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SÉBASTIEN BACHOLLET: Okay, thank you very much. Sébastien Bachollet speaking. Welcome everybody. We are at the meeting number 14 of this ICANN Ombudsman Office Drafting Team or subgroup of the work stream two of [inaudible] and ICANN [inaudible] or ICANN accountability.

It's the 10th of January 2017. I want to start by wishing all of you a very good year. All of your projects and your house and family and so on and so forth. And I would like to start the call by the roll call, and we will take the roll call with people who are participating on the Adobe, including Cheryl who is on the line only.

Do we have people not on the Adobe Connect who are also participating to the call just on the line, on the telephone?

UNKNOWN SPEAKER: Actually no [inaudible]...

SÉBASTIEN BACHOLLET: Yeah, but you are on the Adobe also. Okay, thank you. Then we have, it seems that we have new participants or new observer, I don't know, not on our list of participants, and welcome to everybody. And as you know, we finished the year with our last call was December 19th, I guess, and it was to discuss about the external review of the ICANN, the office of the ICANN ombudsman as it says in the bylaw.

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And I would like to start by this topic, and then we will discuss on our other task, which one we will delay after receiving the external reviewing report, and the one we want to in parallel, then discussed when will be our next call and any other business.

And the list of our participants, I have one information it's the number of call, everyone participates, and we will, I will try to keep that date. And if you need to see the number of calls, we have those from the beginning, just look for my name. It seems that I'm the only one to participate to all of the call, that's okay. I am supposed to do that.

And now our schedule, we are at the call number 14. I didn't update this first slide, I need to do that next time. And let's discuss the first item, the external review of the ICANN Ombudsman office. And I have put some slides, but I don't know which one we need to use, and I would like to give the floor to Lars Hoffmann, who is with ICANN staff.

Now we need to say ICANN organization, I guess. He is in charge of taking care of this review for ICANN. May I give you the floor Lars, please?

LARS HOFFMANN:

Thank you Sébastien. This is Lars. Also Happy New Year to all. And this is just really a quick update. [Inaudible], you might have already seen, has already sent out on the mailing list the link to the RFP that has gone online today. I'm going to post a link into the chat as well right now.

And I will send a quick follow-up email, so you've got [inaudible] emails as well. And I just want to say in addition to, this is going online. The

deadline being 31st of December for responses. We might reevaluate that depending on how many responses we get at the time. But this is what we're working with at the moment.

And then it's the issue of disseminating this. If I recall correctly, during the previous call, maybe two ago, I think happened maybe Chris had mentioned that they are members of an [inaudible] organization that they could maybe reach out. People will either come to that, and maybe even coordinate other things.

And then if anyone on the call in the group or on the mailing list, which is to send like this to, within the networks, to anyone who they think might be able to respond to the RFP, that would be much appreciated. We will, of course, [inaudible] usual channels that we use for this kind of procurement efforts.

And I believe the next meeting is the 23rd. I'm not sure when there is one part of the schedule, but I suggest that we'll meet again, a meeting on the 31st to kind of discuss the next steps of what happens when the RFP closes at the end of the month.

And unless you have any questions, that's all from me. Thanks.

SÉBASTIEN BACHOLLET:

Thank you Lars. I guess, I didn't receive the email, as I am just waking, we [inaudible] normal, and you just, I guess you said that 31 of December, and I guess you meant to say 31 of January 2017.

LARS HOFFMANN: That's right, I'm sorry.

SÉBASTIEN BACHOLLET: That's okay. For the deadline for answering this, in our main goal today will be to help to disseminate this RFP, request for proposal, as much as we can. Or I guess, yes definitely, help will be very helpful for that to put to the organization, each member of, and knows about.

And if we have a, the other participants have any contact, they can send the link, you just give us the charter in the email that Bernie had sent. I want to go back to the schedule, because say that then we don't, we will discuss that again, the 6th of February, just after 31 of December.

And that's okay, that means that the next call on the 23rd of January, we need to see if we have any other topic to run, and we will decide by the end of this call. Any comment? Okay, Lars, you raised your hand.

LARS HOFFMANN: Yeah, this is Lars for the... Thank you. This is Lars for the record. Yeah, just as a... If you're meeting on the 23rd anyway, I think it might be worthwhile for me to come in again at the beginning, just for a couple of minutes, to talk you through the steps, to maybe give you an update on numbers of applicants received, and then talk you through the subsequent follow-up on the 31st of January.

If you don't meet, and I can give you that via the email list as well, obviously. Then I will suggest that we meet on the 5th of February, and then the evaluation start, and then I think [inaudible] from your side would also be sought after very soon. Thanks.

SÉBASTIEN BACHOLLET: Okay, thank you Lars. It's Sébastien speaking. Any other comments or questions?

Okay. My question will be, where we are with this schedule? Are we still on schedule? Or do we need to change a little bit from now on? That's maybe Lars who can tell us. Okay, Lars, go ahead please. Thank you.

LARS HOFFMANN: Thanks Sébastien. This is Lars for the record. No, I'm happy to report that we have past the first [inaudible] successfully. We [inaudible] the first RFP in January. And so, we hopefully, in February, if the deadline is held the [inaudible] amount of applicants, then the beginning of February, we should start the evaluation process.

So, for the time being, this is still up to date. But Sébastien, that's a good point. I will make sure, I will take note of this, make sure if and when there is any changes on the [timeline?], that I send you an updated roadmap. Thanks.

SÉBASTIEN BACHOLLET: Thank you very much. And that's good that we are online with the current schedule. And I hope that we will keep as much as possible, one of the big steps will be, of course, the selection of the one who will do the review, and then with this person or this group who will have to satisfy or ensure that schedule could be under as we wrote it for the moment, and it will be important, the input will be important to take

care in the future, and that's an important point for us to take care because if we want to keep the overall schedule, we need to know where we are going on that.

And just to be sure, as Asha just joined, we discussed, up until now, the RFP and it was published, and we are hoping to have an answer by the end of this month, 31 of January. If you have any people or organization who can be one to answer the RFP, please send the information. We just got that through email, or it's on the chat, the link given by Lars.

Asha, go ahead, please, thank you.

ASHA HEMRAJANI: Yeah, thank you Sébastien. Can you hear me?

SÉBASTIEN BACHOLLET: Yes, very well. Go ahead.

ASHA HEMRAJANI: Thank you. Yeah, sorry for being a bit late. I just wanted to, because I just wanted to confirm a few things. So, what I missed this morning, rather this afternoon for me, is that Lars went through the schedule. Is that correct?

[CROSSTALK]

SÉBASTIEN BACHOLLET: Go ahead Lars, go ahead.

LARS HOFFMANN: Sébastien, I'm sorry. This is Lars. I didn't go through the schedule. Sébastien just brought up a slide that you see in the AC room, and asked whether this was presented in December, it's still up to date, and the first slide on the left, we [inaudible] the RFP was posted today, and we've got [inaudible] to go until April, hopefully. Thanks.

ASHA HEMRAJANI: Okay, thank you. Thank you Lars. So I just wanted to check, when is the...? Is the RFP advertised? Or do we invite specific parties to submit this?

LARS HOFFMANN: So, this is Lars again. I can just quickly... Unfortunately, you didn't join at the beginning. I'll be very brief. The RFP is presented today. I will send an email after this call to the group with a link, and yes, you are very much invited to disseminate the link within your work, ICANN will do that as well, and we hope we can work with [inaudible] for this call. Thanks.

ASHA HEMRAJANI: Okay, thank you Lars. So, my question was, that specifically. So basically, it's a link that's supposed to be sent around or forwarded, it's not advertised anywhere, in any trade journal, any ombudsman trade journal, or any industry press. That was what my question was.

LARS HOFFMANN: That is correct assumption, yes. It has not been advertised in trade journals at this point.

ASHA HEMRAJANI: Okay, okay. And my last question is, what's the deadline by which they need to, we need, well...? I'm assuming then that [CROSSTALK]... The end of January.

SÉBASTIEN BACHOLLET: Yes.

ASHA HEMRAJANI: Okay, thank you.

SÉBASTIEN BACHOLLET: Thank you Asha. Okay. Any other comments, questions about this RFP? Okay, thank you. If not, I will go quickly to the other slide, who are linked with this discussion, and don't go back to this. Sorry. Now, I suggest that we go to the next item on the agenda, is the other task that we have.

And we didn't discuss too much on the mailing list. It was... Thank you Lars for coming, and we hope to have you in the next call. Thank you, and yes, obviously, if you wish, you can leave the call. Thank you very much.

The main topic about what we have to do, I guess, it's to follow what is happening in the other design team, to be aware of where they are, and

they need our inputs. There are some of those of the subgroup who already have a draft report, or some publication and where they talk about ombudsman, and I guess we need to try to talk with them and to answer their question, or to see their proposal fit with our thinking about future role of the ICANN ombudsman office.

I know that there are some discussion within the diversity subgroup about putting some within ICANN somewhere, an office of diversity and one of the questions raised in this subgroup, I want to raise it here is that, is it a task that could be handled by the ombudsman office? I know we already discussed that in some detail, and it was agreed that could be.

And my question is that, do we write something formal to the diversity, to the other subgroups? To tell them that we think it's a good idea, and it's a good idea to be within the ombudsman office? Or, we leave them to discuss that issue and decide where they wish to put this office. That's, I will say, the [inaudible]...

CHERYL LANGDON-ORR: Can I go in the queue please, Sébastien. It's Cheryl.

SÉBASTIEN BACHOLLET: Yes, go ahead, Cheryl. But it's okay for you to talk now, or we can go [CROSSTALK]....

CHERYL LANGDON-ORR: I was just going to say, call on me when you wish too. That's all right.

SÉBASTIEN BACHOLLET: That's okay, go ahead Cheryl. So, very good.

CHERYL LANGDON-ORR: Okay. Just on your exact point, and I do apologize for the background noise. It's Cheryl for the record, but I'm driving in a car at the moment, so much background noise happening.

I think we should draft the diversity subgroup drafting. I know that both you and I are engaged in that group. I think how to do this politely, they have more than enough on their plate, sorting other very important methods, as well as this one.

And I think what guidance and strong suggestion we can get in terms of possible recommendations that they may wish to either make themselves or from [inaudible] coming from our point of view, it will be very valuable indeed.

So, I just want to go on record saying that. Thanks.

SÉBASTIEN BACHOLLET: Thank you very much Cheryl. If you agree, I will put few lines on that, and send it to you first, and then to the group, and we will discuss that further, and send to them if we agree on something. Yes, Asha, please go ahead.

ASHA HEMRAJANI: Yeah, thank you Sébastien. And I'm just saying on the voice call as opposed to typing it in the chat, because I think probably Cheryl cannot read what's in the chat, in the Adobe Chat. I just wanted to second what she said. I think it's a good idea to propose as a possible suggestion, not to impose on the diversity subgroup, but as a possible suggestion that this could come under the realm of the ombudsman's office. Thank you.

SÉBASTIEN BACHOLLET: Thank you very much, Asha. Cheryl, I was under the impression that you wanted to add something.

CHERYL LANGDON-ORR: No, I was just going to say, yes please, do send me the draft, that's all. I wasn't quick enough with the mute, back off again.

SÉBASTIEN BACHOLLET: That's okay. Thank you very much. Any other comments on that point? Okay. If not, thank you very much. I don't know for all of the other subgroup, I know that I put some slide about the subgroup on transparency. I guess I already show them during the last call, but we didn't discuss it.

I suggest not to go to read it here, but as you will get this slide, please go through. You can go through the full draft report of the transparency subgroup, and there are a few pages. I don't think that there are anything contradictory to our thoughts, but I would like very much to

have your inputs on that, and if we can exchange through the mailing list to be sure that we all agree on what is here.

I will send a specific email with this input to allow some change if needed. Just to be clear for Cheryl and others who are just online, sorry about that. There were reports, and different points including the DIDP, talked about document [inaudible], and another sub-team was a whistle-blower, DIDP, and the other one was about the whistle-blower, I guess.

Sorry. I don't know what's happened, but it seems like it's moving at the same time, I am trying to put that here. Okay. There are two points, where they talk about the ombudsman, and if you have any comments on that by email, it will be very welcome. Asha, please.

ASHA HEMRAJANI:

Thank you Sébastien. So, if you could go to the slide which shows the transparent, the first page of the transparency, I think it was sub-team one. Yes, this one. Sub-team one. No, you're too fast. Not this one. Sub-team one. Wait, this one, this one.

I would very much like to, I can see Herb is on the call, and I'd like to get his views on the first bullet point. As a result, because it is difficult to objectively define when they request would be considered abuse of what [inaudible] we recommend, consent of the ombudsman would be required in order to invoke this exception.

I wanted to get Herb's view on this. Because of the fact that it would be very difficult to classify or to make a decision on where a request is

obvious [inaudible]. What...? How does he see the ombudsman's role in terms of intervening in this sort of scenario? Thank you.

SÉBASTIEN BACHOLLET: Thank you Asha. Sébastien Bachollet speaking. Yes please, Herb, go ahead.

HERB WAYE: Thank you. To be quite honest, the whole slide here, poses several [inaudible] conflict of interest. Because the biggest concern is if somebody has come to the office, with a complaint about a DIDP that was possibly rejected or something like that. So, I'm hesitant about any of this for the simple reason that I would need some sort of an option to opt out, if I'm already investigating the matter.

So, I see potential for a little bit of conflict there. As far as me being the judge of whether something is abusive or [inaudible], I'm assuming that it's because it has been rejected, and if that was the case, then it would be the person's right to actually come to me, to possibly investigate that.

So, I see a lot of stuff in here that can actually go wrong, and become conflicting. So, I don't really know how to answer you on this because if the request is rejected, because somebody finds it abusive, then I would have to actually, that would open up the door for the person to come and see me about actually reviewing the request.

So, you know, I don't know how to clear it up.

SÉBASTIEN BACHOLLET: Okay, thank you Herb. May I suggest that we invite even the, if he's already member of this, of our ICANN ombudsman's office drafting team, Michael Nicholas for our next call, and we discuss that. I know that there is a plenary after tomorrow, I guess, or during this week.

And I will, maybe tomorrow. I would suggest that this be discussed between the two groups [CROSSTALK]...

HERB WAYE: ...something very similar with the new bylaws and the reconsideration requests. There is a clause in there that allows me to opt-out if the office is already investigating, and reconsideration request is applied for. But again, it places me in a very sensitive position, because if I opt out of conducting the reconsideration request portion, then it implies that [inaudible] is actually breaching confidentiality, so it creates...

There are a lot of issues that have to be looked at before we can move ahead with, you know, something along this line.

SÉBASTIEN BACHOLLET: Okay, thank you Herb. Sébastien speaking. Asha, please go ahead.

ASHA HEMRAJANI: Thank you Sébastien. And thanks Herb for that frank response. I didn't even consider that possibility that you just described, so that is one possible, one area of difficulty. The other, so I just had two points to

make. One is on the second bullet point and the third bullet point. The second bullet point talks about the ombudsman taking the role of raising public awareness of how [inaudible] works.

And the third bullet point is, reporting on the statistics of the [inaudible], for instance, how many requests were sent, were received, by ICANN Legal? What percentage were denied? And so on. I know that, for the third bullet point, there is an external organization that does that, and ICANN Legal also has on, I think, one occasion has produced some sort of statistics. But I just wanted to ask if you could also look at those two points and give your...

Frankly speaking, the whole thing from on the DP and you know, get your views sort of, your thoughts on each of these suggestions, and then I totally support the suggestion of inviting Michael to have a frank discussion with him on these suggestions, on how to improve the DP.

But I think the most important one would be the first bullet point. The second and the third seem to be more of administrative and logistic sort of roles, but the first one, I think, it would warrant a lot more thought into how the ombudsman could support or could help.

So, before we invite Michael, my suggestion would be that our thoughts are on these suggestions, are sort of crystallized so that we can have a more productive discussion with Michael. Thanks.

SÉBASTIEN BACHOLLET:

Thank you Asha. Sébastien speaking. I will send, as I say at the beginning, send a specific mail with all of those slides information in the

link to the current draft of this transparency drafting team. And obviously, it would be good to have your input, both Asha and Herb on that, and others, of course.

And to see how we are. We have two weeks to go before our next call, and it's a decent time to have this changed. And thank you Asha for raising this issue right now. And the other point, it's about whistleblower. Any inputs right now on that?

Okay. If not, I will go to... Yeah, you have the summary of what they are. Thinking about and if we comment on the first bullet point, we may wish to discuss also the summary of the recommendations, and it's important to do it quite quickly to allow us this subgroup to work on time.

Therefore, we have all the subgroup, we may need to have some input. And then if you have knowledge about any other subgroup who have discussed something, who could be linked with our ICANN ombudsman office drafting team, just please, come back to us and tell us where we are, and what we need to give as input. If there is something in the other subgroup.

And here, is this slide is to give you back whether the current headlines of our possible report, or the current draft report. I send you the [inaudible] seven, just after our last call. I didn't receive any input on that. I don't know if we, if you have some input, but I think it's one way to see if we have any specific items we want to discuss in parallel with the review going on.

Then if, once again, if you have any inputs now, just feel free to give them. If not, I may send also maybe what I can do is send another mail with a [crown?] version of the report, asking specifically these questions about, what other topics we need to still work on? Even if the review is going in parallel.

Any comments, questions?

ADEBUNNI ADEOLA AKINBO: [Inaudible]

SÉBASTIEN BACHOLLET: Yeah, go ahead please, Akinbo.

ADEBUNNI ADEOLA AKINBO: Okay. I think I would support the suggestion [inaudible], some of us are [inaudible]... inability to see the slides. So, if you [inaudible]...

...much more, even [inaudible]... not have the opportunity to describe the processes. Thank you.

SÉBASTIEN BACHOLLET: Okay, Akinbo no problem. Just to let you know that all those information, we already sent, and it's just a slide of a headline with the draft report, and we have that, I will say 10 or more meetings, but definitely, I will send that information, and I understand that it's not very easy when you are just on the phone line, as you are, or as Cheryl, she's driving, to see what we are, the other people on Adobe are asking.

Then I will do that, definitely. Thank you for your intervention, and interest to that topic. Thank you.

If no other input, I will go, I guess, to discuss about our next call. Then obviously, we have some topics to be discussed at the IDP, the whistleblower, and the diversity could stay on our [inaudible] for our next call. The next call is scheduled in almost two weeks. We are back on Monday.

And today it's Tuesday, the 10th of January, and not Monday. My fault. I will update that. And then the next call will be on the 6th of February. The 23rd, I guess we will go through the external review, our other task. I just list them now. And discuss also the next call.

Any comments, questions? If not, I will go to the last item. It's any other business. I have just one, as you know, we have a plenary on Wednesday. There is a prep call tonight for me, I will not be able to attend the prep call, unfortunately. And I will report quickly on those issues of connection with the other drafting team, and where we are with this schedule about the RFP very shortly, on the plenary tomorrow.

But if you have other inputs, or other business, please feel free. It's the right time. Thank you Cheryl. Noted that you don't have any other business, and I guess the other are the same. Then I would like to thank you all for participating to this call. Talk to you in two weeks, and have a good day, or night, or evening.

And I will adjourn the call now. Thank you once again. Bye-bye.

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