

Changes and Reviews of Service levels expectations

Introduction

The CSC and PTI have discussed and agreed that some of the Service Level Expectations as documented in Annex A to the IANA Naming Function Agreement may need to be changed and/or adjusted. The CSC has requested that support staff map the procedures to change/update the Service level expectations.

Staff has looked at the relevant documents (ICANN Bylaws section 16, 17 and 18), IANA Naming Function Agreement, and CSC Charter. The relevant sections of these documents are included in Annex A.

Based on that analysis, one can distinguish two separate and distinct review processes:

1. Periodic Reviews of the SLEs initiated through the IANA Naming Function Review (IFR) as initiated by the Bylaws
2. SLE reviews initiated by CSC charter

IFRs, including SLE review. The role of the CSC with respect to the IFRs is in principle very limited. The CSC may provide input on performance of PTI to inform the review team's deliberations. If the review team recommends changes to the IANA naming Function Contract, or IANA Naming Function SOW or CSC Charter, consult with the CSC and the CSC is supposed to appoint a liaison.

CSC Charter initiated SLE reviews. The CSC or PTI may initiate a SLE review. It is intended that the CSC and PTI would then agree to review service level targets and would subsequently review together and agree to any resulting changes.

Moving forward, it is suggested that the CSC focuses on the CSC Charter initiated review of the SLE.

CSC Charter SLE review

The CSC Charter SLE review process has not been fully defined. To structure the definition of the process and procedures, the following will need to be addressed:

Initiating the CSC Charter SLE review.

The CSC or IANA Function Operator (PTI) may request a review or change to service level targets (CSC Charter).

- Who should be addressee of request for review /who needs to agree?
- Who and how is scope of review determined?
- How to establish a handshake?

Procedural aspects review SLE

Once CSC and PTI have reached agreement on SLE review and its scope, the review will start.

- Who will take part in the review team (full CSC, only members, members and liaisons?), who selects and appoints the review team/ SLE change team?

- Is there a need to provision for access to confidential information and/or conflict of interest?
- How are decisions taken?
- Should the review include broader consultations, and if so who and how should the consultations be structured?
 - o public comment?
 - o special session/consultation direct customers?

Procedural steps to change SLE

- Agreement CSC & PTI: documentation etc.
- ccNSO & GNSO
 - o How should ccNSO and GNSO be interpreted? For IFR, the ccNSO is equated with Council and GNSO with GNSO Council. For CSC charter this is not defined.
 - o Acceptance or Rejection of proposed change? According to the CSC Charter the ccNSO and GNSO (however defined) need to agree to change. According to ICANN Bylaws Section 16.3, ICANN shall not agree to modify, amend or waive any Material Terms of the IANA Naming Function Contract or the IANA Naming Function SOW if a majority of each of the ccNSO and GNSO Councils reject the proposed modification, amendment or waiver.
 - o Documentation of Acceptance or Rejection
- Agreement ICANN and PTI, what is effective date of changed SLE?

Basic references to review and change of the SLE's

ICANN BYLAWS

Section 16 PTI

Article 16. 3

(...)Except as to implement any modification, waiver or amendment to the IANA Naming Function Contract or IANA Naming Function SOW related to an IFR Recommendation or Special IFR Recommendation approved pursuant to Section 18.6 or an SCWG Recommendation approved pursuant to Section 19.4 (which, for the avoidance of doubt, shall not be subject to this Section 16.3(a)), **ICANN shall not agree to modify, amend or waive any Material Terms (as defined below) of the IANA Naming Function Contract or the IANA Naming Function SOW if a majority of each of the ccNSO and GNSO Councils reject the proposed modification, amendment or waiver.** The following are the "Material Terms" of the IANA Naming Function Contract and IANA Naming Function SOW:

(ii) The initial term and renewal provisions of the IANA Naming Function Contract and IANA Naming Function SOW;

(...)

(v) The role and responsibilities of the CSC (as defined in Section 17.1), escalation mechanisms and/or the IFR (as defined in Section 18.1);

(..)

Article 17.1 (CSC)

(....)

The mission of the CSC is to ensure continued satisfactory performance of the IANA naming function for the direct customers of the naming services. The direct customers of the naming services are top-level domain registry operators as well as root server operators and other non-root zone functions.

The CSC will achieve this mission through regular monitoring of the performance of the IANA naming function against the IANA Naming Function Contract and IANA Naming Function SOW and through mechanisms to engage with PTI to remedy identified areas of concern.

(...)

ARTICLE 18 IANA NAMING FUNCTION REVIEWS

Section 18.1. IANA NAMING FUNCTION REVIEW

The Board, or an appropriate committee thereof, shall cause periodic and/or special reviews (each such review, an "**IFR**") of PTI's performance of the IANA naming function against the contractual requirements set forth in the IANA Naming Function Contract and the IANA Naming Function SOW to be carried out by an IANA Function Review Team ("**IFRT**") established in accordance with Article 18, as follows:

- (a) Regularly scheduled periodic IFRs, to be conducted pursuant to Section 18.2 below ("**Periodic IFRs**"); and
- (b) IFRs that are not Periodic IFRs, to be conducted pursuant to Section 18.12 below ("**Special IFRs**").

Section 18.3. IFR RESPONSIBILITIES

For each Periodic IFR, the IFRT shall:

- (f) Review and evaluate the performance of the IANA naming function according to established service level expectations during the IFR period being reviewed and compared to the immediately preceding Periodic IFR period;
- (k) Consider and assess any changes implemented since the immediately preceding IFR and their implications for the performance of PTI under the IANA Naming Function Contract and IANA Naming Function SOW.

IANA NAMING FUNCTION AGREEMENT

SECTION 7.3

(..)

(c) Contractor agrees that ICANN may unilaterally amend or terminate this Contract (including the SOW) in accordance with an approved IFR Recommendation, an approved Special IFR Recommendation or an approved SCWG Recommendation (as such terms are defined in ICANN's Bylaws), subject to the limitations set forth in ICANN's Bylaws. Contractor agrees to abide by and implement any such amendments.

ANNEX A: STATEMENT OF WORK FOR MANAGEMENT OF THE DNS ROOT ZONE

SECTION 1 ROOT ZONE MANAGEMENT

(...)

(b)Specifically, Contractor shall perform Root Zone Management in accordance with the service levels set forth in Section 2.

2. SERVICE LEVELS

a. Contractor shall perform the Services in accordance with the following "Service Levels". The expectation is that Contractor will normally perform within the threshold. **The thresholds will be modified over time as part of periodic reviews of the service level expectation.**

CSC Charter

Scope of responsibilities

(...)

The CSC, in consultation with registry operators, is authorized to discuss with the IANA Functions Operator ways to enhance the provision of IANA's operational services to meet changing technological environments; **as a means to address performance issues**; or other unforeseen circumstances. In the event it is agreed that a material change in IANA naming services or operations would be beneficial, the CSC reserves the right to call for a community consultation and independent validation, to be convened by the IANA Functions Operator, on the proposed change. Any recommended change must be approved by the ccNSO and RySG.

Review

...)

The CSC or the IANA Functions Operator can request a review or change to service level targets. Any proposed changes to service level targets as a result of the review must be agreed to by the ccNSO and GNSO.