

## **Reconsideration Request Form**

Version of 11 April 2013

ICANN's Board Governance Committee is responsible for receiving requests for reconsideration from any person or entity that has been materially affected by any ICANN staff action or inaction if such affected person or entity believes the action contradicts established ICANN policies, or by actions or inactions of the Board that such affected person or entity believes has been taken without consideration of material information. Note: This is a brief summary of the relevant Bylaws provisions. For more information about ICANN's reconsideration process, please visit <http://www.icann.org/en/general/bylaws.htm#IV> and <http://www.icann.org/en/committees/board-governance/>.

This form is provided to assist a requester in submitting a Reconsideration Request, and identifies all required information needed for a complete Reconsideration Request. This template includes terms and conditions that shall be signed prior to submission of the Reconsideration Request.

Requesters may submit all facts necessary to demonstrate why the action/inaction should be reconsidered. However, argument shall be limited to 25 pages, double-spaced and in 12 point font.

*For all fields in this template calling for a narrative discussion, the text field will wrap and will not be limited.*

Please submit completed form to [reconsideration@icann.org](mailto:reconsideration@icann.org).

### **1. Requester Information**

**Name:** Padmini Baruah

**Address:** Centre for Internet and Society, Contact Information Redacted

**Email:** Contact Information Redacted

**Phone Number (optional):**

(Note: ICANN will post the Requester's name on the Reconsideration Request page at <http://www.icann.org/en/committees/board-governance/requests-for-reconsideration-en.htm>. Requestors address, email and phone number will be removed from the posting.)

### **2. Request for Reconsideration of (check one only):**

Board action/inaction

Staff action/inaction

### **3. Description of specific action you are seeking to have reconsidered.**

(Provide as much detail as available, such as date of Board meeting, reference to Board resolution, etc. You may provide documents. All documentation provided will be made part of the public record.)

This is a request for reconsideration against the response provided by the ICANN staff to our Documentary Information Disclosure Policy Request No. 20150901-1 (Registry Audits) and Request No. 20150901-2 (Registrar Audits) . This is publicly available on the ICANN website.

**4. Date of action/inaction:**

(Note: If Board action, this is usually the first date that the Board posted its resolution and rationale for the resolution or for inaction, the date the Board considered an item at a meeting.)

1 October 2015

**5. On what date did you become aware of the action or that action would not be taken?**

(Provide the date you learned of the action/that action would not be taken. If more than fifteen days has passed from when the action was taken or not taken to when you learned of the action or inaction, please provide discussion of the gap of time.)

15 October 2015.

**6. Describe how you believe you are materially affected by the action or inaction:**

As a part of my research I was tracking the ICANN compliance audit process, and therefore required access to audit reports in cases where discrepancies were formally found in their actions. This is in the public interest and therefore requires to be disclosed.

**7. Describe how others may be adversely affected by the action or inaction, if you believe that this is a concern.**

**8. Detail of Board or Staff Action – Required Information**

While providing us with an array of detailed links explaining the compliance audit process, the ICANN staff has not been able to satisfy our actual requests with respect to gaining an understanding of how the compliance audits help in regulating actions of the registrars, and how they are effective in preventing breaches and discrepancies.

**9. What are you asking ICANN to do now?**

We request ICANN to make the records in question, namely the audit reports for individual contracted parties that reflect discrepancies in contractual compliance, which have been formally recognised as a part of your enforcement process. We further request access to all documents that relate to the expenditure incurred by ICANN in the process, as we believe financial transparency is absolutely integral to the values that ICANN stands by.

**10. Please state specifically the grounds under which you have the standing and the right to assert this Request for Reconsideration, and the grounds or justifications that support your request.**

As a researcher and a stakeholder in the global multistakeholder model that ICANN advocates, I have been denied access to information that is not only crucial to my research, but is also

**11. Are you bringing this Reconsideration Request on behalf of multiple persons or entities? (Check one)**

No

**11a. If yes, Is the causal connection between the circumstances of the Reconsideration Request and the harm the same for all of the complaining parties? Explain.**

**Do you have any documents you want to provide to ICANN?**

**<https://www.icann.org/en/system/files/files/didp-response-20150901-1-response-20150901-2-cis-ry-rr-audits-01oct15-en.pdf>**

### **Terms and Conditions for Submission of Reconsideration Requests**

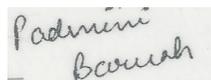
The Board Governance Committee has the ability to consolidate the consideration of Reconsideration Requests if the issues stated within are sufficiently similar.

The Board Governance Committee may dismiss Reconsideration Requests that are querulous or vexatious.

Hearings are not required in the Reconsideration Process, however Requestors may request a hearing. The BGC retains the absolute discretion to determine whether a hearing is appropriate, and to call people before it for a hearing.

The BGC may take a decision on reconsideration of requests relating to staff action/inaction without reference to the full ICANN Board. Whether recommendations will issue to the ICANN Board is within the discretion of the BGC.

The ICANN Board of Director's decision on the BGC's reconsideration recommendation is final and not subject to a reconsideration request.

 , 2/11/2015