

Response to Documentary Information Disclosure Policy Request

To: Mr. Michael Palage

Date: 22 July 2010

Re: Request No. 20100624-1

Thank you for your comments during the ICANN Public Forum in Brussels, Belgium on 24 June 2010. During your comments, you raised a question regarding the public availability of an agreement between ICANN and the Government of New South Wales, Australia ("New South Wales Agreement"). While this matter was not formally submitted through the Internet Corporation for Assigned Names and Numbers' (ICANN) Documentary Information Disclosure Policy (DIDP) process, ICANN staff analyzed your comments under the DIDP framework in order to provide a timely response.

For reference, you stated:

Last year in Sydney's public forum on improving institutional confidence, I raised the question of an agreement between ICANN and the New South Wales government regarding funding of ICANN Sydney's office. Then president and CEO Paul Twomey said these documents would be available shortly online. It's 12 months. Still can't find them and you know I'm quite good at navigating ICANN's Web site, Peter.

See <http://brussels38.icann.org/meetings/brussels2010/transcript-public-forum-24jun10-en.txt>.

Response:

The New South Wales Agreement contains a confidentiality clause that prohibits ICANN from making the terms public without prior written approval. In response to your request in Brussels, ICANN has initiated the request for approval process to make the terms of the New South Wales Agreement public. ICANN is awaiting a response, and depending on the response ICANN will post the agreement or provide further information.

Under ICANN's current obligations, the New South Wales Agreement falls under two of Defined Conditions for Non-Disclosure set forth within the DIDP:

- 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 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.

We will provide an update as soon as it is available.

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/transparency/acct-trans-frameworks-principles-10jan08.pdf>. 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.