

Response to Documentary Information Disclosure Policy Request

To: Paul Kane

Date: 7 May 2015

Re: Request No. 20150407-1

Thank you for your Request for Information dated 7 April 2015 (the “Request”), which was submitted through the Internet Corporation for Assigned Names and Numbers’ (ICANN) Documentary Information Disclosure Policy (DIDP). For reference, a copy of your Request is attached to the email forwarding this Response.

Items Requested

Your Request seeks the disclosure of “all work-flow process documents with accompanying performance statistics for each stage of the IANA Root Zone Management function.”

Response

The IANA Functions Contract (the “Contract”) between, the National Telecommunications and Information Administration (NTIA) was initiated “to maintain the continuity and stability of services related to certain interdependent Internet technical management functions, known collectively as the Internet Assigned Numbers Authority (IANA).” (*See Contract, Section C.1.1 at <https://www.icann.org/en/system/files/files/contract-01oct12-en.pdf>*.) The most current Contract awarded to ICANN became effective 1 October 2012.

Your Request seeks the disclosure of “all work-flow process documents with accompanying performance statistics for each stage of the IANA Root Zone Management function.”

The Request calls for documents that are subject to the following DIDP Defined Conditions of Nondisclosure:

- Information that relates in any way to the security and stability of the Internet, including the operation of the L Root or any changes, modifications, or additions to the root zone.
- Information provided by or to a government or international organization, or any form of recitation of such information, in the expectation that the information will be kept confidential and/or would or likely would materially prejudice ICANN's relationship with that party.
- 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.
- Drafts of all correspondence, reports, documents, agreements, contracts, emails, or any other forms of communication.
- Confidential business information and/or internal policies and procedures.
- Information subject to the attorney–client, attorney work product privilege, or any other applicable privilege, or disclosure of which might prejudice any internal, governmental, or legal investigation.
- Trade secrets and commercial and financial information not publicly disclosed by ICANN.

Notwithstanding the above, with respect to your request for work flow process documents, the majority of the work flow process documents related to the IANA Root Zone Management function are contained in Volumes 1-3 of the Contract, which are published at <https://www.icann.org/resources/pages/agreements-2012-02-25-en>.) ICANN does maintain some additional, confidential and business proprietary workflow sub-processes, for which ICANN has determined that, subject to a limited amount of redactions, the public interest in disclosing them outweighs the harm that may be caused by such disclosure. ICANN will be in a position to disclose these work flow process documents no later than 12 May 2015.

With respect to your request for performance statistics for each stage of the IANA Root Zone Management function, ICANN does not compile and maintain, in the normal course of business, performance statistics for every process and sub-process relating to the Root Zone Management function. 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, 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>.)

Notwithstanding the above, please note that pursuant to Section C.4.4 of the Contract, ICANN does develop and publish Performance Standards Metrics Reports each month, which can be found at <http://www.iana.org/performance/metrics>. Additionally, pursuant to Section C.4.3 of the Contract, ICANN also publishes a “root dashboard” of the average processing times and volumes for root zone related change requests, at <http://www.iana.org/performance/root-processing-times>.

ICANN does provide to the NTIA a monthly confidential and business proprietary report with slightly more granularity regarding a few processes than what is publicly posted. However, because that report contains information that IANA requesters never understood would be made public, it is specifically subject to the following conditions of non-disclosure:

- Information provided by or to a government or international organization, or any form of recitation of such information, in the expectation that the information will be kept confidential and/or would or likely would materially prejudice ICANN's relationship with that party.
- 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.

Given the above, and the fact that this report does not in any way affect or alter the overall performance statistics set forth in publicly available data, ICANN has determined that the public interest in disclosing this report does not outweigh the harm that may be caused by such disclosure.

About DIDP

ICANN's DIDP is limited to requests for documentary 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.