

**ICANN**  
COMMUNITY FORUM

64

**KOBE**

9–14 March 2019



# ICANN Reviews

**12 March 2018**

Governmental Advisory Committee

ICANN64 GAC Plenary Meeting - Agenda Item 9.1

**ICANN | GAC**  
Governmental Advisory Committee



# Session Goals

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- High level background briefing to GAC Members about status of a number of relevant ICANN org review efforts
- Opportunity for GAC to consider potential contributions or future comments on various review efforts and to consider strategic impact of review processes.

# Background - What are Reviews at ICANN?

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- Reviews are substantial accountability mechanisms that are required by the ICANN Bylaws - Part of the ICANN “DNA”
- Important for maintaining a healthy and effectively functioning multistakeholder community, as all reviews make recommendations to improve future performance
- Types of reviews:
  - Specific reviews –
    - Mandated by the ICANN Bylaws
    - Conducted by members of the stakeholder community who look at past processes, actions, and outcomes
  - Operational Reviews –
    - Assess ICANN’s Supporting Organizations (SOs) and Advisory Committees (ACs), to determine how effectively they operate, how well they achieve their purposes and how accountable they are to the multistakeholder community.
- No GAC review obligations

# Reviews Covered Today

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- Accountability and Transparency (ATRT3)
- Security and Stability (SSR2)
- IANA Function Review (IFR)
- Operating Standards for Organizational Reviews (review of the reviews)
- Registration Directory Services (RDS-WHOIS2 Review)



# Accountability and Transparency (ATRT3) (1)

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The ICANN Bylaws outline the general issues that the accountability and transparency review teams may assess. Those issues include, but are not limited to, the following:

- Assessing and improving ICANN Board governance;
- **Assessing the role and effectiveness of the GAC's interaction with the Board and with the broader ICANN community, and making recommendations for improvement to ensure effective consideration by ICANN of GAC input on the public policy aspects of the technical coordination of the DNS;**
- Assessing and improving the processes by which ICANN receives public input;
- Assessing the extent to which ICANN's decisions are supported and accepted by the Internet community;
- Assessing the policy development process to facilitate enhanced cross community deliberations, and effective and timely policy development;
- Assessing and improving the Independent Review Process.'

# Accountability and Transparency (ATRT3) (2)

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The previous ATRT effort, ATRT2 devoted substantial attention to GAC matters (Recommendation 6):

- 6.1 Increased transparency of GAC-related activities
- 6.2 Formally adopt open meetings policy
- 6.3 Develop and publish rationales for GAC advice
- 6.4 Develop and document formal process for GAC advice
- 6.5 Bylaw change, requiring a Board supermajority to reject GAC advice (see “new” ICANN Bylaws adopted on 27 May 2016)
- 6.6 Implement initiatives to remove barriers for participation
- 6.7 Regularize Senior Officials meetings
- 6.8 Develop government engagement guidelines
- 6.9 Develop goals for stakeholder engagement by GSE

The new ATRT3 team will be evaluating the success of those efforts and may take up new matters as part of its work

# Accountability and Transparency (ATRRT3) (3)

- In late December 2018, ICANN org announced the selection of an 18-member team to conduct the third [Accountability and Transparency Review](#) (ATRRT3).
- The GAC nominated a member of the team - Liu Yue (China). Report tomorrow.
- The team has already begun conducting meetings this year.





- ICANN Bylaws (Section 4.6(c)), ‘The Board shall cause a periodic review of ICANN’s execution of its commitment to enhance the operational stability, reliability, resiliency, security, and global interoperability of the systems and processes, both internal and external, that directly affect and/or are affected by the Internet’s system of unique identifiers that ICANN coordinates (“SSR Review”).’
- The issues that the review team for the SSR Review may assess include:
  - security, operational stability and resiliency matters, both physical and network, relating to the coordination of the Internet’s system of unique identifiers;
  - conformance with appropriate security contingency planning framework for the Internet’s system of unique identifiers;
  - maintaining clear and globally interoperable security processes for those portions of the Internet’s system of unique identifiers that ICANN coordinates.
- SSR reviews are generally expected to be conducted no less than every five years.

- SSR2 review "paused in October 2017
- SSR2 restarted in August 2018
- GAC had a representative on the SSR2, Had to step down in January 2019
- GAC invited to name replacement – no volunteers to join late in process
- Draft final report planned for ICANN65 – Marrakech
- Final Report planned for ICANN 66 - Montreal



# IANA Naming Function Review (IFR)

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- The IANA Naming Function Review is one of the new accountability mechanisms created as part of the IANA stewardship transition to ensure that the Public Technical Identifiers (PTI) organization meets the needs and expectations of its naming customers.
- In September 2018, the first IFR was [convened by the ICANN Board](#), in compliance with [Article 18](#) of the ICANN Bylaws.
- The IANA Naming Function Review Team (IFRT) is currently being formed. Per specifications in the ICANN Bylaws, the IFRT will include representatives from all the major ICANN communities and a few outside organizations.
- The GAC leadership nominated Andreas Dlamini of Eswatini to serve on the IFRT.
- Once the issue of absence of a volunteer from a non-ccNSO ccTLD is resolved this review effort can begin.
- ICANN org is seeking direction from the ICANN Board with regard to next steps. The Board will be considering this during its public Board meeting here at ICANN64 later this week.

# Operating Standards for Organizational Reviews

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- The ICANN organization has developed proposed draft Operating Standards to provide guidance on conducting Specific Reviews
- The Operating Standards aim to ensure that ICANN's Specific Reviews are conducted in a transparent, consistent, efficient, and predictable manner, while supporting the community's work to derive the expected benefit and value from review processes – “a review of the reviews”
- Matters being considered include,
  - review team selection processes,
  - conflict of interest practices,
  - confidential disclosure to review teams,
  - review team decision-making practices, and
  - guidelines on how review teams are to work with and consider independent expert advice.
- A final document will be presented to the ICANN Board, with the aim of Board adoption in April / May 2019.

# Next Steps - GAC

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- ⦿ The various review teams have conducted sessions this week in Kobe.
- ⦿ Staff will be checking the recordings and transcripts of those sessions for interesting developments and will share further updates as generated by ICANN org staff
- ⦿ GAC members and observers are encouraged to consider following this review efforts and be alert to future review opportunities



# Registration Directory Services (RDS-WHOIS2 Review)

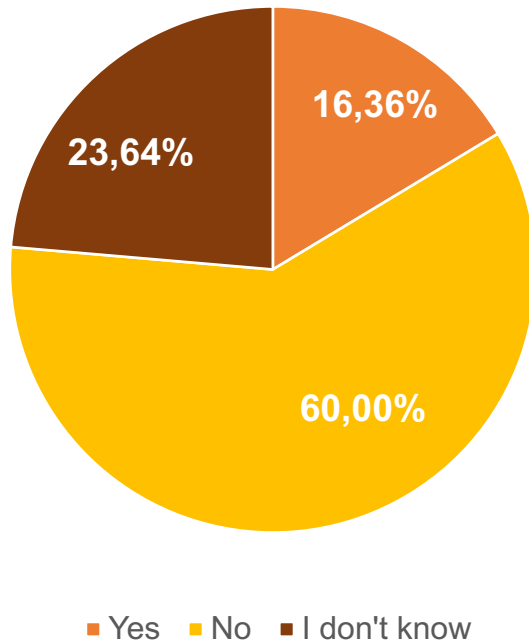
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- Purpose of the Review - to assess the effectiveness of the then current gTLD registry directory service and whether its implementation meets the legitimate needs of law enforcement, promoting consumer trust and safeguarding registrant data.
- Last September (2018), the review team published its draft report (including 23 specific recommendations) for [public comment](#) on 4 September 2018. The report assesses:
  - the extent to which prior Directory Service Review recommendations have been implemented and the extent to which implementation of such recommendations has resulted in the intended effect.
  - the effectiveness of the then current gTLD registry directory service and whether its implementation meets the legitimate needs of law enforcement, promotes consumer trust and safeguards registrant data.
- Final report anticipated
- Three GAC participants were originally named to the review team including Cathrin Bauer-Bulst, Lili Sun and Thomas Walden, Jr.

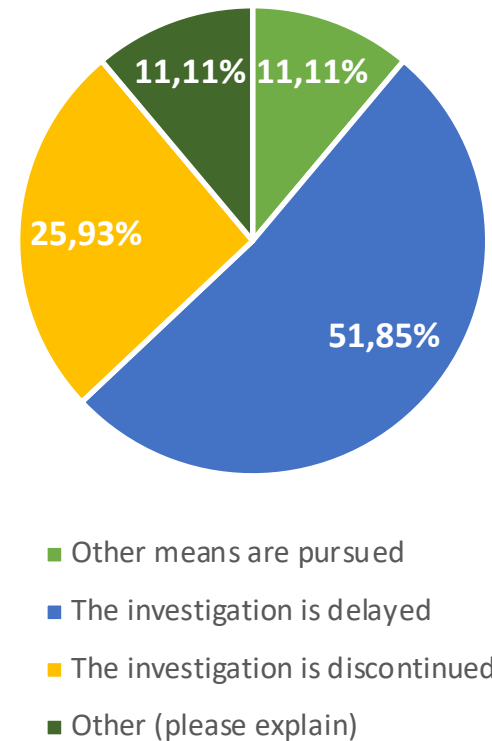
# Law Enforcement Survey Findings

## Impact of Unavailability

Are there alternative data sources that you could use or already use to fulfill the same investigative needs?



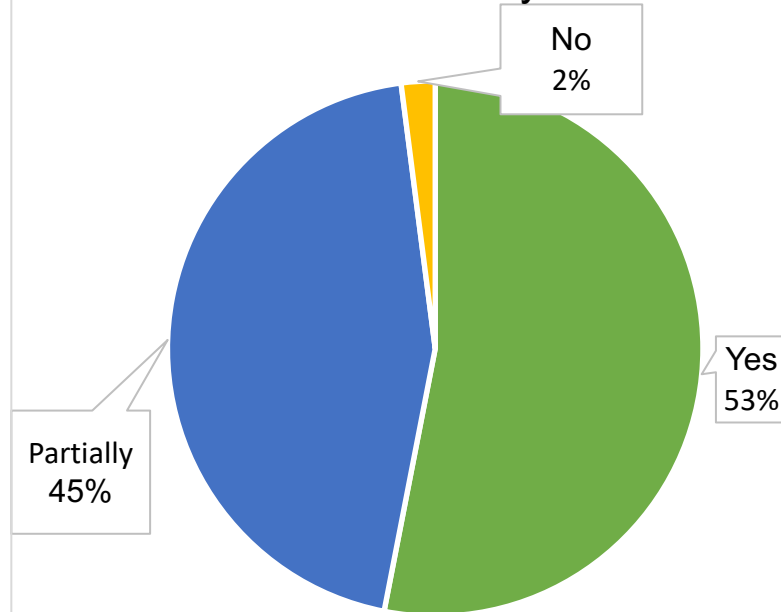
Impact of unavailability of WHOIS information on an investigation



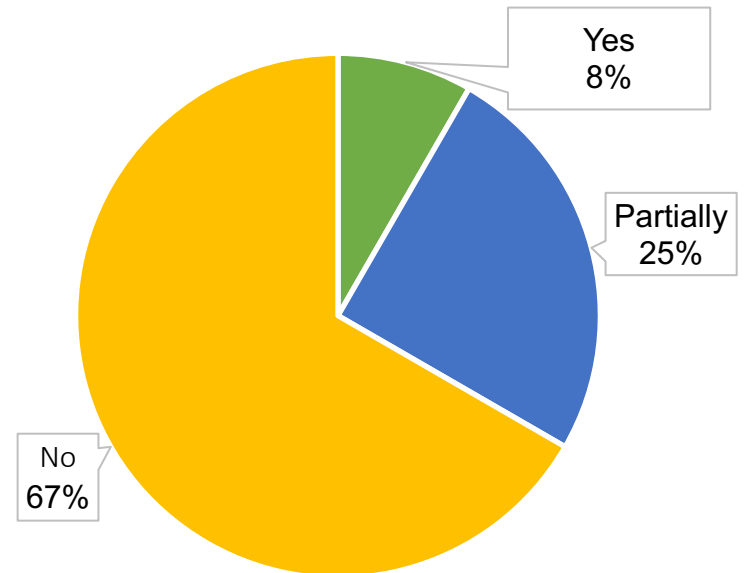
# Law Enforcement Survey Findings

## Impact of Change

Did WHOIS meet investigative needs before May 2018?



Does the current WHOIS meet investigative needs?

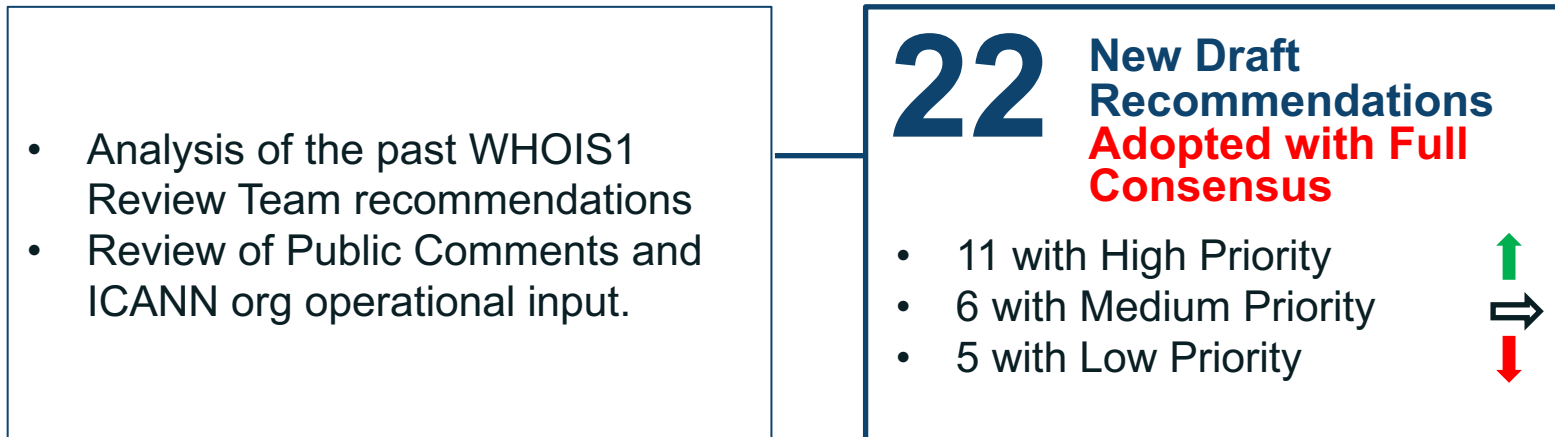




- WHOIS1 Recommendations Implementation Assessment:

WHOIS1 Report	Recommendations Implementation Review	
16 recommendations	ICANN org	16 fully implemented
	RDS-WHOIS2 RT	8 fully implemented, 7 partially implemented 1 not implemented

- Review team Final Recommendations



# Recommendations

## WHOIS1 Recommendation #1: Strategic Priority

#	Recommendation	Priority	Consensus
<b>R1.1</b>	To ensure that RDS (WHOIS) is treated as a strategic priority, the ICANN Board should put into place a forward-looking mechanism to monitor possible impacts on the RDS (WHOIS) from legislative and policy developments around the world.	High	Full Consensus
<b>R1.2</b>	To support this mechanism, the ICANN Board should instruct the ICANN organization to assign responsibility for monitoring legislative and policy development around the world and to provide regular updates to the Board.	High	Full Consensus
<b>R1.3</b>	The ICANN Board, in drafting the Charter of a Board working group on RDS, should ensure the necessary transparency of the group's work, such as by providing for records of meetings and meeting minutes, to enable future review of its activities.	Medium	Full Consensus

# Recommendations

## Law Enforcement Needs

#	Recommendation	Priority	Consensus
LE.1	The ICANN Board should resolve that ICANN organization conducts regular data gathering through surveys and studies to inform a future assessment of the effectiveness of RDS (WHOIS) in meeting the needs of law enforcement. This will also aid future policy development (including the current Temporary Specification for gTLD Registration Data Expedited Policy Development Process and related efforts).	High	Full Consensus
LE.2	The ICANN Board should consider conducting comparable surveys and/or studies (as described in LE.1) with other RDS (WHOIS) users working with law enforcement on a regular basis.	High	Full Consensus

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