

CCWG-Accountability Work Stream 2 **ICANN Ombuds Office**

Report for ICANN 57
Hyderabad

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CCWG-Accountability Work Stream 2

ICANN Ombuds Office (IOO)



- Recommendation #8
Improving ICANN's Request for Reconsideration Process
 - Making ICANN's Ombudsman responsible for initial substantive evaluation of the requests
- Status
 - Now included in the ICANN Bylaws Section 4.2

CCWG-Accountability

WS1 Final Report References

- Recommendation #12
Committing to Further Accountability Work in Work Stream 2
 - Considering enhancements to the Ombudsman’s role and function
 - The Ombudsman can perform a critical role in ensuring that ICANN is
 - transparent and accountable
 - preventing and resolving disputes
 - supporting consensus-development
 - protecting bottom-up, multi-stakeholder decision-making at ICANN
 - ICANN's Office of Ombudsman must have
 - a clear charter that reflects, supports, and respects ICANN’s Mission, Commitments and Core Values
 - sufficient authority and independence to ensure that it can perform these important roles effectively.
 - Evaluation of the current Ombudsman charter and operations against industry best practices and recommend any changes necessary to ensure that the ICANN Ombudsman has the tools, independence, and authority needed to be an effective voice for ICANN stakeholders

- Status

- The sub-group will commission an external evaluation of the IOO (See ATRT2 dependency) against industry best practices
- The sub-group will consider the topic of the independence of the IOO
- The sub-group will consider the impact of the new accountability model for ICANN, including the new Bylaws and the Empowered Community (EC), with respect to the role and oversight of the IOO

- Recommendation #12 (Staff Accountability)
 - The CCWG-Accountability work with ICANN to consider a Code of Conduct, transparency criteria, training, and key performance indicators to be followed by staff in relation to their interactions with all stakeholders, establish regular independent (internal and community) surveys and audits to track progress and identify areas that need improvement, and establish appropriate processes to escalate issues that enable both community and staff members to raise issues
 - This work should be linked closely with the Ombudsman enhancement item of Work Stream 2

- **Status**

- The sub-group will liaise with the Staff Accountability sub-group regularly and will integrate their relevant recommendations in the IOO sub-group recommendations if necessary and as feasible

CCWG-Accountability WS1 Final Report Stress Tests for IOO

- **Stress Test #34:** (NTIA-3) Stakeholders who attempt to join an ICANN AC/SO encounter barriers that discourage them from participating
 - EXISTING ACCOUNTABILITY MEASURES
 - ICANN's Ombudsman might help new entrants to join ACs/SOs
 - PROPOSED ACCOUNTABILITY MEASURES
 - ICANN's Ombudsman might help new entrants to join ACs/SOs

CCWG-Accountability WS1 Final Report Stress Tests for IOO

- **Status**

- The sub-group will consider this when considering the impact of the new accountability model for ICANN, including the Empowered Community, with respect to the role and oversight of the IOO

Additional Dependencies, Overlaps and Requirements – ATRT 2 Recommendations

Recommendation

Status

9.3

Review of the Office of the Ombudsman, the role within ICANN, and whether the duties/scope of the Ombudsman should be expanded or changed in line with suggestions from the ATRT2.



Removed from workplan to avoid duplication with the CCWG-Accountability's Work Stream 2 effort on the Ombudsman.

An expert was expected to be retained and to perform a review of the Office of the Ombudsman by June 2015, with work expected to be completed by October 2015. Because of the unique nature of the Ombudsman role within ICANN, there were challenges in identifying a proper independent expert to undertake this review.

As ICANN was conducting a search for this review, work continued in the Cross Community Working Group on Enhancing ICANN Accountability on modifying the role of the Ombudsman. In addition to the changes to the Ombudsman role that are already reflected in the new ICANN Bylaws (particularly within the Reconsideration Process, where the Ombudsman has a new role), the CCWG-Accountability also noted that it will do a broader review of the Ombudsman role in its Work Stream 2 efforts that are under development now and anticipated to conclude mid-year in 2017. The CCWG-Accountability's Work Stream 2 efforts on the Ombudsman can be followed at <https://community.icann.org/display/WEIA/Ombudsman>. ICANN committed to this work in the Bylaws as approved by the Board on 27 May 2016 (<https://www.icann.org/en/system/files/files/adopted-bylaws-27may16-en.pdf>).

Additional Dependencies, Overlaps and Requirements – ATRT 2 Recommendations

- **Status**

- The sub-group has accepted to take on this recommendation from ATRT 2 and currently awaiting confirmation with respect to funding (which was not part of the WS2 budget)
- Once the funding is confirmed the sub-group will
 - Commission the evaluation and oversee the contractor
 - Analyze any issues raised and propose recommendations if required as per the new context of the IOO
- (status of other 9.3 elements TBC – awaiting response)

Additional Dependencies, Overlaps and Requirements – PTI

- The IOO will also handle complaints about PTI
- Status
 - The sub-group will integrate the requirements related to this additional functionality in its recommendations

Additional Dependencies, Overlaps and Requirements – WS2 Transparency sub-group Draft Recommendations

- DIDP (Documentary Information Disclosure Policy)

8) The exception for information requests which are “not reasonable, excessive or overly burdensome, not feasible, abusive or vexatious or made by a vexatious or querulous individual” should be amended to require the consent of the Ombudsman before it is invoked



Additional Dependencies, Overlaps and Requirements – WS2 Transparency sub-group Draft Recommendations

- DIDP

11) The Ombudsman’s mandate regarding the DIDP should also be boosted to grant the office a stronger promotional role, including by integrating understanding of transparency and the DIDP into ICANN’s broader outreach efforts, by publishing a list of the categories of information ICANN holds and by tracking and reporting basic statistics on the DIDP’s use, such as the number of requests received, the proportion which were denied, in whole or in part, the average time taken to respond, and so on

Additional Dependencies, Overlaps and Requirements – WS2 Transparency sub-group Draft Recommendations

- **Status**
 - The sub-group will liaise with the Transparency sub-group regularly and will integrate these recommendations in the IOO sub-group recommendations if necessary and as feasible



Additional Dependencies, Overlaps and Requirements – Other Potential

- Human Rights sub-group
 - Could the IOO be asked to deal with HR complaints?
- Diversity
 - Could the IOO be asked to deal with diversity complaints?
- Accountability SO/AC and/or Transparency
 - Could the IOO be asked to deal with election issues?
- Proposed ICANN staff Complaints Officer
 - What is the relationship with the IOO?

Areas of Focus for IOO Sub-group

- Review independence of IOO
- Review IOO vs industry best practices

Areas of Focus for IOO Sub-group

- Prepare for evaluation of IOO
 - Develop requirements and deliverables list
 - Identify review oversight mechanisms for the vendor
 - Develop vendor selection process
 - Confirm a final report acceptance process

Areas of Focus for IOO Sub-group

- Consider the impact of the new accountability model for ICANN, including the new Bylaws and the Empowered Community (EC), with respect to the role and oversight of the IOO
- This includes
 - Identifying any new roles or responsibilities for the IOO in the EC processes and procedures not identified in WS1 recommendations (eg. Escalation process – moderator for a Community Forum?)
 - Reviewing the oversight of the IOO in light of the EC (eg. who should hire IOO contractor(s) and who should they report to)

Current Status

- Confirmation of budget for external evaluation
- Preparing IOO evaluation requirements documents
- A revised schedule will be needed to take all those tasks into account