April 20, 2018

Statement of the Non-Commercial Stakeholders Group on the Uniform Board Member Integrity Screening Process

The Noncommercial Stakeholders Group (NCSG) represents the interests of non-commercial domain name registrants and end-users in the formulation of Domain Name System (DNS) policy within the Generic Names Supporting Organisation (GNSO). We are proud to have individual and organisational members in over 160 countries, and as a network of academics, Internet end-users, and civil society actors, we represent a broad cross-section of the global Internet community. Since our predecessor's inception in 1999 (NCDNHC Non-Commercial Domain Name Holders Constituency) we have facilitated global academic and civil society engagement in support of ICANN's mission, stimulating an informed citizenry and building their understanding of relevant DNS policy issues.

We are pleased to have the opportunity to comment today on the proposal that all Supporting Organisations and Advisory Committees that do not currently employ a due diligence integrity screening process similar to the Nominating Committee adopt the proposed Uniform Board Member Integrity Screening Process to conduct due diligence on the candidates selected to serve on the ICANN Board. This is a proposal which is welcomed in principle by the NCSG. This is especially the case as the proposed process is not intended to modify the other selection criteria applied by our group. We take note of the reference to the fiscal impact of the proposed screening process given the fees that will be due to the external provider of the screening services.

The NCSG is a diverse group, with a spread of nationalities and professions amongst our membership, we are concerned that the Level 1 - 4 integrity screening processes may not in practice have an equal burden on all candidates.

We take note of ICANN org's use of an external provider with expertise in international due diligence screening of individuals. We trust that international in this context means global; it is important that contractors are able to fairly assess all candidates, regardless of where those candidates live and work.

Timelines and Access to Documents

The timelines given under the Levels 1- 4 of the integrity screening process may be difficult to maintain for candidates coming from countries where many of the documents referred to would not be available in public, or online databases. This might include credit reports, criminal records, outstanding tax liens, or undeclared and unresolved civil lawsuits. We also note that government bureaucracies differ in their prioritisation of these kind of requests for

information. This could lead to delays, or it could place ICANN in a position where candidates are insufficiently screened before being appointed to the Board.

We would not want to see candidates disqualified due to barriers linked to the nature of their country's public records system or online presence. However in order for the proposed system to work, due diligence should be applied in a uniform manner.

We would like clarification on how this set of issues would be handled in order to ensure that the eventual composition of the Board reflects the diversity of the ICANN community.