

## 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. In addition, because our transparency obligations dictate that we post the Declaration as quickly as possible (which we did the next day following receipt), all non-public information provided by either party under the confidentiality agreement was initially redacted by ICANN's counsel so that ICANN could publish it.

ICANN's counsel immediately began diligently reviewing all ICANN materials exchanged in the proceeding to ensure that we publicly share as much information as we can quickly as possible. ICANN has now conferred with relevant parties and been able to obtain clearance from most that the previously designated confidential information need no longer be treated as confidential. Accordingly, the 31 July 2015 version of the Declaration and transcript reflect the removed redactions that we are not yet authorized to remove. To the extent we receive any further confirmation that previously designated confidential information can be considered non-confidential, ICANN will publish a further revised Declaration and transcript.

Information contained in the materials produced in the IRP that was initially redacted included the following types of documents: (1) confidential internal GAC emails and information, (2) DCA's documents; (3) ICANN confidential correspondence with third parties (including other applicants); and/or (4) ICANN internal correspondence about specific applications.