

To,

Mr. Fadi Chehade, CEO and President

Subject: Compliance audits

In furtherance of the DIDP process of ICANN, we would like to request information regarding ICANN's internal processes, as well as external measures with respect to compliance and audits.

In his speech at the opening ceremony for ICANN 51 (13 October, 2014, Los Angeles),¹ Mr. Chehade emphasized the importance of audits, both internal and external, in ensuring compliance in the ICANN registers. Mr. Chehade has expressed, and rightfully so, a strong stance with respect to the necessity for compliance audits to ensure the fulfilment of contractual commitments. He has also mentioned that the audit of compliance is independent, which seems indicative of a fair and transparent system to keep checks on the process.

This was reiterated again as a concern in the US Congressional Committee meeting on "*Internet Governance Progress after ICANN 53*."² Mr. Chehadi made it clear that ICANN "*enforced contracts*" with and that "*regular audits of about 40000 complaints*" were being conducted to that effect.³

We would therefore like to request you for

1. Copies of the registry contractual compliance audit reports for all the audits carried out as well as external audit reports from the last year (2014-2015). 2.
2. A generic template of the notice served by ICANN before conducting such an audit.⁴
3. A list of the registries to whom such notices were served in the last year
4. An account of the expenditure incurred by ICANN in carrying out the audit process.
5. A list of the registries that did not respond to the notice within a reasonable period of time.
6. Reports of the site visits conducted by ICANN to ascertain compliance.⁵

¹ <http://www.americanrhetoric.com/speeches/fadichehadeicann51.htm>

² Available at https://www.youtube.com/watch?v=fD_INKXTg2k&feature=youtu.be&t=22m39s

³ Available at https://www.youtube.com/watch?v=fD_INKXTg2k&feature=youtu.be&t=22m39s at 1.04.17.

⁴ Section 3.4, .com Registry Agreement, December 1, 2012. "...ICANN will (a) give reasonable advance notice of any such audit, which notice shall specify in reasonable detail the categories of documents, data and other information requested by ICANN." available at <https://www.icann.org/resources/pages/agreement-2012-12-05-en>

7. Documents which identifies the registry operators who had committed material discrepancies in the terms of the contract.
8. Documents pertaining to the actions taken in the event that there was found to be some form of contractual non-compliance.

We hope that our request will be processed within the stipulated time period of 30 days. Do let us know if you require any clarifications on our queries.

Thank you very much.

Warm regards,

Padmini Baruah

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⁵ Section 3.4, .com Registry Agreement, December 1, 2012. "...Upon no less than five (5) business days notice (unless otherwise agreed to by Registry Operator), ICANN may, as part of any contractual compliance audit, conduct site visits during regular business hours to assess compliance by Registry Operator with its covenants contained in Section 3.1..." available at <https://www.icann.org/resources/pages/agreement-2012-12-05-en>