

Redactions

The Bylaws governing the Independent Review Process (IRP) allow for the IRP Panel to agree that certain information can be held as confidential. (Bylaws, Art. IV, Section 3.20.) As agreed and approved by the IRP Panel, ICANN and DotConnectAfrica Trust (DCA) entered into a confidentiality agreement during the IRP. Pursuant to the agreement, the parties exchanged information that was to be maintained as confidential for purposes of the IRP. ICANN therefore had an affirmative obligation to redact the confidential information. The IRP Panel's order confirming that agreement states:

Documents exchanged by the Parties may not be used for any purpose other than participating in the IRP; (2) documents exchanged by the Parties may not be publicly posted or disclosed in any manner; (3) reference to such documents or information from such documents in the Parties' written submissions must be redacted prior to public posting.

The above agreement, however, does not in any way hinder the Panel's ability in this IRP to refer to or cite any document and information it finds relevant and/or necessary for its determinations and declarations. The Parties themselves will ensure that any confidential information or document referred to or cited by the Panel in its determinations and declarations are appropriately redacted where necessary.

(Procedural Order No. 4, Paragraph 2,
at <https://www.icann.org/en/system/files/files/procedural-order-4-25sep14-en.pdf>.)

ICANN complied with the terms of that confidentiality agreement as ordered by the IRP Panel and redacted all non-public information provided by either party under the confidentiality agreement from the documents that were filed in the IRP.

In furtherance of ICANN's commitment to re-evaluate prior redactions to ensure that we publicly share as much information as possible, ICANN's counsel diligently reviewed all materials filed by the parties to determine if any of the initial confidential designations can be lifted. ICANN's counsel also evaluated the materials to determine if any of the information initially designated as confidential could be disclosed as a result of our obtaining authorization from DCA Trust and third parties to publicly release the information, or whether additional consultation with one or more third parties would be required before disclosure. Where ICANN has determined that further consultation with one or more third parties is required before disclosure, ICANN has requested authorization to release the information that had been designated confidential.

Accordingly, the 31 August 2015 version of the following documents filed in the IRP reflect removal of certain redactions previously made in accordance with initial confidentiality designations, which have now been lifted:

- DCA's Memorial on the Merits and attached Exhibits
- Witness Statement of Sophia Bekele Eshete
- ICANN's Response to DCA's Memorial on the Merits and attached Exhibits

Information contained in the documents produced in the IRP that was initially designated as confidential and thereby redacted included the following types of documents: (1) Governmental

Advisory Committee (GAC) emails and information designated as confidential by the GAC; (2) DCA's documents designated as confidential in accordance with the confidentiality agreement between the parties and as ordered by the IRP Panel; (3) ICANN's documents designated as confidential in accordance with the confidentiality agreement between the parties and as ordered by the IRP Panel; (4) ICANN confidential correspondence with third parties (including other applicants); and/or (5) ICANN confidential internal correspondence about specific applications.

Some of the following information remains redacted in the 31 August 2015 version:

- Confidential contact information
- Confidential application information still subject to response to ICANN requests for authorization from one or more third parties to publicly release the information
- Information that was never provided in the IRP in unredacted form because it was non-responsive to document requests

ICANN is awaiting responses from one or more third parties with respect to requests that their confidential designations or expectations be lifted. ICANN will publish further unredacted information promptly upon, and to the extent that we receive, authorization from the relevant parties to release the information.