

Summary Report of Public Comment Proceeding

Recommendations to Improve ICANN's Transparency			
Publication Date:	2 August		
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Public Comment Proceeding		Important Information Links	
Open Date:	21 February 2017		
Close Date:	10 April 2017		
Staff Report Due Date:	15 July 2017		
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Section I: General Overview and Next Steps			
<p>Improvements to ICANN's transparency were part of the CCWG-Accountability's initial recommendations published for public consultation in May 2015:</p> <p>“9.2 Items for consideration within Work Stream 2</p> <ul style="list-style-type: none">4. Limiting ICANN's ability to deny transparency / disclosure requests;7. Institute a culture of default transparency at ICANN, including guidelines for when it is acceptable to classify information, requirements for logging decisions to classify information and procedure for de-classifying information;9. Enhancements to ICANN's whistleblower policy.” <p>The CCWG-Accountability began its work on WS2 in June 2016. As it pursued its work on this topic it added the requirement to improve the transparency of ICANN's interactions with governments. The sub-group responsible for developing transparency recommendations produced its draft in December 2016 which was approved by the CCWG-Accountability for Public Consultation in February 2017.</p> <p>The draft contains 21 draft recommendations on improving ICANN's Documentary Information Disclosure Policy (DIDP), an overarching recommendation on improving the transparency of ICANN's Interactions with Governments, 3 recommendations on improving the transparency of Board Deliberations and 8 recommendations on improving Whistleblower Protection.</p> <p>The CCWG-Accountability WS2 who will consider amending its recommendations in light of the comments received and will publish a report on the results of the public consultation. If significant changes are required as a result of the public consultation the CCWG-Accountability WS2 may opt to have a second public consultation on the amended recommendations.</p>			

Section II: Contributors

At the time this report was prepared, a total of ten (10) community submissions had been posted to the forum. The contributors, both individuals and organizations/groups, are listed below in chronological order by posting date with initials noted. To the extent that quotations are used in the foregoing narrative (Section III), such citations will reference the contributor's initials.

Organizations and Groups:

Name	Submitted by	Initials
ALAC	Alan Greenberg	ALAC
gNSO – Business Constituency	Steve DelBianco	GNSOBC
gNSO – IPC	Greg Shatan	IPC
gNSO – NCSG	Rafik Dammak	NCSG
gNSO – RySG	Stéphane Van Gelder	RYSG
ICANN Organization		ICANNO
INTA	Etienne Sanz de Acedo	INTA
Internet Commerce Association	Phil Corwin	ICA
National Law University, Delhi	Puneeth Nagaraj	NLAD

Individuals:

Name	Affiliation (if provided)	Initials
Andreas Pavlou	Civil Society groups	AP

Section III: Summary of Comments

General Disclaimer: This section intends to summarize broadly and comprehensively the comments submitted to this public comment proceeding but does not address every specific position stated by each contributor. The preparer recommends that readers interested in specific aspects of any of the summarized comments, or the full context of others, refer directly to the specific contributions at the link referenced above (View Comments Submitted).

Many of the comments were supportive of many of the recommendations – however a number of issues were noted with respect to some of the recommendations. Some of the major points were:

- DIDP Recommendation 11- disclosure of “trade secrets and commercial and financial information not publicly disclosed by ICANN” and "confidential business information and/or internal policies and procedures"
- DIDP Recommendation 15 – Limiting ICANN’s use of attorney client privilege.
- Implementation requirements (concerns that these may be significant)

Section IV: Analysis of Comments

These inputs will be analyzed by the CCWG-Accountability WS2 who will consider amending its recommendations in light of the comments received and will publish a report on the results of the public consultation. If significant changes are required as a result of the public consultation the CCWG-Accountability WS2 may opt to have a second public consultation on the amended recommendations.