December 12, 2021

Dear ICANN,

Under the Proposed Revisions to the ICANN Documentary Information Disclosure Policy (DIDP), the following condition for not disclosing information was added:

> *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.*

Extremely generic terms such as "confidential business information" and "commercial information" were added. Frankly, this could mean anything and everything! Thus, ICANN has now inserted a catch-all provision allowing it to disclose nothing.

Why would ICANN want to prevent the disclosure of information when its purpose is to act in the interest of the global internet community? This new condition gives ICANN extreme discretion on what it should disclose to the public under the DIDP process. We believe this is entirely in the wrong direction.

The proposed changes to the DIDP comes from a *"cross-community working group on **Enhancing** ICANN Accountability Work Stream 2 (WS2.)*" (emphasis added). The key here is that the core purpose of this working group was to <u>enhance</u> ICANN accountability - not <u>reduce</u> ICANN accountability.

The new language is broad and widens the liberal use of subjective rationale for redaction or failure to disclose relevant information to future DIDP requests. In addition, ICANN will no longer disclose any information if:

> *….the disclosure of which could materially harm ICANN's financial or business interests or the commercial interests of its stakeholders who have those interests*

ICANN will have the ability to not disclose any information that may harm itself **or** the commercial interest of any of its stakeholders? Anything could fall under this rationale and this is entirely subjective to ICANN itself. Will ICANN no longer disclose information which could be harmful to any of its stakeholders? Who is going to make this determination? Who from the multi-stakeholder community pushed for these changes? Why are we giving ICANN these superpowers?

Therefore, we strongly urge ICANN to reject this new addition to the DIDP. These changes are not necessary, they are overbroad and give ICANN too much leeway, and this will ultimately reduce ICANN accountability (which is entirely opposite why this working group was formed in the first place.)

Thank you,

Jeff Reberry
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