

ICANN Transparency

Barbara Wanner (CSG)

Michael Karanicolas (NCSG)

NCPH Intersessional
02 February 2018



Agenda

- ⦿ WS2 Transparency Subgroup Recommendations –
Expanding Transparency at ICANN Legal
- ⦿ Open Data and Information at ICANN – A “Primer”

WS2 Transparency Recommendations

- ◉ Significance of WS2 Recommendations
 - ICANN Bylaws
 - Board requirements to oppose a WS2 recommendation
- ◉ Overview of the process

- ⦿ Initial Recommendation:

The DIDP exception for attorney-client privilege should be narrowed so that information will only be withheld if its disclosure would be harmful to an ongoing or contemplated lawsuit or negotiation, and explicitly mandate the disclosure of broader policy-making advice received from lawyers.

- ◎ ICANN Legal's Response:

Where material subject to a DIDP request could potentially be withheld under attorney-client privilege, ICANN legal should review the material to determine whether any parts of the information are appropriate for release, including the scope of a potential waiver of the attorney-client privilege.

⦿ Revised Recommendation 15:

ICANN should consider future processes to expand transparency to ICANN Legal, including through clarification of how attorney-client privilege is invoked.

- ⦿ Charting a Path Forward

- Minority Statement
- PDP Process
- Other mechanisms

- ⦿ Next Steps

- ICANN Legal
- ICANN Community

- ⦿ Open Data Initiative (ODI)
- ⦿ Information Transparency Initiative

- ⦿ Expanding Transparency at ICANN Legal
- ⦿ Open Data and Information Transparency at ICANN – What to Watch

Thank you!