

CCWG-Accountability Work Stream 2

ICANN Ombuds Office



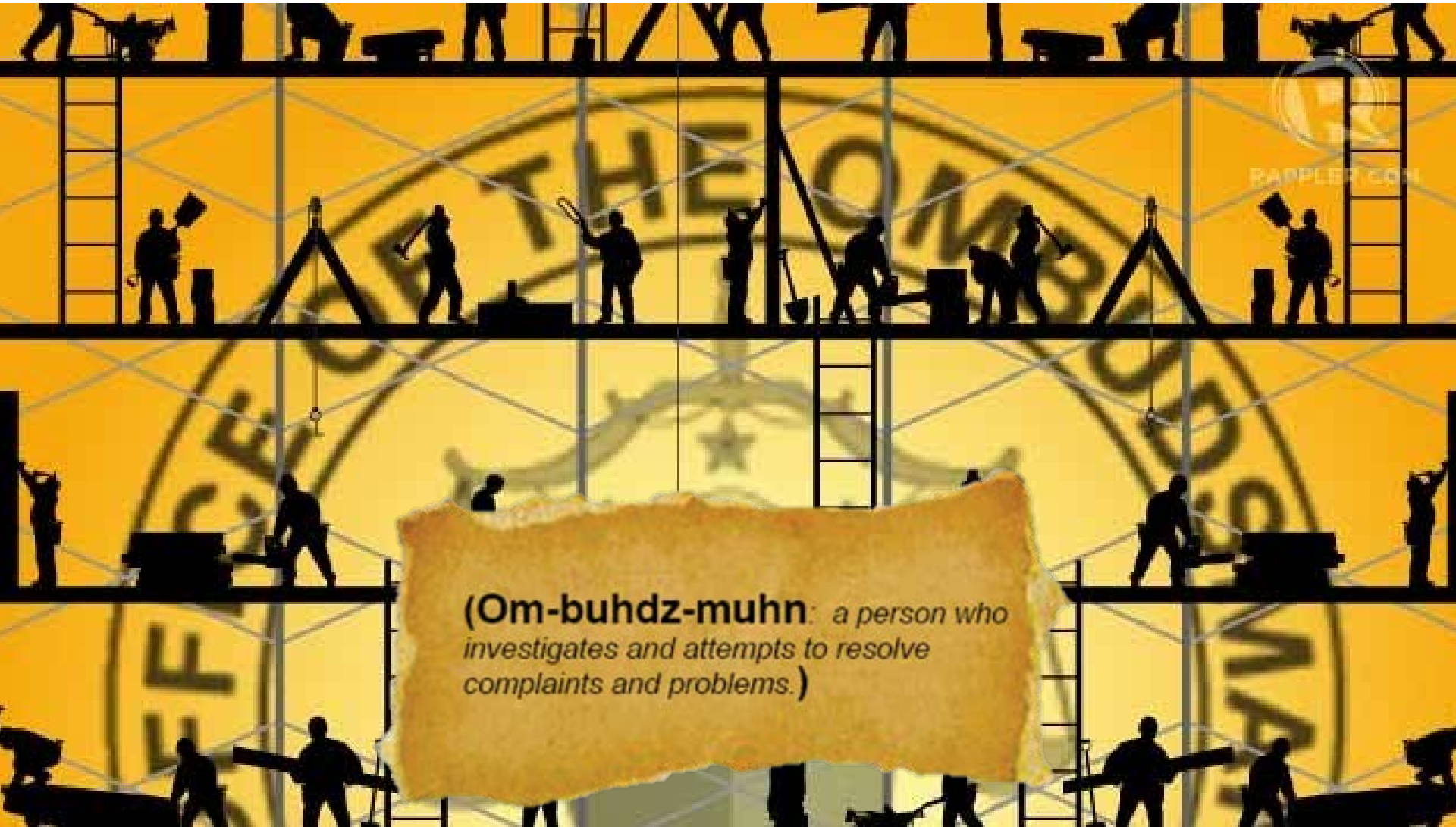
Meeting #13

19 December 2016

Rapporteur: Sébastien Bachollet

CCWG-Accountability Work Stream 2

ICANN Ombuds Office



Agenda Meeting #13 Ombuds

- Roll Call / Apologies – Welcome – Opening Remarks
- External review of the ICANN Ombuds Office
- How to organize our team?
- Other tasks that
 - Need to be delay after receiving the external review report
 - Can be handle in //
- Calendar
 - Next meetings
 - #14 Monday Jan 9, 2017
- AOB

CCWG-Accountability

Work Stream 2



WS2 Drafting Team “Ombudsman”

Active Participants

1. Sébastien **B**achollet - **R**apporteur
2. Adebunmi Akinbo
3. Alberto Soto
4. Avri **D**oria
5. Carlos Vera Quintana
6. Cheryl **L**angdon-Orr
7. Chris LaHatte (previous Ombudsman)
8. Denise Michel
9. Edward Morris
10. Farzaneh Badii
11. Herb Waye (acting Ombudsman)
12. José Francisco Arce
13. Jimson Olufuye
14. Karel Douglas
15. Klaus Stoll
16. Michael Karanicolas
17. Raoul Plommer
18. Robin **G**ross
19. Samantha **E**isner
20. Sarah Kiden
21. Sivasubramanian Muthusamy
22. Susan Payne

Observers

1. Aarti Bhavana
2. Alan **G**reenberg
3. Akinremi Peter Taiwo
4. Amrita Choudhury
5. Angie Graves
6. David Maher
7. Elizabeth Bacon
8. Gangesh Varma
9. Iftikhar Shah
10. Johan Helsingius
11. Jon Nevett
12. Mike Rodenbaugh
13. Pam Little
14. Pablo Andrés Mazurier
15. Philip Corwin
16. Renu Sirothiya
17. Rinalia Abdul Rahim
18. Vidushi Marda
19. Vinay Kesari
20. Yoav Ostreicher

Board Liaisons

- Asha Hemrajani
- Mike Silber (backup)

Co-Chair

- Mathieu **W**eill

CCWG-Accountability

Work Stream 2



Subgroup Time Slots

Day	#	WS2-Ombudsman
Tuesday 22 November 16		Omb-WS2 5:00UTC
Friday 9 December 16	#12	Omb-WS2 19:00UTC
Monday 19 December 16	#13	Omb-WS2 5:00UTC
Monday 9 January 17	#14	Omb-WS2 13:00UTC
Monday 23 January 17	#15	Omb-WS2 19:00UTC
Monday 6 February 17	#16	Omb-WS2 5:00UTC
Monday 13 February 17	#17	Omb-WS2 13:00UTC
Monday 27 February 17	#18	Omb-WS2 19:00UTC
Friday 10 March 17		CCWG
Saturday 11 March 17		ICANN 58 11-16 march 2017 Copenhagen
Sunday 12 March 17		
Monday 13 March 17		
Tuesday 14 March 17		
Wednesday 15 March 17		
Tuesday 16 March 17		

canceled

06 participants + Staff
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CCWG-Accountability

Work Stream 2



External review of the ICANN Ombuds Office

Next step

CCWG-Accountability
Work Stream 2



ICANN

Scope of Work, Evaluation Criteria & Methodology

Candidate Evaluation Criteria

Understanding of the assignment, timeline, deliverables

Understanding of the role and function of Ombudsman

Demonstrated experience in conducting broadly similar examinations of the Ombudsman office

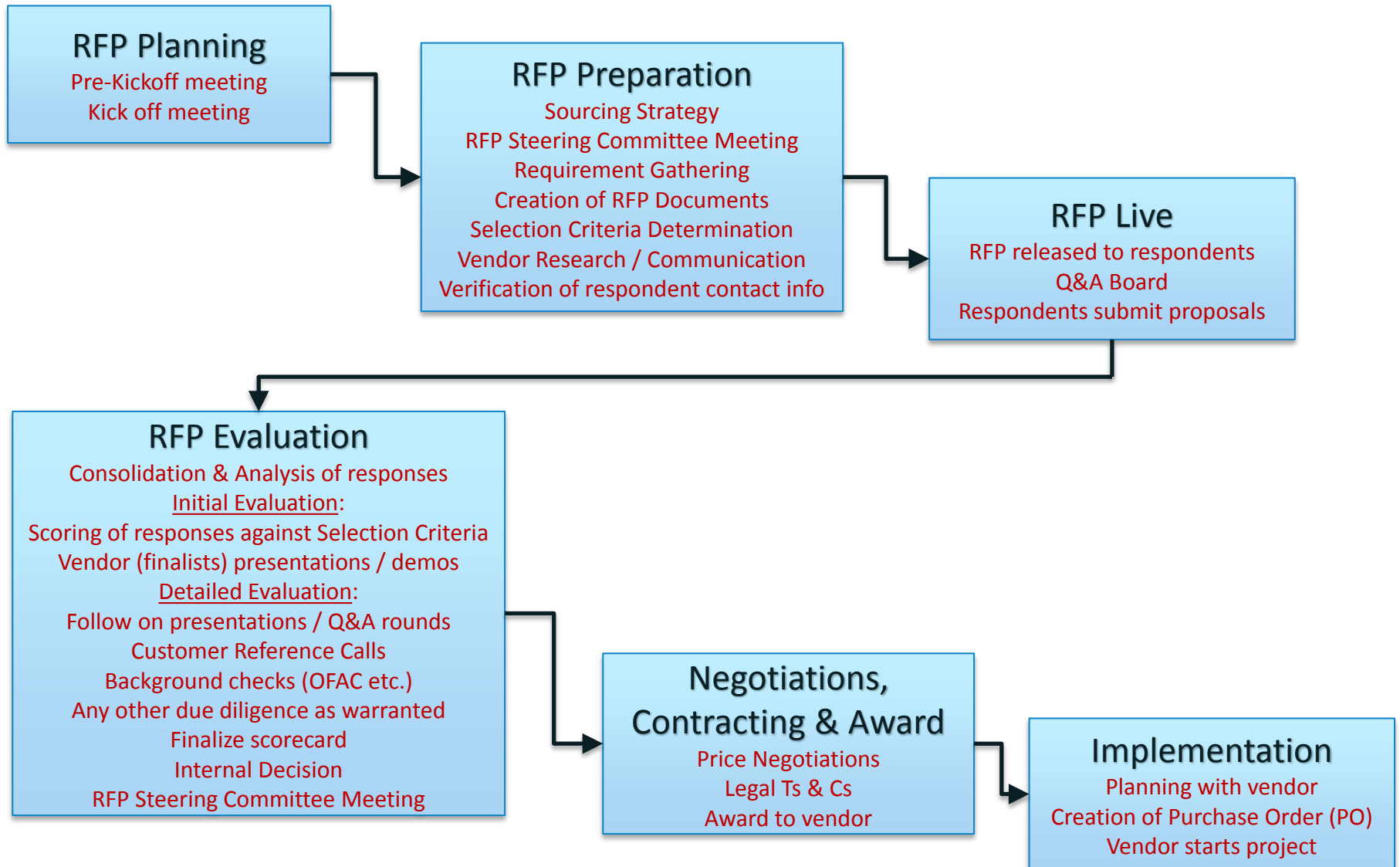
Demonstrated experience in conducting similar assessments for international organizations

Demonstrated understanding of not-for-profit or non-governmental organizations

Commitment to working with ICANN's multistakeholder model and basic understanding of ICANN

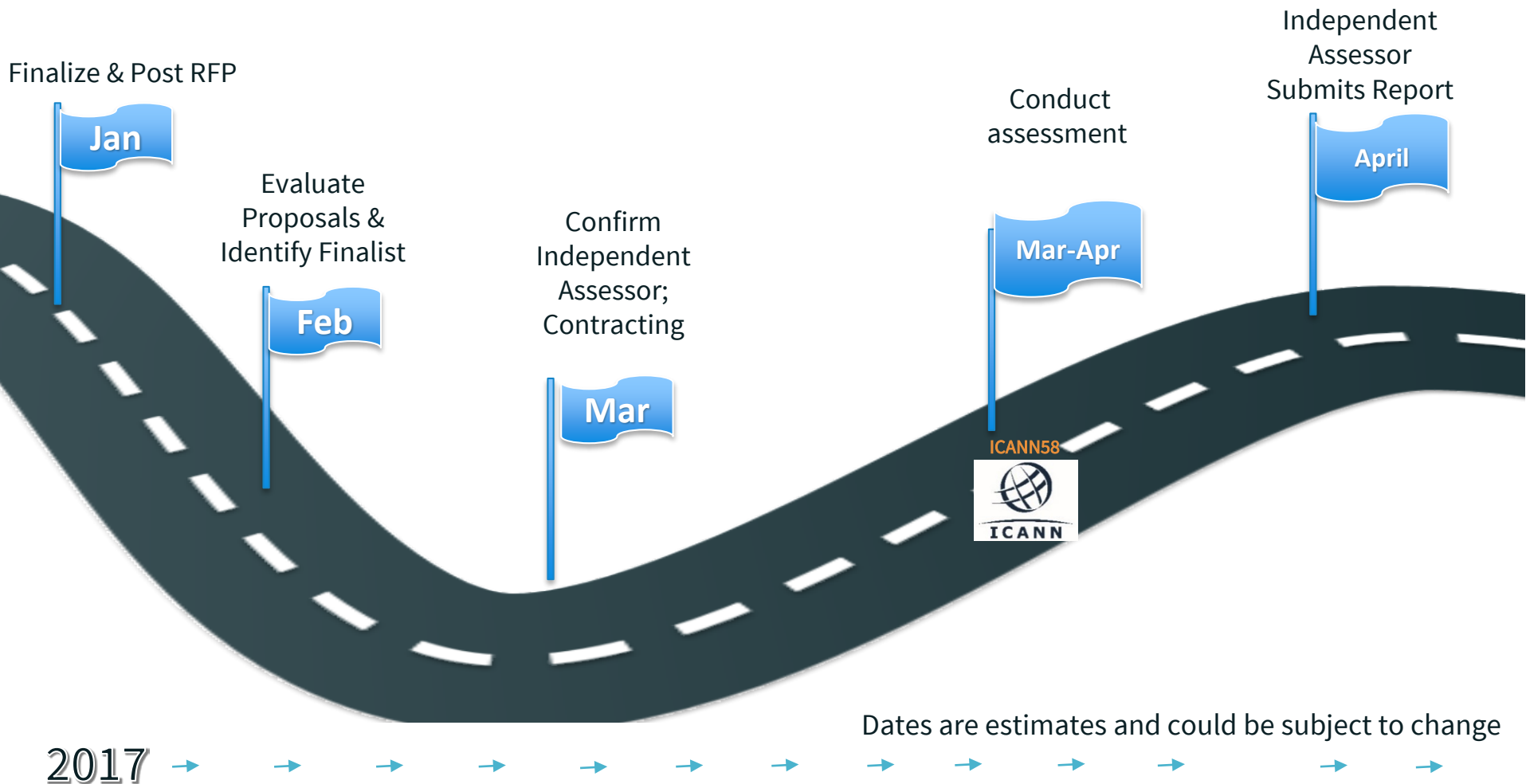
Lifecycle of ICANN RFP Process

Lifecycle of ICANN RFP Process



Proposed Timeline & Roles and Responsibilities

Proposed Road Map for Assessment of ICANN's Ombudsman Office



Roles and Responsibilities

Ombudsman Subgroup

- Confirm RFP, including scope, selection criteria, deliverables, and methodology
- Provide feedback on candidate scoring
- Confirm final selection
- Provide clarification and factual corrections to Examiner
- Review Examiners Final Report
- Integrate recs into Subgroup's final report

Independent Examiner

- Review of documents, records
- Conduct interviews and observations
Engage with stakeholders for clarification and correction
- Prepare Final Report including implementable recs

ICANN Ombudsman

- Inform about the process and work of the Ombudsman Office
- Provide clarification and factual corrections to Examiner
- Provide input as to feasibility and usefulness of recs

ICANN org

- Run RFP process in cooperation with Subgroup
- Support outreach and engagement as needed
- Provide clarification and factual corrections to Examiner
- Liaise between Independent Examiner, ICANN Ombudsman and Subgroup as needed

Evaluation (1/2)

- Evaluate the current Ombudsman charter and operations against industry best practices
 - [Ombudsman Framework](#) (April 2009)
- International Ombuds Association
 - <http://www.ombudsassociation.org/About-Us/IOA-Standards-of-Practice-IOA-Best-Practices.aspx>
 - http://www.ombudsassociation.org/IOA_Main/media/SiteFiles/IOA_Best_Practices_Version3_101309_0.pdf

Evaluation (2/2)

- Jurisdiction
- Power
- Independence
- Neutrality, Impartiality, Fairness
- Confidentiality
- Informality and other standards
- Communication
- Output

A world map where the continents are defined by a network of white dots connected by thin white lines. The background is a solid orange color. The text "How to organize our team?" is centered over the map in a white, bold, sans-serif font.

How to organize our team?

How to organize our team?

- Small group to follow External review of the IOO
 - Sebastien Bachollet – Rapporteur
 - Farzaneh Badii
 - Avri Doria
 - Cheryl Langdon-Orr
 - Alberto Soto
 - Klaus Stoll
 - Herb Waye (Icann Ombuds)
 - Asha Hemrajani – Board Liaison

Other tasks that

- Need to be delay after receiving the external review report
- Can be handle in //

2. Dependencies between WS2 Design Teams

ICANN Ombuds

1. **Diversity** (Sébastien Bachollet)
2. **Human Rights** (Raoul Plommer)
3. **Jurisdiction** (Farzaneh Badii)
4. **SO/AC Accountability** (Cheryl Langdon-Orr)
5. **Staff Accountability** (Avri Doria)
6. **Transparency** (Michael Karanicolas)
7. **Reviewing CEP** (Edward Morris)
8. **Guidelines stand. conduct** (Karel Douglas)
9. **IRP "Phase 2"** (Robin Gross)
10. **ATRT2** (Avri Doria)

Transparency (Michael Karanicolas) vs 100

- ICANN CCWG-Transparency Report WS 2
 - Draft report December 2016
 - Executive summary (P.1)
 - We recommend that several of the exceptions be narrowed, so that they only apply to material whose disclosure would cause actual harm, and that the exception for vexatious requests should require consent from the Ombudsman before it is invoked. We also recommend that the Ombudsman's promotional mandate with regard to the DIDP be expanded, and that they should assume a monitoring and evaluation role, including tracking and reporting basic statistics on the DIDP's use.

Transparency (Michael Karanicolas) vs I00

- ICANN CCWG-Transparency Report WS 2
 - Draft report December 2016
 - **Subtheme 1: Improving the DIDP**
 - As a result, and because it is difficult to objectively define when a request should be considered abusive or vexatious, we recommend that the consent of the Ombudsman should be required in order to invoke this exception.
 - A further recommendation is that the Ombudsman's mandate regarding the DIDP should also be boosted to grant the office a stronger promotional role, including specific steps to raise public awareness about the DIDP and how it works, including by integrating understanding of transparency and the DIDP into ICANN's broader outreach efforts.
 - Monitoring and evaluation are also essential to a successful right to information policy, and the Ombudsman should be tasked with 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.

Transparency (Michael Karanicolas) vs IOO

- ICANN CCWG-Transparency Report WS 2
 - Draft report December 2016
 - **Subtheme 4: Whistleblower Protection**
 - We note that the scope of the Hotline policy is limited to ICANN employees. We agree with the NAVEX report that it is appropriate to limit the scope of the Hotline policy to employees and rely on the Ombudsman to handle complaints from external stakeholders.

Transparency (Michael Karanicolas) vs I00

- ICANN CCWG-Transparency Report WS 2
 - Draft report December 2016
 - **SUMMARY OF RECOMMENDATIONS**
 - The DIDP
 - 13) 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.
 - 19) 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.

Draft Doc IOO-WS2 chapters (V#6)

Executive summary

Description of issue

1. Background for ICANN Ombuds Office (IOO) in Work Stream 2
2. Dependencies between the WS2 Design Teams
3. Overlap ATRT2 / CCWG-Accountability
4. Stress Tests (WS1) vs Ombuds
5. Current role of the IOO
6. Evaluation (Framework vs best practices)
7. Various types of Ombuds roles
8. Challenges
9. Recommendation (about the IOO)
10. Additional role for the IOO?
11. Interaction (with other ICANN mechanisms)
12. Communication & Relationship
13. Trust
14. Advice to the ICANN Ombuds Office (IOO)
15. Conclusion

Recommendations



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CCWG-Accountability

Work Stream 2



- Next meeting #14 – Monday Jan 09, 2016
- Proposed Agenda
 - Roll Call / Apologies – Welcome – Opening Remarks
 - External review of the ICANN Ombuds Office follow-up
 - Other tasks (tbd)
 - Calendar
 - Next meeting #15 – Monday Jan 23, 2017
 - AOB

