Response to Documentary Information Disclosure Policy Request

To: Mr. Michael Palage

Date: 9 April 2011

Re: Request No. 20100624-1
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Thank you for your Request for Information dated 10 March 2011 (the "Request"), which was submitted through the Internet Corporation for Assigned Names and Numbers' (ICANN) Documentary Information Disclosure Policy (DIDP) process. For reference, a copy of your Request is attached to the email forwarding this Response.

Items Requested

1)   Can ICANN please explain and provide the legal chain of custody in connection with how it became the operator of the L Root;

2)   Any documents/communications/analysis regarding any circumstances in which the L Root would not contain the "identical" set of information contained in the A Root; and

3)   Could ICANN provide all documents/analysis regarding the change in IP addresses associated with the L-Root in 2007, with specific attention paid to any Internet security and stability concerns raised regarding this change.

"If any such documents/communications/analysis exists and ICANN claims that under the existing Documentary Information Disclosure Policy it is not required to produce such documents/communications/analysis can ICANN produce a privilege log detailing the dates, authors, recipients, and nature of such documents/communications/analysis."

Response:

Under ICANN's current obligations, to the extent information still exists, the information that you request falls under the following Defined Condition of Non-Disclosure:

▪   Information that relates in any way to the security and stability of the Internet, including the operation of the L Root or any changes, modifications, or additions to the root zone.

General information relating to the operation of the root-servers (A through M) is available at http://www.root-servers.org/. Information relating to ICANN's operation of the L-Root Server is available at http://l.root-servers.org/, and public confirmation of ICANN's role in operation of the L-Root Server has been available from at least 1999. See http://www.icann.org/en/correspondence/bliley-response-08july99.htm and http://www.icann.org/en/general/iana-proposal-02feb00.htm, each confirming that ICANN operates the L-Root.

In relation to your question regarding the 2007 change in IP address of the L-Root server, there are publicly-available documents discussing the change. Those include an

announcement of the upcoming change, at http://blog.icann.org/2007/10/advisory-—-l-root-changing-ip-address-on-1st-november/, as well as a blog posting discussing the receipt of continued responses from the old IP address, at http://blog.icann.org/2008/05/ghosts-of-root-servers-past/.

ICANN is currently reviewing plans to publish information relating to its implementation of L-Root, which is expected to include information on ICANN's commitment to only publishing information on the L-Root that is received through normal publication mechanisms. This information is not yet available for posting.

In response to the last part of your Request, the DIDP states "ICANN shall not be required to create or compile summaries of any documented information." The creation of the requested "privilege log" falls into this compilation activity, and ICANN will not be creating the log. ICANN notes that in addition to the Defined Condition of Non-Disclosure identified above, the additional Defined Conditions of Non-Disclosure are applicable to this Request:

- Drafts of all correspondence, reports, documents, agreements, contracts, emails, or any other forms of communication.

- Information provided to ICANN by a party that, if disclosed, would or would be likely to materially prejudice the commercial interests, financial interests, and/or competitive position of such party or was provided to ICANN pursuant to a nondisclosure agreement or nondisclosure provision within an agreement.

- Information subject to the attorney–client, attorney work product privilege, or any other applicable privilege, or disclosure of which might prejudice any internal, governmental, or legal investigation.

About DIDP

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.

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