

GNSO Statement of Interest Task Force

Review of Statement of Interest (SOI) Requirements

Status of This Document

This is the Recommendations Report of the GNSO Statement of Interest Task Force following its review of the GNSO Statement of Interest (SOI) Requirements.

Preamble

The objective of this Recommendations Report is to document the GNSO Statement of Interest Task Force deliberations and recommendations following its review of the existing GNSO Statement of Interest requirements as outlined in its [assignment](#). The proposed changes to the GNSO Operating Procedures (GOP) will be published for public comment in conjunction with any possible changes to the GOP that may be recommended by the CCOIC in relation to the GNSO Working Group Self-Assessment requirements. Following that public comment period, the GNSO SOI TF may make updates to this report.

Please note that this document contains redlines to highlight proposed changes to existing documents.

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1. Introduction & TF Approach

The GNSO Statement of Interest (SOI) Task Force was [assigned](#) to address the following questions:

1. Is the original objective of the SOI, as stated in the BGC WG Report¹, still valid? If not, why not and what should the current objective be?
2. Based on the response to question 1), is the requested information to be provided as part of the SOI still fit for purpose? If not, why not, and what would need to be changed to make it fit for purpose?
3. Are there any further measures that should be considered from an enforcement / escalation perspective, in addition or instead of those already included in the requirements?

The TF was also assigned to conduct community outreach: “As part of this process, the Task Force is expected to solicit input from the ICANN community on the current use and experience with SOIs as well as suggestions for possible improvements at an early stage of the process”.

1.1 TF Approach & Findings

The TF commenced its deliberations on 7 February 2022 and solicited initial input from its members through this [google doc](#). In relation to the first assignment question, is the original objective still valid, the TF concluded early on that:

The original objective of the Statement of Interest (SOI), namely allowing for the interests of participants to be declared publicly, remains valid. The TF also confirmed that a traditional conflict of interest policy does not pertain to GNSO policy development activities, similar to how this is described in the GNSO Operating Procedures Section 4.0 for Council members as well as the BCG Report. There are, however, some improvements that the SOI Task Force will consider to address some of the issues that have been identified with the current way in which the SOI is implemented such as:

¹ The BGC WG Report noted that “People who take part in the GNSO Council, and GNSO policy development in particular, often do so because they have an interest in the outcome. These interests can be based on principles or financial gain (either directly in the sense that the person conducts business which could be affected by GNSO policy decisions or indirectly as a representative of a group that could be affected). The traditional concept of conflict of interest test may be difficult to apply in some of these circumstances. Rather than a conflict of interest policy (which might preclude an individual from taking part in a policy process because they stand to gain from the outcome – which is exactly the reason why most participants in the GNSO policy development process do take part), what is needed is a “Statement of Interest” approach that allows the interests of participants to be declared publicly. Consideration should be given to supplementing “Statements of Interest,” with “Declarations of Interest” in which participants are asked to state whether they or their employer have issues that are material and specific to “work under consideration” or where a person’s or company’s “interest” might be a material factor to such work”.

- Information provided is typically not sufficient to be able to assess interests and/or objectives of a participant;
- Reality of community members participating in multiple ICANN fora and groups - more details should be provided on their role in these different groups (for example, member, voting member, observer);
- Lack of updates to reflect specific interest in a particular effort (SOI is considered a general introduction to a community member's role & interests);
- SOI does not reflect if/how a potential outcome may affect a member and/or their employer / client;
- No requirement for consultants or lawyers to disclose their clients (or at a minimum provide a general description of clients and their interests).

Based on these findings, as well as the input that was received in response to the [community outreach survey](#) it conducted as well as bi-weekly meetings, the GNSO SOI TF developed the recommendations that can be found in the next section of this report.

1.2 TF Membership & Mailing List Archives

The TF consists of members appointed by each GNSO Stakeholder Group and/or Constituency ("Each Stakeholder Group or Constituency can appoint a maximum of 2 representatives and up to 2 alternates. For clarity, a Stakeholder Group may decide to assign representatives at the Stakeholder Group level OR the constituency level, if applicable, but not both.") The names of the members and their affiliation can be found [here](#).

The mailing list archives can be found [here](#). Further information and materials are available on the TF [workspace](#).

2. SOI Recommendations

The GNSO Statement of Interest Task Force recommends that:

1. The current Statement of Interest template is divided into two parts, namely:
 1. General Statement of Interest which contains general information about a participant to understand their background and motivation for participating in GNSO activities.
 2. Activity Specific Statement of Interest which is information that is provided specific to the activity a participant has requested to participate in. For example, what is their motivation for participation in that activity as well as possible impact on the individual and/or their employer of the outcomes of the process.
2. The General Statement of Interest would consist of the following questions (note, some of these have been updated compared to the current questions to provide further guidance and/or specificity):
 - a. Your name;
 - b. GNSO Stakeholder Group - note, you are expected to indicate all GNSO Stakeholder Groups you participate in and provide details on your level of participation (for example, voting member, non-voting member, observer);
 - c. GNSO Constituency - you are expected to indicate all GNSO Constituencies you participate and provide details on your participation (for example, voting member, non-voting member, observer);
 - d. Affiliation (if not covered by b or c) - if you are affiliated with multiple organizations or entities, please list these all and include a link to their website(s).
 - e. Please identify your current employer(s);
 - f. Please identify any other ICANN activities in which your employer(s) participates, if applicable;
 - g. Please identify your current position(s);
 - h. Please identify the type(s) of work performed;
 - i. Please identify your declared country of primary residence (e.g., country to which you pay taxes);
 - j. Please list any financial relationship beyond de minimis stock ownership you may have with any company that to your knowledge has a financial relationship or contract with ICANN.
 - k. Please identify any Working Groups or other chartered teams in which you are participating (include acronyms, if applicable);
 - l. Additional information (optional - any other declarations or disclosures that are relevant to your participation)
3. The information contained in the General Statement of Interest is required to be updated in a timely manner when changes have occurred that require an update to these questions. In addition, a yearly reminder [should/must] be sent to those with an SOI on file with the request to review their information and make sure it is still up to date. If a person with an SOI on file is no longer active in any ICANN activities, they should also be able to request a deletion of their SOI on file and have that request reviewed.

4. The Activity Specific Statement of Interest is to be completed for each GNSO activity a participant signs up for. As part of the introductory meeting, each participant is expected to introduce their activity specific statement of interest and address any questions other participants may have.
5. The Activity Specific Statement of Interest consists of the following (existing questions):
 - a. Are you participating in the GNSO policy process as a representative of any individual or entity, whether paid or unpaid?
If the answer is “Yes,” please provide the name of the represented individual or entity. (If professional ethical obligations prevent you from disclosing this information, please provide details on which ethical obligations prevent you from disclosing and provide a high level description of the entity that you are representing without disclosing its name, for example “I represent a Registry client” or “I am representing a non-GNSO related entity”):
 - b. Please identify any other relevant arrangements, interests, or benefits as requested in the following two questions:
 - i. Do you, your employer or your client have any type of material interest in ICANN GNSO policy development processes and outcomes? If the answer is “yes,” please describe the material interest in ICANN GNSO policy development processes and outcomes:
 - ii. Are there any arrangements/agreements between you and any other group, constituency, client or person(s) regarding your participation as a work team member? If the answer is “yes,” please describe the arrangements/agreements and the name of the group, constituency, or person(s):
 - c. Additional information (optional)
6. The information contained in the Activity Specific Statement of Interest is required to be updated in a timely manner when changes have occurred that require an update to these questions, if the activity for which the statement has been provided is still ongoing.
7. From a display perspective, the General Statement of Interest is the “parent” while any Activity Specific Statement of Interests are organized as its “children”.
8. A number of use cases have been developed [to be completed following the public comment forum] by the TF that will serve as example / instructions for those completing the templates to provide the appropriate level of detail / information.
9. The GNSO SOI Task Force recommends that prior to these recommendations being adopted, a pilot is conducted from which feedback is gathered by the SOI TF to determine whether updates need to be considered. Such a pilot could be carried out in parallel to the public comment forum using an existing group so that it would be possible for the participants to share their views on the current vs. the proposed updated SOI that would help inform the SOI TF’s review of the proposed updates in light of public comments received as well as the test group’s experience.

Enforcement and Escalation

The GNSO Statement of Interest Task Force recommends that:

1. An annual reminder is sent to those with a GNSO SOI on file to request the SOI holder to review their information and update it as necessary. If no response is received, or the SOI holder confirms they are no longer actively engaged in GNSO activities, a disclaimer, or similar, is added to the SOI in question to clearly mark that the SOI is 'inactive' and may no longer be up to date. Should the SOI holder at a future point in time decide that they want to be allowed to activate their SOI, instructions should be made available for how to do this.
2. This annual reminder will also include information about the applicable enforcement and escalation requirements.

Implementation Guidance

1. ICANN org is expected to explore the technical options for implementing these recommendations and report back to the TF and/or GNSO Council on the available options as well as any possible limitations that may exist.
2. ICANN org will also review what, if any, safeguards need to be implemented, including appropriate disclaimers and retention policies to make sure that the implementation of these new SOI requirements is consistent with applicable data protection laws.

3. Proposed Updates to GNSO Operating Procedures

As a result of the proposed recommendations in the previous section, the SOI TF recommends that the following updates are made to the GNSO Operating Procedures:

ANNEX A - Chapter 6.0: Statements of Interest

6.1 Definitions

Generic Names Supporting Organization (GNSO) Group:

- a. the GNSO Council, or
- b. a work team, working group, committee or other such policy development body formed by and under the supervision of the GNSO Council.

Relevant Party: An individual who participates as a member of a GNSO Group.

General Statement of Interest: A written statement made by a Relevant Party that provides general information about a participant to understand their background and motivation for participating in GNSO activities. ~~a declaration of interests that may affect the Relevant Party's judgment, on any matters to be considered by the GNSO Group.~~

Activity Specific Statement of Interest: A written statement made by a Relevant Party that provides a declaration of interests that may affect the Relevant Party's judgment, on matters to be considered by a specific GNSO Group.

Material Interest: A material interest is an important interest and is generally, but not always, financial in nature. However, in the legal sense, the interest needs to be substantial or of consequence.

6.2 Policy

6.2.1 Purpose

The purpose of this policy is to set forth responsibilities and procedures pertaining to the content, creation, timely update, accuracy, completeness, and compliance of Statements of Interest as defined in [Section 6.1](#).

6.2.2 Compliance

Each Relevant Party is responsible for ensuring that he or she complies with this policy. Failure to comply with these procedures is covered in [Section 6.5](#). This policy is administered by ICANN Staff. Administration includes informing new members of groups of the policies, posting all Statements of Interest, and following up on any requests from the Chairs of GNSO Groups pertaining to this procedure.

6.2.3 Exemptions

Full time ICANN Staff members are exempt from the individual responsibility of completing a Statement of Interest by virtue of ICANN posting a global Statement of Interest confirming that all employees and individuals who have an exclusive contract with ICANN are representing the interests of ICANN, and no others, at all times. The exemption does not extend to Staff who do not have an exclusive contract with ICANN.

6.3 Statement of Interest Procedures

6.3.1 Timeliness

Relevant Parties are required to provide to the GNSO Secretariat a Statement of Interest, updated not less frequently than once a year or whenever there is a material change, setting forth those specified interests, relationships, arrangements, and affiliations that may affect the judgments of Relevant Parties in the conduct of their participation within the GNSO. A completed Statement of Interest, updated at least annually, is a precondition for Relevant Parties to participate in a GNSO Group.

When technically feasible, the GNSO Secretariat will send Relevant Parties an annual reminder of the requirement to review the applicable Statement of Interest and ensure that any applicable updates are made. If no response is received, or the Relevant Party confirms they are no longer actively engaged in GNSO activities, a disclaimer, or similar, is added to the SOI in question to clearly mark that the SOI is 'inactive' and may no longer be up to date. Should the Relevant Party at a future point in time decide that they want to activate their SOI, instructions should be made available for how to do this.

At the beginning of each meeting the GNSO Secretariat and/or the Chair of the GNSO Group shall ask all Relevant Parties whether they have updates to their Statements of Interest.

6.3.2 Electronic Form and Publication

To ensure consistency, ICANN Staff shall develop, maintain, and provide to Relevant Parties an electronic Statement of Interest form including procedures and instructions pertaining to its completion online. ICANN Staff shall make available an alternative arrangement (e.g., email) in the event that a Relevant Party does not have the necessary Internet access or capability to complete the form online. ICANN Staff shall post the completed Statements of Interest in the relevant section of the GNSO web site prior to Relevant Parties undertaking any activity.

6.3.3 Content

Relevant Parties shall complete all ~~six~~ sections of the Statement of Interest form. ~~as specified below:~~

The General Statement of Interest shall request information such as name; stakeholder group / constituency; current employer; financial relationships, and; any other Working Groups or other chartered teams in which the Relevant Party is participating.

The Activity Specific Statement of Interest shall request information such as whether the Relevant Party is participating as a representative of any individual or entity; identify any other relevant arrangements, interests, or benefits, including whether the Relevant Party's employer or client has any type of material in activity and outcomes; any arrangements / agreements between the Relevant Party and any other group, constituency or client.

The detailed questions will be made publicly available and may be reviewed and revised by the GNSO Council from time to time using its relevant processes.

- ~~1. Please identify your current employer(s) and position(s).~~
- ~~2. Please identify your declared country of primary residence (which may be the country to which you pay taxes).~~
- ~~3. Please identify the type(s) of work performed at #1 above.~~
- ~~4. Please list any financial relationship beyond *de minimus* stock ownership you may have with any company that to your knowledge has a financial relationship or contract with ICANN.~~
- ~~5. Do you believe you are participating in the GNSO policy process as a representative of any individual or entity, whether paid or unpaid? Please answer "yes" or "no." If the answer is "yes," please provide the name of the represented individual or entity. If professional ethical obligations prevent you from disclosing this information, please so state.~~
- ~~6. Please identify any other relevant arrangements, interests, or benefits as requested in the following two questions:~~
 - ~~-~~
 - ~~i. Do you have any type of material interest in ICANN GNSO policy development processes and outcomes? Please answer "yes" or "no." If the answer is "yes," please describe the material interest in ICANN GNSO policy development processes and outcomes.~~
 - ~~ii. Are there any arrangements/agreements between you and any other group, constituency or person(s) regarding your participation as a work team member? Please answer "yes" or "no." If the answer is "yes," please describe the arrangements/agreements and the name of the group, constituency, or person(s).~~

6.3.4 Timing of Updates and Recordation

A Relevant Party shall provide any changes/and or updates to his or her Statement of Interest within ten business days of any material change in any information appearing in the statement of interest form. Such changes shall also be recorded in the minutes of the meeting at which the Relevant Party advises of such change and should be posted as soon as possible.

6.4 Completeness and Accuracy

6.4.1 Completeness

ICANN Staff shall review each Relevant Party's Statement of Interest to ensure completeness. If ICANN Staff has reason to believe that a Relevant Party's documentation is not complete, ICANN Staff shall notify the Relevant Party and request that the omitted or missing information be provided or, if there are extenuating circumstances, explanation as to why the document is incomplete. If the matter cannot be satisfactorily resolved with the Relevant Party after a reasonable period, Staff shall raise the matter with the applicable Chair pursuant to [Paragraph 65.4.3](#).

6.4.2 Accuracy

Concerns raised by ICANN Staff or a member of the ICANN community about the accuracy of a Relevant Party's Statement of Interest, including whether an interest that may affect the Relevant Party's judgment with respect to a pending matter has been disclosed, shall be brought to the attention of the applicable Chair and handled pursuant to [Paragraph 65.4.3](#).

6.4.3 Appeal Process

If concerns about the completeness and/or accuracy of a Statement of Interest persist after reasonable attempts are made to resolve them with the Relevant Party, the matter shall be brought to the attention of the applicable Chair and handled according to decision-making methodology and appeal process as prescribed in the GNSO Working Group Guidelines ([ANNEX 1](#), Sections 3.6 and 3.7). At each step of the appeal process, every effort should be made to resolve the completeness and/or accuracy concerns by working cooperatively with the Relevant Party.

6.5 Failure to Comply

6.5.1 Requirement to Participate

A Statement of Interest form must be submitted by each Relevant Party in accordance with these procedures. If a Relevant Party fails to provide a Statement of Interest once a year or whenever there is a material change, the Chair may temporarily suspend that Relevant Party's participation until the Statement of Interest is provided. Participation shall not be suspended if a Statement of Interest is subject to the Appeals process of [Paragraph 65.4.3](#) until a final determination is made under that process.

6.5.2 Suspension

Pursuant to the appeal provisions referenced in [Paragraph 65.4.3](#), if it is determined that a Relevant Party has not complied with these procedures, the GNSO Council Chair, in consultation with the Vice-Chairs, may suspend that Relevant Party's participation in a GNSO group until the failure to comply has been remedied. The ICANN General Counsel and GNSO Council will be notified when such actions are taken as a matter of protocol and the decision to take this step will be recorded in the GNSO Council minutes. If the failure to comply pertains to a Chair, the applicable Vice-Chairs shall act pending completion of the appeal process. If the failure to comply pertains to the GNSO Council Chair, the Vice-Chairs shall act after consulting with the ICANN Vice President - Policy Development.