Recommendations 04: Compliance

Implementation Briefing for RDS-WHOIS2 Review Team

ICANN

TABLE OF CONTENTS

RDS/WHOIS1 Review Team's Recommendations 4 – Compliance

ICANN should act to ensure that its compliance function is managed in accordance with best practice principles, including that:

a. There should be full transparency regarding the resourcing and structure of its compliance function. To help achieve this ICANN should, at a minimum, publish annual reports that detail the following relevant to ICANN's compliance activities: staffing levels; budgeted funds; actual expenditure; performance against published targets; and organizational structure (including the full lines of reporting and accountability).

b. There should be clear and appropriate lines of reporting and accountability, to allow compliance activities to be pursued pro-actively and independently of other interests. To help achieve this, ICANN should appoint a senior executive whose sole responsibility would be to oversee and manage ICANN's compliance function. This senior executive should report directly and solely to a sub-committee of the ICANN Board. This sub-committee should include Board members with a range of relevant skills, and should include the CEO. The sub-committee should not include any representatives from the regulated industry, or any other Board members who could have conflicts of interest in this area.

c. ICANN should provide all necessary resources to ensure that the compliance team has the processes and technological tools it needs to efficiently and pro-actively manage and scale its compliance activities. The Review Team notes that this will be particularly important in light of the new gTLD program, and all relevant compliance processes and tools should be reviewed and improved, and new tools developed where necessary, in advance of any new gTLDs becoming operational.

ICANN Board Action for Recommendation 4

ICANN Board Action

- The Board directs the CEO to create and publicize a reporting structure on compliance activities, and regularly report on compliance activities related to gTLD registration data.

ICANN Board Rationale

- The contractual compliance function of ICANN now directly reports to the CEO and has received increases in personnel and budget.
- The CEO will regularly report on compliance activities to the Board and publish reports to the community.

Implementation Details

Completed Deliverables

- New Compliance complaints handling systems and procedures have been implemented.
- Provide greater visibility on WHOIS-related metrics and improvements to Compliance processes and results
- Conduct outreach in Asia Pacific, highlighting WHOIS obligations in native languages
- Publish information about budgeted funds and actual expenditures for contractual compliance; provide summary of the contractual compliance budget in the Contractual Compliance Annual Report

4.a

- Contractual Compliance Outreach information and Metrics Reporting are published at: https://www.icann.org/resources/compliance-reporting-performance

Repository for performance reports, compliance notices, outreach events, metrics running on a 13-month rolling period.

- Established process and approach for enforcing the contract at https://www.icann.org/resources/pages/approach-processes-2012-02-25-en
- Contractual Compliance staff information (organizational chart and reporting structure) is published at: https://www.icann.org/resources/pages/about-2014-10-10-en
- Annual reports and financials can be found at: https://www.icann.org/resources/pages/compliance-reports-2017. Repository includes annual reports, quarterly reports and audit reports. Contractual Compliance is constantly looking for ways to improve its reporting and transparency. Compliance is currently looking into adding another level of granularity to its reporting.
- Enhanced transparency in compliance reporting – an initiative was launched last year in an effort to support the CCTR and GAC Beijing Communique recommendations – read more here and summary provided below:
  - Added more details in the Monthly Dashboard on the subject matter of complaints related to WHOIS Inaccuracy, Abuse, Transfer and GAC Category 1 and Public Interest Commitment
  - Added Quarterly and Annual Reports on the complaints, compliance process and complaint types by legacy gTLDs and new gTLDs, reporter, enforcement and complaint closure details.

4.b

- ICANN has appointed a Chief Compliance Officer role since the recommendation was published. https://www.icann.org/news/announcement-2014-10-12-en (Allen Grogan) and https://www.icann.org/news/announcement-2017-01-04-en (Jamie Hedlund)
- ICANN has also hired its first Consumer Safeguards Director (Bryan Schilling) in May 2017: https://www.icann.org/news/announcement-2017-05-23-en. The Consumer Safeguards Director role is currently envisioned as dual-pronged. First, it will facilitate community-wide conversations and education through transparent discussions on safeguards within ICANN's remit and mission, voluntary actions to address DNS abuse, and other relevant topics raised by the community. Second, upon community request, it will perform research regarding the role of consumer safeguards in the DNS to support fact-based policy making. The

Consumer Safeguards role will likely evolve over time pursuant to the community's input. It is important to note that the Consumer Safeguards role is separate and distinct from ICANN's contractual compliance department.

4.c

- Compliance has migrated to the Kayako4 system for managing and processing complaints. Compliance completed updates and additions to the complaint submission forms and FAQs, including the addition of bulk WHOIS inaccuracy submission procedures.
- On-going system enhancements to support changing policies and continuous improvements
- Compliance will be migrating to the Salesforce environment part of an enterprise solution at ICANN. In this new environment, registrar and registry information and services will also be available on the same platform; gained efficiency and system consolidation.

Useful Links

Contractual Compliance Outreach information and Metrics
https://www.icann.org/resources/compliance-reporting-performance

ICANN's Contractual Compliance Approach and Processes
https://www.icann.org/resources/pages/approach-processes-2012-02-25-en

Contractual Compliance staff information
https://www.icann.org/resources/pages/about-2014-10-10-en

Annual reports and financials
https://www.icann.org/resources/pages/compliance-reports-2017

Enhancing Transparency in Contractual Compliance Reporting
https://www.icann.org/news/blog/enhancing-transparency-in-contractual-compliance-reporting