

RECOMMENDATIONS 16 & 18: EVALUATE POST IMPLEMENTATION POLICY IMPACT & EFFECTIVENESS	
STRATEGIC ALIGNMENT	
Part One – Which ICANN Objective does this meet	
Promote role clarity and establish mechanisms to increase trust within the ecosystem rooted in the public interest. See Strategic Plan, page 23 at: https://www.icann.org/en/system/files/files/strategic-plan-2016-2020-10Oct14-en.pdf .	
Alignment with Strategic Objectives	
Goal	Shared understanding by Board, staff and stakeholders of the allocation of responsibilities for design, development and implementation of policy and operational processes. - Shared understanding of the roles, responsibilities and accountability of the Board, staff and stakeholders. - Board, staff, and stakeholders use
Project/Recommendation	Recommendation 16: That a policy impact assessment (PIA) be included as a standard part of any policy process. Recommendation 18: That the GNSO Council evaluate post implementation policy effectiveness on an ongoing basis (rather than periodically as stated in the current GNSO Operating Procedures); and that these evaluations are analyzed by the GNSO Council to monitor and improve the drafting and scope of future PDP Charters and facilitate the effectiveness of GNSO policy outcomes over time.

SCOPE DESCRIPTION	
Scope Statement	
<ol style="list-style-type: none"> 1. Staff to indicate when the implementation of the DMPM recommendations is expected to be completed and whether any of these actions are included: <ol style="list-style-type: none"> a) Develop an analytical framework for assessing policy impacts. 2. The GNSO Review Working Group to determine what should be measured and corresponding metrics. As part of this determination: <ol style="list-style-type: none"> b) Staff to provide recent experience to review some policies that have been implemented. c) Staff to provide the DMPM strawman to assist the community in identifying metrics that can be used to test policy effectiveness. 3. The GNSO Review Working Group to review the PDP Manual to determine what changes, if any, need to be made to make post-implementation policy effectiveness evaluation an ongoing rather than a periodic process and to include an assessment period at the start of the implementation process. 4. The GNSO Review Working Group to develop guidelines for how implementation of policies should be evaluated. <p>Upon completion of the above steps, the GNSO Review Working Group to determine whether this recommendation has been implemented.</p>	
Out of Scope	
The above scope is sufficiently clear.	
Assumptions	
That the recommendations will require changes to the GNSO Operating Procedures.	

Deliverables
Insert

OPTION ANALYSIS

None were considered or were necessary to be considered.

SOLUTION

1. Staff notes that the current GNSO policy development process does not document PIA. See: <https://gns0.icann.org/en/basics/consensus-policy/pdp>. However, a review is documented:
2. <https://www.icann.org/policy/implementation>; <https://www.icann.org/sites/default/files/assets/how-gtld-policies-implemented-2550x1650-31jan16-en.png>; <https://www.icann.org/en/system/files/files/gdd-consensus-policy-implementation-framework-31may15-en.pdf>
3. Staff notes that recommendations 16 and 18 appear to be addressed in the Final Report of the Data and Metrics for Policy-Making (DMPM) Working Group DMPM Final Report: <http://gns0.icann.org/en/issues/dmpm-final-09oct15-en.pdf>. On 21 October 2015 the GNSO Council passed a motion to approve the Data & Metrics Working Group Recommendations (non-PDP) as detailed in the Final Report at: <http://gns0.icann.org/en/issues/dmpm-final-09oct15-en.pdf>. See the motion at <https://community.icann.org/display/gnsocouncilmeetings/Motions+21+October+2015>. Some of the recommendations in the Final Report resulted in revisions to the GNSO Operating Procedures, Version 3.2 published on 17 February 2016 (<http://gns0.icann.org/en/council/annex-2-pdp-manual-16feb16-en.pdf>) as follows:
 - a. ~~Recommendation 2 directs staff to update Annex 2 of the GNSO Operating Procedures, Policy Development Process Manual, Section 9, Outcomes and Processes, concerning early outreach in regards to audience scope and quantitative input;~~
 - a. Recommendation 3 directs staff to create and publish new templates of the Issue Report, Charter, and Final Report templates in Annex 1 of the GNSO Operating Procedures, Working Group Guidelines, Section 5, Products and Outputs; [Complete – work product templates were created and deployed in the GNSO Operating Procedures, page 57 and on the GNSO Site: \[http://gns0.icann.org/en/council/GNSO-GroupName-Charter-yyyyymmdd-template.dotx\]\(https://gns0.icann.org/en/council/procedures: Charter Template \(<a href=\)\): contains new section to direct Drafting Team in the “Deliverables & Timeframes” section. This also has been added to the GNSO Initial Report Template on page 9. See: <http://gns0.icann.org/en/council/GNSO-GroupName-InitialReport-yyyyymmdd-template.dotx>.](#) “If the WG concludes with any recommendations, the WG must include a **policy impact analysis** and a set of metrics to measure the effectiveness of the policy change, including source(s) of baseline data for that purpose:
 - [Identification of policy goals](#)
 - [Identification of metrics used to measure whether policy goals are achieved](#)
 - [Identification of potential problems in attaining the data or developing the metrics](#)
 - [A suggested timeframe in which the measures should be performed](#)
 - [Define current state baselines of the policy and define initial benchmarks that define success or failure](#)
 - [Metrics may include but not limited to \(Refer to the Hints & Tips Page\): <https://gns0.icann.org/en/council/procedures/hints-tips>](#)
 - [ICANN Compliance data](#)

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- [Industry metric sources](#)
- [Community input via public comment Surveys or studies](#)

- b. Recommendation 6 directs staff to update Annex 2 Policy Development Process Manual, by adding a new Section 4.5 2 Metrics Request Decision Tree and Form; [complete – feeds into a. above](#);
- c. Recommendation 7 directs staff to import the Metrics Request Decision Tree found in Annex B and Metrics Request Form found in Annex C of the Final Report into Annex 1 Working Group Guidelines. [Complete – feeds into a. above.](#)

4. [Staff notes that the Global Domains Division, along with the Policy and Compliance Departments of ICANN, have a role in in terms of reviewing the effectiveness of Consensus Policies beyond Consensus Policy Effective Dates. These roles are outlined in GDD’s Consensus Policy Implementation Framework at: <https://www.icann.org/en/system/files/files/gdd-consensus-policy-implementation-framework-31may15-en.pdf>.](#)

5. [Staff notes also that the Expired Registry Recovery Policy \(ERRP\) recommended a review of that policy. No time frame was set. Staff is currently acquiring contractual compliance complaint data and other data sources to begin the evaluation. The process will roughly follow:](#)

- a. [Collect appropriate data for review of policy;](#)
- b. [GDD, Compliance, Policy team input;](#)
- c. [External sources where possible;](#)
- d. [Analyze data to determine if intent of policy was met from original WG recommendations;](#)
- e. [Construct a Policy Review document and share with GNSO Council for consideration;](#)
- f. [If additional policy work is required, the policy development process shall be invoked;](#)
- g. [Else, a review of the policy may occur again in the future.](#)

[The WG could consider whether this recommendation could be revisited following the results of the ERRP Review as that is the first of the reviews to be performed.](#)

6. Staff reviewed the revised GNSO Operating Procedures v3.2 and the revisions detailed above, [along with the GDD Consensus Policy Implementation Framework](#), appear to complete the implementation of the recommendations, [except with respect to this statement: “That the GNSO Council evaluate post implementation policy effectiveness on an ongoing \[emphasis added\] basis \(rather than periodically as stated in the current GNSO Operating Procedures\)”](#). Staff notes that in accepting recommendation 18 the Working Party assigned the implementation level of “medium/hard” to this aspect of the [recommendation, recognizing that it may not be feasible to implement “ongoing” reviews. Staff asks whether the WG would separately consider whether this recommendation is feasible.](#)

7. Staff hereby presents the results of the review to the Working Group.

8. The Working Group will determine whether the revisions constitute the implementation of the recommendations.

KEY DEPENDENCIES

1. Approve the recommendations to be included GNSO Operating Procedures by the GNSO Council.
2. Publication of the revised GNSO Operating Procedures, which occurred on 17 February 2016.

RISK IDENTIFICATION

Risk was identified as lack of approval by the GNSO Council.

KEY PERFORMANCE INDICATORS
As the manager of the PDP GNSO Council is expected to ensure that its GNSO Operating Procedures are followed. It is not clear to staff whether a KPI applies in the implementation of these recommendations.

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NECESSARY TO PROCEED
Next Phase Activities/Resources
None.

REVIEWERS		
Name	Title	Date Sent
GNSO Review Working Group		

APPROVERS			
Name	Title	Approval Status	Date
GNSO Review Working Group			
GNSO Council			

REVISION HISTORY			
Date	Version	Description	Author
13 March 2017	V1	Original Draft	Julie Hedlund, Policy Director
29 March 2017	V2	Modified based on WG discussion during meeting on 15 March 2017.	Julie Hedlund, Policy Director
12 April 2017	V3	Modified based on WG discussion during meeting on 30 March 2017.	Julie Hedlund, Policy Director

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Attachments, as applicable:

- None