Response to Documentary Information Disclosure Policy Request

To: Geetha Hariharan

Date: 27 January 2015

Re: Request No. 20141228-1-NETmundial

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Thank you for your Request for Information dated 27 December 2014 (the "Request"),
which was submitted through the Internet Corporation for Assigned Names and
Numbers' (ICANN) Documentary Information Disclosure Policy (DIDP) on behalf of
The Centre for Internet & Society (CIS) on 28 December 2014. For reference, a copy of
your Request is attached to the email forwarding this Response.

Items Requested

Your Request seeks the disclosure of the Items regarding NETmundial:

1.   ICANN's internal measures to implement the NETmundial Outcome
        Document.

2.   Information about mechanisms or any other changes afoot within ICANN,
        implemented internally in recognition of the NETmundial Principles.

3.   Information about "what ICANN has done to implement the NETmundial
        Principles, internally and proactively."

Due to the related nature of each of these items, they are addressed collectively below.

Response

ICANN is one of just many participants in the Internet governance world, and ICANN is
not the home for implementation of the NETmundial Principles or the evolution of
multistakeholder participation in Internet governance. The NETmundial Initiative has
been developed – external to ICANN - "to provide an open, generative, and collaborative
space, inviting permission-less innovation to build and deliver distributed Internet
governance enablers and solutions for distributed Internet governance," particularly for
those who embrace and uphold the NETMundial Principles (See
https://www.netmundial.org/principles.) As noted on the NETmundial Initiative's
website, the Initiative's are to: (i) facilitate "crowd-sourcing" of enablers and solutions
from the global community; and (ii) energize "crowd-funding" to finance/support the
development and implementation of such enablers and solutions."
(https://www.netmundial.org/.) Although ICANN is one of the founding members of the
Initiative, ,the NETmundial Initiative is not a part of ICANN. As noted in the document
titled "NETmundial Initiatives: Answers to Common Questions (Updated)", available at
https://www.netmundial.org/blog/secretariat/netmundial-initiative-answers-common-

questions-updated, the NETmundial Initiative is "inherently transparent and open, allowing for the global, multistakeholder community to provide feedback and shape the Initiative and ensure that it does not become centralized." The NETmundial Initiative remains an iterative process and can only evolve through the broad-based involvement of stakeholders from across the world. ICANN, along with the other founding members, also supports the Secretariat for the NETmundial Initiative. Information on the operations of the NETmundial Initiative is not housed within ICANN; it is available on the NETmundial Initiative website at https://www.netmundial.org/.

Where available and feasible, ICANN has already made available documents relevant to your Request about its efforts after the formation of the NETmundial Principles. On 1 May 2014, ICANN President and CEO, Fadi Chehadé, in a blog titled "Turning Talk Into Action After NETMundial" (available at http://blog.icann.org/2014/05/turning-talk-into-action-after-netmundial/), shared with the ICANN community ICANN's measures to "operationalize the NETMundial roadmap." On 18 August 2014, Mr. Chehadé penned another blog titled "An Initiative for Action", available at https://www.icann.org/news/blog/an-initiative-for-action, where he shared, in detail, the efforts across the broad Internet community (not just within ICANN) that have been undertaken to implement the NETmundial Principles.

ICANN has also published updates on work throughout the community regarding the implementation of the NETmundial Principles. These include the Final Report of the Panel on Global Internet Cooperation and Governance Mechanism at https://www.icann.org/en/system/files/files/collaborative-decentralized-ig-ecosystem-21may14-en.pdf. That Report, as explained in the blog post by Nora Abusitta, recognizes the NETmundial Principles as part of its recommendations. Ms. Abusitta's post, "Turning Talk Into Action After NETmundial" at Panel on Global Internet Corporation and Governance Mechanism Builds on NETmundial Momentum, is available at http://blog.icann.org/2014/05/panel-on-global-internet-cooperation-and-governance-mechanisms-builds-on-netmundial-momentum/. The work of an ongoing Cross-Community Working Group on Internet Governance, formed initially to provide submissions to the April 2014 NETmundial meeting, can be followed at https://community.icann.org/pages/viewpage.action?pageId=43984275.

Many of the NETmundial Principles are high-level statements that permeate through the work of any entity – particularly a multistakeholder entity like ICANN – that is interested in the upholding of the inclusive, multistakeholder process within the Internet governance framework. For example, ICANN's mission is dedicated to the security, stability and resiliency of the Internet DNS, and documents regarding that work are available throughout ICANN's website. ICANN also recently announced a donation to support the Internet Governance Forum (https://www.icann.org/resources/press-material/release-2014-12-18-en), the strengthening of which was called for in the NETmundial statement. However, as noted above, ICANN is not the home for implementation of the NETmundial Principles.

ICANN's DIDP is intended to "ensure that information contained in documents concerning ICANN's operational activities, and within ICANN's possession, custody, or control, is made available to the public unless there is a compelling reason for confidentiality." (*See* https://www.icann.org/resources/pages/didp-2012-02-25-en (emphasis added).) As part of its approach to transparency and information disclosure, ICANN makes available on its website at www.icann.org a comprehensive set of materials concerning ICANN's operational activities as a matter of course. Your Request seeks the disclosure of documents that fall outside the scope of the DIDP in so far as they do not relate to ICANN's operational activities.

Your Request is also subject to the following DIDP Defined Conditions of Nondisclosure:

- Information provided by or to a government or international organization, or any form of recitation of such information, in the expectation that the information will be kept confidential and/or would or likely would materially prejudice ICANN's relationship with that party.

- 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.

- Confidential business information and/or internal policies and procedures.

- 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.

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

- Information requests: (i) which are not reasonable; (ii) which are excessive or overly burdensome; and (iii) complying with which is not feasible.

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/en/about/transparency/didp. ICANN makes every effort to be as responsive as possible to the entirety of your Request. As part of its accountability and transparency commitments, ICANN continually strives to provide as much information to

the community as is reasonable. We encourage you to sign up for an account at MyICANN.org, through which you can receive daily updates regarding postings to the portions of ICANN's website that are of interest because as we continue to enhance our reporting mechanisms, reports will be posted for public access.

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