

Response to Documentary Information Disclosure Policy Request

To: Geetha Hariharan

Date: 12 February 2015

Re: Request No. 20150113-1

Thank you for your Request for Information dated 13 January 2015 (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). For reference, a copy of your Request is attached to the email forwarding this Response.

Items Requested

Your Request seeks the disclosure of the “details of all expenses incurred by ICANN towards the NETmundial Initiative till date” including “the formal contribution to the Initiative (USD 200,000), costs incurred towards travel, accommodation, etc. (domestic and international) for ICANN Board and staff, to travel to meetings to discuss, promote, or further the NETmundial Initiative.” You also request information regarding the hours incurred by ICANN staff and Board in their engagement of the NETmundial Initiative and the number of ICANN staff involved in such engagement.

Response

On 23-24 April 2014, the [Global Multistakeholder Meeting on the Future of Internet Governance](#) was held in São Paulo, Brazil. This was a two-day meeting organized in partnership by the Brazilian Internet Steering Committee (CGI.br) and I/Net and brought together 1,480 stakeholders from 97 regions together (including remote participation) to work towards developing principles for Internet governance and to create a proposed roadmap for the future of the Internet governance ecosystem. Participants also submitted recommendations in advance of the meeting and a draft document was circulated in advance for public comment. At the end of the meeting, [The NETmundial Multistakeholder Statement of São Paulo](#) was issued following bottom-up participation of stakeholders in the meeting. This is a non-binding statement that lays out recommendations for “Internet Governance Principles” and a “Roadmap for the future evolution of the Internet Governance Ecosystem”.

As the website for the above meeting states, the NETmundial meeting in São Paulo was just the start of a process in working collaboratively and openly towards building a distributed Internet governance ecosystem for all stakeholders. (See <http://netmundial.br/about/>.) Following the meeting, co-organizers CGI.br collaborated with ICANN and in partnership with the World Economic Forum to develop an open, generative, and collaborative space to enable the vision laid out in the São Paulo

statement, which constitutes the [NETmundial Initiative](#) and which is anchored in the principles and roadmap developed in São Paulo. This platform, now guided by the [Inaugural Coordination Council](#) and [open community feedback](#), will facilitate crowd-sourcing of enablers and solutions for distributed Internet governance, and energize crowd-funding for such projects. It is important to note that the NETmundial Initiative is a platform that is not bound or connected to the meeting in São Paulo, but rather it is inspired by its multistakeholder organization, participation, and resulting outcome document.

Your Request seeks the disclosure of two categories of documentary information regarding the NETmundial Initiative. First, you request details regarding expenses incurred by ICANN to date toward the NETmundial Initiative. Second, you request details regarding the resource that ICANN has allocated in terms of the number of personnel and hours incurred by ICANN staff in their engagement of the NETmundial Initiative. You also seek documentary information about the number of hours spent by the ICANN Board towards the NETmundial Initiative.

Information responsive to both categories can be found on NETmundial website at <https://www.netmundial.org/>. In particular, the details regarding the financial and resources allocated by the three organizing partners toward the NETmundial Initiative are described in detail in the Memorandum of Collaboration between the World Economic Forum, the Brazilian Internet Steering Committee, and ICANN, dated 24 January 2015 (“MOC”) which will be posted shortly on the NETmundial website. Moreover, information about the financial and resource allocations towards the NETmundial Initiative have also been shared in the proceedings that have taken place, such as the NETmundial Initiative Launch Webinar and Transitional Committee Meeting Nos. 1 through 4. The audio recordings for these proceedings are available on the Proceedings Archive page at <https://www.netmundial.org/proceedings-archive>.

With respect to the first category of documents requested, the details of the financial arrangements among the three organizing partners are set forth in the MOC, including a cost breakdown of the \$605,000 anticipated aggregate contribution by all three members. (See MOC.) The details of the collaboration among the three organizations, including the financial commitments, have also been discussed during the Transitional Committee Meeting #1 (<https://www.netmundial.org/transitional-committee-meeting-1>), Public Q&A Transitional Committee Meeting #2 (<https://www.netmundial.org/public-qa-transitional-committee-meeting-2>), and Transitional Committee Meeting #3 (<https://www.netmundial.org/transitional-committee-meeting-3>).

With respect to the second category of documents requested, the three organizing partners have allocated resources toward the establishment of a Secretariat in support of the NETmundial Initiative. The details of the Secretariat function are described in detail in the MOC, which states “[t]o facilitate the initial coordination between the parties on the establishment of a Secretariat, and at each party’s own cost, each party will designate one staff member to commit at least 50% of his or her time to Secretariat work and activities.” (*Id.* at 2.) The Secretariat function was also described during the

NETmundial Initiative Launch Webinar (<https://www.netmundial.org/netmundial-initiative-launch-webinar>), Transitional Committee Meeting #1 (<https://www.netmundial.org/transitional-committee-meeting-1>), Public Q&A Transitional Committee Meeting #2 (<https://www.netmundial.org/public-qa-transitional-committee-meeting-2>), in the Initiative Basics (<https://www.netmundial.org/initiative-basics>), and NETmundial Initiative: Answers to Common Questions (Updated) (<https://www.netmundial.org/blog/secretariat/netmundial-initiative-answers-common-questions-updated>).

With respect to your request for details of “costs incurred towards travel, accommodation, etc. (domestic and international) for ICANN Board and staff, to travel to meetings to discuss, promote, or further the NETmundial Initiative” and “the hours incurred by ICANN staff and Board in their engagement of the NETmundial Initiative”, ICANN tracks costs by strategic objectives under which the activities that are carried out fall rather than by number of hours incurred or by specific topics. To provide information in a transparent manner on topics of interest, where feasible and appropriate, ICANN may create specific documents such as the recapitulation of various cost items incurred during its fiscal year 2014 that was presented during the Finance public session at the ICANN50 meeting in London in June 2014 (<http://london50.icann.org/en/schedule/thu-finance/presentation-finance-26jun14-en>). In this document, page 4, a recapitulation of the costs incurred for the meeting in São Paulo in April 2014 is provided, along with other cost items. As noted above, 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. Accordingly, a threshold consideration in responding to a DIDP request, then, is whether the documents requested are in ICANN’s possession, custody, or control. Under the DIDP Policy, where the responsive document does not exist, ICANN shall not be required to create or compile summaries of any documented information. (See <https://www.icann.org/resources/pages/didp-2012-02-25-en>.) Moreover, this request is overbroad, and is subject to the following DIDP Condition of Nondisclosure: Information requests: (i) which are not reasonable; (ii) which are excessive or overly burdensome; and (iii) complying with which is not feasible. It would be virtually impossible to capture and quantify when a Board or staff member “discuss[es], promote[s], or further[s]” the NETmundial Initiative at a meeting. Notwithstanding the foregoing, as part of its continuing commitment to transparency and accountability, ICANN will evaluate the availability of additional documentation and the feasibility of creating different reports with different levels of information responsive to this Request, and will post such documents where available.

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

- 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.
- Personnel, medical, contractual, remuneration, and similar records relating to an individual's personal information, when the disclosure of such information would or likely would constitute an invasion of personal privacy, as well as proceedings of internal appeal mechanisms and investigations.
- Confidential business information and/or internal policies and procedures.
- Drafts of all correspondence, reports, documents, agreements, contracts, emails, or any other forms of communication.

About DIDP

ICANN's DIDP is limited to requests for documents 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.