# ICANN | GNSO
## Generic Names Supporting Organization

| Team Name: | Temporary Specification for gTLD Registration Data Expedited Policy Development Process Team (Temp Spec gTLD RD EPDP Team) | |
|---|---|---|
| **Section I: Team Identification** | | |
| Chartering Organization(s): | Generic Names Supporting Organization (GNSO) Council | |
| Charter Approval Date: | TBD | |
| Name of Team Chair/Co-Chairs: | TBD | |
| Name(s) of Appointed Liaison(s): | TBD | |
| Team Workspace URL: | TBD | |
| Team Mailing List: | TBD | |
| GNSO Council Resolution: | Title: | Motion to Approve the Charter for the Temporary Specification for gTLD Registration Data EPDP Team |
| | Ref # & Link: | TBD |
| Important Document Links: | EPDP Initiation Request<br><br>Temporary Specification for gTLD Registration Data<br><br>Annex A-1 GNSO Expedited Policy Development Process of the ICANN Bylaws<br><br>Expedited GNSO PDP Manual<br><br>GNSO Working Group Guidelines | |
| **Section II: Mission, Purpose, and Deliverables** | | |
| Mission & Scope: | | |

**Background**

On 17 May 2018, the ICANN Board of Directors (ICANN Board) adopted the Temporary Specification for generic top-level domain (gTLD) Registration Data ("Temporary Specification") pursuant to the procedures for the establishment of temporary policies in ICANN's agreements with Registry Operators and Registrars. The Temporary Specification provides modifications to existing requirements in the Registrar Accreditation and Registry Agreements to bring them into compliance with the European Union's General Data Protection Regulation (GDPR). Per the procedure for Temporary Policies as outlined in the Registry Agreement and Registrar Accreditation Agreement, following adoption of the temporary specification, the Board "shall immediately implement the Consensus Policy development process set forth in ICANN's Bylaws". Per the requirements of the procedure for Temporary Policies, this Consensus Policy development process on the temporary specification would need to be carried out within a one year period.

At its meeting on DD MONTH 2018, the GNSO Council [unanimously] initiated an Expedited Policy Development Process on the Temporary Specification for gTLD Registration Data and adopted this charter for the EPDP Team to deliberate the issues of topic X……….

**Mission and Scope**

This EPDP Team is being chartered to determine, at a minimum, if the Temporary Specification for gTLD Registration Data should become an ICANN Consensus Policy. It is furthermore expected to …….

As part of its deliberations, the Team should, at a minimum, consider the following issues detailed in the [EPDP Initiation Request – INSERT LINK]. These are:

- *Issue 1*

- *Issue 2*

- *Issue 3*

- *Issue 4*

The Team should also include the following additional topics in its deliberations:

- *Topic 1*

- *Topic 2*

- *Topic 3*

- *Topic 4*


As a result, the Team should deliberate and consider the following Charter questions:

- Should the Temporary Specification for gTLD Registration Data become an ICANN Consensus Policy?
- Charter Question B
- Charter Question [XX]

It should track any ongoing discussions……………………………………….. It may also wish to consider forming sub-groups to work on particular issues or sub-topics in order to streamline its work and discussions.

For purposes of this EPDP, the EPDP Team is not expected to consider the following issues, although information in relation to these issues could inform deliberations:

- Issue A
- Issue B

**Key Metric Considerations:**

*[Define the policy goals for the proposed policy change and the metrics that will measure the goals*

1. *Determine a set of questions which, when answered, provide the insight necessary to achieve the policy goals.*
2. *Determine the types of data that may assist the WG in better scoping the issues and which can be collected and analyzed to help answer each question.*
3. *Determine a set of metrics which can be collected and analyzed to help answer each question.*
4. *The Hints and Tips page on the GNSO website contains more details on use of data and metrics.]*

**Objectives & Goals:**

To develop, at a minimum, an Initial Report and a Final Report regarding the Team's recommendations on issues relating to the Temporary Specification for gTLD Registration Data, following the processes described in Annex A and A-1 of the ICANN Bylaws and the GNSO Expedited PDP Manual.

**Deliverables & Timeframes:**

The Team shall respect the timelines and deliverables as outlined in Annex A and A-1 of the ICANN Bylaws and the EPDP Manual. As per the GNSO EPDP Working Group Guidelines, the Team shall develop a work plan that outlines the necessary steps and expected timing in order to achieve the milestones of the EPDP as set out in Annex A and A-1 of the ICANN Bylaws and the EPDP Manual and submit this to the GNSO Council. Any significant updates to the work plan are expected to be communicated in a timely manner to the GNSO Council with an explanation as to why the work plan needed adjustment.

If the Team concludes with any recommendations, the Team must include a policy impact analysis and a set of metrics to measure the effectiveness of the proposed 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):
  - ICANN Compliance data
  - Industry metric sources
  - Community input via public comment
  - Surveys or studies

## Section III: Formation, Staffing, and Organization

| **Membership Criteria:** |
|---|
| GNSO Stakeholder Groups and ACs/SOs appointing members to the EPDP Team should make reasonable efforts to ensure that the composite of individual Members: <br><br> • Have sufficient and appropriate motivation, availability and expertise to participate in the substance of the work of the EPDP Team. Appropriate experience could, for example, include experience with the previous RDS/WHOIS policy development processes, task forces, or implementation review teams, or participation in EWG efforts; <br> • Commit to abide by the EPDP Team Commitment Statement, and to accept the consequences of non-compliance as may be determined by the EPDP leadership or appointing group; <br> • Commit to build consensus on issues within the scope of this EPDP; <br> • Commit to actively participate in the activities of the EPDP on an on-going and long-term basis, for a period of no less than one-year; <br> • Solicit and communicate (where appropriate) the views and concerns of individuals in the group that appoints them; <br> • Commit to abide to the charter when participating in the EPDP Team; <br> • Understand the needs of the Internet communities that ICANN serves (standards, domains and numbers); <br> • Understand the broader ecosystem (the Internet Community) in which ICANN operates and the needs of those working on other aspects of the Internet industry. |
| **Group Formation, Dependencies, & Dissolution:** |
| EPDP Team <br> The proposed composition of the EPDP Team is as follows: <br><br> • Members are appointed by GNSO Stakeholder Groups in accordance with their own rules and procedures. Each GNSO Stakeholder Group would appoint a maximum of 3, with up to 2 alternates (alternates would only participate if members are not available). <br> • Other ICANN SO/ACs would be invited to appoint 1 member, and if needed, 1 alternate who would participate if the member is not available. <br> • A board liaison <br> • Observers may observe the EPDP Team and would be subscribed to the mailing list on a read-only basis but are NOT able to post. Observers are NOT allowed to attend the EPDP Team meetings. <br><br> The EPDP Team would be expected to make provisions as part of its work plan to provide regular updates to the broader ICANN community and others interested, for example, through newsletters and/or webinars. <br><br> EPDP Team Leadership |
| **Working Group Roles, Functions, & Duties:** |
| The ICANN Staff assigned to the EPDP Team will fully support the work of the Team as requested by the Chair including meeting support, document drafting, editing and distribution and other substantive contributions when deemed appropriate. <br><br> Staff assignments to the Working Group: <br> • GNSO Secretariat <br> • ICANN policy staff members |

In addition, regular participation of and consultation with other ICANN Org departments such as GDD and Legal is anticipated to ensure timely input on issues that may require ICANN Org input such as implementation related queries.

The standard WG roles, functions & duties shall be applicable as specified in Section 2.2 of the Working Group Guidelines.

**Statements of Interest (SOI) Guidelines:**

Each member of the EPDP Team is required to submit an SOI in accordance with Section 5 of the GNSO Operating Procedures.

## Section IV:  Rules of Engagement

**Decision-Making Methodologies:**

*{Note: The following material was extracted from the Working Group Guidelines, Section 3.6. If a Chartering Organization wishes to deviate from the standard methodology for making decisions or empower the Team to decide its own decision-making methodology, this section should be amended as appropriate}.*

The Chair will be responsible for designating each position as having one of the following designations:

- **Full consensus** - when no one in the group speaks against the recommendation in its last readings. This is also sometimes referred to as **Unanimous Consensus.**
- **Consensus** - a position where only a small minority disagrees, but most agree. *[Note: For those that are unfamiliar with ICANN usage, you may associate the definition of 'Consensus' with other definitions and terms of art such as rough consensus or near consensus. It should be noted, however, that in the case of a GNSO PDP originated Working Group, all reports, especially Final Reports, must restrict themselves to the term 'Consensus' as this may have legal implications.]*
- **Strong support but significant opposition** - a position where, while most of the group supports a recommendation, there are a significant number of those who do not support it.
- **Divergence** (also referred to as **No Consensus**) - a position where there isn't strong support for any particular position, but many different points of view. Sometimes this is due to irreconcilable differences of opinion and sometimes it is due to the fact that no one has a particularly strong or convincing viewpoint, but the members of the group agree that it is worth listing the issue in the report nonetheless.
- **Minority View** - refers to a proposal where a small number of people support the recommendation. This can happen in response to a **Consensus**, **Strong support but significant opposition**, and **No Consensus;** or, it can happen in cases where there is neither support nor opposition to a suggestion made by a small number of individuals.

In cases of **Consensus**, **Strong support but significant opposition**, and **No Consensus**, an effort should be made to document that variance in viewpoint and to present any **Minority View** recommendations that may have been made. Documentation of **Minority View** recommendations normally depends on text offered by the proponent(s). In all cases of **Divergence,** the WG Chair should encourage the submission of minority viewpoint(s).

The recommended method for discovering the consensus level designation on recommendations should work as follows:

- i. After the group has discussed an issue long enough for all issues to have been raised, understood and discussed, the Chair, or Co-Chairs, make an evaluation of the designation and publish it for the group to review.

    ii.  After the group has discussed the Chair's estimation of designation, the Chair, or Co-Chairs, should reevaluate and publish an updated evaluation.

    iii.  Steps (i) and (ii) should continue until the Chair/Co-Chairs make an evaluation that is accepted by the group.

    iv.  In rare case, a Chair may decide that the use of polls is reasonable. Some of the reasons for this might be:

- o  A decision needs to be made within a time frame that does not allow for the natural process of iteration and settling on a designation to occur.
- o  It becomes obvious after several iterations that it is impossible to arrive at a designation. This will happen most often when trying to discriminate between **Consensus** and **Strong support but Significant Opposition** or between **Strong support but Significant Opposition** and **Divergence.**

Care should be taken in using polls that they do not become votes. A liability with the use of polls is that, in situations where there is **Divergence** or **Strong Opposition**, there are often disagreements about the meanings of the poll questions or of the poll results.

Based upon the WG's needs, the Chair may direct that WG participants do not have to have their name explicitly associated with any Full Consensus or Consensus view/position. However, in all other cases and in those cases where a group member represents the minority viewpoint, their name must be explicitly linked, especially in those cases where polls where taken.

Consensus calls should always involve the entire Working Group and, for this reason, should take place on the designated mailing list to ensure that all Working Group members have the opportunity to fully participate in the consensus process. It is the role of the Chair to designate which level of consensus is reached and announce this designation to the Working Group. Member(s) of the Working Group should be able to challenge the designation of the Chair as part of the Working Group discussion. However, if disagreement persists, members of the WG may use the process set forth below to challenge the designation.

If several participants (see Note 1 below) in a WG disagree with the designation given to a position by the Chair or any other consensus call, they may follow these steps sequentially:

1. Send email to the Chair, copying the WG explaining why the decision is believed to be in error.
2. If the Chair still disagrees with the complainants, the Chair will forward the appeal to the CO liaison(s). The Chair must explain his or her reasoning in the response to the complainants and in the submission to the liaison. If the liaison(s) supports the Chair's position, the liaison(s) will provide their response to the complainants. The liaison(s) must explain their reasoning in the response. If the CO liaison disagrees with the Chair, the liaison will forward the appeal to the CO. Should the complainants disagree with the liaison support of the Chair's determination, the complainants may appeal to the Chair of the CO or their designated representative. If the CO agrees with the complainants' position, the CO should recommend remedial action to the Chair.
3. In the event of any appeal, the CO will attach a statement of the appeal to the WG and/or Board report. This statement should include all of the documentation from all steps in the appeals process and should include a statement from the CO (see Note 2 below).

Note 1: Any Working Group member may raise an issue for reconsideration; however, a formal appeal will require that that a single member demonstrates a sufficient amount of support before a formal appeal process can be invoked. In those cases where a single Working Group member is seeking reconsideration, the member will advise the Chair and/or Liaison of their issue and the Chair and/or Liaison will work with the dissenting member to investigate the issue and to determine if there is sufficient support for the reconsideration to initial a formal appeal process.

Note 2: It should be noted that ICANN also has other conflict resolution mechanisms available that could be considered in case any of the parties are dissatisfied with the outcome of this process.

**Status Reporting:**

As requested by the GNSO Council, taking into account the recommendation of the Council liaison to this group.

**Problem/Issue Escalation & Resolution Processes:**

*{Note: the following material was extracted from Sections 3.4, 3.5, and 3.7 of the Working Group Guidelines and may be modified by the Chartering Organization at its discretion}*

The WG will adhere to [ICANN's Expected Standards of Behavior](#) as documented in Section F of the ICANN Accountability and Transparency Frameworks and Principles, January 2008.

If a WG member feels that these standards are being abused, the affected party should appeal first to the Chair and Liaison and, if unsatisfactorily resolved, to the Chair of the Chartering Organization or their designated representative. It is important to emphasize that expressed disagreement is not, by itself, grounds for abusive behavior. It should also be taken into account that as a result of cultural differences and language barriers, statements may appear disrespectful or inappropriate to some but are not necessarily intended as such. However, it is expected that WG members make every effort to respect the principles outlined in ICANN's Expected Standards of Behavior as referenced above.

The Chair, in consultation with the Chartering Organization liaison(s), is empowered to restrict the participation of someone who seriously disrupts the Working Group. Any such restriction will be reviewed by the Chartering Organization. Generally, the participant should first be warned privately, and then warned publicly before such a restriction is put into place. In extreme circumstances, this requirement may be bypassed.

Any WG member that believes that his/her contributions are being systematically ignored or discounted or wants to appeal a decision of the WG or CO should first discuss the circumstances with the WG Chair. In the event that the matter cannot be resolved satisfactorily, the WG member should request an opportunity to discuss the situation with the Chair of the Chartering Organization or their designated representative.

In addition, if any member of the WG is of the opinion that someone is not performing their role according to the criteria outlined in this Charter, the same appeals process may be invoked.

**Closure & Working Group Self-Assessment:**

The PDP Team will close upon the delivery of the Final Report, unless assigned additional tasks or follow-up by the GNSO Council.

## Section V: Charter Document History

| Version | Date | Description |
|---------|------|-------------|
| 1.0 | | |
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| Staff Contact: | <Enter staff member name> | Email: | Policy-Staff@icann.org |
|----------------|---------------------------|--------|------------------------|