IANA CWG Meeting # DT (15 April)

Attendees:

Members: Greg Shatan, Paul Kane, Donna Austin, Staffan Jonson, Avri Doria, Jonathan Robinson   (6)

Participants: Tennie Tam, Stephanie Duchesneau, Chuck Gomes, Kurt Pritz, Sarah Falvey, Sharon Flanagan, Martin Boyle   (7)

Staff: Grace Abuhamad, Marika Konings, Bernard Turcotte, Bart Boswinkel, Brenda Brewer

Please let Brenda know if your name has been left off the list (attendees or apologies).

Agenda

1. CSC role in DT-N identified reviews (see table)

2. CSC role in Phase 2 and Problem Management Escalation Process (Annex Z) as identified by DT-M

3. Triggers and implementation for ultimate separation of IANA functions

4. Sidley punch list (including item #2)

Review of Edits/Actions:

Action (Avri): clarify if 'community review' requires a formal mechanism or this is just put informally to the community

Action (staff): reconcile tables for DT-C and DT-N (each draft contains a similar table)

Action (staff): edit text for Phase 2 and circulate to CWG list prior to Thursday call. Edits include:

- Edit intro text to phase 2: "should issues not be included in phase 1"
- Update point a) to reflect this language: "CSC is notified by complainant/IFO" (drop other text)
- Drop b)
- Edit d) to "and/or" for escalation to problem management procedure.

Action (Stephanie): look at special review triggering text

Notes

'Negotiation Call' between DT-C, DT-M, and DT-N

15 April at 13:00 UTC

Optimum is to not add any new structures

1. CSC role in DT-N identified reviews (see table)

- DT-N worked on a table of reviews as part of the IANA functions contract. Will review each item and see who/what is responsible and why?
- Review monthly performance report -- CSC will cover. This was accepted by all.
- Site visit -- CSC determined that site visits were not required. The PRT will reserve the right for site visits
- Quarterly performance metrics -- CSC. Accepted by all
- Yearly customer survey -- CSC. Accepted by all
- Review securirty audit process -- CSC. Accepted by all
- Review RZM audit report --CSC. Accepted by all
- Review annual audit report -- CSC. Accepted by all

Action (Avri): clarify if 'community review' requires a formal mechanism or this is just put informally to the community

Action (staff): reconcile tables for DT-C and DT-N (each draft contains a similar table)

2. CSC role in Phase 2 and Problem Management Escalation Process (Annex Z) as identified by DT-M

Customer Service Complaint Resolution Process. is open to anyone in Phase 1 and only open to registries in Phase 2

Phase 1

- There is no involvement of the CSC in Phase 1.
- Is it ok for anyone to submit a complain in phase 1? No objections
- In phase 1, process was adjusted to take CEO out of the escalation path.

Phase 1 escalation ends with involvement of the Ombudsman. If that does not work, then complainant (only if registry) can enter phase 2.

Phase 2

- Process is only open to registries in Phase 2
- CSC has choice to get incolved or not. Is CSC ok with that role?
- CSC getting involved in registries' work is not what DT-C envisions for CSC. CSC involved in mediation could be a liability and conflict issue.

Compromise text for Phase 2:

a) CSC is notified by complainant/IFO (drop other text)

~~[b) If deemed appropriate and feasible by the CSC, the CSC can try to faciliate a solution]~~ (Suggestion to drop b) since CSC does not then need to be involved in decisions.)

c) Direct customer can request a mediation

Comments point by point for phase 2:

Edit intro text to phase 2: "should issues not be included in phase 1"

Point a)

Edit to reflect this language: "CSC is notified by complainant/IFO"

Point b)

- Would replacing the word 'mediate' help solve the issue? Mediate is a specific skill. "Facilitate" is acceptable word. "Discuss"? "interact"?
- Definition of IFO: DT-M did not go into detail about who would mediate on behalf of IFO.
- Square bracket B -- difficult to live with

Point c)

- Does the CSC assign a mediator or propose mediation? Difference in role for CSC
- Could IANA have a list of mediators and have those results transferred to the CSC

Point d)

Edit to "and/or" for escalation to problem management procedure.

Problem Management Escalation Process (Annex Z)

- To what extent what CSC Remedial Action Plan considered in designing IANA Problem Management Escalation Process?
- 4, 5, and possibly 6, are points of difference.
- Can accept the mediation but include community mediation before escalatig through accountability mechanisms.
- Perhaps step 5 goes to Periodic Review instead of IRP

3. Triggers and implementation for ultimate separation of IANA functions

- review would take place 2 years after transition
- review would take place every 5 years
- special reviews could be requested by CSC if/where needed (CSC could trigger, but is not alone)

Transcript

Transcript CWG IANA #41 15 April.doc

Transcript CWG IANA #41 15 April.pdf

Recording

The Adobe Connect recording is available here: https://icann.adobeconnect.com/p3ywlcfq6v0/

The audio recording is available here: http://audio.icann.org/gnso/gnso-1300-15apr15-en.mp3

Chat Transcript

Jonathan Robinson: (4/15/2015 07:56) Hello All.

 Martin Boyle, Nominet: (07:56) Hi Jonathan, hi all

 Bart Boswinkel: (07:58) Hi All

 Staffan Jonson: (08:00) Hi all

Bernard Turcotte - staff support: (08:01) hi all

Chuck Gomes: (08:01) Hello

Donna Austin, RySG: (08:02) Morning all, just dialling in

Paul Kane: (08:03) Morning

Donna Austin, RySG: (08:09) sorry, where is the table?

Jonathan Robinson: (08:10) @Donna. Table is Annex in DT-N output

Avri Doria: (08:10) https://docs.google.com/document/d/1pjRsvePXLHrK0zzFmMcavzvSXehds5FTCEUPPcc7K6w/edit#

Bart Boswinkel: (08:10) The document is scrollable for all

Greg Shatan: (08:11) Hello, apologies for being late.

Donna Austin, RySG: (08:11) The CSC will cover the monthly reports.

Greg Shatan: (08:13) This merely reserves the right to conduct a site visit.

Greg Shatan: (08:13) Fine with me.

Donna Austin, RySG: (08:13) Based on a conversation we had with Kim Davies we agreed the site visits were not required.

Jonathan Robinson: (08:13) @Avri. Focus here is on recommendations impacting other design teams

Grace Abuhamad: (08:14) For the record, site visits did take place.

Martin Boyle, Nominet: (08:15) or perhaps because it was in the contract

Chuck Gomes: (08:16) Agree with Greg

Greg Shatan: (08:16) I tend to doubt that, Martin. That would be a waste.

Greg Shatan: (08:17) What is the aversion to the potential of a site visit

Donna Austin, RySG: (08:18) Greg: no aversion but I don't think it should be done 'just because'

Jonathan Robinson: (08:18) @Greg. FWIW. My personal view is that appropraite site visits are important and a standard component of any audi function

Chuck Gomes: (08:18) Who would the CSC report to?

Greg Shatan: (08:19) The community?

Chuck Gomes: (08:19) What does community function mean?

Stephanie: (08:19) it was just a placeholder term for a responsibility that would need to have wider community input (e.g. beyond CSC/direct customers)

Kurt Pritz: (08:20) Is there a CSC report or an acceptance of the IANA report?

Donna Austin, RySG: (08:21) We had a similar table to this contained in our Istanbul document and it looks like we have covered most of this.

Greg Shatan: (08:22) Should we merge the two tables in some fashion?

Grace Abuhamad: (08:22) we can merge all of these tables (if needed) once items are agreed

Sharon Flanagan (Sidley): (08:23) When we say "community review" we shoudl clarify if this requires a formal mechanism or this is just put informally to the community

Staffan Jonson: (08:26) Yes this formal There is echo, someone need to mute

Greg Shatan: (08:26) Please mute if you are not Avri.

Greg Shatan: (08:27) NB: That is not a general rule.

Greg Shatan: (08:27) Directly above.

Kurt Pritz: (08:30) What is the exact question Chuck?

Sharon Flanagan (Sidley): (08:32) Currently is this just the process that has developed - or is this mandated by contract or AoC or otherwise?

Grace Abuhamad: (08:33) @Sharon, the existing process is just an IANA developed process. Not sure about future.

Kurt Pritz: (08:33) to whom do they complain now?

Sharon Flanagan (Sidley): (08:34) I ask because this report contemplates a one day response and 2 day substantive response. Will that be mandated? That may lead into question on should anyone be able to triger this

Martin Boyle, Nominet: (08:35) counted on the fingers of one hand in the 8 or 9 years the procedure has been in existence - so fewer than Donna remembered!

Staffan Jonson: (08:36) Please talk closer to mic

Kurt Pritz: (08:36) is there a document we should be looking at?

Grace Abuhamad: (08:37) I can upload the DT-M doc

Grace Abuhamad: (08:37) Thanks Kurt

Donna Austin, RySG: (08:37) @Chuck: my comment stands that if it is an IANA process that has been working okay, why would we change it?

Martin Boyle, Nominet: (08:38) @Donna+1

Kurt Pritz: (08:38) Chuck - is there any change to the existing process?

Kurt Pritz: (08:38) in Phase 1 - isn't that the same as the exisitng process?

Grace Abuhamad: (08:39) @Kurt only change was to take CEO out of the escalation path

Bart Boswinkel: (08:39) Document is scrollable for all

Kurt Pritz: (08:42) does IFO = ICANN or IFO =IANA?

Chuck Gomes: (08:43) IFO = IANA Fu nctions Operator

Greg Shatan: (08:43) @Kurt, that is a corollary to my question.

Greg Shatan: (08:43) @Chuck -- is it the business unit or is it ICANN-the-large.

Kurt Pritz: (08:44) I know what IFO stands for; is it Elise's crew or Fadi's crew?

Greg Shatan: (08:44) Identified Flying Object?

Donna Austin, RySG: (08:44) IFO generally means ICANN

Staffan Jonson: (08:45) In my world CSC do techi related issues, and the predecessor/former MRT talk policy: different people different issues

Greg Shatan: (08:45) Wouldn't Martin's point be covered by the "deemed appropriate and feasible" language?

Grace Abuhamad: (08:45) IFO = IANA Functions Operator. ICANN at present. not sure yet for future.

Kurt Pritz: (08:45) no - I don't think the CSC has mediation skills

Greg Shatan: (08:45) That still doesn't answer Kurt's question of whether we are dealing with the business unit or the enterprise.

Grace Abuhamad: (08:46) assumption nowis that IFO = ICANN in future, at least through affiliate.

Kurt Pritz: (08:46) I think the CSC perofrming the mediation function opens liability issues and conflict issues

Greg Shatan: (08:47) So then the meidation could be between the customer and e.g., Akram, rather than anyone within the IANA unit.

Staffan Jonson: (08:47) It is probalby a low frequence of compliant because of current institutional design (i.e. NTIA beeing last backstop). That is a fear for the future

Martin Boyle, Nominet: (08:51) I think we had a definition in the principles - that it is the unit doing the role that is the IFO

Greg Shatan: (08:52) facilitate is fuzzier than mediate....

Donna Austin, RySG: (08:52) @Chuck: and our group originally had similar language

Donna Austin, RySG: (08:53) yes

Greg Shatan: (08:53) I think those are fine steps. And I don't object to using a trained mediator in step C.

Greg Shatan: (08:54) Which I assume is the point of step C? Or am I incorrect?

Grace Abuhamad: (08:55) yes, greg, I think that's point c)

Kurt Pritz: (08:57) My point was that the CSC should not assign a mediator either, the two prties would select a mediator

Chuck Gomes: (08:57) I think c goes away if b is facilitation

Kurt Pritz: (08:58) The CSC should not facilitate the discussion either

Marika Konings: (09:00) @Kurt - it would be if deemed appropriate and feasible, so that would give the CSC all the discretion it needs to not get involved if deemend not appropriate or feasible?

Greg Shatan: (09:00) @Chuck, so there is no trained neutral mediator at any point in the "mediation" process? I think there should be.

Chuck Gomes: (09:01) @ Greg: There would be if we leaave mediation in.

Chuck Gomes: (09:01) I mispoke, c would not go away if b is facilitate. c is a separate step.

Kurt Pritz: (09:02) who would deem it "appropriate and feasible" and what happens when parties disagree whether it is or not?

Staffan Jonson: (09:03) Is discussed in DT C earlier, a very detailed charter may solve Donnas (and mine) fears

Marika Konings: (09:07) @Kurt - that would be for the CSC to decide. And my assumption is that if there is no agreement to get involved, the CSC would not get involved and move the issue on to the next step.

Grace Abuhamad: (09:07) All--- 25 min left, but all were available until 15:00 UTC (Avri wanted to join at 14:00 UTC call, but she is still here). So we could extend if needed.

Donna Austin, RySG: (09:08) @Chuck: where do these complaints go now?

Chuck Gomes: (09:09) @ Donna: NTIA with no formal process to do so.

Marika Konings: (09:09) As a possible compromise, would it make sense to call out that this process would need to be reviewed as part of the first review to see whether there are any issues (e.g. significant increase in complaints) and make changes if needed?

Marika Konings: (09:10) as currently written, there is a lot of flexibility so that the CSC does not need to get directly involved. And as Kim pointed out, no complaints in his knowledge have been escalated to this level before (after phase 1).

Chuck Gomes: (09:13) I have a compromise.

Grace Abuhamad: (09:18) but I thought phase 2 was only for registries/direct customers anyway? so caveat for c isn't relevant

Marika Konings: (09:18) @Grace, there is the option for liaisons to bring issues that are from non-direct customers so being specific here may help with that aspect.

Marika Konings: (09:19) to the CSC I mean

Jonathan Robinson: (09:19) @Donna and others. Grace is attempting to capture languange in chat

Jonathan Robinson: (09:19) notes

Sharon Flanagan (Sidley): (09:20) (c) suggest change "request a mediator" to "request a mediation"

Grace Abuhamad: (09:20) noted Sharon

Stephanie: (09:21) is mediator assumed to be independent mediator in this context

Chuck Gomes: (09:22) @ Martin: Should we drop step b?

Donna Austin, RySG: (09:22) If the complaint is not resolved to the satisfaction of the direct customers, why couldn't the customer seek a mediation at that time.

Chuck Gomes: (09:22) @ Donna: That is an option.

Grace Abuhamad: (09:23) Chuck -- I think the confusion now is who can complain. footnote indicates non-direct customers through liaisons

Donna Austin, RySG: (09:23) What I mean by that, after going through IANA's complaint service, they could seek mediation.

Chuck Gomes: (09:23) By option I mean that we could make that change.

Chuck Gomes: (09:24) I think that the CSC needs to be notified of the complaint and results of the process in its review function.

Martin Boyle, Nominet: (09:24) @Chuck: happy to drop b

Chuck Gomes: (09:26) I cannot speak for all of the members of DT-M because we did not discuss the issues we are talking about now so I ask other DT-M to speak up if they have different opinions than me.

Sharon Flanagan (Sidley): (09:28) NB: Phase 1 is "anyone" and Phase 2 is just direct customers in the draft

Donna Austin, RySG: (09:28) good point Sharon

Chuck Gomes: (09:28) That is correct Sharon and that is an important reason to keep two phases.

Martin Boyle, Nominet: (09:33) ex post assessment of issues

Chuck Gomes: (09:34) Note that the Ombudsman step is optional.

Donna Austin, RySG: (09:35) I would scrap Ombudsman in step 2

Marika Konings: (09:41) as far as I remember, DT M did not look at that process

Marika Konings: (09:41) or was not aware of it

Marika Konings: (09:42) I don't think Stephanie was involved in DT M?

Marika Konings: (09:42) Staffan served as the 'liaison' between the two groups

Stephanie: (09:43) from CSC charter: IntheeventperformanceissuesarenotremediedtothesatisfactionoftheCSC,despitegood--faithattemptstodoso, theCSCisauthorisedtoescalatethroughtheccNSOandGNSOusingagreedconsultationandescalationprocesses.

Stephanie: (09:43) ugh formatting

Stephanie: (09:46) The CSC is authorised to undertake remedial action to address poor performance in accordance with the Remedial Action Procedures. In the event performance issues are not remedied to the satisfaction of the CSC, despite good-faith attempts to do so, the CSC is authorised to escalate through the ccNSO and GNSO using agreed consultation and escalation processes.

Chuck Gomes: (09:48) Mediation could be an optional step.

Staffan Jonson: (09:49) AMrika: sorry, I was looking for What Stephanie found faster than me

Martin Boyle, Nominet: (09:49) i'd like to see dt-c's process lines brought in here

Staffan Jonson: (09:50) Marika: Yes I Was, and shared the comparison woth DT M, just trying to find it.

Staffan Jonson: (09:50) With DT C, sorry

Bart Boswinkel: (09:50) Link to DT C IStnbul document: https://community.icann.org/download/attachments/52891935/DT-C%20v05%2020150323_clean. docx?version=1&modificationDate=1427166119000&api=v2

Martin Boyle, Nominet: (09:52) that's the document, Bart

Martin Boyle, Nominet: (09:53) page 7

Avri Doria: (09:53) calling it special not adhoc

Avri Doria: (09:54) we did not really agree on the trigger

Stephanie: (09:56) i have to drop

Stephanie: (09:56) thanks all

Stephanie: (09:56) Avri -- i will take a look at the language today

Donna Austin, RySG: (09:57) I have to go too

Stephanie: (09:57) special review

Bart Boswinkel: (09:57) Marika and I can have a go at it

Donna Austin, RySG: (09:57) @Jonathan: that' s fine with me

Greg Shatan: (09:58) Double Dutch?

Donna Austin, RySG: (09:58) thanks for Chairing Jonathan

Bart Boswinkel: (09:58) Dutch trerat

Marika Konings: (09:58) :-)

Staffan Jonson: (09:58) Thank You all

Donna Austin, RySG: (09:59) @Grace: I think we probably moved past that

Marika Konings: (10:00) we can circulate a redline to this group later today so you have a chance to comment / edit before we share it with the full CWG?

Marika Konings: (10:00) and/or

Martin Boyle, Nominet: (10:01) thanks for your mediation, Jonathan :-D

Martin Boyle, Nominet: (10:01) thanks all

Martin Boyle, Nominet: (10:01) bye