CCWG-Accountability Work Stream 2
ICANN Ombuds Office
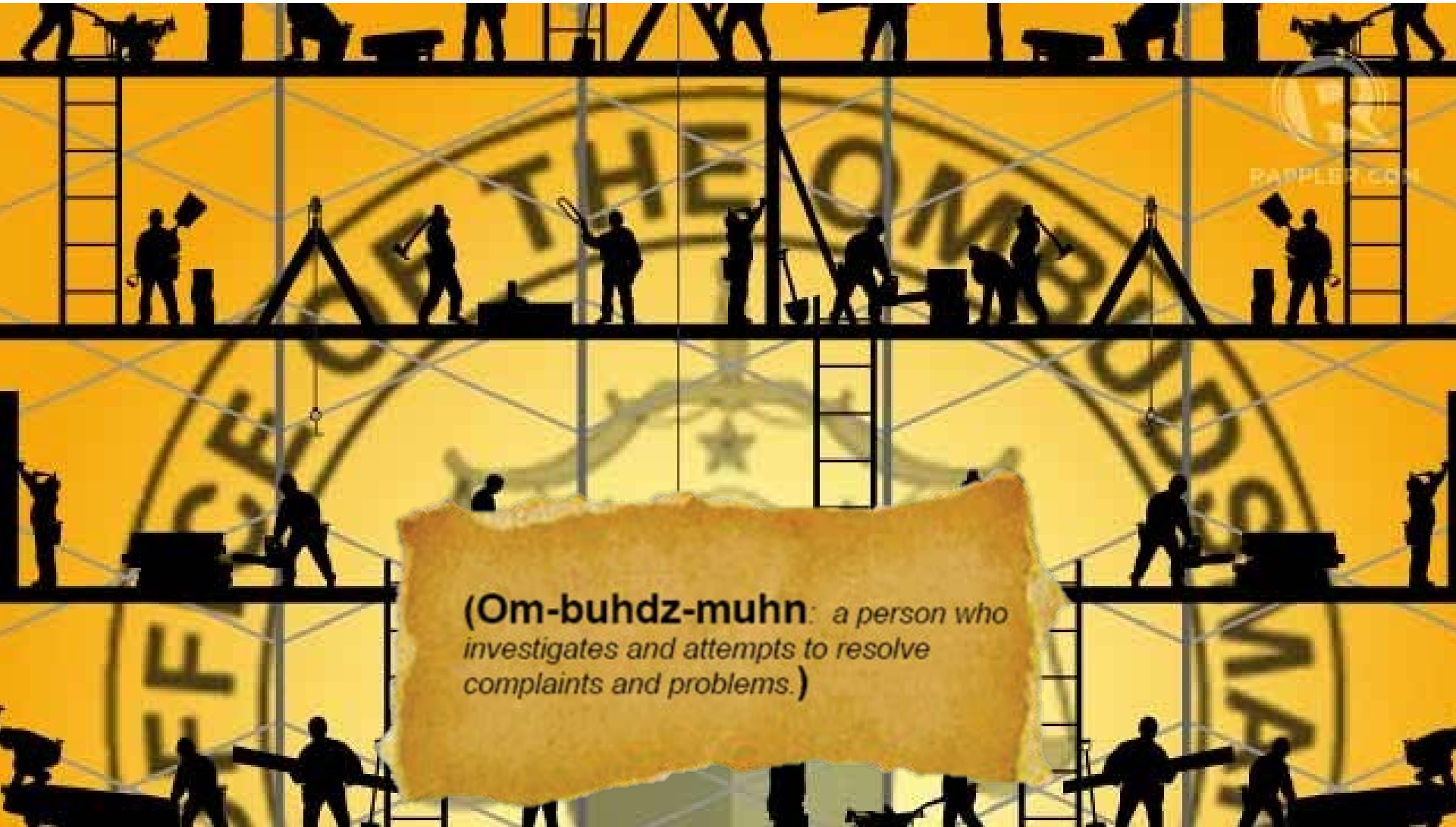
Meeting #14

10 January 2017

Rapporteur: Sébastien Bachollet

CCWG-Accountability Work Stream 2
ICANN Ombuds Office

(Om-buhdz-muhn: *a person who investigates and attempts to resolve complaints and problems.*)

Agenda Meeting #14 Ombuds

- Roll Call / Apologies – Welcome – Opening Remarks
- External review of the ICANN Ombuds Office
- Other tasks that
  - Need to be delay after receiving the external review report
  - Can be handle in //
- Calendar
  - Next meetings
  - #15 Monday 23 January 2017
- AOB

CCWG-Accountability

Work Stream 2

Ombuds
ICANN

WS2 Drafting Team "Ombudsman"

Active Participants

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

Observers

1. Aarti Bhavana
2. Alan **G**reenberg
3. Akinremi Peter Taiwo
4. Amrita Choudhury
5. Angie Graves
6. David Maher
7. Elizabeth Bacon (1)
8. Gangesh Varma
9. Iftikhar Shah
10. Johan Helsingius
11. Jon Nevett
12. Mike Rodenbaugh
13. Pam Little (1)
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 (9)
- Mike Silber (backup) (4)

Co-Chair

- Mathieu **W**eill

CCWG-Accountability
Work Stream 2

Subgroup Time Slots

Day	#	WS2-Ombudsman	
~~Tuesday 22 November 16~~		~~Omb-WS2 05:00UTC~~	canceled
Friday 9 December 16	#12	**Omb-WS2 19:00UTC**	06 participants + Staff
Monday 19 December 16	#13	**Omb-WS2 05:00UTC**	07 participants + Staff
Monday 10 January 17	#14	**Omb-WS2 05:00UTC**	xx participants + Staff
Monday 23 January 17	#15	**Omb-WS2 19:00UTC**	xx participants + Staff
Monday 6 February 17	#16	**Omb-WS2 05:00UTC**	xx participants + Staff
Monday 13 February 17	#17	**Omb-WS2 13:00UTC**	xx participants + Staff
Monday 27 February 17	#18	**Omb-WS2 19:00UTC**	xx participants + Staff
Friday 10 March 17		**CCWG**	xx participants + Staff
Saturday 11 March 17			
Sunday 12 March 17		**ICANN 58 11-16 march 2017 Copenhagen**	
Monday 13 March 17			
Tuesday 14 March 17			
Wednesday 15 March 17			
Tuesday 16 March 17			

CCWG-Accountability

Work Stream 2

Ombuds
ICANN

External review of the ICANN Ombuds Office

Next step

CCWG-Accountability Work Stream 2

nbuds

ICANN

Candidate Evaluation Criteria

Understanding of the assignment, timeline, deliverables

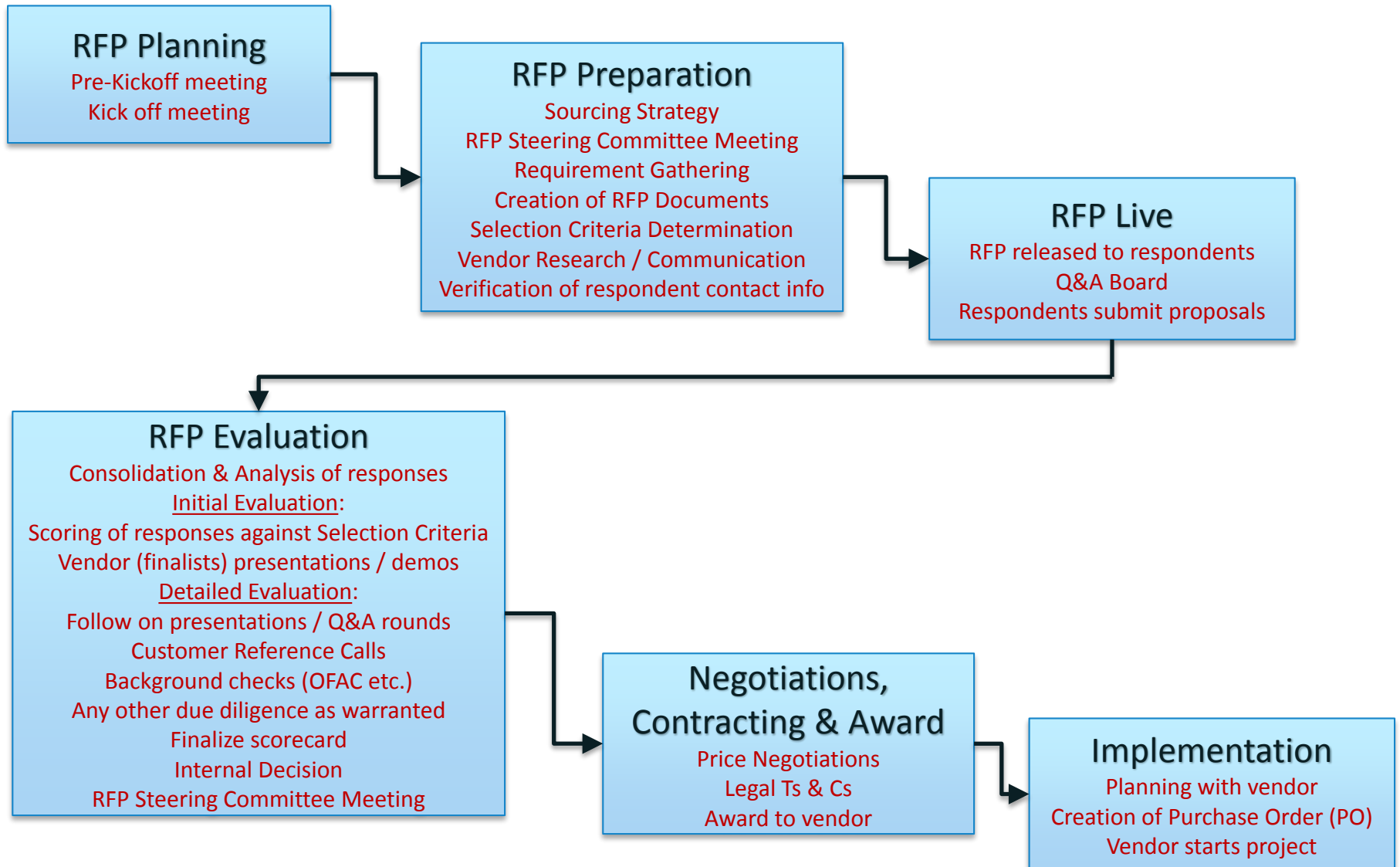**Understanding of the role and function of Ombudsman**

Demonstrated experience in conducting broadly similar examinations of the Ombudsman office

Demonstrated experience in conducting similar assessments for international organization s
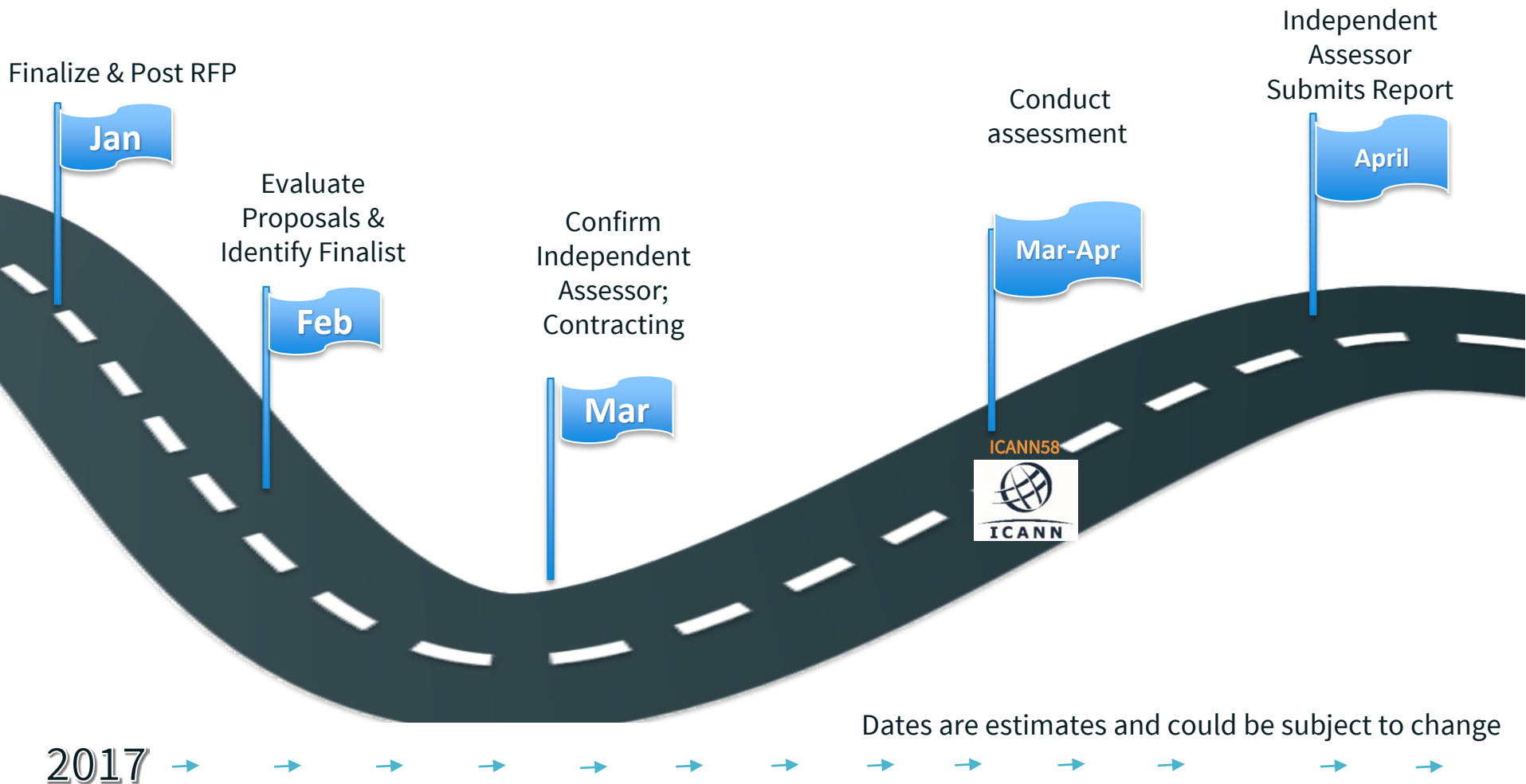
Demonstrated understanding of not-for-profit or non-governmental organizations

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

Lifecycle of ICANN RFP Process

RFP Planning
Pre-Kickoff meeting
Kick off meeting

RFP Preparation
Sourcing Strategy
RFP Steering Committee Meeting
Requirement Gathering
Creation of RFP Documents
Selection Criteria Determination
Vendor Research / Communication
Verification of respondent contact info

RFP Live
RFP released to respondents
Q&A Board
Respondents submit proposals

RFP Evaluation
Consolidation & Analysis of responses
Initial Evaluation:
Scoring of responses against Selection Criteria
Vendor (finalists) presentations / demos
Detailed Evaluation:
Follow on presentations / Q&A rounds
Customer Reference Calls
Background checks (OFAC etc.)
Any other due diligence as warranted
Finalize scorecard
Internal Decision
RFP Steering Committee Meeting

Negotiations, Contracting & Award
Price Negotiations
Legal Ts & Cs
Award to vendor

Implementation
Planning with vendor
Creation of Purchase Order (PO)
Vendor starts project

Proposed Road Map for Assessment of ICANN's Ombudsman Office

Finalize & Post RFP

Jan

Evaluate Proposals & Identify Finalist

Feb

Confirm Independent Assessor; Contracting

Mar

Conduct assessment

Mar-Apr

ICANN58

Independent Assessor Submits Report

April

Dates are estimates and could be subject to change

2017

Roles and Responsibilities

Ombudsman Subgroup	Independent Examiner	ICANN Ombudsman	ICANN org
• 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	• Review of documents, records • Conduct interviews and observations Engage with stakeholders for clarification and correction • Prepare Final Report including implementable recs	• 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	• 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_1013090.pdf

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

Other tasks that

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

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)

- 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.

- 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.

- 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.

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

INDEPENDENT
Safe
Fair
Facilitation
Mediation
Informal
Confidential
Impartial
Neutral

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CCWG-Accountability
Work Stream 2

Ombuds
ICANN

Calendar

- Next meeting #16 – Monday Fev 16, 2017
- Proposed Agenda
  - Roll Call / Apologies – Welcome – Opening Remarks
  - External review of the ICANN Ombuds Office follow-up
  - Other tasks
  - Calendar
    - Next meeting #17 – Monday Fev 13, 2017
  - AOB

AOB