Response to Documentary Information Disclosure Policy Request

To: Iliya Bazlyankov

Date: 30 December 2010

Re: Request No. 20101201-1
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Thank you for your Request for Information, dated 1 December 2010 (the "Request"), submitted through the Internet Corporation for Assigned Names and Numbers' (ICANN) Documentary Information Disclosure Policy (DIDP). For reference, a copy of the Request is attached to the email forwarding this Response.

Items Requested:

"1. The DNS Stability panel working criteria (or parts of it) that were applied to evaluate and subsequently reject the Bulgarian application.

"2. The decision of the DNS Stability panel, used to reject the Bulgarian application."

Response

Information relating to the DNS Stability Panel criteria is included within the IDN ccTLD Fast Track Process Final Implementation Plan (Fast Track Implementation Plan), available at http://www.icann.org/en/topics/idn/fast-track/idn-cctld-implementation-plan-16nov09-en.pdf. Module 3 of the Implementation Plan details the technical string requirements, and Module 4 discusses the work of the DNS Stability Panel.   Please note that according to the requirements of the Fast Track process, even if the DNS Stability Panel determines that a requested string is not in compliance with the technical requirements of the Fast Track process, applications are not "rejected," though they are subject to cancellation. See Section 5.4 of the Fast Track Implementation Plan for information on termination of applications.

The requested decision of the DNS Stability Panel falls under multiple Defined Conditions of Nondisclosure set forth in the DIDP:

- Internal information that, if disclosed, would or would be likely to compromise the integrity of ICANN's deliberative and decision-making process by inhibiting the candid exchange of ideas and communications, including internal documents, memoranda, and other similar communications to or from ICANN Directors, ICANN Directors' Advisors, ICANN staff, ICANN consultants, ICANN contractors, and ICANN agents.

- Information exchanged, prepared for, or derived from the deliberative and decision-making process between ICANN, its constituents, and/or other entities with which ICANN cooperates that, if disclosed, would or would be likely to compromise the integrity of the deliberative and decision-making process between and among ICANN, its constituents, and/or other entities with which ICANN cooperates by inhibiting the candid exchange of ideas and communications.

- 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.

- Trade secrets and commercial and financial information not publicly disclosed by ICANN.

The Fast Track Implementation Plan includes limitations on ICANN's ability to release information regarding Fast Track string evaluation. The Fast Track Implementation Plan limits ICANN to communicating a DNS Stability Panel determination of non-compliance only to the requester in the fast track process. (See page 16 of the Fast Track Implementation Plan.) Further, during the entire string evaluation phase, communication with ICANN regarding pending applications is strictly limited to the requester through the web-based request system. (See page 16 of the Fast Track Implementation Plan.) Only upon a successful outcome of the String Confirmation Process is information regarding the requested strings publicly posted. (See page 25 of the Fast Track Implementation Plan.) Because of the sensitive nature of pending IDN ccTLD Fast Track Applications, ICANN only communicates with a requester regarding those pending/not completed applications. ICANN is therefore unable to provide you with the requested information. You may wish to contact the requester to determine if it is willing to provide you with the requested documentation.

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.

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