ICANN Public Comments: Phase II of Proposed Process Enhancements

31 August 2011

Overview

The Accountability and Transparency Review Team (ATRT) submitted a report to the ICANN Board on 31 December 2010 containing 27 recommendations, three of which (#15, 16, and 17) address improvements concerning how Public Comments are announced, published, and managed. At its 24 June 2011 meeting, the ICANN Board approved of these ATRT recommendations and directed ICANN Staff to proceed with implementation.[1] The Public Comments Recommendations were organized into two major phases based upon complexity and the ability to effectuate short-term improvements.

Implementation work has been broken into phases. A set of Phase I activities have already been completed effective 30 June 2011. The Public Comments structures on ICANN.org were improved, including completely redesigned web pages, new navigation menus, streamlined Announcement and Public Comment Box formats, the addition of Upcoming topics, and the development of Staff templates to facilitate publication and ensure presentation consistency.

The ATRT Recommendations identified for Phase II include the following major enhancements:

- Stratification: Categorize topics to assist the community understand the subject matter and inform a participation decision.

- Prioritization: Assist community members in determining the importance or urgency of a solicitation by providing key information.

- Comment/Reply Cycles: Structure the community's input process into an initial period for submitting new comments followed by a separate reply period during which community respondents would be able to address and rebut arguments raised in opposing parties' previous comments.

Building on the Public Comments Recommendations, work is also being focused on technical enhancements to the comment system as part of this overall initiative:

- Technical Forum Improvements: Implement a modern forum software interface that will allow instant interaction and threaded discussions between commenters if the participants would like to post their opinions in this manner.

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[1] For further details please see http://www.icann.org/en/accountability/overview-en.htm.

Focus Group

In response to the ATRT's guidance that the community should provide input to the various Public Comment change processes, a Focus Group of five participants[2] was organized and held its deliberations between 20 July 2011 and 19 August 2011 utilizing ICANN's Wiki collaboration environment. A report summarizing the Focus Group's feedback on the Phase II elements has been prepared and the Wiki forum is open for public view access at: https://community.icann.org/x/74MKAQ.

The remainder of this document will address the four enhancement areas each in a separate section that will incorporate Staff implementation recommendations, Focus Group input where applicable, and a few questions to stimulate additional community feedback about these processes.

Enhancement 1: Stratification

The concept behind Enhancement 1 is that categorizing each Public Comment topic would be helpful to community members in deciding whether or not to provide input to a solicitation.

Considering the Public Comments Recommendations, ICANN Staff developed a proposed set of nine categories shown in Table 1 below. As an initial validation to ensure that the categories were representative of the breadth of ICANN topics, all of the Public Comment solicitations from 2010 and 2011 were analyzed and each one was mapped to one of these groupings.

Table 1.

Category	Description
Policy Development	…for all policy activities in the pre-implementation phases (including Issue Reports) as well as formal Policy Development Processes.
Policy Implementation	...for all policy activities in the post-development or implementation phase.
Security/Stability/Resiliency	...operational, administrative, and registration matters relating to the security and integrity of the Internet's naming and address allocation systems.
ICANN Bylaws Amendment	…used only when the Board is considering an amendment; prospective requests or petitions to change Bylaws provisions prior to Board action should be initially coded to another category.

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[2] *Participants were appointed by ICANN Community Leaders from the following organizations: Registries, Registrars, ccNSO, At-Large, and Commercial Stakeholder's Group.*

Structural Design/Improvement	…would include SO/AC Reviews; GNSO Improvements; global outreach; public participation.
Operations/Finance	…includes tactical and strategic planning; budgeting; ICANN meeting proposals; travel support.
Accountability/Transparency	…includes Affirmation of Commitments.
Contracted Party Agreements	…primarily intended for Registry & Registrar contracts.
IANA/DNSSEC Operations	…for all IANA service and process introductions, or changes, including performance reporting.

In terms of implementation, Staff recommended that a new field be added to each Announcement and Public Comment Box entitled "Category." As each topic is being formulated, one of the above categories would be assigned and published in both the Announcement and Public Comment Box.

The Focus Group concurred that the use of categories for Public Comments could be useful in terms of helping prospective commenters decide whether to participate; however, most of the participants were not convinced that all of the proposed groupings would be helpful in guiding contributors to those topics that most interest them. In particular, the categories of "Policy Development" and "Policy Implementation" were thought to be less useful than ones such as "Security/Stability/Resiliency" and "Accountability & Transparency." The thrust of the Focus Group's input was that the categories be tailored more toward community interest areas and be less reflective of internal ICANN "processes." Although a comprehensive list of community interests did not evolve during the group's engagement, the following categories were advanced by various participants as suggestive of the approach that should be taken:

- Intellectual Property
- Transparency & Accountability (*)
- ccTLD
- DNS Security and Stability (*)
- Privacy
- Organizational Review & Improvements
- Community Participation

(*) Included in the Staff proposed list

In addition, the Focus Group did not think that it would be feasible to assign only <u>one</u> category to each topic due to the overlapping nature of ICANN's work; therefore, provision should be made to allow for multiple categories to be assigned.

The Focus Group offered a practical application for categories that would use them as "tags" such that community members could register in advance to be automatically alerted (via e-mail) to topics of interest. Instead of having to browse the entire ICANN.org announcement

page for topics of interest, an e-mail notice would be sent automatically whenever a topic containing a previously registered tag is published.

> *Note: Although the above suggestion by the Focus Group is still under evaluation, Staff has been working separately on a prototype for Public Comments using ICANN's Wiki environment. As part of that effort, a trial has shown that this registration alert idea could be accommodated in the Wiki environment. Conceptually, once a final set of categories is approved, Staff could assign one (or more) to each Public Comment topic which would then trigger automatic e-mail alerts to those community members who signed up to be notified of any Public Comment topic bearing that category or tag. Please see Enhancement 4 below for a fuller discussion of the technical improvements that are under currently under development.*

Another idea that was brainstormed during the Focus Group's stratification discussion was the possible addition of a field that would represent the intended "audience" of a Public Comment solicitation. Several Focus Group members noted that, given the diverse and overlapping interests of ICANN community populations, adding a field for audience would be challenging at best and would place a burden on Staff to make such determinations accurately and objectively. The addition of an "audience" field is therefore not a Phase II candidate for implementation.

Additional Questions for Consideration:

1) Do you agree that the use of categories (or tags) would assist you in making a determination to participate in a particular Public Comment solicitation?

2) If yes, would Staff's proposed categories (see Table 1 above) serve that purpose?

3) Would you propose additional or replacement categories such as those offered by the Focus Group?

Enhancement 2: Prioritization

Part of the Public Comments Recommendations focused on efforts to prioritize Public Comment topics; however, because of the broad array of ICANN subjects and the diversity of stakeholder interests, initial implementation plans noted that a dedicated field (or data token) for "priority" would not be advisable. Additionally, even if a simple scheme could be proposed to assist community members determine relative importance, which would be challenging, Staff does not believe it should be in a position to make such judgments.

The Focus Group brainstormed the possibility of using "phase" (e.g., process state) as well as other forms of charting (e.g., GANTT) to help with prioritization. While these are viewed as potentially creative options, implementation is impractical in the near term.

In lieu of a separate indicator of prioritization, the recent introduction (30 June 2011) of new fields for Originating Organization (noting which group is responsible for the solicitation),

Purpose, Current Status, and Next Steps, along with the Title, should help community members assess a topic's importance and whether to contribute feedback.

Additional Questions for Consideration:

1) Do you concur with the assessment that a separate field for "priority" is not advisable?

2) If not, can you think of any other ways that "priority" could be usefully introduced?

Enhancement 3: Comment/Reply Cycles

Initial Implementation Plans to address the Public Comment Recommendations included a proposal for a <u>minimum</u> of 30 days for the initial Comment cycle on all Public Comment solicitations.[3] Immediately following that period, a 15-day Reply cycle would occur for all forums in which there is at least one on-topic submission. Within this framework, commenters would be asked to confine their reply submissions to address previously posted comments and not to add new material during the Reply cycle (15 days).

The Focus Group supported Staff's formulation of a 30-day comment period followed by a 15-day reply cycle and that, if no on-topic submissions occur in the first period, the forum would be closed unless extended for other reasons (e.g., to provide more time for respondents).

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<u>Note</u>: As an initial test of this concept, the comment forum on this paper will introduce a Reply Cycle. At the conclusion of the initial comment period (30 September) and assuming that on-topic submissions have been received, the comment period will be extended for an additional 15 days (15 October). During this extension, contributors are asked to address any additional submissions to previously posted comments. For each such reply, it will be helpful to everyone for the contributor to cite the original poster's name, comment date, and any particular text that is pertinent. At the conclusion of the full comment period, ICANN plans to seek feedback concerning the process and what changes or enhancements might make it more useful and productive. A consolidated report of the forum submissions will incorporate both the initial comment and subsequent reply periods.

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Additional Questions for Consideration:

1) Do you see value in having a separate Reply Cycle during which contributors can comment on previous submissions?

2) Do the periods of 30 days and 15 days seem reasonable for this engagement or would you recommend different timeframes?

Enhancement 4: Technical Forum Improvements

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[3] *To the extent any Bylaws changes may be necessary to address required comment period lengths, those revisions will be considered and addressed after the new Public Comment process is more fully developed.*

Staff believes that a robust technical forum that supports multi-threaded discussions would improve the Public Comment process in several ways:

- Contributors can enter comments directly (text or attachment) vs. having to e-mail them separately.
- Community members would be able to enter replies, at any time, to any prior comment asking clarifying questions or offering additional perspectives to be considered.

> *Note: Even in a multi-threaded discussion forum where replies can be made at any time during the initial 30 days, because there is a tendency on the part of some contributors to submit comments at the "last minute," there would be an extended Reply cycle of 15 days at the end of the first period. Although it may not be technically feasible to prevent a new comment from being submitted, contributors will be informed that only replies to existing comments are to be considered during the extension.*

- The technology enables the forum to become a dynamic exchange of ideas and collaborative process consistent with ICANN's commitment to openness, transparency, and participation.

Starting approximately mid-July 2011, Staff began development of a prototype Public Comment space utilizing ICANN's Confluence Wiki platform. The main features of the Wiki prototype, thus far, include:

- The information about the solicitation (e.g., purpose, description, references) and the comment/reply forum are integrated into the same Wiki page so that users do not have to click from one area to another.
- Separate Wiki spaces created for Open, Recently Closed, Upcoming, and Archive[4] utilizing similar themes, designs, look/feel, to those currently in use on ICANN.org.
- Multi-threaded discussions in which comments and replies can be dynamically interleaved vs. static comment and reply periods.
- Rich text editing features including the ability to quote previous comments.
- Ability to upload attachments (e.g., documents, images) directly to the forum.
- Ability to pre-register to receive e-mail alerts (or RSS Feeds) of newly issued Public Comment solicitations based upon assigned categories or tags.
- Ability to watch spaces and individual pages and be automatically notified of updates.
- Automatic public signup to obtain Username and Password for posting privileges[5]. [*Note: view or read-only permission would be extended to everyone*].
- Sophisticated and flexible templates built into to the Wiki to allow creation of new pages without the need for technical administrative support -- improving productivity, efficiency, and timeliness.

There are many additional features, benefits, and advantages to the Wiki environment and more are being discovered and introduced every day into the prototype environment.

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[4] *Although linked from the Wiki, prior archive history would continue to be accessed via ICANN.org.*
[5] *An e-mail authentication loop appears to be feasible; however, it has yet to be implemented and tested.*

As development continues, ICANN plans to open the Wiki prototype to a limited community test so that a more thorough assessment can be made of its features, functions, ease-of-use, flexibility, and operational readiness. As soon as the environment has reached the point where such a test can be conducted, an announcement will be sent to ICANN's Supporting Organizations and Advisory Committees to solicit a limited number of volunteers to be part of the testing process.

> *Note: Due to the fact that a threaded discussion environment has never been deployed at ICANN for Public Comments, that solution, even if determined to be feasible, may not be implemented before December 2011. Staff remains optimistic about the Wiki platform and development is progressing well. However, there are a few technical challenges that may take additional time to resolve and be thoroughly tested before this platform can be considered for live production.*

The Focus Group was asked a series of questions about the Wiki technology that might be deployed for Public Comments and, indeed, its own collaboration was held on a Wiki platform. Some Focus Group members expressed concern that a dynamic forum (threaded discussions) might lead to argumentative posts and non-constructive dialogue. Should a threaded discussion forum be ultimately proposed, emphasis will be needed on applying ICANN's Expected Standards of Behavior to all interactions in that forum. The Focus Group supported a plan to require a one-time user pre-registration with basic e-mail authentication in order to post within the forum (i.e., username/password login), which will eliminate "anonymous" postings and should significantly reduce spamming and other spurious content. It will be incumbent upon ICANN, along with all community participants, to monitor forum behaviors and report any activities that are not compliant with Public Comment participation principles.

Additional Questions for Consideration:

1) Do you support the goals and objectives of a robust threaded discussion forum for ICANN Public Comments? (Please provide rationale).

2) Do you concur with the idea of a one-time pre-registration for posting privileges if it can be minimally invasive and easy to perform?

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