

---

# Public Comment Summary Report

## Proposed Revisions to the ICANN Documentary Information Disclosure Policy

**Open for Submissions Date:**

Thursday, 21 October 2021

**Closed for Submissions Date:**

Monday, 6 December 2021 (extended to Monday, 13 December 2021)

**Summary Report Due Date:**

Monday, 20 December 2021 (extended to Friday, 28 January 2022)

**Category:** Other

**Requester:** ICANN org

**ICANN org Contact(s):** [elizabeth.le@icann.org](mailto:elizabeth.le@icann.org)

**Open Proceeding Link:**

<https://www.icann.org/en/public-comment/proceeding/proposed-revisions-to-the-icann-documentary-information-disclosure-policy-21-10-2021>

**Outcome:**

ICANN organization (ICANN org or the org) received eight comments, five from community groups and three from individuals on the proposed revisions to the ICANN Documentary Information Disclosure Policy (DIDP) and the proposed responsibility for the Office of the Ombuds or the Complaints Officer in relation to the DIDP. ICANN org appreciates the feedback from the community. All received comments will be taken into consideration, and where appropriate, incorporated into the revised DIDP for Board consideration and approval. With respect to the feedback received regarding the role of the Ombuds and/or Complaints Officer in relation to the DIDP, ICANN org will take these comments into consideration as part of its evaluation of the next steps on these recommendations from the Work Stream 2 of the Cross-Community Working Group on Enhancing ICANN's Accountability (WS2).

### Section 1: What We Received Input On

ICANN org sought input on the proposed updates to ICANN's DIDP to incorporate recommendations made by WS2. ICANN org also sought input on the WS2's proposed responsibility for the Office of the Ombuds or Complaints Officer in relation to the DIDP.

### Section 2: Submissions

#### **Organizations and Groups:**

Name	Submitted by	Initials
At-Large Advisory Committee	ALAC staff on behalf of ALAC	ALAC
Business Constituency	BC staff on behalf of BC	BC
Leap of Faith Financial Services, Inc.	George Kirikos	LEAP
Registries Stakeholder Group	RySG staff on behalf of RySG	RySG
TurnCommerce, Inc.	Jeff Reberry	TC

#### **Individuals:**

Name	Affiliation (if provided)	Initials
Samwel Kariuki		SK
Arif Ali, Jan Janssen, John Murino, Michael Palage, Flip Petillion, and Mike Rodenbaugh		Ali, <i>et al.</i> Joint Submission

## **Section 2a: Late Submissions**

At its discretion, ICANN org accepted a late submission, which has been appended to this summary report.

#### **Organizations and Groups:**

Name	Submitted by	Initials
Article 19	Ephraim Percy Kenyanito	A19

## **Section 3: Summary of Submissions**

There were eight submissions to the Public Comment proceeding. The comments have been grouped into two categories based on subject matter rather than by commenter, to gain a better understanding of the comments. The categories are:

- Proposed revisions to the DIDP, and
- Evaluation of proposed roles of the Ombuds and Complaints Officer in relation to the DIDP

The comments received and responses to them are discussed in Section 4 below. All comments received except for the late submission are available in full on the [Public Comment page](#).

## **Section 4: Analysis of Submissions**

This section provides an analysis of the submissions along with rationales for any recommendations from the ICANN org.

## 4.1 Proposed Revisions to the DIDP

There were eight comments submitted regarding the proposed revisions to the DIDP. All comments emphasized the role of the DIDP mechanism in transparency. All comments also related to the role of the DIDP in enhancing ICANN's transparency and accountability. One comment (SK) supported the proposed revisions and noted that the revisions will further enhance ICANN org's transparency and accountability. Other comments expressed concerns and objections to the WS2 recommendations, the DIDP, or portions of the DIDP. Another commenter (LEAP) objected in full to the need for ICANN to have a DIDP, as "transparency by design" should mean that ICANN org releases all documentation.

As a preliminary matter, ICANN org agrees with the commenters on the importance of transparency and notes that the DIDP was developed from ICANN org's commitment to transparency and accountability. ICANN org appreciates the comments submitted and will take them into consideration as appropriate. However, with respect to the objections to the WS2 recommendations, ICANN org's current work in updating the DIDP is to implement the WS2 recommendations as adopted by the ICANN Board. The WS2 recommendations themselves were previously subject to Public Comment, were supported the chartering organization, and ultimately approved by the ICANN Board. ICANN org is therefore not in a position to incorporate suggested changes to the DIDP that diverge from or change the WS2 recommendations. As the modified DIDP will require review, suggestions for future revisions can be addressed during the next DIDP review cycle.

### Comments regarding DIDP Conditions for Nondisclosure

Eight comments were received regarding the DIDP Defined Conditions for Nondisclosure. One comment (Ali, et al. Joint Submission) stated that the proposed DIDP revisions do not reflect the WS2's recommendation 8.1.17 because the revisions do not provide for disclosure of documents in redacted or severed form. The Arif, et al. Joint Submission is endorsed by LEAP, which also expressed concern that that the proposed revisions decrease transparency and are contrary to the WS2 recommendations and ICANN's Bylaws. (LEAP, p.2.) Recommendation 8.1.17 states:

The DIDP should include a severability clause, whereby in cases where information under request includes material subject to an exception to disclosure, rather than refusing the request outright, the information should still be disclosed with the sensitive aspects severed, or redacted, if this is possible.

([WS2 Final Report, p. 35.](#)) ICANN org notes that the proposed to revisions to the DIDP incorporates Recommendation 8.1.17. Specifically, this recommendation is addressed in paragraph 6 of the [Proposed DIDP Response Process Update](#), which is incorporated into the DIDP by reference. Paragraph 6 states, in part,

If any responsive documents, or portions of documents, are subject to any DIDP Defined Conditions for Nondisclosure, the response will identify the applicable Defined Conditions for Nondisclosure, the rationale underlying the decision, and information about applicable appeal processes. *Where portions of documents are subject to any DIDP Defined Conditions for Nondisclosures,*

---

*the portions will be redacted, and the remainder of the document will be made publicly available.*

([Proposed DIDP Response Process Update, pg. 2](#) (emphasis added).)

The Ali, et al. Joint Submission also stated that the proposed revisions do not require ICANN org to provide a rationale for withholding responsive information as recommended in WS2 Recommendation 8.1.18. The BC also recommended that DIDP responses should either make the requested documents available or provide a clear and specific reasons for nondisclosure. ICANN org notes Recommendation 8.1.18 is also addressed in Paragraph 6 of the [Proposed DIDP Response Process Update](#). Paragraph 6 states, in part, that DIDP responses will provide the “rationale underlying the decision” to withhold any responsive documents, or portions of documents, that are subject to any DIDP Conditions for Nondisclosure.

Three comments (ALAC, RySG, TC) related to the following proposed DIDP Condition for Nondisclosure:

Materials, including but not limited to, trade secrets, commercial and financial information, confidential business information, and internal policies and procedures, the disclosure of which could materially harm ICANN’s financial or business interests or the commercial interests of its stakeholders who have those interests. Where the disclosure of documentary information depends upon prior approval from a third party, ICANN org will contact the third party to determine whether they would consent to the disclosure in accordance with the DIDP Response Process.

The commenters expressed the concern that this Condition for Nondisclosure is too broad and could be “the exception that swallows the rule”. The ALAC expressed that the first sentence of the Condition for Nondisclosure “essentially grants ICANN the right to refuse any and all requests. It is reasonable to reject requests for truly confidential information and for releasing information held by ICANN under nondisclosure agreements. But rejecting a request because it includes commercial or financial information or documents an internal policy makes a mockery of this DIDP policy.” (ALAC, p. 2.) The ALAC further stated that information related to stakeholders that was not obtained under nondisclosure conditions should not be withheld. The ALAC explained that “[i]t may be awkward for ICANN to release material that could cause harm, but the DIDP exists to ensure that ICANN is transparent. ICANN should not cover up its errors or poor judgement.” (*Id.*) The ALAC comment is endorsed by A19.<sup>1</sup> The RySG commented that this Condition for Nondisclosure is broader than the previous versions of the DIDP. ([RySG at No. 1](#).) TC commented that this proposed Condition for Nondisclosure expands ICANN’s ability to withhold information that may harm ICANN org or the commercial interests of its stakeholders and thereby reduces ICANN’s accountability. ([TC, pg. 1](#).) The TC comment is endorsed by LEAP.

ICANN org notes that the text of the foregoing Condition for Nondisclosure is exact language recommended by the WS2 within Recommendation 8.1.11, which states:

---

<sup>1</sup> A19 endorsed the comments submitted by the ALAC and the Non-Commercial Stakeholder Group (NCSG). However, NCSG did not submit a comment. As such, this Summary Report does not include an analysis A19’s endorsement of the NCSC comment.

---

The exceptions for “trade secrets and commercial and financial information not publicly disclosed by ICANN” and for “confidential business information and/or internal policies and procedures” should be replaced with an exception for “material whose disclosure would materially harm ICANN’s financial or business interests or the commercial interests of its stake-holders who have those interests.

([WS2 Final Report](#), p. 32.) This recommendation was deemed by the WS2 as an improvement to the DIDP by replacing to the current Conditions for Nondisclosure for “[t]rade secrets and commercial and financial information not publicly disclosed by ICANN” and “[c]onfidential business information and/or internal policies and procedures.” ([Current DIDP \(2012\)](#)) The Final Report, including Recommendation 8.1.11, was subject to Public Comment and did not receive any comment. ([Report of Public Comments re CCWG-Accountability Work Stream 2 Final Report](#), p. 2.) ICANN org is not in a position to modify the WS2’s recommendation to incorporate other standards as suggested by commenters. Further, while the DIDP currently in effect allows ICANN org to withhold third party sensitive information, the proposed revisions now require ICANN to seek third party consent “[w]here the disclosure of documentary information depends upon prior approval from a third party, which is a new and enhanced obligation that could lead to additional disclosures.” This addition implements WS2 Recommendation 8.1.12, which states, “[w]here an exception is applied to protect a third party, the DIDP should include a mechanism for ICANN staff to contact this third party to assess whether they would consent to the disclosure.” ([WS2 Final Report](#), p. 34.)

One commenter (A19) suggested that the DIDP Conditions for Nondisclosure be limited to certain principles based on international standards. (A19, p. 4.) As discussed above, the proposed revisions to the DIDP are implementation of the WS2’s recommendations on how the DIDP can be improved to enhance transparency. ([WS2 Final Report](#), Annex 8.1, p. 331-352.) In this regard, the proposed modifications to the Conditions for Nondisclosure are based upon the WS2’s recommendations, which do not include the conditions identified by A19. Therefore, incorporation of different standards or conditions may be something for consideration within a future review cycle, but ICANN org is not in a position to unilaterally impose new standards at this point in the status of implementation of WS2 recommendations.

With respect to the sentence in the DIDP that reads “[i]nformation that falls within any of the conditions set forth above may still be made public if ICANN determines, under the particular circumstances, that the public interest in disclosing the information outweighs the harm that may be caused by such disclosure”, one commenter (A19) recommended that the DIDP include specific information as to who would determine what is in the public interest. As set forth in the Proposed DIDP Response Process Update, which is incorporated into the DIDP by reference, the determination of the appropriateness of disclosure, which include an assessment of the public interest, is conducted by relevant subject matter experts within ICANN org on the information requested. ([Proposed DIDP Response Process Update](#), p. 1-2.)

### **Comments regarding DIDP response process**

Two comments (A19, BC) were submitted regarding the DIDP response process. The BC recommended that DIDP requests be responded to within 30 days. ICANN org notes that DIDP requests are responded to within 30 days under the current response process unless it is not feasible to do so. (<https://www.icann.org/resources/pages/didp-2012-02-25-en>.) The Proposed Revisions as well as the [Proposed DIDP Response Process Update](#) further enhances ICANN org’s commitment to transparency by specifying that ICANN org will inform a requestor when a

---

---

response will be provided if a response cannot be met within 30 days and explain the reasons necessary for the extension of time to respond. ([Proposed Revisions to DIDP](#) at pg. 3; [Proposed DIDP Response Process Update](#), p. 2.)

A19 recommended that ICANN org commit to publishing a DIDP request as soon as it is received. ICANN org will take this suggestion under consideration, however, ICANN org notes that such a commitment would not need to be reflected within the DIDP in order for it to become part of ICANN org's practice, therefore no changes are required to the DIDP on this issue.

#### **Comments regarding periodic review of the DIDP**

One commenter (A19) recommended that the review period of the DIDP be shortened to three years instead of the proposed five years. ICANN org notes that the WS2 recommended that the DIDP review cycle be every five years, and ICANN org is unable to make unilateral changes to those recommendations.

#### **Comments about the “Publicly Available Documents” section**

One commenter (A19) suggested that the “Publicly Available Documents” section of the DIDP include information that ICANN publishes as a matter of course include a dedicated page regarding ICANN’s compliance its human rights obligations under Article 27, Section 27.2 of the ICANN Bylaws. (A19 attached as Appendix 1, p. 3.) ICANN org notes that the “Public Available Documents” section is not intended to be an exhaustive list of all the information that the org publishes as a matter of course, such as information regarding ICANN’s compliance with Article 27, Section 27.2 of the Bylaws. A19 also recommended that the section include a commitment that the links will be updated with new information as it is published and will be cross checked every 30 days. ICANN org notes that the “Publicly Available Section” contains the links to the main webpages for the categories of information listed. The links remain current as new information is consistently added to those pages. For example, the link provided to access financial information (<https://www.icann.org/resources/pages/governance/financials-en>) is to a page that is consistently updated with current financial data as well as historical information. No changes are needed to address this comment.

## **5.2 Evaluation of Proposed Expansion of Ombuds and Complaints Officer Roles**

Five comments (ALAC, A19, BC, LEAP, and RySG) were submitted in support of expanding the role of the Ombudsman to be the mechanism through which requestors seek review of DIDP responses. Three comments (A19, LEAP, and RySG) were submitted regarding expanding the role of the Complaints Officer to the DIDP. LEAP objected to the WS2’s recommendation to expand the role of the Ombuds and/or Complaints Officer to the DIDP.

The ALAC also recommended that the DIDP Policy and DIDP responses should reference review mechanisms available for challenges to DIDP responses. (ALAC, p. 3.) The BC suggested that there should be a 30-day window within which a requester can seek a review of ICANN org’s denial of disclosure. The BC suggested that requestors may submit a request for review if they do not agree with a decision and reason for denial of disclosure and that the Ombudsman should assess such review requests within 30 days of receiving the request. The BC further suggested that the results of the Ombuds’ review be published, that Ombudsman’s

---

recommendations be advisory to ICANN org, and that ICANN org should have a 14-day period to respond to the Ombudsman's recommendation for disclosure. ([BC at No. 1.](#))

One comment (RySG) was received for question 2 in the Guided Submission Form. Question 2 states:

In light of the WS2 request for a specific analysis of the expansion of the Ombuds' role into the DIDP process, as it would represent a new non-complaints responsibility, please provide your inputs on some or all of the five criteria identified in WS2 Recommendation 5.11.

The RySG expressed concerns of the impact of the recommended expansion on the current accountability mechanism and noted that further clarification on the potential impact is needed. The RySG noted that any expansion on the Ombuds' role should not remove or replace the opportunity for community members to avail themselves of other accountability mechanisms afforded under the ICANN Bylaws such as the Reconsideration process or the Independent Review Process. The RySG further stated that it is not clear whether an expansion of the Ombuds or Complaints Officer roles would create more authoritative and less advisory capacity for the roles in relation to DIDP reviews and requests. The RySG asked "how would conflicting rules on disclosure between the Ombuds and DIDP be handled? Would this provide a more streamlined/faster complaints process than the Reconsideration Request?" The RySG further stated that the Ombuds would likely have to recuse themselves from any reconsideration request challenging a DIDP response for which they reviewed.

The RySG also addressed question 3 in the Guided Submission Form. Question 3 states:

Given that the ICANN Complaints Officer does not currently have a process or mandate to initiate their own appeals or reviews of ICANN org action, please provide any inputs for ICANN to consider on the proposed expansion of the role for the Complaints Office.

The RySG noted that the Complaints Officer rather than the Ombudsman may be the more appropriate mechanism for additional review of DIDP responses if a review role could limit or conflict with the Ombudsman's current responsibilities. (RySG at No. 3.)

ICANN org will take these comments into consideration as part of its evaluation of the next steps on these recommendations from the WS2.

## Section 5: Next Steps

ICANN org will take into consideration the feedback received regarding the proposed revisions to the DIDP, and where appropriate, ICANN org will incorporate the suggestions into the revised DIDP for Board consideration and approval. With respect to the feedback received regarding the role of the Ombuds and/or Complaints Officer in relation to the DIDP, ICANN org will take these comments into consideration as part of its evaluation of the next steps on these recommendations from the WS2.

## ARTICLE 19 response to the ICANN Proposed Revisions to the ICANN Documentary Information Disclosure Policy

### Introduction

ARTICLE 19 welcomes the efforts of the Internet Corporation for Assigned Names and Numbers (ICANN) to engage in a multi-stakeholder process by holding this Public Comment Consultation on the ICANN Documentary Information Disclosure Policy.<sup>1</sup>

This consultation is an important opportunity, as the rules will impact considerably the human rights of internet users. We thus appreciate the opportunity to provide ICANN with our position on the topic and we look forward to the discussions that will follow.

This statement is made on our own behalf. We also endorse comments by the Non Commercial Stakeholder Group (NCSG) and the At-Large Advisory Committee (ALAC).

### About ARTICLE 19

ARTICLE 19 is an international human rights organisation that works to protect and promote free expression, which includes the right to speak, freedom of the press, and the right to access information. With regional programmes in Africa, Asia, Europe, Latin America, and the Middle East and North Africa, we champion freedom of expression at the national, regional, and international levels. The work of ARTICLE 19's Digital Programme focuses on the nexus of human rights, Internet infrastructure, and Internet governance.

At ICANN, we engage through the ICANN Empowered Community as members of the Generic Names Supporting Organization (GNSO) under the Non-Commercial Users Constituency (NCUC) and as members of the At-Large Advisory Committee (ALAC) directly as part of the European Regional At-Large Organization (EURALO). We work within the ICANN community with the main purpose of raising awareness of how the Domain Name System (DNS) affects human rights. This aim would ensure that Section 27.2 of the ICANN Bylaws (on Human Rights) and other Bylaws with an impact on human rights are

---

<sup>1</sup> Proposed Revisions to the ICANN Documentary Information Disclosure Policy  
<https://www.icann.org/en/public-comment/proceeding/proposed-revisions-to-the-icann-documentary-information-disclosure-policy-21-10-2021> accessed on 7 December 2021

implemented in full and put the user at the centre of policy development processes.

## Summary

At the end of October 2021, ICANN published the ICANN Documentary Information Disclosure Policy, seeking input from the community. In November and December 2021, ARTICLE 19 reviewed the document that is subject to the public consultation.

We welcome the work of ICANN on updating the document in line with Workstream 2 Recommendations on ICANN Transparency. Our analysis shows that, primarily, the proposal contains several positive and commendable principles like the principle of maximum disclosure as well as provisions on proactive disclosure of information through various sections of the ICANN website and predictable timelines of responses to DIDP requests.

However, we generally find that this Draft Policy is significantly weaker than other international bodies like the World Bank<sup>2</sup>, the United Nations Development Programme (UNDP)<sup>3</sup>, and the United Nations Educational, Scientific and Cultural Organization (UNESCO)<sup>4</sup> among other international bodies. It would be useful to have ICANN compare these policies of these international bodies and revise the ICANN accordingly. This will ensure that information is "made available to the public unless there is a compelling reason for confidentiality".

Additionally, the Draft Policy provides links to various sections of the ICANN websites containing information such as Annual Reports, Budgets, Board Meeting Transcripts, Minutes and Resolutions, Board Briefing Materials on the Board Meetings among others. However, sections with these links lack clear information on how often these links are updated.

ARTICLE 19 therefore urges ICANN to consider the recommendations below, which would help align the ICANN Documentary Information Disclosure Policy more closely with international law and best practice.

---

<sup>2</sup> The World Bank Policy on Access to Information

<<https://documents1.worldbank.org/curated/en/391361468161959342/pdf/548730Access0I1y0Statement01Final1.pdf>> accessed on on 7 December 2021

<sup>3</sup> UNDP Information Disclosure Policy

<<https://www.undp.org/accountability/transparency/information-disclosure-policy>> accessed on on 7 December 2021

<sup>4</sup> UNESCO Access to Information Policy

<<https://en.unesco.org/this-site/access-to-information-policy>> accessed on on 7 December 2021

## Comments on WS2 Recommendation 5.11.

We welcome the WorkStream 2 Recommendations and support vesting this policy with the ICANN Ombudsman's Office. Additionally we welcome the proposal to expand the role of the ICANN Complaints Officer to have a process or mandate to initiate their own appeals or reviews of ICANN org action which would then be subject to review by the ICANN Ombudsman's Office.

## Comments on the “Publicly Available Documents” Section

This section provides links to various sections of the ICANN websites containing information such as Annual Reports, Budgets, Board Meeting Transcripts, Minutes and Resolutions among others. However the section lacks information on ICANN's compliance with Human Rights Obligations under Section 27.2 of the ICANN Bylaws (on Human Rights) and other Bylaws with an impact on human rights. We recommend the addition of a dedicated page with this information and Human Rights Impact Assessment reports.

Additionally, the section lacks clear information on how often these links provided under the section are updated. We recommend that a paragraph is included with a clear commitment that the links will be kept up to date with new information as it is published and this will be cross checked every 30 calendar days, as is the case with the rest of the Policy.

## Comments on the “DIDP Defined Conditions for Nondisclosure” Section

We welcome the addition of the following paragraph: *“Information that falls within any of the conditions set forth above may still be made public if ICANN determines, under the particular circumstances, that the public interest in disclosing the information outweighs the harm that may be caused by such disclosure.”*

However, this section lacks clarity regarding who would determine what information is in public interest. Additionally, the section calls the “appeal procedure” a “review” which is very weak policy language as there is not an oversight body that can decide on the appeals.

We recommend that ICANN should make this information available in one document in a simple and clear language and should require that decisions refusing disclosure of requested information should also be transparent and available to audit to enhance the public's right to appeal.

Lastly, we recommend that the exemptions be limited to these principles based on international standards:

1. Exemptions for the disclosure of information can only be based on narrow, proportionate, necessary and clearly defined limitations (UNGA 70/161<sup>5</sup>, UNHRC 31/32<sup>6</sup>) based on Article 19(3) of the International Covenant on Civil and Political Rights (ICCPR).
2. Exceptions should apply only where there is a risk of substantial harm to the protected interest and where that harm is greater than the overall public interest in having access to the information (United Nations Special Rapporteur on Freedom of Expression 2013<sup>7</sup>).
3. The regime of exceptions should be comprehensive and other laws should not be permitted to extend it. (United Nations Special Rapporteur on Freedom of Expression 2013<sup>8</sup>).
4. Authorities should provide reasons for any refusal to provide access to information. (United Nations Human Rights Committee adopted General Comment 34 of 2011<sup>9</sup>).

### **Comments on the “DIDP Requests and Responses” Section**

We recommend that ICANN commits to publishing an information request as soon as it is received, pending the 30-day calendar response from ICANN. Not only does this measure improve ICANN’s transparency to its stakeholders, it will improve the operation of the policy by ensuring that the DIDP process is not overwhelmed by similar or duplicate requests made by stakeholders that are unaware of active requests that are pending responses.

### **Comments on the “Guidelines for the Publication of Board Briefing Materials” Section**

This section provides links to various sections of the ICANN websites containing information such as Board Briefing Materials on the Board Meetings. However, this section lacks clear information on how often these links are updated. We recommend that a paragraph is included with a clear commitment that the links will be kept up to date with new information as it is published and this will be cross checked every 30 calendar days, as is the case with the rest of the Policy.

<sup>5</sup> United Nations General Assembly Resolution adopted by the General Assembly on 17 December 2015 <<https://undocs.org/en/A/RES/70/161>> accessed on 7 December 2021

<sup>6</sup> Resolution adopted by the United Nations Human Rights Council on 24 March 2016 <<https://undocs.org/A/HRC/RES/31/32>> accessed on 7 December 2021

<sup>7</sup> Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression <[http://www.concernedhistorians.org/content\\_files/file/to/320.pdf](http://www.concernedhistorians.org/content_files/file/to/320.pdf)> accessed on 7 December 2021

<sup>8</sup> Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression <[http://www.concernedhistorians.org/content\\_files/file/to/320.pdf](http://www.concernedhistorians.org/content_files/file/to/320.pdf)> accessed on 7 December 2021

<sup>9</sup> UN Human Rights Committee (HRC), General Comment No.34: Article 19: Freedoms of opinion and expression, 21 July 2011, <<https://www.refworld.org/docid/4e38efb52.html>>accessed on 7 December 2021

## Comments on the “Periodic Review” Section

We recommend a shorter periodic review of this Policy, so that it takes place every 3 years. A review of this policy every 3 years allows for adjustment to the policy in the middle of the ICANN’s strategy planning period to ensure that for the remainder of the strategic planning period there is an opportunity to ensure that the DIDP serves its purpose much better. Additionally, this will ensure that the Policy evolves in tandem with evolving international best practice and updates its use of appropriate tools and technologies to facilitate proactive information disclosure.

## Conclusion

ARTICLE 19 is grateful for the opportunity to engage with ICANN in this process, in light of the Workstream 2 Recommendations and the five objectives under ICANN’s Strategic Plan for Fiscal Years 2021-2025.

We look forward to continued collaboration to strengthen human rights considerations in the Domain Name System and particularly in ICANN’s policies and procedures. We welcome further engagement opportunities and avail ourselves in case of any questions or concerns.

If you would like to discuss this analysis further, please contact Ephraim Percy Kenyanito, Senior Digital Program Officer, at [ephraim@article19.org](mailto:ephraim@article19.org). Additionally, if you have a matter you would like to bring to the attention of the ARTICLE 19 Digital Programme, you can contact us by e-mail at [digital@article19.org](mailto:digital@article19.org).