

Response to Documentary Information Disclosure Policy Request

To: Geetha Hariharan

Date: 21 January 2015

Re: Request No. 20141222-1

Thank you for your Request for Information dated 22 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). For reference, a copy of your Request is attached to the email forwarding this Response.

Items Requested

Your Request seeks the disclosure of detailed reports of ICANN’s income and revenue from domain names for the years 1999 to 2014, in a manner similar to the report for FY14 that was previously presented to CIS. Your Request specified that the reports should include a listing of “all legal entities and individuals who contribute to ICANN’s domain names income/revenue.”

Response

As part of its commitment to transparency and accountability, ICANN makes available a comprehensive set of materials on its website as a matter of course, including, but not limited to, ICANN’s current and historical financial information. The financial materials can be accessed through ICANN’s Financials page at <https://www.icann.org/resources/pages/financials-2012-02-25-en> and contain, among others, the following financial information: Strategic Plan, Adopted Operating Plan and Budget, Adopted SO/AC Special Budget Request, Audited Financial Statements, Annual Reports, Federal and State Tax Filings, Staff Remuneration Practices Framework, Board Compensation Report, ccTLD Contributions Report, and Financial Analysis. (See <https://www.icann.org/resources/pages/financials-2012-02-25-en>.) ICANN also continually assesses the ways in which it can enhance its reporting mechanisms by improving upon the levels of reporting where feasible.

Your Request seeks the disclosure of detailed reports on ICANN’s income and revenue from domain names for the years 1999 to 2014, in a manner similar to the report for FY14 that was previously presented to CIS. Your Request specified that the reports should include a listing of “all legal entities and individuals who contribute to ICANN’s domain names income/revenue.” ICANN has already made publicly available documents relevant to your Request on its website. In particular, information regarding ICANN’s income and revenue for the years 1999 to the present can be found on the Financials page in the Operating Plan and Budget, Audited Financial Statements, Annual Reports, Federal and State Tax Filings, ccTLD Contributions Report and Financial Analysis for each respective year on the financial page. (See

<https://www.icann.org/resources/pages/financials-2012-02-25-en>.) Moreover, the lists of all Registries and ICANN-accredited Registrars can be accessed through the Registries and Registrars pages at <https://www.icann.org/resources/pages/listing-2012-02-25-en> and <https://www.icann.org/resources/pages/registrars-0d-2012-02-25-en>, respectively.

ICANN does not maintain, in the normal course of business, a report for each fiscal year that breaks down the domain names income and revenues received by each legal entity and individual. As such, ICANN's search for documents responsive to this Request revealed that no such responsive documents exist within ICANN. As noted above, ICANN's DIDP is intended to ensure that documents concerning ICANN's operational activities, and within ICANN's possession, custody, or control, are 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>.)

The report referenced in your Request was prepared and provided to CIS in response a request from CIS in September 2014. ICANN is in the process of formatting that report to a publishable format. Once this process has been completed, ICANN will publish the report on the financials page at <https://www.icann.org/resources/pages/fiscal-2014-09-15-en>. While the DIDP Guidelines does not obligate ICANN to create or compile summaries of any documented information, ICANN is in the process of compiling similar reports for FY12 and FY13. ICANN will publish these reports as soon as practicable. ICANN will also prepare and publish similar reports on a going forward basis on its financials page.

With respect to your Request for reports for prior years (FY99 through FY11), ICANN does not have this data in the same format, as the data is stored on a different system than the data for the years 2012 to the present. It would be extremely time consuming and overly burdensome to cull through the raw data in order to compile the reports for the prior years, particularly when, as noted above, the relevant information is available in other public available documents. Moreover, the Request is overbroad as to time and is subject to the following DIDP Defined Conditions of Nondisclosure:

- 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.