

Response to Documentary Information Disclosure Policy Request

To: Ms. Victoria McEvedy, Principal, McEvedys

Date: 16 October 2009

Re: Request No. 20090917-1

Thank you for your Request for Information dated 17 September 2009 (the "Request"), which was submitted through the Internet Corporation for Assigned Names and Numbers' (ICANN) Documentary Information Disclosure Policy (DIDP). For reference, a copy of your Request is attached to the email forwarding this Response.

As a preliminary matter, ICANN's DIDP is limited to requests for information already in existence within ICANN that is not publicly available. In addition, the DIDP sets forth Defined Conditions of Nondisclosure. To review a copy of the DIDP, which is contained within the ICANN Accountability & Transparency: Framework and Principles please see <http://www.icann.org/transparency/acct-trans-frameworks-principles-10jan08.pdf>. ICANN makes every effort to be as responsive as possible to the entirety of your Request.

ICANN notes that throughout your Request, you use the undefined term "GNSO interested party." ICANN interprets this term to refer to a person, not on ICANN Staff, participating in an ICANN Supporting Organization policy development process.

Items Requested

Item 1. Protocols, regulations, guidelines, codes, contracts or procedures governing Staff and Secretariat interaction with GNSO interested parties and provisions for protection of independence and impartiality of Staff and the Secretariat. Similarly as to CCNSO and ASO.

Response:

All members of ICANN's staff (including the GNSO and ccNSO Secretariat), as well as all community members, should comport themselves in accordance with ICANN's Expected Standards of Behavior, included in the Accountability & Transparency Frameworks and Principles at <http://www.icann.org/en/accountability/frameworks-principles/community.htm#community>. Further, all ICANN Staff are bound by operating within the mandates of ICANN's Bylaws and employment policies prohibiting self-dealing and key employees of ICANN are further bound by the Conflicts of Interest Policy, at <http://www.icann.org/en/committees/coi/coi-policy-30jul09-en.htm>.

ICANN's Internal Human Resources Policies and individual employment contracts, to the extent they exist for any of the positions covered in the Request, are protected from disclosure under the following Defined Conditions of Nondisclosure:

- Confidential business information and/or internal policies and procedures.
- Personnel, medical, contractual, remuneration, and similar records relating to an individual's personal information, when the disclosure of such

information would or likely would constitute an invasion of personal privacy.

To the extent that your Request seeks any information regarding the ASO Secretariat, that information does not exist within ICANN. The Numbers Resource Organization (NRO), pursuant to its Memorandum of Understanding with ICANN (<http://www.aso.icann.org/docs/aso-mou2004.html>) provides Secretariat support to the ASO.

ICANN does not maintain any “protocols, regulations, guidelines, [or] codes” governing Staff and Secretariat interaction with GNSO interested parties. ICANN does not have further information to provide in response to this Request.

Item 2. Standard terms in contracts/agreements with Staff and the Secretariat impacting the issues in (1) including contract term periods and identification of the ICANN entity to which the Staff and the Secretariat are contracted and are legally responsible.

Response:

ICANN is attaching the job descriptions existing for positions that could be related to this portion of your request:

- ccNSO Secretary (for ccNSO and GNSO Secretariat)
- Senior Policy Counselor
- Senior Policy Director
- Vice President of Policy

As noted above in ICANN’s response to Item 1, the requested contracts, to the extent they exist, are protected from disclosure under the following Defined Conditions of Nondisclosure:

- Confidential business information and/or internal policies and procedures.
- Personnel, medical, contractual, remuneration, and similar records relating to an individual’s personal information, when the disclosure of such information would or likely would constitute an invasion of personal privacy.

ICANN notes that if any contract exists, the ICANN Staff member is contracted with ICANN only – there are no other “ICANN entities” as suggested by your question. Further, ICANN does not maintain any “protocols, regulations, guidelines, [or] codes” governing Staff and Secretariat interaction with GNSO interested parties. ICANN does not have further information to provide in response to this Request.

Item 3. Protocols, regulations, guidelines, codes, contracts or procedures for publication and transparency and oversight and reporting of Staff activities such as negotiations with GNSO interested parties. Similarly as to Staff and CCNSO and ASO.

Response:

Please see ICANN's response to Item 1 for more information. In addition, many documents reflecting Staff and Secretariat interaction with Supporting Organization members are available online, including minutes of GNSO and ccNSO meetings, and multiple question fora and wikis.

ICANN does not have further information to provide in response to this Request.

Item 4. Dispute or other provisions/procedures that would protect Staff from improper pressures or inducements to prefer a GNSO interested party in their works and protections from retaliation should they refuse or complain.

Response:

Please see ICANN's response to Item 1 for more information relating to ICANN's expected standards of behavior and employment policies. While ICANN's internal policies are not subject to disclosure, ICANN confirms that it strives to comport with best practices and legally-imposed requirements in employee reporting, including commitments to no retaliation where appropriate.

For matters that do not involve complaints brought internally by ICANN Staff, ICANN has accountability mechanisms available in appropriate circumstances. As detailed on ICANN's Accountability and Review page, http://www.icann.org/en/general/accountability_review.html, and the links accessible from that page, the ICANN Ombudsman, the Reconsideration Process and Independent Review Process are available to the ICANN Community.

We hope this information is helpful. If you have any further inquiries, please forward them to didp@icann.org.