

Response to Documentary Information Disclosure Policy Request

To: Mr. Thomas Indelicarto, VeriSign, Inc.

Date: 19 June 2013

Re: Request No. 20130422-1

Thank you for your Request for Information dated 22 April 2013 (the “Request”), which was submitted through the Internet Corporation for Assigned Names and Numbers’ (ICANN) Documentary Information Disclosure Policy (DIDP). Per your request, we delayed responding pending your determination of whether you intended to revise the Request, which you ultimately decided not to do. For reference, the Request is set out in full below.

Items Requested

VeriSign, Inc. hereby submits the following document and information request in accordance with ICANN’s Documentary Information Disclosure Policy:

1. Please provide copies of all communications received by ICANN, whether electronic or hard copy, during the time period January 1, 2013 until the present, which discusses ICANN’s readiness or preparedness to launch, or begin the process to delegate, new generic Top Level Domains.
2. Please provide copies of any response(s) by ICANN to each and every communication responsive to Request No. 1 above.
3. Please provide copies of all communications, whether electronic or hard copy, between ICANN’s Staff, including but not limited to any attorney representing ICANN, and any member of ICANN’s Security and Stability Advisory Committee during the time period January 1, 2013 to the present.
4. Please provide information sufficient to demonstrate the criteria that ICANN’s applies to determine whether and when to make public (via its “Correspondence” webpage or otherwise) the correspondence it receives.

Response

For Item 1 requested above, ICANN completed the process of locating correspondence responsive to your request, including letters received directly from Verisign. The letters are posted among those that are already available on the New gTLD Program Correspondence page, at <http://newgtlds.icann.org/en/program-status/correspondence>. In terms of responses (Item 2), for documents posted on the New gTLD Program Correspondence page, the senders normally receive a notification that their letter is posted, but those notifications do not address any substantive issues raised in the letters. In terms of formal responses, if a formal response is sent, a link to that response will be

provided in the “Notes” column on the New gTLD Program Correspondence page. For letters that are posted on ICANN’s main Correspondence page (<http://www.icann.org/en/news/correspondence>), links to formal responses are provided in the “Related Correspondence” column.

To maximize transparency in its posting practices, ICANN is in the process of developing a formal Correspondence Policy regarding the guidelines and practices for the posting of correspondence received by the organization. Once completed, this Correspondence Policy will be made available on the ICANN Correspondence page. This Correspondence Policy will clarify the criteria and assessments used to make posting decisions, as requested in your Item 4. This Correspondence Policy will apply to all ICANN Correspondence, including the New gTLD Program Correspondence.

For Items 1 and 2, there is a possibility that ICANN was presented with letters that may touch on items referenced in your request for which ICANN was requested to maintain as confidential, or that are otherwise not appropriate for posting under the criteria that will be presented in the Correspondence Policy. For those items of Correspondence (such as items received from a third-party lawyer to a lawyer within ICANN), ICANN typically posts those letters upon an affirmative request of the sender. The following conditions for non-disclosure therefore apply to these portions of your Request:

- 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.
- 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.

For Item 3, the requested category of information covers over four months of interactions among any ICANN staff and any member of the SSAC (over 35 members), and does not seek to limit those communications in any way to a specific area of work of the SSAC (nor to the work of the SSAC in general), is far too broad for a meaningful response. Further, many of the SSAC members have other points of contact or interaction with ICANN. For example, there are Board members and liaisons on the SSAC, as well as members who are associated with ICANN's vendors, contracted parties, the ccTLD community and others with whom multiple and varied members of ICANN staff have interactions on a variety of topics. Accordingly, compliance with this request as stated is not feasible and would be overly burdensome. The following defined conditions for non-disclosure apply to this portion of your request:

- 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.
- 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.
- Drafts of all correspondence, reports, documents, agreements, contracts, emails, or any other forms of communication.
- 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 requests: (i) which are not reasonable; (ii) which are excessive or overly burdensome; (iii) complying with which is not feasible; or (iv) are made with an abusive or vexatious purpose or by a vexatious or querulous individual.

With respect to the information you seek within Item 3, if you wish to provide ICANN with a limitation to your request in consideration of some of the items identified above, ICANN is committed to continuing with its review in order to provide any appropriate, responsive documentation that is proper for disclosure under the DIDP.

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.

We hope this information is helpful. If you have any further inquiries, please forward them to didp@icann.org.