amendments would be subject to at least the following processes before they came into effect:

- Public comment period;
- Ratification by the ccNSO and the GNSO; and
- approval by the ICANN Board.

The timeline for implementing any amendments to the IANA SOW would be agreed to between the Periodic Review Team and the IANA Functions Operator.

## Scope of Periodic Reviews

### What is the scope of periodic reviews?

At minimum, the Periodic Review of IANA Performance and the IANA statement of work would consider the following:

- The performance of the IANA Functions Operator against the requirements set forth in the IANA Statement of Work;
- Any necessary additions to the IANA statement of work to account for the needs of consumers of the IANA naming functions or the ICANN community at large;
- Openness/transparency procedures for the IANA Functions Operator and any oversight structures, including reporting requirements and budget transparency;
- The effectiveness of new structures created to carry out IANA oversight in monitoring performance and handling issues with the IANA Functions Operator;
- The relative performance of the IANA Functions pre- and post-transition according to established service levels; and
- Discussion of process or other improvements suggested by the CSC or community.

At minimum, the following inputs would be considered as a part of the review:

- The current IANA Statement of Work;
- Regular reports provided by the IANA Functions Operator during the defined review period including:
  - Monthly performance reports;
  - Delegation/redelegation reports;
  - Annual IANA Audits;
  - Security Process Reports;
  - RZM Data Audits;
  - Response to IANA Customer Satisfaction Surveys;<sup>2</sup> and
  - Conflict of Interest Enforcement and Compliance Report.
- Inputs by the Customer Standing Committee including:

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<sup>2</sup> It is expected that these reports be retained for the duration of the reporting period, and be made available to members of the Periodic Review Team (to the extent that they are not published publicly).

- Issues flagged in reviewing above reports;
- Public transcripts and meeting minutes;
- Inputs related to the effectiveness of any remediation efforts with the IANA Functions Operator; and.
- Annual evaluation of IANA Functions Operator performance.
- Community inputs through Public Consultation Procedures defined by the Periodic Review Team, potentially including:
  - Public Comment Periods;
  - Input at in-person sessions during ICANN meetings;
  - Responses to public surveys related to IANA Performance; and
  - Public inputs during meetings of the Periodic Review Team.

### What are the goals of periodic reviews?

In reviewing the above data points the goal of the Periodic Review Team would be:

- To evaluate the performance of the IANA Functions Operator and any related oversight bodies vis-a-vis the needs of its direct customers and the expectations of the broader ICANN Community;
- To evaluate the performance of any IANA Oversight bodies with respect to the responsibilities set forth in their Charters;
- To consider and assess any changes effected since the last periodic review and their implications for the Performance of the IANA Naming Functions; and
- To identify areas for improvement in the performance of the IANA Functions and associated oversight mechanisms.

Any recommendations would be expected to identify improvements in these areas that were supported by data and associated analysis about existing deficiencies and how they could be addressed.

## Composition of Review Teams

### Who are the relevant stakeholders?

All stakeholder groups represented at ICANN would be relevant for the reviews done by Periodic Review Team<sup>3</sup>. Additionally the Number and Protocol operational communities would each be offered the opportunity to name a liaison to the review group. The periodic review team would be composed as follows:

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<sup>3</sup> This team has not determined the manner in which the Community Function is instantiated in most cases. The assumption is that the larger solutions in CWG & CCWG will determine the possible forms for the community function activities. In some cases the Community Function may be expressed by an on-demand cross community group, at other times it might be represented by a mechanism that gathers the views of the various SOAC.

<b>Group</b>	<b>PRT Members</b>
ccNSO	<b>1</b>
ccTLDs (non-ccNSO)	<b>1</b>
Registry Stakeholder Group (RySG)	<b>2</b>
Registrar Stakeholder Group (RsSG)	<b>1</b>
Commercial Stakeholder Group (CSG)	<b>1</b>
Non-Commercial Stakeholder Group (NCSG)	<b>1</b>
Government Advisory Committee (GAC)	<b>1</b>
Security and Stability Advisory Committee (SSAC)	<b>1</b>
Root Server Operators Advisory Committee (RSSAC)	<b>1</b>
At-Large Advisory Committee (ALAC)	<b>1</b>
IETF Liaison	<b>1</b>
RIRs Liaison	<b>1</b>
CSC Liaison	<b>1</b>

Additionally an IANA staff member would be appointed as a point of contact for the PRT.

### What body should coordinate reviews?

A periodic review team should be convened once every five years (or two years from the date of transition for the initial review) for the purpose of leading a review of the IANA Statement of Work and the additional performance parameters defined above. The Periodic Review Team would not be a standing body and would be reconstituted for every Periodic Performance Review.

Individuals interested in participating in the Periodic Review Team would submit an Expression of interest that included a response to the following questions:

- why they are interested in becoming involved in the Periodic Review Team;
- what particular skills they would bring to the Periodic Review Team;
- their knowledge of the IANA function ;
- their understanding of the purpose of the Periodic Review Team; and

- that they understand the time necessary required to participate in the review process and can commit to the role.

Individuals that had submitted expressions would be appointed by their respective Supporting Organization or Advisory Committee in accordance with internally defined processes.

### **What is the scope of its responsibility for leading the review?**

The review team defined above will have the primary responsibility for carrying out the IANA Performance Review, including:

- Review and evaluation of of the review inputs defined above;
- Initiation of public comment periods and other processes for wider community input;
- Considering inputs received during public comment periods and other procedures for community input; and
- Development of recommendations on changes to the IANA Statement of Work, to IANA performance.

The IANA Periodic Performance Reviews will be a high-intensity project and all members selected are expected to participate actively in the work of the Periodic Review Team.

The IANA Functions Operator will provide Secretariat support for the Periodic Performance Reviews.

### **What sort of process structure is warranted (what is the timeline? what are the working methods?) ?**

We recommend that reviews that needed to be done by the Periodic Review Team, would be organized along the same ICANN Cross Community Working Group guidelines that have developed over the past years and which have been used successfully in the process of developing the Stewardship Transition recommendations. As with the CWG IANA Stewardship, this review group would be co-chaired by someone designated by the GNSO and someone designated by the ccNSO. The groups would work on a consensus basis. In the event that consensus could not be reached, the Periodic Review Team could decide by a supermajority vote of the group members.

We expect that this process should take six months from the appointment of members to the Periodic Review Team to the publication of a Final Report, including conducting two 40-day public comment periods.

### **How is the wider community involved in such a review?**

As with with other Cross Community working groups, we recommend that all listservs and meeting would be open to interested participants and transparent, with recordings and transcripts made available to the public. At several stages in the process, community comment will be requested:

- Near the beginning of the process asking the community to consider issues relevant to the review
- Midway through the process when a draft report for the review was prepared
- Once the final report was prepared.

### What should trigger reviews?

Similar to the Affirmation of Commitment Reviews the Periodic Performance Reviews will be triggered on a calendar basis, with the first call for expressions of interest being scheduled to kick off one year from the date of the IANA Stewardship Transition to allow sufficient time to convene the Periodic Review Team and complete the Periodic Performance Review within two years of the date of the IANA Stewardship Transition. Subsequent reviews will be scheduled to commence at five year intervals from the date of the initial Periodic Review.

We recommend that the requirement to conduct and facilitate these reviews be put forward in the ICANN Bylaws and potentially included in the set of “fundamental bylaws” under consideration by the Cross Community Working Group on Enhancing ICANN Accountability (CCWG-Accountability). Alternatively, if the “legal separation model” developed by Sidley Austin is adopted the review requirements and associated “trigger dates” could be set forth in the contract between ICANN and its wholly-owned subsidiary “Post-Transition IANA.”

### Dependencies

- The requirement to conduct Periodic Performance Reviews may require changes to the ICANN bylaws, including the potential introduction of fundamental bylaws. These changes should be considered and approved by the (CCWG-Accountability).
- The work of the Periodic Review Team will require cooperation by the Customer Standing Committee, this proposal should be considered by Design Team C.
- The work of the Periodic Review Team makes reference to considering an Annual Report on IANA Performance, which would presumably would be carried out by the CSC. This responsibility should be considered by representatives of DT C to ensure that this report will be produced by the identified group.
- As currently defined the Periodic Review Team is not a standing body, but would be convened every five years for the purpose of carrying out the Periodic Review of the IANA Naming Functions. A question was raised about whether this would be an appropriate body to deal with emergency performance/escalation-related issues and could be convened on that basis as well. DT-M and the overall CWG should consider whether the Periodic Review Team would be the appropriate body to address these issues.

## Annex - Table of Reviews

Review Type	Frequency	Responsible	Dependency	Notes
Periodic full IANA Program review including: Statement Of Work (SOW)	Initially after two years, then moving to every 5 years	CSC, Periodic Review Team		<p>Is this the review that can trigger an RFP for a new IANA Function Operator                      If so, how - a mechanism defined in a fundamental bylaw?                      if not, then who, what when?</p> <p>Derived from SoW C.4.6</p> <p>Can this review also be initiated by some 'emergency' action?</p>
Review monthly performance report	Monthly	CSC		<p>DT C requires monthly call for this purpose</p> <p>Derived from SoW C.4.3</p>
Site visit	On-demand	PRT	DT-C	<p>Questions whether this is needed?</p> <p>Could be component of periodic review</p> <p>DT C conclusion was that this was no longer necessary</p>
Review CSC report on IANA performance SOW report	Annual	Community Function		
Review performance metrics	Quarterly	CSC		<p>review is open.</p> <p>Derived from IANA SoW C.4.2</p>
Review customer survey report	Yearly	CSC		Derived from IANA SoW C.4.5

Review security audit process report	Annual	CSC		Derived from IANA SoW C.5.1  This was an on demand reporting obligation
Review RZM audit report	Quarterly	CSC RZOs		Derived from IANA SoW C.5.2
Review annual audit report	Annually	CSC with community input		CSC with liaisons and community comment  Derived from IANA SoW C.5.3
Review COI Enforcement Compliance audit report	Annually	Community review with comments to IANA		Includes a review of the COI requirements

Reference - Requirements Template.

Design Team N.	Periodic Review of IANA Naming Functions
<b>Draft Transition Proposal Reference</b>	III.A.1.4
<b>Summary Description</b>	<p>Regardless of the model selected for post- transition oversight of the IANA Naming Function, the IANA Naming Functions will have to be reviewed on a regular basis. Reviews should include the overall services provided by the IANA Functions Operator, with respect to the naming functions, as well as a review of the IANA Statement of Work (SOW).                      The review requirement brings on several additional requirements related to the IANA SOW:</p> <ul style="list-style-type: none"> <li>● What period (duration) should be covered by the first SOW post-transition?</li> <li>● What should be the standard period for reviewing SOWs post transition?</li> <li>● What should be the process for reviewing or amending SOWS (including approval by the community and acceptance by ICANN)?</li> </ul> <p>Review current periodic reports required by existing IANA Contract and make recommendations regarding retaining, revising or discarding same.</p> <p>Additional issues to be covered includes defining other aspects of the naming related IANA functions that would benefit from regular review, but may not be explicitly referenced in the IANA Statement of Work</p>
<b>Detailed description</b>	<p>Considerations that need to be included in the considerations of the SOW review length include:</p> <ul style="list-style-type: none"> <li>● what is a sufficient length to avoid the thrash of constant SOW review?</li> <li>● what would be so long as to create too much of a status quo assumption?</li> </ul>

	<p>Considerations on the standard period for a SOW review include:</p> <ul style="list-style-type: none"><li>● Is the SOW reviewed at intermediate stages or just on reconsideration of the SOW</li><li>● Is a regular period, like yearly, necessary? If so, what is the periodicity?</li></ul> <p>What other reviews need to be carried out in the overall review of the IANA naming functions?</p> <ul style="list-style-type: none"><li>● What is the scope of periodic reviews?</li><li>● What additional services or parameters should be regularly reviewed that may not be explicitly referenced in the SOW?</li><li>● Where are these services or parameters defined?</li><li>● How often should these reviews take place?</li><li>● By what process should these reviews be carried out and changes be made to these parameters and services?</li></ul> <p>Consideration on process for all reviews and renewal include:</p> <ul style="list-style-type: none"><li>● Who are the relevant stakeholders?</li><li>● What body should coordinate reviews?<ul style="list-style-type: none"><li>○ How should it be composed?</li><li>○ How should it be structured?</li><li>○ What is the scope of its responsibility for leading the review?</li></ul></li><li>● What sort of process structure is warranted?</li><li>● Should all elements covered under a periodic review follow the same process, structure, and timeline?</li><li>● What are the goals of periodic reviews?</li><li>● How is the wider community involved in such a review?</li></ul> <p>Periodic [Operational] Review of IANA Functions</p> <p>Identify, assess and determine whether to include or exclude existing reports from the current NTIA-ICANN contract. These include:</p> <ul style="list-style-type: none"><li>● annual program review (contract C.4.1)</li><li>● annual site visit (contract C.4.1)</li><li>● review of various reports<ul style="list-style-type: none"><li>○ The Performance Standards Metric Reports (C.4.4)</li></ul></li></ul>
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	<ul style="list-style-type: none"> <li><input type="radio"/> annual customer service survey consistent with the performance standards for name services (C.4.5)</li> <li>● review of audit reports             <ul style="list-style-type: none"> <li><input type="radio"/> security process (C.5.1)</li> <li><input type="radio"/> RZM data audit (C.5.2)</li> <li><input type="radio"/> Annual External audit (C.5.3)</li> </ul> </li> <li>● Conflict of Interest review             <ul style="list-style-type: none"> <li><input type="radio"/> COI Policy (C.6.1)</li> <li><input type="radio"/> Conflict Of Interest Enforcement and Compliance Report (C.2.4)</li> <li><input type="radio"/></li> </ul> </li> </ul>
<b>Proposed Membership</b>	
<b>Proposed by / Lead</b>	provisional volunteer - Avri Doria
<b>Status</b>	<b>Step 0</b>
<b>Determination by CWG Chairs</b>	<b>Priority 1 (Provisional)</b>