

Response to Documentary Information Disclosure Policy Request

To: Mark Seiden

Date: 10 October 2015

Re: Request No. 20150910-1

Thank you for your Request for Information dated 10 September 2015 (Request), which was submitted through the Internet Corporation for Assigned Names and Numbers' (ICANN's) 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 disclosure of “all information on security incidents reported to ICANN during 2013, 2014, 2015 to date under section 3.20 (iii) of the RAA.”

Response

The 2013 Registrar Accreditation Agreement (2013 RAA) requires ICANN-accredited registrars to notify ICANN within seven days of:

- (i) the commencement of any of the proceedings referenced in Section 5.5.8. (ii) the occurrence of any of the matters specified in Section 5.5.2 or Section 5.5.3 or (iii) any unauthorized access to or disclosure of registrant account information or registration data. The notice required pursuant to Subsection (iii) shall include a detailed description of the type of unauthorized access, how it occurred, the number of registrants affected, and any action taken by Registrar in response.

<https://www.icann.org/resources/pages/approved-with-specs-2013-09-17-en.>)

Your Request asks that ICANN disclose all notices received by ICANN from registrars related to security incidents since 2013. As specified in the Section 3.20(iii), registrars are required to provide detailed descriptions of the security incident, including the nature of the unauthorized access, how it occurred, the number of registrants and any action that was taken by the registrar. (<https://www.icann.org/resources/pages/approved-with-specs-2013-09-17-en.>) These notices and any other materials that may have been provided by registrars pursuant to it obligations under Section 3.20(iii) and contain information that registrars may consider to be sensitive and confidential. As such, the harm that may be caused by the disclosure of these materials outweighs the public interest in disclosing the information. Moreover, the Request is subject to the following DIDP Defined Conditions for Nondisclosure:

- Information provided to ICANN by a party that, if disclosed, would or would be likely to materially prejudice the commercial interests, financial interests, and/or

competitive position of such party or was provided to ICANN pursuant to a nondisclosure agreement or nondisclosure provision within an agreement.

- Confidential business information and/or internal policies and procedures.

There are currently no provisions for the publication of this data. Notwithstanding, we do note that you are a member of the Security and Stability Advisory Committee (SSAC), as well as a member of the SSAC's Registrant Protection Working Party that is currently working on recommendations to the ICANN Board and community on related subjects. Pursuant to Article XI, Section 2.2 of the ICANN Bylaws, the role of the SSAC "is to advise the ICANN community and Board on matters relating to the security and integrity of the Internet's naming and address allocation systems" and the Board will consider any advice from the SSAC if and when provided. (ICANN Bylaws at <https://www.icann.org/resources/pages/governance/bylaws-en/#XI>.) We understand that the Chair and other members of the SSAC's Registrant Protection Working Party have been in discussion with ICANN's Policy Support team regarding a way to move this forward so that certain information can be published without compromising a registrar's confidential information. We support those efforts and hope that any publication of information resulting from these efforts provides the information you are seeking.

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, 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.