

Subject: Re: [DIDP] Documentation regarding the 2007 launch of contractual compliance audits
Date: Friday, December 10, 2021 at 12:10:29 PM Pacific Standard Time
From: didp on behalf of jp--- via didp <didp@icann.org>
To: didp@icann.org <didp@icann.org>
Attachments: ATT00001.txt

Apologies for the double email – on a related note, it appears that the transcripts from ICANN 28 in Lisbon at the end of March 2007 are no longer accessible. Please add restoration of and/or copies of those archived materials to my information request:

https://archive.icann.org/en/meetings/lisbon/container_captioning.htm [archive.icann.org]

From: Contact Information Redacted
Sent: Friday, December 10, 2021 8:11 AM
To: 'didp@icann.org' <didp@icann.org>
Subject: Documentation regarding the 2007 launch of contractual compliance audits

Greetings –

I am in the process of updating ICANNWiki's article on ICANN's Department of Contractual Compliance and Consumer Safeguards, and I have run into a few roadblocks finding primary sources for the changes in that department that began in the spring of 2007. In March, the department announced their intention to conduct contractual and operational compliance audits on registrars and registries. A short announcement on the ICANN blog heralded this update to the department's operations:

<https://www.icann.org/en/blogs/details/updated-contractual-compliance-program-24-3-2007-en>

This blog post invites public comment on the changes to the policies, but the public comment archive for 2007 does not include a public comment proceeding related to that invitation. At the time this announcement was made, there were limited contractual rights to audit in both the 2001 Registry Accreditation Agreement (as amended) and the Registry Agreements that had been signed with registry operators to that point. As an example, Verisign's agreement for the operation of .com only provided for ICANN's right to audit financial statements and technical reports. Within ICANN, interest was growing in evolving its contracts with both registries and registrars. An announcement about CEO Paul Twomey's call for a review of the registrar accreditation process, posted three days before the announcement of the new Contractual Compliance policy, seems to partially explain the compliance department's decision to begin compliance auditing:

<https://www.icann.org/en/announcements/details/registrar-accreditation-policy-and-process-must-be-reviewed-21-3-2007-en>

Hopefully this background sets the stage sufficiently for the documentary information requests below. To the extent that such information exists, I would like to request:

- A copy of the updated contractual compliance policy as amended and announced in March 2007;
- Any records of public comments received as a result of the announcement of the new policy;
- Any public-facing announcements, commentaries, or advisories that explained or postulated the legal basis for ICANN's right to audit;
- Any published correspondence exchanged with SOs, ACs, and stakeholder groups regarding the policy shift, advice or advocacy regarding such a shift, and any other related material; and

- Any records of public meetings, teleconferences, board or board committee meetings, or other events of public record that included discussion of this policy shift.

Thank you in advance for any help you can provide.

Warm regards,
JP Voilleque
Content Editor, ICANNWiki